

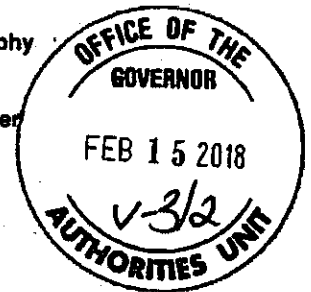
 **New Jersey
Motor Vehicle Commission**

P.O. Box 160
Trenton, New Jersey 08666-0160

STATE OF NEW JERSEY

Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor



February 15, 2018

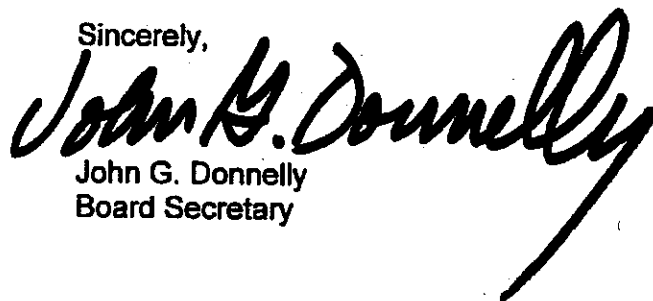
Honorable Philip D. Murphy
Governor, State of New Jersey
225 West State Street
Post Office Box 001
Trenton, NJ 08625-0001

Dear Governor Murphy:

In accordance with Section 17 of The Motor Vehicle Security and Customer Service Act of 2003, constituting Chapter 13 of the laws of 2003 of the State of New Jersey, as amended pursuant to P. L. 2007, Chapter 335 and pursuant to P. L. 2009, Chapter 298, I herein transmit the minutes of actions taken at the open session of the Regular Meeting of the New Jersey Motor Vehicle Commission Board at Floor 8E, Motor Vehicle Commission Headquarters, Thursday, February 15, 2018.

Thank you.

Sincerely,



John G. Donnelly
Board Secretary

Enclosure

 **New Jersey
Motor Vehicle Commission**

P.O. Box 160
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Honorable Philip D. Murphy
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In accordance with Section 17 of The Motor Vehicle Security and Customer Service Act of 2003, constituting Chapter 13 of the laws of 2003 of the State of New Jersey, as amended pursuant to P. L. 2007, Chapter 335 and pursuant to P. L. 2009, Chapter 298, I herein transmit the minutes of actions taken at the open session of the Regular Meeting of the New Jersey Motor Vehicle Commission Board at Floor 8E, Motor Vehicle Commission Headquarters, Thursday, February 15, 2018.

Thank you.

Sincerely,



John G. Donnelly
Board Secretary



Enclosure

NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Board Secretary John G. Donnelly of actions taken at the Open Session of the Regular Board meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Thursday, February 15, 2018.

Present:

Jeanne D. Ashmore, Acting Chair
Stephen S. Scaturro, Public Board Member (by speakerphone)
Susan Pigula, Acting Transportation Commissioner Designee
Brian Francz, Acting State Treasurer Designee (by speakerphone)
Gary Poedubicky, Attorney General Designee

Walter Orcutt and Laurette Asante previously advised the Acting Chair that they would not be able to participate.

Deputy Attorney General Philip Espinosa and Governor's Authorities Unit Assistant Counsel Craig Ambrose participated.

Acting Chair Jeanne D. Ashmore convened the Open Session at 2:05 p.m. in accordance with the Open Public Meetings Act, and led the Pledge of Allegiance.

Agenda Approval. Transportation Manager Pigula moved to accept the agenda proposed, Board Member Scaturro seconded the motion and it was unanimously adopted.

Chairman's Report

The Acting Chair then presented this report of key Commission activities since the December 7, 2017 Board Meeting:

Skip the Trip/Online Services

I would like to start by taking a moment to highlight the continuing success of our Skip the Trip campaign. As of February 2nd, approximately 2.2 million residents have taken advantage of this convenient option to renew their driver license through the mail. That means 2.2 million fewer transactions are conducted in our agencies, saving countless hours for our customers and staff. In addition to Skip the Trip, we are seeing that customers are taking advantage of our convenient online services in increasing numbers. In 2017, we processed more than 1.8 million transactions through njmvc.gov – an increase of 7.3% from the previous year. Approximately 1.6 million of these were simple registration renewals. We hope to continue building on this success in the coming months.

Mobile Agency

As our Skip the Trip program and online services continue to grow in popularity, we are also seeing continued success with the roll out of our mobile agencies. They are currently being used in Middlesex County at the Edison Agency and also in Union County at the Rahway Agency to help offset increased demand due to the closure of the South Plainfield Agency. In the future, the mobile units also can be deployed statewide to meet the needs of underserved communities, senior centers and any location impacted by natural disasters where the immediate replacement of identification documents might be needed. Additionally, these mobile units can also be used, on a scheduled basis, to process transactions at universities, office campuses, government centers and shopping areas or any location where a substantial amount of transactions can be anticipated.

JustDrive Campaign

With so much going on, the MVC continues to make strides in our efforts to combat distracted driving. I would like to share with you some statistics reflecting the growing reach of our JustDrive.com campaign. As of January, our JustDrive Facebook page had nearly 26,000 followers. We have created approximately half a million "impressions," to date meaning people who viewed our page, liked a post or interacted with us in another way. On any given day, our content reaches approximately 15,000 users. Combined with our other online presence, our billboards and advertisements throughout the state, and our partnerships with the NFL, the NHL, NASCAR, the MLB and others, we continue to see a reduction in the amount of tickets issued for driving while using a handheld device. According to the NJ State Police, these citations decreased by 8% between December 2016 and December 2017. While we are proud of these numbers, we cannot become complacent in combating this dangerous behavior.

New Regulations

Before we move on to the agenda, I'd like to take a minute to highlight an important regulatory change we're putting into effect to keep our youngest and most vulnerable residents safe. In 2016, the Governor signed a piece of legislation known as "Abigail's Law," which compels the MVC to enact regulations requiring newly manufactured school buses to come equipped with front and rear motion sensors. The law is named for a two year old girl who was tragically struck and killed when she ran out in front of a school bus whose driver was unable to see her. It is our sincere hope that these regulations will help to ensure that no other New Jersey family has to endure this type of tragedy.

IDEC

In keeping with our mission of safety, during this meeting I will be acknowledging MVC employee Carlton Williams, who was chosen by the American Association of Motor Vehicle Administrators' International Driver Examiner Certification (IDEC) Board as New Jersey's IDEC Examiner of the Year for 2017.

The following Agenda Items were presented for approval:

PRESENTATION: Recognition of MVC Safety Specialist Carlton E. Williams. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act ("Act"), P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, at Section 2 that MVC inform our customers of the work of MVC, which includes distinguished and invaluable service provided by MVC staff, including Mr. Carlton E. Williams, an MVC Safety Specialist 2, who is the International Driver Examiner Certification (IDEC) Examiner of the Year.

Director Poedubicky moved the resolution, Vice-Chairman Stephen S. Scaturro seconded it and it was unanimously adopted.

Acting Chair Ashmore invited Mr. Williams to the front of the Board room, and explained to the audience that: the IDEC Board and the American Association of Motor Vehicle Administrators (AAMVA) recognizes outstanding examiners through the IDEC Examiner of the Year award; that each member jurisdiction nominates one examiner for outstanding performance as a driver's license examiner; and, that examiners are selected for their excellence in adhering to the principles and recommended practices of driver examining and for their high level of conduct in their profession."

Acting Chair Ashmore then presented Mr. Williams with IDEC's "Examiner of the Year" certificate, a congratulatory letter from AAMVA, and the IDEC shirt with the words "Examiner of the Year" sewn onto the front.

Acting Chair Ashmore then mentioned a few of Mr. Williams' career highlights. He started his career at MVC as a Safety Specialist Trainee in 1985, administering road tests for auto, motorcycle and commercial vehicles. He has also worked for the Division of Inspection Services in the Mobile and Bus Units, performing inspections and audits on commercial truck and buses, ensuring all federal and state regulations, policies and procedures were enforced.

The Acting Chair and Mr. Williams were then photographed with the MVC Board Members, who also offered their acknowledgements to Mr. Williams for his daily efforts that keep us safe.

Minutes: December 7, 2017. This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the Minutes of each MVC Board Meeting, by approving the Minutes of the MVC Board Meeting of December 7, 2017.

Director Poedubicky moved the resolution, Manager Pigula seconded it and it was unanimously adopted.

1802-01: Abigail's Law Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Proposed New Rule to implement inspections of school bus sensors. Board Secretary Jack Donnelly presented the regulation.

Director Poedubicky moved the resolution, Deputy Director Francz seconded it and it was unanimously adopted.

Legislative Report. A briefing was provided by Board Secretary Jack Donnelly on behalf of the Intergovernmental Relations Office, including a summary of legislative activity since the December 2017 Motor Vehicle Commission (MVC) Board meeting.

Acting Chair Ashmore thanked Jack for the presentation.

Public Comments:

No member of the public offered comments.

Acting Chair Ashmore then noted that there was no further business before the Board, and thanked the Board Members and staff for their continuing service.

Adjournment:

Since there were no further comments or business, a motion to adjourn was made by Director Poedubicky and seconded by Manager Pigula and unanimously adopted at 3:00 p.m.

**NEW JERSEY MOTOR VEHICLE COMMISSION
REGULAR MEETING OF THE BOARD MEMBERS**

**Commission Headquarters, 8th Floor East Wing
225 East State Street, Trenton, New Jersey
2:00 p.m., Thursday, February 15, 2018**

FINAL AGENDA

	<u>PAGE</u>
• 1 – CALL TO ORDER	8300
• 2 – OPEN PUBLIC MEETINGS ACT STATEMENT	8300
• 3 – PLEDGE OF ALLEGIANCE	8300
• 4 – APPROVAL OF AGENDA	8300
• 5 – CHAIR’S REPORT	8300
• 6 – PRESENTATION: DRIVER EXAMINER OF THE YEAR	8302
• 7 – APPROVAL OF MINUTES OF DECEMBER 7, 2017	8305
• 8 – APPROVAL OF ITEM 1802-01 – PROPOSED NEW RULE – N.J.A.C. 13:20 INSPECTION REGULATION (ABIGAIL’S LAW)	8312
• 9 – LEGISLATIVE REPORT	8321
• 10 – PUBLIC COMMENTS	8303
• 11 – ADJOURNMENT	8303

Approval: Minutes of December 7, 2017

BENEFITS

The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, provides at section 17 that the actions taken at MVC Board meetings do not become effective until approved by the Governor. Thereafter, the Minutes are presented to the Board Members for approval consistent with the MVC Board Bylaws.

PURPOSE

The Act at section 17 states that "A true copy of the minutes of every meeting of the Board shall be delivered by and under the certification of the Secretary of the Board, without delay, to the Governor. No action taken at the meeting shall have force or effect until ten days, Saturday, Sundays, and public holidays excepted, after the minutes are delivered, unless during the ten day period the Governor approves the Minutes, in which case the action shall become effective upon approval. If, in that ten day period, the Governor returns copies of the minutes with a veto of any action taken by the Board or any Member, the action shall be null and void and of no effect."

The December 7, 2017 Minutes were delivered on December 7, 2017 to the Governor, and became effective upon expiration of the ten day period on December 21, 2017.

ACTION

Approval of this item by the Board Members indicates acceptance of the December 7, 2017 Minutes.

FISCAL IMPACTS

None.

RESOLUTION

WHEREAS, consistent with the Bylaws the Minutes of actions taken at meetings of the New Jersey Motor Vehicle Commission Board are to be approved by the Board Members; and

WHEREAS, pursuant to section 17 of The Motor Vehicle Security and Customer Service Act , P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, a true copy of the Minutes of the actions taken at the New Jersey Motor Vehicle Commission Board meeting of December 7, 2017 were delivered without delay to the Governor on December 7, 2017; and

WHEREAS, those Minutes do not become effective until expiration of the ten day review period or otherwise approved by the Governor; and

WHEREAS, Minutes of the December 7, 2017 Board Meeting are effective as of December 21, 2017; and

NOW, THEREFORE, BE IT RESOLVED that the Minutes of actions taken at the December 7, 2017 New Jersey Motor Vehicle Commission Board meeting are hereby approved.

NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Board Secretary John G. Donnelly of actions taken at the Open Session of the Regular Board meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Thursday, December 7, 2017.

Present:

Raymond P. Martinez, Chairman
Stephen S. Scaturro, Vice-Chairman
Walter Orcutt, Public Board Member (by speakerphone)
Laurette Asante, Public Board Member (by speakerphone)
Susan Pigula, Transportation Commissioner Designee
James Fruscione, State Treasurer Designee (by speakerphone)
Gary Poedubicky, Attorney General Designee

Deputy Attorney General Philip Espinosa and Governor's Authorities Unit Assistant Counsel Craig Ambrose participated.

Chairman Raymond P. Martinez convened the Open Session at 2:05 p.m. in accordance with the Open Public Meetings Act, and led the Pledge of Allegiance.

Agenda Approval. Transportation Manager Pigula moved to accept the agenda proposed, Board Member Orcutt seconded the motion and it was unanimously adopted.

Vice-Chairman Scaturro congratulated Chairman Martinez on his nomination as Administrator of the Federal Motor Carrier Safety Administration, and all wished him well as he awaits U.S. Senate confirmation.

Chairman's Report

The Chairman then presented this report of key Commission activities since the October 12, 2017 Board Meeting:

League of Municipalities

Our staff has certainly been busy for the past few months. In November, MVC volunteers were hard at work again at the annual League of Municipalities conference in Atlantic City. A number of our dedicated staff members were on hand at the MVC booth to answer motor vehicle-related questions as well as to promote the JustDrive.com campaign against distracted driving. Visitors to the booth were invited to spin the prize wheel and take home JustDrive.com gear, including our new co-branded items with the New York Jets and Rutgers University. Visitors were also able to try our newly-upgraded virtual reality texting and driving simulator. Thank you to all the volunteers who made this event a success!

New Regulations

In addition to our presence at the League, the MVC has been busy preparing to adopt some new regulations, which we will be voting on in just a few moments. I'd like to take a minute to highlight some of the changes we're putting into effect.

Autocycles

The MVC is proposing to adopt regulations regarding autocycles, in order to keep up with the evolving options available to the motoring public. Autocycle drivers and passengers will be required to wear helmets and seatbelts, and owners will be issued autocycle plates instead of motorcycle plates. Similar to motorcycles, autocycles will be exempt from enhanced inspection requirements. While autocycles will be treated similarly to motorcycles in many respects, the proposed regulations clarify that an autocycle cannot be used for a motorcycle endorsement test.

Homeless ID Cards for Nondrivers

We are also proposing regulations that will waive the fee for non-driver ID cards issued to homeless persons who submit proof of temporary residence to the MVC. As a result, individuals who lack a permanent address can obtain identification that can help them access other vital services or even gain employment.

TNCs

The MVC is also moving to implement new requirements for Transportation Network Companies (TNCs) such as Uber and Lyft. As technology has revolutionized the transportation industry, it is necessary for our regulatory framework to keep pace and to reflect the differences between TNCs and traditional taxi/limo services. The new regulations mandate criminal background checks for drivers and establish minimum insurance requirements to protect the riding public. We are also implementing rules that will ensure transparency in pricing and protect riders with disabilities. Finally, we are implementing a new permitting process under our Business Licensing Bureau to ensure that TNCs operating in the state are complying with our requirements.

JustDrive Campaign

With so much going on, we are still continuing to grow our JustDrive.com campaign against distracted driving utilizing a new partnership with the New Jersey Devils. Devils fans are exposed to our lifesaving message with in-game advertisements as well as a "texting cam" which borrows from the "kissing cam" to highlight spectators who are paying more attention to their phone than the action on the ice. Additionally, we have filmed a distracted driving public service announcement that is now featured on JustDrive.com as well as our YouTube channel.

Happy Holidays

Before we move onto the agenda, I would like to wish everyone in attendance a happy and healthy holiday season. It's hard to believe that 2017 is almost over, but we can all be proud of the Commission's accomplishments during this busy year. I hope that everyone in attendance will have the opportunity to celebrate with their families and loved ones over the next few weeks.

The following Agenda Items were presented for approval:

Minutes: October 12, 2017. This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the Minutes of each MVC Board Meeting, by approving the Minutes of the MVC Board Meeting of October 12, 2017.

Board Member Asante moved the resolution, Board Member Orcutt seconded it and it was unanimously adopted.

1712-01: Delegation of Authority. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act ("Act"), P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, to ensure efficient operation of the Commission, including Board approval at Section 13 to delegate authority in the absence of the Chief Administrator or Deputy Chief Administrator. The Board hereby delegates that authority to the Deputy Administrator of Finance and Administration. Board Secretary Jack Donnelly presented the Delegation Resolution.

Board Member Orcutt moved the resolution, Manager Pigula seconded it and it was unanimously adopted.

1712-02: 2018 MVC Board Meeting Dates. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to announce MVC Board Meeting Dates annually. Jack Donnelly, Board Secretary, presented the proposed meeting dates.

Board Member Asante moved the resolution, Board Member Orcutt seconded it and it was unanimously adopted.

1712-03: Licensing Service Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Final Adoption of the regulations to implement standards for slow moving vehicle emblems, and related statutory and registration issues. Rebecca Donington of the Office of Regulatory and Legislative Affairs, presented the regulation.

Vice-Chairman Scaturro moved the resolution, Director Fruscione seconded it and it was unanimously adopted.

1712-04: Autocycles. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper

functioning of the Commission, including this Final Rule concerning autocycles. Richard Del Monaco of the Office of Regulatory and Legislative Affairs, presented the regulation.

Board Member Orcutt moved the resolution, Manager Pigula seconded it and it was unanimously adopted.

1712-05: Homeless ID. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Final Rule concerning an exemption from fees for those who are homeless and need an MVC ID. Cassandra Berry of the Office of Regulatory and Legislative Affairs, presented the regulation.

Vice-Chairman Scaturro moved the resolution, Director Fruscione seconded it and it was unanimously adopted.

1712-06: Amber Lights. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Final Rule regarding amber lights. Cassandra Berry of the Office of Regulatory and Legislative Affairs, presented the regulation.

Board Member Asante moved the resolution, Director Fruscione seconded it and it was unanimously adopted.

1712-07: Transportation Network Companies. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Proposed New Rule for TNC's. JoAnne Sutkin of the Office of Regulatory and Legislative Affairs, presented the regulation.

Director Poedubicky moved the resolution, Manager Pigula seconded it and it was unanimously adopted.

1712-08: Motorized Bicycles. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Proposed Readoption without Amendment of the Motorized Bicycles Regulation. Board Secretary Jack Donnelly presented the rule.

Vice-Chairman Scaturro moved the resolution, Director Poedubicky seconded it and it was unanimously adopted.

1712-09: ZORF. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act that at section 98 assigns to MVC the duty to implement the Zone Of Rate Freedom (ZORF) law found at N.J.S.A. 48:4-2.20 to 2.25. Board Secretary Jack Donnelly presented the proposed amendment for 2018.

Board Member Orcutt moved the resolution, Manager Pigula seconded it and it was unanimously adopted.

Legislative Report. A briefing was provided by Legislative Liaison Laura Hahn, including a summary of legislative activity since the October 2018 Motor Vehicle Commission (MVC) Board meeting.

Chairman Martinez thanked Laura for the presentation.

Public Comments:

No member of the public offered comments.

Chairman Martinez then noted that there was no further business before the Board, and thanked the Board Members and staff for their continuing service.

Chairman Martinez thanked the MVC Board Members for their support of him as MVC Board Chairman during the last seven and one-half years.

Adjournment:

Since there were no further comments or business, a motion to adjourn was made by Director Poedubicky and seconded by Board Member Asante and unanimously adopted at 3:00 p.m.

ITEM 1802-01: ABIGAIL'S LAW REGULATION**BENEFITS**

The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created the New Jersey Motor Vehicle Commission (MVC), and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to MVC the duty to promulgate regulations affecting various programs, including this proposed new rule in the Enforcement Service regulations concerning Abigail's Law.

PURPOSE

This is a Proposed New Rule. The effect of this item is to amend the Enforcement Service regulations concerning Abigail's Law to provide for school buses with sensors to alert a bus driver when a child walks in front or back of a school bus.

ACTION

Approval of this item will authorize the Acting Chair to file the regulations with the Office of Administrative Law (OAL) as a Proposed New Rule, in substantially the form as attached in Exhibit A.

MVC Board Acting Chair and Chief Administrator Jeanne D. Ashmore has adopted a policy that proposed rules are to be provided by the New Jersey Motor Vehicle Commission as a courtesy to inform the public about pending rules. This version is not the official text of the proposal and may differ from the official published text. The official text of the proposal is published in the New Jersey Register issue for the date indicated. Should there be any discrepancies between this version and the official version of the proposal, the official version will govern. All comments must be made consistent with instructions provided with the publishing of this proposal in the New Jersey Register.

FISCAL IMPACTS

None, as fees and MVC administrative costs are not changed.

RESOLUTION

WHEREAS, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 (the "Act"), as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to the Motor Vehicle Commission the duty to implement regulations affecting various programs, including this proposed new rule in the Enforcement Service regulations concerning Abigail's Law;

NOW, THEREFORE, BE IT RESOLVED that the Acting Chair is authorized to file with the Office of Administrative Law a notice of this proposed new rule in the Enforcement Service regulations concerning Abigail's Law, in substantially the form as attached in **Exhibit A**.

TRANSPORTATION

MOTOR VEHICLE COMMISSION

Enforcement Service

Proposed New Regulations: N.J.A.C. 13:20-50B.50 and 13:20-51.16

Authorized By: _____

Jeanne D. Ashmore, Acting Chair and Chief Administrator
Motor Vehicle Commission

Authority: N.J.S.A. 39:2-3, 39:2A-28, 39:3-10, 39:3-11, 39:3-43, 39:3-63, 39:3-77, 39:3B-5, 39:3B-10, 39:3B-24, 39:5-30, 39:5B-29a, 39:8-1, 39:8-2, 39:8-4, 39:8-4.1, 39:8-10, 39:8-77, and 39:10-4

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

Proposal Number: PRN 2017-

Submit comments by _____ to:

Kate Tasch
APO
Motor Vehicle Commission
225 East State Street
PO Box 160
Trenton, NJ 08666-0160
or via e-mail to: rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

This notice of proposal is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5, therefore the public comment period for this notice will be 60 days.

The New Jersey Motor Vehicle Commission ("Commission") proposes new regulations to reference the State Board of Education ("BOE") proposed regulation establishing specifications and guidelines to implement P.L. 2015, c.266, known as "Abigail's Law."

Abigail's Law requires that all school buses manufactured on or after 180 days following the bill's enactment be equipped with sensors to alert a bus driver when a child walks in front or back of the bus. The law provides that the design and installation of the sensors must conform to regulations to be promulgated by the BOE. In turn, the Commission inspects that the sensors are installed. Abigail's Law and the BOE regulations to implement it will help to ensure the safe transport of the State's students, particularly its younger students.

The Commission's proposed new regulations provide that the sensor equipment shall meet the standards in BOE's regulation at N.J.A.C. 6A:27-7.13, School Bus Sensor System, which was approved as a Proposed New Regulation by BOE on May 3, 2017, was published in the New Jersey Register on June 4, 2017, and was published as an Adopted New Regulation at 49 N.J.R. 3429(b).

A summary of the two (2) subchapters that contain the proposed new regulations in N.J.A.C. 13:20 follows:

N.J.A.C. 13:20-50B.50 concerns school buses, and provides that all equipment subject to inspection shall meet the standards for the applicable date of manufacture now or hereafter prescribed by Federal law or regulation, New Jersey statute, or Commission or BOE regulation, including the school bus sensor system to detect the presence of person(s) or object(s) located in, but not limited to, the front and rear of the school bus, which sensor system shall conform to the guidelines and specifications pursuant to N.J.A.C. 6A:27-7.13.

N.J.A.C. 13:20-51.16 concerns school vehicles used for the transportation of children to and from school or school-connected activities, and provides that all equipment subject to inspection shall meet the standards for the applicable date of manufacture now or hereafter prescribed by Federal law or regulation, New Jersey statute, or Commission or BOE regulation, including the school bus sensor system to detect the presence of person(s) or object(s) located in, but not limited to, the front and rear of the school bus, which sensor system shall conform to the guidelines and specifications pursuant to N.J.A.C. 6A:27-7.13.

Social Impact

The adoption of these proposed new regulations at N.J.A.C. 13:20-50B.50 and 13:20-51.16 will have a beneficial social impact in that the Commission's inspection will ensure that the sensor system is installed and meets the standards in BOE's regulation

at N.J.A.C. 6A:27-7.13, School Bus Sensor System. Abigail's Law will improve safety for children in that all school buses will be equipped with sensors to alert a bus driver when a child walks in front or back of the bus.

Economic Impact

There is no economic impact on the Commission, which is charged with the administration of the regulations contained in N.J.A.C. 13:20, for which the Commission collects statutorily-mandated school bus inspection fees.

The cost of the school bus sensors is not addressed in this rulemaking, other than to note that the Office of Legislative Services' (OLS) analysis of Abigail's Law noted that it would lead to an indeterminate expenditure increase for school districts and for school bus manufacturers, in that the cost of the school bus sensors would be factored into the final purchase price for the new school buses. BOE considered that in its rulemaking process for N.J.A.C. 6A:27-7.13 School Bus Sensor System.

Federal Standards Analysis

A Federal standards analysis is not required because the regulations that are the subject of these proposed new regulations are dictated by State statutes and are not subject to Federal requirements or standards.

Jobs Impact

The Commission does not anticipate that any jobs will be generated or lost as a result of these proposed new regulations.

Agriculture Industry Impact

The proposed new regulations will have no impact on the agriculture industry.

Regulatory Flexibility Analysis

The proposed new regulations do not contain any new reporting or recordkeeping requirements on any person, and therefore do not have any impact on any small businesses, as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16, et seq. The proposed new regulations do not require small businesses to engage additional professional services, nor necessitate any capital or annual expenditures for compliance. The Commission has given careful consideration to these matters and has determined that the proposed new regulations aid the Commission's inspection process for BOE's specifications and guidelines for school bus sensors in BOE regulations at N.J.A.C. 6A:27-7.13.

Smart Growth Impact

It is not anticipated that the proposed new regulations will have any impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan within the meaning of Executive Order No. 4 (2002).

Housing Affordability Impact

It is not anticipated that the proposed amendments will have any impact on housing costs because the scope of the regulation, inasmuch as it applies only to the Commission's inspection process for BOE's specifications and guidelines for school bus sensors, is minimal, and there is an extreme unlikelihood that it would evoke a change in the average costs associated with housing.

Full text of the proposed new regulations follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 50B. **BODY STANDARDS FOR SCHOOL BUSES
MANUFACTURED JANUARY 2006 AND THEREAFTER**

13:20-50B.50 School Bus Sensor System

- (a) Pursuant to N.J.A.C. 6A:27-7.13, each school bus shall be equipped with a properly designed and installed sensor to determine the presence of person(s) or object(s) located in, but not limited to, the front and back of the school bus.
- (b) All equipment subject to inspection shall meet the standards for the applicable date of manufacture prescribed by Federal law or regulation at 49 C.F.R. 571, et seq., New Jersey statute, or Motor Vehicle Commission or Department of Education regulation, including the school bus sensor system to detect the presence of person(s) or object(s) located in, but not limited to, the front and rear of the school bus, which sensor shall conform to the guidelines and specifications pursuant to N.J.A.C. 6A:27-7.13.

SUBCHAPTER 51. **STANDARDS FOR TYPE S SCHOOL VEHICLES**

13:20-51.16 School Bus Sensor System

- (a) Pursuant to N.J.A.C. 6A:27-7.13, each school bus shall be equipped with a properly designed and installed sensor to determine the presence of person(s) or object(s) located in, but not limited to, the front and back of the school bus.
- (b) All equipment subject to inspection shall meet the standards for the applicable date of manufacture now or hereafter prescribed by Federal law or regulation at 49 C.F.R. 571, et seq., New Jersey statute, or Motor Vehicle Commission or Department of Education regulation, including the school bus sensor system to detect the presence of person(s) or object(s) located in, but not limited to, the front and rear of the school bus, which sensor shall conform to the guidelines and specifications pursuant to N.J.A.C. 6A:27-7.13.



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STATE OF NEW JERSEY

Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

To: Jeanne D. Ashmore, Acting Chair
CC: MVC Board Members
From: Jack Donnelly, Board Secretary
On Behalf of Intergovernmental Relations
Date: February 15, 2018
Re: Legislative Report

This Legislative Report provides a summary of legislative activity since the December 2017 Motor Vehicle Commission (MVC) Board meeting. Specifically, this memorandum notes the 29 bills signed into law relevant to MVC.

Legislation that became law on Dec. 21, 2017:

S-3306 (Cunningham/Sweeney/Ruiz/Green/Muoio/Holley/Wimberly)

Chapter Law: P.L.2017, c.243

Summary: This new law provides that any prohibition on an employer inquiring about a person's criminal record would extend to cover any such record that had been expunged. It also expressly prohibits an employer from using an online application that requires the disclosure of a person's criminal record, including any expunged record. May affect the MVC Division of Human Resources.

Legislation that became law on Jan.8, 2018:

A-856/S-1498 (Quijano, Dancer, Pinkin, Mukherji, McKnight, Madden)

Chapter Law: P.L.2017, c.259

Summary: This new law allows individuals seeking to obtain an historic vehicle registration for an authorized emergency vehicle to follow the same current application process for historic vehicles. May affect the MVC Offices of Agency Support Services, and Performance Management.

A-2082/S-2023 (Mukherji, Pintor Marin, Webber, Mazzeo, Conaway, Van Drew, Oroho)

Chapter Law: P.L.2017, c.262

Summary: This new law authorizes OAL to require each State agency to provide additional background information in association with any notice of proposed rule-making that is submitted by the agency prior to, on, or after, the effective date of the bill. May affect MVC Legal.

A-4790/S-3406 (Wisniewski, Vainieri Huttie, Benson, Ruiz)

Chapter Law: P.L.2017, c.279

Summary: This new law authorizes the Motor Vehicle Commission to issue special "Equality" license plates. The bill provides that the design of the "Equality" license plate is to display the Garden State Equality emblem, consisting of: an image of a silhouette of the mathematical equivalency sign in the background and the shape of the State of New Jersey in a circle in the foreground. May affect the MVC Offices of Agency Services, Agency Support Services, Financial Management, IT, and Legal.

S-1148/A-3958 (Bateman, Pennacchio, Wisniewski, Webber, DeCroce)

Chapter Law: P.L.2017, c.249

Summary: This new law provides that a complaint for a violation of N.J.S.A.39:3-10.18, which penalizes a person for operating a commercial motor vehicle without a valid commercial driver license or doing so with a suspended or revoked commercial driver license, is to be made to a judge within 90 days after the commission of the offense. Not expected to affect MVC in a material way.

S-2705/A-4539 (Diegnan, Madden, Quijano, Vainieri Huttie, Jones)

Chapter Law: P.L.2017, c.255

Summary: This new law creates a task force to study, compare, and evaluate State laws, regulations, and policies intended to improve the livelihood of individuals who have a hearing impairment, including, but not limited to, children, seniors, and veterans. Not expected to affect MVC in a material way.

A-261/S-3013 (McKeon, Kennedy, Greenstein, Diegnan)

Chapter Law: P.L.2017, c.257

Summary: This new law prohibits the installation and sale of wheel weights containing lead and mercury, and the sale of new motor vehicles equipped with wheel weights containing lead or mercury. Not expected to affect MVC in a material way.

A-2294/S-2709 (Vainieri Huttie, Andrzejczak, Muoio, Lampitt, Mukherji, McKnight)

Chapter Law: P.L.2017, c.263

Summary: This new law expands certain civil rights protections under the "Law Against Discrimination" P.L.1945, c.169 (C.10:5-1 et seq.) to include breastfeeding and expressing milk or related medical conditions at work. May affect the MVC Division of Human Resources.

A-4124/S-2907 (Mosquera, Barclay, Jones, Vainieri Huttie, Lampitt, Downey, Mukherji)

Chapter Law: P.L.2017, c.272

Summary: This new law requires the Civil Service Commission to develop a uniform domestic violence policy to be adopted by all public employers. May affect the MVC Division of Human Resources.

Legislation that became law on Jan.16, 2018:**S-677 (Rice/Turner/Wimberly/Singleton/Spencer/Holley/Tucker/Sumter/Quijano)****Chapter Law:** P.L.2017, c.286.**Summary:** This new law requires that a racial and ethnic impact statement for each proposed criminal justice bill, resolution, or amendment that would affect pretrial detention, sentencing, probation, or parole policies in this State be prepared prior to any vote being taken on the bill, resolution, or amendment in either House of the Legislature. Not expected to affect MVC in a material way.**S-745 (Beach/Cruz-Perez/Mazzeo/Benson/Moriarty/Danielsen)****Chapter Law:** P.L.2017, c.289.**Summary:** This new law permits county clerks or registers of deeds and mortgages, as appropriate, to create an identification card for Gold Star Parents. The law defines Gold Star Parent to mean a parent, legal guardian or other legal custodian, whether of the whole or half blood or by adoption, of a member of the Armed Forces of the United States who died while on active duty for the United States. Not expected to affect MVC in a material way.**S-1534 (Bucco/Beach/Pennacchio/Bucco/Brown, C./Mazzeo/Tucker/Space)****Chapter Law:** P.L.2017, c.292.**Summary:** This new law permits a county clerk to accept additional approved separation forms other than DD Form 214 (DD-214) for issuing a county veteran identification card. Not expected to affect MVC in a material way.**S-2389 (Bucco/Oroho/Pennacchio/Bucco/Space/Phoebus/DeCroce, B./Webber/McKeon)****Chapter Law:** P.L.2017, c.301.**Summary:** This new law provides that all of the boat license revenue – a majority of which already goes to the General Fund – would be allocated to the Lake Hopatcong Fund. May affect the MVC Division of Financial Management.**S-2968 (Vitale/Greenstein/Coughlin/Wisniewski/Chiaravalloti/Mukherji)****Chapter Law:** P.L.2017, c.308.**Summary:** This new law provides that MVC will implement an Electronic Lien Titling program. May affect the MVC Divisions of Procurement and IT.**S-3377 (Sarlo/Scutari/Egan/Wisniewski)****Chapter Law:** P.L.2017, c.316.**Summary:** This new law concerns powers of appointment established by wills and is to codify longstanding New Jersey case law. The purpose of the power of appointment is to allow a testator, when preparing a will, to name another party, who, as the donee of the power, appoints, following the testator's death, the one or more appointees to be the recipients of the testator's property. May affect the MVC Division of Agency Services.**S-3459 (Sarlo/Gordon/Burzichelli/Quijano/Lagana)****Chapter Law:** P.L.2017, c.321.**Summary:** This new law amends the "Predatory Towing Prevention Act" to permit any law enforcement agency of this State, or political subdivision of the State, to authorize the towing of a vehicle, at the owner's expense, as deemed appropriate for public safety. Not expected to affect MVC in a material way.

S-3555 (Sweeney/Burzichelli/Pinto Marin/Benson/Rooney/Gusciora/Wimberly/Conaway)

Chapter Law: 2017, c.329.

Summary: This new law exempts certain motor vehicles that provide service to persons with developmental disabilities from motor vehicle registration fees. May affect the MVC Divisions of Agency Services and Financial Management.

S-3616 (Sarlo/Singleton/Holley)

Chapter Law: P.L.2017, c.343.

Summary: This new law authorizes the issuance of cab cards for vehicles up to 82,000 lbs. GVWT if the vehicle is powered by natural gas. May affect the MVC office of Motor Carriers.

A-155 (Tucker/Caputo/Giblin/Mosquera/Jimenez/Wimberley/Mukherji/Ruiz)

Chapter Law: P.L.2017, c.345.

Summary: This new law requires the Division of Highway Traffic Safety in the Department of Law and Public Safety to establish a public awareness campaign to provide information to the general public concerning the dangers of leaving children unattended in and around motor vehicles, and to disseminate those materials to public venues throughout the State including possibly Motor Vehicle Agencies. May affect the MVC Divisions of Communications and Agency Services.

A-597(Lagana/Gusciora/Webber/Mukherji/Holley/Benson/Danielsen/Wimberly/Downy)

Chapter Law: P.L.2017, c.347.

Summary: This new law establishes the crimes of operating a school bus with suspended or revoked driving privileges and being involved in accident causing bodily injury; permanently prohibits passenger and school bus CDL endorsements for persons convicted of those crimes. May affect the MVC Divisions of IT and Compliance & Safety.

A-1257 (Caride/Jimenez/Mukherji/Holley/Benson/McKnight/Cruz-Perez/VanDrew)

Chapter Law: P.L.2017, c.349.

Summary: This new law requires school buses that provide transportation for students using wheelchairs to be equipped with a four-point securement system for each student using a wheelchair. Under this new law, students using wheelchairs are required to be secured using the four-point securement system at all times while the bus is in operation. May affect the MVC Division of Inspection Services.

A-1918 (Wisniewski/Webber/Rumana/DeCroce, B./Pennacchio/Holzappel)

Chapter Law: P.L.2017, c.352.

Summary: This new law authorizes temporary registration certificates for automobiles. May affect the MVC Divisions of Business & Government Operations and Agency Services.

A-2439 (Wisniewski/Pinkin/Chiaravalloti/Downey/Houghtaling/Sacco/Cruz-Perez)

Chapter Law: P.L.2017, c.358.

Summary: This new law requires the Department of Transportation to develop public awareness programs and use variable message signs to inform motorists about the State's "move over" law. Not expected to affect MVC in a material way.

A-3402 (Greenwald/Oroho/Wimberly)

Chapter Law: P.L.2017, c.369

Summary: This new law concerns electronic submission of certain automobile insurance claims. Not expected to affect MVC in a material way.

A-4062 (Wisniewski/McKnight/Chiaravalloti/Benson/Addiego/Diegnan)

Chapter Law: P.L.2017, c.372.

Summary: This law establishes failure to maintain lane may constitute recklessness under reckless vehicular homicide statute; designated as Eileen's Law. Not expected to affect MVC in a material way.

A-4079 (Lampitt/Mosquera/DeCroce/Benson)

Chapter Law: P.L.2017, c.373.

Summary: This new law provides civil immunity to persons who forcibly enter motor vehicles to remove unattended and unsupervised children. Not expected to affect MVC in a material way.

A-4165 (Chaparro/Mukherji/Chiaravalloti/McKnight/Vainieri Huttel/Gill/Oroho)

Chapter Law: P.L.2017, c.374.

Summary: This new law requires driver education course materials to be distributed by MVC to the parents and guardians of beginning drivers; and must include information about sharing the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles; this new law also provides that the written examination is to include such questions. May affect the MVC Divisions of Communications, IT and Agency Services.

A-4219 (O'Scanlon/Benson/Zwicker/Kyrillos/Vitale)

Chapter Law: P.L.2017, c.377.

Summary: This new law requires MVC to allow those as young as 14 years old to register to make an anatomical gift in New Jersey. Such a gift made by a minor would remain valid when the minor reaches 18 years of age. May affect the MVC Divisions of Communications, IT and Agency Services.

A-4573 (Coughlin/Wisniewski/Pinkin/Vitale/Sacco)

Chapter Law: P.L.2017, c.382.

Summary: This law requires MVC to allow submission of vehicle identification number to "Next-of-Kin Registry." May affect the MVC offices of Communications, IT and Agency Services.