



**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

B. Sue Fulton
Chair and Chief Administrator

June 12, 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, Tuesday, June 12, 2018.

Thank you.

Sincerely,


John G. Donnelly
Board Secretary

Enclosure

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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 Tuesday, June 12, 2018.

Present:

B. Sue Fulton, Chair and Chief Administrator
Susan Pigula, Vice-Chair and Transportation Commissioner Designee
Stephen S. Scaturro, Public Board Member
Walter Orcutt, Public Board Member (by speakerphone)
Hannah Good, State Treasurer Designee
Gary Poedubicky, Attorney General Designee

Deputy Attorney General Jennifer Jaremback and Governor's Authorities Unit Associate Counsel Craig Ambrose participated.

Chair Sue Fulton 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. Vice-Chair Pigula moved to accept the agenda proposed, Board Member Scaturro seconded the motion and it was unanimously adopted.

Chairman's Report

The Chair then presented this report of key Commission activities since the April 10, 2018 Board Meeting:

South Plainfield Agency

On June 4, we marked the opening of our new South Plainfield agency with a ceremonial ribbon cutting event. I was very proud to join with local officials and legislators from the surrounding area - as well as our MVC staff - to publicly recognize our return to South Plainfield. The internal layout of the site was designed around our new business process to better serve New Jersey motorists. The new, modernized facility features many enhancements, including additional customer service windows, improved technology with updated phone, data, and security wiring, additional parking, and easy access from major highways. Opening this new agency six months ahead of schedule speaks to the hard work and dedication of our staff, and our commitment to providing excellent customer service for the citizens of New Jersey.

Straight for Equality

Moving forward - yesterday we celebrated PRIDE month at the MVC for the very first time with our "Straight for Equality at the MVC" event right here in this room. Our celebration featured two guest speakers, Aaron Potenza and La'Nae Grant, and attendees had the opportunity to hear a bit about their personal stories and to learn how the principles of equality tie in with the MVC's core values of professionalism, integrity, respect, and accountability. If you were unable to attend the event, you can view a video of the proceedings on the MVC's intranet page.

JustDrive.com 125

As I mentioned at the last Board Meeting, the MVC will be sponsoring the third annual JustDrive.com 125 NASCAR race at the New Jersey Motorsports Park in Millville, New Jersey this coming Saturday, June 16. Our JustDrive.com campaign, which highlights the consequences of talking and texting on a hand-held device while driving, is sponsoring this large-scale event which is expected to reach 30,000 race fans. I would like to thank all the MVC employees who have volunteered to help spread the life-saving message of "Just Drive" this coming weekend.

Staff Additions

I would like to recognize several individuals who have joined the MVC team since our last meeting. Cathleen Lewis is our new Deputy Chief Administrator, Latricia Littles-Floyd is our new Director of Security and Investigations, Dana Foraker is our new Director of Human Resources, El-Rhonda Williams Alston is our new Director of Compliance and Safety, Jim Hooker is our new Director of Strategic Communications, Joe Csolak - who was already a part of the MVC team - is now our new Director of Information Technology, and I would also like to recognize Angela LaBelle, our former Deputy Administrator of Finance and Administration, who I have appointed as my new Chief of Staff. I know you will extend to them your best wishes and support as they take on these new roles.

Resignation

Moving on, I would like to take a moment to recognize the service of one of one of our Board members, Laurette K. Assante. Laurette was appointed by Governor Corzine in 2006, and she has been an instrumental part of the Board up until May 18th when she resigned to focus on increasingly demanding business opportunities. Although she is unable to attend today's meeting, we will ensure that she receives a ceremonial resolution, which we will be passing in her honor, in a few short moments. We certainly appreciate her commitment over the past 12 years and wish her the very best in all her future endeavors.

Employee Recognition

Before we move on to the rest of our agenda, I would like to mention that the first item on today's agenda is the recognition of the valor of two MVC employees: Edwin Lazaro-Valle and Lionel Borden. Their actions were truly heroic and bring credit to the entire Commission. I wanted to ensure that they were honored by the MVC Board. In a few moments, we will be recognizing each of them individually.

The following Agenda Items were presented for approval:

PRESENTATION: Recognition of MVC Technicians Edwin Lazaro-Valle and Lionel Borden. 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 heroism demonstrated by two MVC Technicians, Edwin Lazaro-Valle and Lionel Borden.

Chair Fulton described their valor:

"Through their remarkable efforts, they saved another human being.

"As reported by several print and broadcast media outlets, a vehicle accidentally crashed into the first-floor retail-store level of the MVC Headquarters on April 10, 2018.

"Immediately rushing to the scene were Edwin and Lionel, who work in our Management Operations Services office.

"When Edwin and Lionel heard the driver's cry for help, they demonstrated exemplary valor and undertook selfless actions. First, they ran through the damaged store front window. Then, they approached the fiery vehicle, and opened the driver's door. Upon seeing the driver, and observing that she was alone in the vehicle, they entered the vehicle.

"Ignoring significant potential for personal harm to themselves, and perhaps saving the woman's life, Edwin and Lionel worked together to quickly remove the driver from the burning vehicle, which was lodged in a tight space. Upon doing so, they carefully placed her on the sidewalk against the building, away from the crash site and its related hazards (such as fire, fumes, broken glass, vehicle and building debris, etc.). They stayed with her until the arrival of EMS personnel.

"Edwin and Lionel were good Samaritans who rescued an injured woman, and are so very worthy of recognition by MVC for their valor and selfless actions."

Chair Fulton then presented Edwin and Lionel with "THANKS" mounted license plates and an MVC "Challenge Coin" that recognizes those individuals who have risen to the challenge.

The Chair and Edwin and Lionel were then photographed with the MVC Board Members and Deputy Administrator Bob Grill, who also offered their acknowledgements to Edwin and Lionel for their valor and for their daily efforts at MVC on behalf of the residents of the State.

Minutes: April 10, 2018. 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 April 10, 2018.

Director Poedubicky moved the resolution, Vice-Chair Pigula seconded it and it was unanimously adopted.

1806-01: Enforcement 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 amendments to the Enforcement Service regulation. Richard DelMonaco of Regulatory Affairs presented the regulation.

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

1806-02: Zone of Rate Freedom 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 amendments to the ZORF regulation. Board Secretary Jack Donnelly presented the regulation.

Deputy Director Good moved the resolution, Board Member Orcutt seconded it and it was unanimously adopted.

1806-03: In Honor of Laurette K. Asante. This action is to honor the tenure of MVC Board Member Asante, who recently resigned from the Board due to the demands of her professional commitments, having served with notable distinction from September 2006 to May 2018.

Board Member Scaturro moved the resolution, Board Member Orcutt 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 April 2018 Motor Vehicle Commission (MVC) Board meeting, particularly the Senate confirmation and Governor's swearing-in of Chair and Chief Administrator Sue Fulton.

Chair Fulton thanked Jack for the presentation.

Public Comments:

No member of the public offered comments.

Chair Fulton 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 Board Member Scaturro and seconded by Vice-Chair Pigula and unanimously adopted at 2:25 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., Tuesday, June 12, 2018**

FINAL AGENDA

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• 1 – CALL TO ORDER	8358
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• 3 – PLEDGE OF ALLEGIANCE	8358
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• 7 – APPROVAL OF MINUTES OF APRIL 10, 2018	8365
• 8 – APPROVAL OF ITEM 1806-01 – FINAL ADOPTION – N.J.A.C. 13:20 ENFORCEMENT SERVICE REGULATION	8372
• 9 – APPROVAL OF ITEM 1806-02 – FINAL ADOPTION – N.J.A.C. 16:53D ZONE OF RATE FREEDOM (ZORF) REGULATION	8376
• 10 – APPROVAL OF ITEM 1806-03 – IN HONOR OF LAURETTE K. ASANTE	8379
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PRESENTATION: Recognition of Valor by MVC Employees Lionel Borden and Edwin Lazaro-Valle

BENEFITS:

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, requires at Section 2 that MVC inform our customers of the work of MVC, which includes distinguished service provided by MVC employees beyond the call of duty.

PURPOSE:

As reported by several print and broadcast media outlets, a vehicle accidentally crashed into the first floor retail-store level of the MVC Headquarters on April 10, 2018.

Immediately rushing to the scene were two MVC employees who work in the Management Operations Services office. The MVC employees are Edwin Lazaro-Valle and Lionel Borden.

When Edwin and Lionel heard the driver's cry for help, they demonstrated exemplary valor and undertook selfless actions. First, they ran through the damaged store front window. Then, they approached the fiery vehicle, and opened the driver's door. Upon seeing the driver, and observing that she was alone in the vehicle, they entered the vehicle.

Ignoring significant potential for personal harm, Edwin and Lionel worked together to quickly remove the driver from the burning vehicle, which was lodged in tight quarters inside the MVC headquarters first floor. Upon doing so, they carefully placed her on the sidewalk against the building, away from the crash site and its related hazards (i.e., fire, fumes, broken glass, vehicle and building debris, etc.) and awaited EMS personnel.

Edwin and Lionel were good Samaritans who rescued an injured woman, and are most worthy of recognition by MVC for their valor.

ACTION:

Presentation of an MVC "THANKS" license plate and Challenge Coin to both employees.

FISCAL IMPACT:

None.

Approval: Minutes of April 10, 2018

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 April 10, 2018 Minutes were delivered on April 10, 2018 to the Governor, and became effective upon expiration of the ten day period on April 24, 2018.

ACTION

Approval of this item by the Board Members indicates acceptance of the April 10 15, 2018 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 April 10, 2018 were delivered without delay to the Governor on April 10, 2018; 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 April 10, 2018 Board Meeting are effective as of April 24, 2018; and

NOW, THEREFORE, BE IT RESOLVED that the Minutes of actions taken at the April 10, 2018 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 Annual Reorganization 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 Tuesday, April 10, 2018.

Present:

B. Sue Fulton, Acting Chair
Stephen S. Scaturro, Public Board Member (by speakerphone)
Walter Orcutt, Public Board Member (by speakerphone)
Susan Pigula, Acting Transportation Commissioner Designee
James J. Fruscione, Acting State Treasurer Designee (by speakerphone)
Gary Poedubicky, Attorney General Designee

Laurette Asante previously advised the Acting Chair that she would not be able to participate.

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

Acting Chair Sue Fulton 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.

Chairman's Report

The Acting Chair then presented this report of key Commission activities since the February 15, 2018 Board Meeting:

Introduction

Good afternoon, everyone. Thank you for joining us for the second MVC Board meeting of 2018. Before we move on into the agenda, I'd like to take a moment to tell you a little bit about myself for those of you who haven't met me. I graduated from West Point in the first class to include women; was commissioned as an officer in the Army Signal Corps; served overseas as a platoon leader, staff officer, and company commander; and was honorably discharged at the rank of Captain, at the tender age of 27. Following my career in the Army, I spent about 25 years in the private sector, managing consumer brands like Cascade, Arm & Hammer, Coppertone, Afrin, Dr. Scholl's and Claritin. I was honored to be selected by Governor Murphy to lead the MVC, which is effectively the "face of state government."

At MVC, with more than 24 million customer transactions completed annually, we have the opportunity and responsibility to interact with more New Jerseyans than any other state agency. Our job is to keep New Jersey drivers safe, and to deliver excellent customer service. That's what we have to do each and every day. With an organization of about 2000 people, that takes leadership. It takes integrity. And it takes selfless service. My priority will always be to serve the people of New Jersey to the best of my ability; and to lead an organization that does the same.

South Plainfield Agency

Moving on, I am pleased to announce that we are on schedule to open our new South Plainfield agency next month, almost a year to the day since we closed the previous facility. While our staff in the surrounding agencies have done an excellent job handling the customer overflow, I am sure that residents throughout the area will be pleased with the opening of our new facility and the shorter lines that result.

Immaculate Heart Academy/Share the Keys/JustDrive.com

Given that April is Distracted Driving Awareness month, I want to take a moment to highlight the good work that the MVC is doing year-round to reduce this dangerous behavior. On March 27, I visited Immaculate Heart Academy in Bergen County along with New Jersey Manufacturers Insurance (NJM) to congratulate the students there on winning a NJM-sponsored statewide safe driving competition. In return for collecting the most safe-driving pledges, in total, of any schools in the state, they were awarded \$2,500 to support their driver education program. Additionally, all of the students received a gift bag with JustDrive.com promotional items. Thanks to our partnership with NJM's *Share the Keys* initiative, we have been able to introduce the JustDrive.com curriculum to every high school in the state. We hope to continue to build on the success of this program, which aims to involve parents in helping their children develop safe driving habits. In addition to my visit to the Immaculate Heart Academy, I will be speaking at the Rebecka Vereva Foundation's annual Education Symposium in Cliffside Park later this month. Because of this Foundation, thousands of students and educators have had the opportunity to learn about the dangers of distracted and aggressive driving, and I look forward to the opportunity to do my part to prevent the tragic loss of life due to reckless behavior behind the wheel.

JustDrive.com 125

And one more item I would like to mention - I am excited to announce that the MVC will once again be sponsoring the third annual JustDrive.com 125 NASCAR race down in Millville, New Jersey. This year's race will be taking place on Saturday, June 16, and will enable our JustDrive.com campaign, which highlights the consequences of talking and texting while driving, to reach approximately 10,000 race fans. So if you are a race fan, we hope to see you down there as a volunteer. And if you are not, please continue to help our efforts and spread the message that people need to put down the phone and Just Drive.

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 help customers with limited English-language proficiency. As a result of our actions today, we will ensure that every New Jersey resident is able to request a translator when taking the written driving exam and the road test. This change will ensure that the MVC is in compliance with federal standards and that our services are accessible to all New Jerseyans.

Retirement

Finally, I would like to take a moment to recognize the exemplary service of Jeanne Ashmore, whose last day with the Commission will be April 30th. Jeanne has been an integral part of this organization since her appointment as Deputy Chief Administrator in 2014, and she was instrumental in advancing many of our priorities and initiatives. Jeanne, on behalf of the MVC Board, as well as the Commission, thank you for all of your hard work and dedication over the past three years and best of luck in your retirement. You will certainly be missed.

The following Agenda Items were presented for approval:

Minutes: February 15, 2018. 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 February 15, 2018.

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

1804-01: Vice-Chair. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act that MVC Board appoint a Vice-Chair, by designating Susan Pigula, the Board Designee from the New Jersey Department of Transportation, to serve as Vice-Chair of the New Jersey Motor Vehicle Commission Board through January 1, 2019.

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

1804-02: Board Secretary. This item is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act for a MVC Board Secretary "who need not be a Board Member," by appointing a current MVC employee, John G. Donnelly, Esq.

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

1804-03: Interpreters 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 Interpreters regulation. Kate Tasch of the Regulatory and Legislative Affairs Office presented the regulation.

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

1804-04: Emergency Vehicles 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 Emergency Vehicles regulation. Richard DelMonaco of the Regulatory and Legislative Affairs Office presented the regulation.

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

1804-05: Title to Vehicles Abandoned on State Property Regulation. This regulation was tabled in order that the Administrative Practice Officer (APO) Kate Tasch may review a Comment that was timely-submitted by Anthony E. Bush, Esq., of Eckerts Seamans. Mr. Bush today audibly voiced his concern from the audience that his timely-submitted Comment was not included in the Final Adoption of this regulation, apparently due to an inadvertent omission by the APO, as submitted for the Board's consideration today.

Vice-Chair Pigula moved the motion to table, Board Member Scaturro seconded it and it was unanimously adopted.

1804-06: Compliance and Safety 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 Compliance and Safety regulation. JoAnne Sutkin of the Regulatory and Legislative Affairs Office presented the regulation.

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

Legislative Report. A briefing was provided by Board Secretary Jack Donnelly, who also is temporarily serving as Legislative Liaison, including a summary of legislative activity since the February 2018 Motor Vehicle Commission Board meeting.

Acting Chair Fulton thanked Jack for the presentation.

Public Comments:

No member of the public offered comments.

Acting Chair Fulton 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 Board Member Orcutt and unanimously adopted at 3:00 p.m.

ITEM 1806-01: ENFORCEMENT SERVICE 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 Final Adoption of amendments to the Enforcement Service regulations concerning various topics.

PURPOSE

This is a Final Adoption. The effect of this item is to amend the Enforcement Service regulations concerning various topics.

ACTION

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

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 Final Adoption of amendments to the Enforcement Service regulations concerning various topics;

NOW, THEREFORE, BE IT RESOLVED that the Chair is authorized to file with the Office of Administrative Law a notice of the Final Adoption of amendments to the Enforcement Service regulations concerning various topics, in substantially the form as attached in **Exhibit A**.

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

ENFORCEMENT SERVICE

**Vehicle Inspection Rules
School Bus Standards
Automatic Vehicle Identification Systems
Parking on State Property**

Adopted Amendments: N.J.A.C. 13:20-26, 28, 50, and 50A through 50C.

Adopted Repeals: N.J.A.C. 13:20-10, 14, 27, 49, and 49A through 49E.

Adopted New Rule: N.J.A.C. 13:20-50D.

Proposed: October 2, 2017, at 49 N.J.R. 3344(a).

Adopted:

Authorized By: _____

**B. Sue Fulton, Chair and Chief Administrator
Motor Vehicle Commission**

Authority: N.J.S.A. 39:2A-28, 39:3-33.7, 39:3-43, 39:3-63, 39:3-74, 39:3-75, 39:3-75.2, 39:3-77, 39:3-77.1, 39:3-81, 39:3-82, 39:3-84, 39:4-208, 39:3B-1, 39:3B-1.1, 39:3B-2, 39:3B-4, 39:3B-5, 39:3B-5.1, 39:3B-5.2, 39:3B-5.3, 39:3B-5.4, 39:3B-8, 39:3B-9, 39:3B-10, 39:3B-11, 39:3B-12, 39:3B-14, 39:3B-15, 39:3B-19, 39:3B-20, 39:3B-21, 39:3B-24, 39:5B-29a, 39:8-1, 39:8-2, 39:8-3, 39:8-4, 39:8-4.1, 39:8-5, 39:8-6, 39:8-7, 39:8-8, 39:8-9, 39:8-10, 39:8-45, 39:8-52, 39:8-53, 39:8-57, 39:8-77, and 39:10-4.

Effective Date:

Expiration Date: December 4, 2020

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

The proposed amendments, repeals, and new rules make specific references to Federal regulations that remain in effect, allowing for the reduction of duplicative rules and harmonizing Federal and State standards. In those instances where the Commission is adopting the Federal standards outright, they do not exceed the requirements in those standards because they are being adopted, as amended and supplemented. The incorporated standards are 49 C.F.R. 396.3, 49 C.F.R. 396.9c, 49 C.F.R. 396.9d, and 396.11.

Full text of the adopted amendments and adopted new rule follows:

ITEM 1806-02: ZONE OF RATE FREEDOM (Z.O.R.F.) REGULATION**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, at section 98 assigns to MVC the duty to implement the Zone Of Rate Freedom (Z.O.R.F.) law found at N.J.S.A. 48:4-2.20 to 2.25. In 1995, the New Jersey Department of Transportation (NJDOT) had assigned this duty to the former Division of Motor Vehicles (DMV) when DMV was transferred to NJDOT, and MVC has inherited it.

PURPOSE

The effect of this Final Rule for ZORF for 2018 is to fulfill the statutory requirement that MVC set a percentage limit or "Zone" within which private bus companies are *free* to adjust their *rates* (or fares or charges) for in-state bus routes. Under P.L. 1983, c.517, private bus companies are free to make these adjustments. Of over 100 such companies, typically up to five exercise that freedom annually and notify MVC, which confirms any adjustment is within the ZORF Zone. The Final Rule for 2018 authorizes a 10% increase and 10% decrease.

ACTION

Approval of this item will authorize the Chair to file the 2018 ZORF Regulation with the Office of Administrative Law (OAL) as a Final Rule. The rule states in relevant part:

"16:53d-1.1 General Provisions.

Any regular route autobus carrier operating within the State which seeks to revise its rates, fares or charges in effect as of the time of the promulgation of this rule shall not be required to conform with N.J.A.C. 16:51-3.10...provided the increase or decrease in the rate, fare or charge, or the aggregate of increases and decreases in any single rate, fare or charge is not more than the maximum percentage increase (10 percent for 2018) or decrease (10 percent for 2018), upgraded to the nearest \$.05."

FISCAL IMPACTS

MVC does not receive any proceeds from any rate, fare or charge adjustments. It is fulfilling a duty assigned to DMV in 1995. For illustrative purposes, a 10% increase on a \$1.65 fare would result in a \$.10 fare adjustment to \$1.85, and a 10% decrease on a \$1.25 fare would result in a \$.15 fare adjustment to \$1.10.

RESOLUTION

WHEREAS, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c. 335 and by P. L. 2009, Chapter 298, at section 98 assigns to the Motor Vehicle Commission the duty to implement the Zone Of Rate Freedom (Z.O.R.F.) law found at N.J.S.A. 48:4-2.20 to 2.25; and

WHEREAS, in 1995, the New Jersey Department of Transportation (NJDOT) had assigned this duty to the former Division of Motor Vehicles (DMV) when DMV was transferred to NJDOT, and MVC has inherited it; and

WHEREAS, the Zone of Rate Freedom law authorizes limits or zones within which private bus companies are free to adjust their in-state bus route rates, fares or charges;

NOW, THEREFORE BE IT RESOLVED that the Chair is authorized to file with the Office of Administrative Law this Final Rule of the Zone of Rate Freedom regulation for 2018, in substantially the form as attached in **Exhibit A**.

EXHIBIT A

TRANSPORTATION

MOTOR VEHICLE COMMISSION

REGULATORY AFFAIRS (COMMERCIAL PASSENGER TRANSPORTATION)

Zone of Rate Freedom

Adopted Amendment: N.J.A.C. 16:53D-1.1

Proposed: February 5, 2018 at 50 N.J.R. 714

Adopted: _____, 2018 by the Motor Vehicle Commission,

B. Sue Fulton, Chair and Chief Administrator

Filed: July ____, 2018 as R. 2018, d. , **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 48:2-21, and 48:4-2.20 through 2.25

Effective Date: July ____, 2018

Expiration Date: September 21, 2024

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal Standards analysis is not required because the rules that are the subject of this adoption are dictated by State statutes and are not subject to Federal requirements or standards.

ITEM 1806-03 LAURETTE K. ASANTE

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, requires at Section 2 that MVC's four public members are to be appointed by the Governor with the advice and consent of the Senate.

PURPOSE

MVC Board Member Laurette K. Asante was appointed by Governor Jon S. Corzine to serve a term of three years in September 2006 as the statutory Business Operations representative on the Board. Of note, business operations have played an important role in Laurette's career, both in government and in the private sector, with an extensive background in labor relations, contract compliance, employee relations, litigation and regulatory compliance. She has a Columbia University undergraduate degree, and a Rutgers University law degree. Ms. Asante continued to serve on the Board after the expiration of her term in January 2010, without a reappointment or successor, consistent with law. Ms. Asante resigned from the Board on and effective May 18, 2018 in order to accommodate her increasingly demanding business opportunities.

ACTION

Approval of a Board Resolution to honor Laurette K. Asante for her contributions to MVC and wishing her well in her new endeavors. While Ms. Asante will be unable to attend the June 12 Board Meeting, the Resolution with the Commission's raised gold Seal will be delivered to her.

FISCAL IMPACTS

None.

RESOLUTION

WHEREAS, Laurette K. Asante, has served honorably as a Board Member of the Motor Vehicle Commission, having been confirmed by the New Jersey State Senate and appointed to the Board by the Governor of the State of New Jersey on September 25, 2006; and

WHEREAS, Laurette announced her resignation due to her increasing professional responsibilities and business opportunities, effective May 18, 2018; and

WHEREAS, Laurette served continuously on the Board from September 25, 2006 for her entire term to January 1, 2010; and continued in office with distinction and statutory authority until May 18, 2018; and

WHEREAS, Laurette, as a graduate of both Columbia University and Rutgers University; a former Director of Labor Relations for the Newark Public School District, and with noteworthy experiences as a private sector and public sector senior-level executive and attorney, has a wide breadth of experience ranging from labor relations, contract compliance, employee relations, litigation, regulatory compliance and business operations; and

WHEREAS, Laurette served on the Board, consistent with the "Fix DMV" law, as a resident of a Southern county, as a member of the Democratic political party, and as the Board expert in Business Operations;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the New Jersey Motor Vehicle Commission ("Commission") expresses its profound appreciation and heartfelt thanks to Laurette K. Asante for her praiseworthy efforts; and

BE IT FURTHER RESOLVED, that the Commission hereby honors and salutes Laurette K. Asante as she concludes an exemplary tenure of service to the Motor Vehicle Commission, commends her dedicated service to the people of this State, and extends sincere best wishes for her continued success; and

BE IT FURTHER RESOLVED, that this resolution be spread in full upon the minutes of the meeting of the Commission held on the twelfth day of June, two thousand and eighteen, and that a copy thereof signed by the Chair and Board Members be presented with appreciation to Laurette K. Asante.



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

STATE OF NEW JERSEY

Philip D. Murphy
Governor

To: Sue Fulton, Chair and Chief Administrator

Sheila Y. Oliver
Lt. Governor

CC: MVC Board Members

B. Sue Fulton
Chair and Chief Administrator

From: Jack Donnelly, Board Secretary and
Temporary Legislative Liaison

Date: June 12, 2018

Re: Legislative Report

This Legislative Report provides a summary of legislative activity being tracked by the Motor Vehicle Commission (MVC) since the April 10, 2018 MVC-Board meeting.

Senate Confirmation and Swearing-in

Governor Murphy officiated at the swearing-in of Sue Fulton as the fourth Chair and Chief Administrator of the Motor Vehicle Commission on April 17, 2018 in a private ceremony in the Governor's office.

Bills Signed into Law

A-2014 ACS (Coughlin/Schaer/Eustace/Downey/Benson/Wimberly/McKeon/Jasey/Chiaravalloti) Governor Murphy signed this "Automatic Voter Registration" legislation into law as P.L. 2018, c.6 on April 17, 2018. Currently, the MVC offers voter registration to customers with both the driver license application and the non-driver ID application, and with renewals. Chair and Chief Administrator Fulton directly participated in the drafting of this new law, which requires the MVC to automatically register to vote and update the voter registration of all eligible customers applying for a driver license or non-driver identification card, special permit and exam permit; further, the new law applies to renewals of driver licenses and non-driver identification cards. The law provides an opt-out provision. The law will be implemented when on-line driver license renewals are available.

Bills on the Governor's Desk

A-1718/S-478 (Vainieri Huttler/Gusciora/Zwicker/Chiaravalloti/Vitale/Weinberg) Revises procedure for issuance of amended birth certificate for person who has undergone change in gender; bill is entitled "Babs Siperstein Law."

A-3251(Taliaferro) / **S-332** (Cruz-Perez / Stack) Authorizes impoundment of all-terrain vehicles and dirt bikes for certain crimes and offenses. This does not directly affect MVC core operations. 8382

A-3686 (Coughlin) Workplace Democracy Enhancement Act, which ensures that employee organizations that are the exclusive representatives of public employees in collective negotiations are able to carry out their statutory duties by having access to and being able to communicate with the employees they represent. This does not directly affect MVC core operations.

A-1726 (Vainieri Huttie/Eustace/Pinkin/Jasey) / **S-493** (Vitale/Gill) Defines information to be included on death certificates, including gender identification. This does not directly affect MVC core operations.

A-1727 (Vainieri Huttie/Pinkin/Jasey) / **S-705** (Ruiz/Vitale) Establishes Transgender Equality Task Force. This does not directly affect MVC core operations.

A-3749 (Kean, S./Thomson) Designates portion of Interstate Highway Route 195 in Township of Howell as "State Trooper Marc K. Castellano Memorial Highway." This does not directly affect MVC core operations.

S-2316 (Weinberg) Clarifies "Predatory Towing Prevention Act" applies to commercial motor vehicles. This does not directly affect MVC core operations.

A-1718/S-478 (Vainieri Huttie/Gusciora/Zwicker/Chiaravalloti/Vitale/Weinberg) Revises procedure for issuance of amended birth certificate for person who has undergone change in gender. This does not directly affect MVC core operations.

Passed one House

S-1484 (Singleton) "Antwan's Law"; reduces speed limit on Route 130 near Burlington City High School and Wilbur Watts Intermediate School. This does not directly affect MVC core operations. Passed in Senate.

S-1697 (Sarlo/Oroho) Exempts fuel used for operation of certain school buses from petroleum products gross receipts tax and motor fuel tax; clarifies tax treatment of certain dyed fuel thereunder; clarifies determination of taxable estates of certain decedents. This does not directly affect MVC core operations. Passed in Senate.

A-1223 (McKeon/Benson/Kennedy/Johnson) / **S-1793** (Smith/Greenstein) Concerns low emission and zero emission vehicles; establishes Clean Vehicle Task Force. This does not directly affect MVC core operations. Passed in Senate.

SR-57 (Cryan) Respectfully urges Motor Vehicle Commission to reopen office in Elizabeth, New Jersey. Passed in Senate.

A-579/S-2478 (Moriarty/Jimenez/Pintor Marin/Wimberly/Beach) Requires dealership to notify buyers of recalls on used motor vehicles for sale. This does not directly affect MVC core operations. Passed in Assembly.

A-1277 (Tucker, Holley, Lopez) Requires hospitals and homeless shelters to provide information on services and resources to individuals who are homeless or military veterans. This does not directly affect MVC core operations. Passed in Assembly.

A-3683 (Murphy/McKnight/Jones) Authorizes parking privileges for certain healthcare workers who render care at patients' home residences. MVC has suggested non-legislative alternatives and sought amendments to address staffing and enforcement issues. Passed in Assembly.

A-1026 (Johnson/Wimberly/McKnight/Tucker) Prohibits disqualification of certain minority-owned and women-owned businesses for certification. This does not directly affect MVC core operations. Passed in Assembly.

A-3409 (Armato/Murphy/Lopez) Permits municipality to establish restricted parking spaces for certain volunteer firefighters. This does not directly affect MVC core operations. Passed in Assembly.

A-1521 (Zwicker/Holley/Barclay/McKnight/Mukherji) / **S-1218** (Beach/Cruz-Perez) "New Voter Empowerment Act"; permits 17 year olds to vote in primary election if they turn 18 years old before next succeeding general election. This does not directly affect MVC core operations. Passed in Assembly.

Recent Action on Bills of Note

S-2167 (Pennacchio/Pou) Dedicates \$500,000 annually in revenues from vessel registration and renewal fees to NJ Greenwood Lake Fund. This does not directly affect MVC core operations, but Treasury has expressed concerns. 2nd reading in Senate.

S-1688 (Van Drew / O'Scanlon) - Requires driver's manual to include driver's and law enforcement officer's responsibilities during police stop and under "move over" law; requires testing on responsibilities during police stop; authorizes testing on duties under "move over" law. This does not directly affect MVC core operations. 2nd reading in Senate.

S-2579 (Sweeney) - Concerns use of digital parking meters to monitor parking compliance; establishes fund to encourage designated drivers. This does not directly affect MVC core operations. 2nd reading in Senate.

S-2538 (Singleton) - Amends definition of veteran to include one who has been honorably discharged from the National Guard, and authorizes such person to be recognized on their driver license as a veteran via MVC's existing driver license veteran designation. This does not directly affect MVC core operations. 2nd reading in Senate.

S-649 (Beach) - Provides primary and school election sample ballots may be sent to registered voter by electronic mail if so requested. This does not directly affect MVC core operations. 2nd reading in Senate.

S-756 (Diegnan) - Updates notice of elections requirements to include information for voter to obtain polling place locations. This does not directly affect MVC core operations. 2nd reading in Senate.

S-1758 (Weinberg) - Codifies donated leave program for State employees in career, senior executive, and unclassified service. This does not directly affect MVC core operations. 2nd reading in Senate.

S-1305 (Pennacchio) - Permits certain applicants to submit personal statement of veteran status, in lieu of determination of veteran status, prior to issuance of civil service eligible list; requires submission of determination of status prior to employment. This does not directly affect MVC core operations. 2nd reading in Senate.

S-1860 (Cruz-Perez) - Provides immunity from civil and criminal liability for rescue of animal from motor vehicle under inhumane conditions. This does not directly affect MVC core operations. 2nd reading in Senate.

S-838 (Turner) Establishes that payment plan for motor vehicle surcharges is mandatory upon request; extends payment period. MVC forwards the surcharges to Treasury, which has expressed concerns. 2nd reading in Senate.

S-1080 (Turner) Establishes restricted use of driver's license endorsement for certain motor vehicle offenders with suspended license. MVC has expressed concerns. 2nd reading in Senate.

S-1640 (Diegnan) Creates civil service preference for peacetime veterans. This does not directly affect MVC core operations. 2nd reading in Senate.

S-342 (Cruz-Perez) Requires additional data in annual temporary disability and family leave insurance reports. This does not directly affect MVC core operations. 2nd reading in Senate.

S-1838 (Ruiz/Diegnan) Permits individuals to submit TDI and family temporary disability leave claims to DOLWD prior to commencement of leave under certain circumstances and requires timely payment of benefits for such claims. This does not directly affect MVC core operations. 2nd reading in Senate.

S-723 (Singer/Diegnan) Authorizes use of electric school buses. This does not directly affect MVC core operations. 2nd reading in Senate.

S-1856 (Turner/Pennacchio) Allows person with implanted medical device to voluntarily make notation on driver's license. MVC supports. 2nd reading in Assembly.

S-2390 (Singleton/Rice) Authorizes creation of special Phi Beta Sigma license plates. MVC has no objection as amended. 2nd reading in Senate.

S-52 (Singleton) Requires disclosure of breach of security of online account. This does not directly affect MVC core operations, as Treasury is taking the lead. 2nd reading in Assembly.

S-1578 (Cruz-Perez) Requires State agencies to post Internet links to programs and services for women as applicable. This does not directly affect MVC core operations. 2nd reading in Senate.

SCR-99 (Ruiz) Proposes constitutional amendment authorizing Legislature to extend civil service hiring preference to veterans who did not serve in time of war. This does not directly affect MVC core operations. 2nd reading in Senate.

A-1242 (McKeon/Bramnick) Bars provisions in employment contracts that waive rights or remedies; bars agreements that conceal details relating to discrimination claims. This does not directly affect MVC core operations. 2nd reading in Assembly.

A-2606 (DeAngelo/Holley/Mukherji) Requires MVC to check Social Security Administration records and mark deceased individuals in MVC database once per month. MVC has expressed concerns. Reported out of Assembly Committee.

A-3766 (Armato/Murphy/Jones) Requires public officer or employee to forfeit pension upon conviction of harassment, sexual contact, lewdness, or sexual assault when offense involves or touches upon public office or employment. This does not directly affect MVC core operations. 2nd reading in Assembly.

A-2718 (McKeon) Establishes public-private alternative fueling station pilot program and requires DOT to conduct study. This does not directly affect MVC core operations. 2nd reading in Assembly.

A-432 (Schaer/Greenwald/Murphy) Provides for appointment to board of directors of New Jersey Automobile Insurance Risk Exchange by Commissioner of Banking and Insurance. This does not directly affect MVC core operations. 2nd reading in Assembly.

A-1859 (Lampitt/Barclay/Jones/Mukherji) Clarifies that owners of self-driving motor vehicles must comply with existing insurance requirements. This does not directly affect MVC core operations. 2nd reading in Assembly.

A-111 (DeAngelo/Danielsen) Authorizes special Combat Action Badge license plate program. MVC has no objection as amended. 2nd reading in Assembly.

A-3923 (Zwicker) Requires commercial Internet website and online service operators to conspicuously post their privacy policy. This does not directly affect MVC core operations. 2nd reading in Assembly.

A-1521 (Zwicker/Holley/Muoio/Eustace/Barclay/McKnight/Mukherji) "New Voter Empowerment Act"; permits 17 year olds to vote in primary election if they turn 18 years old before next succeeding general election. This does not directly affect MVC core operations. Passed in Assembly, 2nd reading in Senate.

A-1360 (Kennedy/Rooney) Requires certain notifications and free credit reports for customers following breach of security of personal information within business or public entity. This does not directly affect MVC core operations. 2nd reading in Assembly.

AR-158 (Johnson/Pinkin/Moriarty) Commemorates 29th anniversary of New Jersey-Taiwan sister state relationship and recognizes importance of strong and enduring relations between New Jersey and Taiwan. This does not directly affect MVC core operations. 2nd reading in Assembly.