

 **New Jersey
Motor Vehicle Commission**

P.O. Box 160
Trenton, New Jersey 08686-0160

STATE OF NEW JERSEY

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Raymond P. Martinez
Chairman and Chief Administrator

August 8, 2017

Honorable Chris Christie
Governor, State of New Jersey
225 West State Street
Post Office Box 001
Trenton, NJ 08625-0001

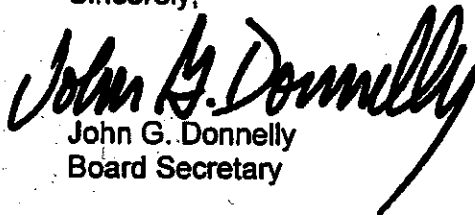


Dear Governor Christie:

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, August 8, 2017.

Thank you.

Sincerely,


John G. Donnelly
Board Secretary

Enclosure



**New Jersey
Motor Vehicle Commission**

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

STATE OF NEW JERSEY

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Raymond P. Martínez
Chairman and Chief Administrator

August 8, 2017

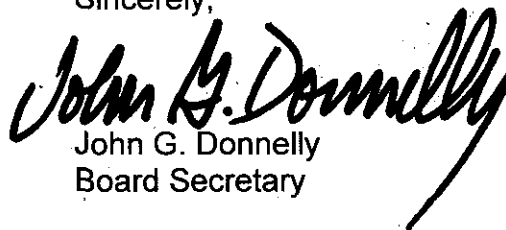
Honorable Chris Christie
Governor, State of New Jersey
225 West State Street
Post Office Box 001
Trenton, NJ 08625-0001

Dear Governor Christie:

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, August 8, 2017.

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 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, August 8, 2017. The meeting was conducted by teleconference, with the public advised by the Public Notice to convene at Floor 8E.

Present:

Chairman Raymond P. Martinez, Chairman (by teleconference)
Stephen S. Scaturro, Vice-Chairman (by teleconference)
Walter Orcutt, Public Board Member (by teleconference)
Joseph Bertoni, Transportation Commissioner Designee (by teleconference)
James Fruscione, State Treasurer Designee (by teleconference)
Gary Poedubicky, Attorney General Designee (by teleconference)
Laurette Asante, Public Board Member, joined at 2:25 p.m. (by teleconference)

Governor's Authorities Unit Assistant Counsel Nicholas Kant was present at Floor 8E, and Deputy Attorney General Jennifer Jarembak participated by teleconference.

Chairman Martinez convened the Open Session at 2:00 p.m. in accordance with the Open Public Meetings Act.

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

Chairman's Report. Chairman Martinez began by welcoming everyone, and updated all attendees on these actions since the June 13 Board Meeting:

Mobile Unit Rollout

We are very close to rolling out the first of two Mobile Agency vehicles that can be deployed statewide to extend the reach of the MVC beyond our brick and mortar offices. These new state-of-the-art mobile units can be utilized in the event of emergencies, or to reach out to groups that can't get to our offices, or even to augment processing capabilities at particularly busy MVC locations. Staff has been hired and are in the process of being trained to operate the new units, and our IT division has been hard at work making sure the computers and equipment are in operation and that our units will be able to connect seamlessly with our agency systems. Thank you to everyone who has been working on this important project.

Purple Heart/Disabled Veteran Placards

The placards are our latest initiative to recognize Purple Heart recipients and disabled veterans. On August 3, I was at the Asbury Park VFW along with Deputy Commissioner Raymond Zawacki and representatives from the New Jersey Department of Military and Veterans Affairs, MVC Vice Chairman Steve Scaturro, and local veterans to announce the

availability of new placards for disabled veterans and Purple Heart recipients that will exempt them from municipal parking meter fees. This is the result of a change in law in New Jersey that recognizes these individuals for the sacrifices they have made in service of our country. I would like to thank Vice Chairman Scaturro, for participating in this event and the rollout of this new program.

JustDrive.com

Finally, I would like to share some exciting developments regarding our efforts to combat distracted driving. In June, we joined the Attorney General's office as they announced an expanded #77 program, an initiative that allows drivers to notify law enforcement when they see someone using a cellphone while driving. Residents are encouraged to use a hands-free device, have a passenger call, or pull over to a safe area. If law enforcement is unable to issue a citation, a warning letter will be sent to the owner of the vehicle informing them that their behavior is unsafe and unlawful. Additionally, we are expanding and continuing to build on the partnerships between our JustDrive.com campaign and professional sports teams in the area, including the New York Mets, Yankees, Giants, Jets and the New Jersey Devils. We have entered into a new agreement with Rutgers University which will allow our campaign to reach fans of the Rutgers athletics program, as well as the campus at large. And if that wasn't enough, we are excited to once again sponsor the JustDrive.com125 at the New Jersey Motorsports Park. Last year's event allowed us to reach nearly 10,000 NASCAR fans and we are excited to build on that success.

The following Agenda Items were presented for approval:

Minutes: June 13, 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 Regular Board Meeting of June 13, 2017.

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

1708-01: In Honor of Scott L. Kisch. This action is to honor the tenure of MVC Board Member Kisch, who recently resigned from the Board due to the demands of his professional commitments, having served with notable distinction from January 2010 to July 2017.

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

1708-02: Fiscal Year 2018 Commission Budget. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act that provides at section 13b3 that the Board shall review and approve the annual budget as submitted by the

Chairman and Chief Administrator. Director William Kelly of the MVC Division of Financial Management, presented the FY18 Budget in the amount of \$472,726,000.

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

1708-03: Executive and Administrative 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 Proposed Readoption with Amendments of the Executive and Administrative Service regulations. Board Secretary Jack Donnelly presented the Proposed Readoption with Amendments.

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

1708-04: 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 Proposed Amendment of the Enforcement Service Regulation. Richard DeMonaco of the MVC Office of Regulatory and Legislative Affairs presented the Proposed Amendments.

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

Laurette Asante, Public Board Member, joined at this point (by teleconference).

1708-05: Driving Schools 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 Driving Schools Regulation. Richard DeMonaco of the MVC Office of Regulatory and Legislative Affairs presented the Proposed Amendments.

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

1708-06: Entity Identification Number 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 Licensing Service regulation relative to Entity Identification Numbers. Rebecca Donington of the MVC Office of Regulatory and Legislative Affairs presented the Final Adoption.

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

1708-07: Licensing Service and Titles 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 of the Licensing Service regulation. Rebecca Donington of the MVC Office of Regulatory and Legislative Affairs presented the Proposed New Rule.

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

Legislative Report. A briefing was provided by Legislative Liaison Laura Hahn, including:

Bills Signed into Law

A-374 (Auth R39; Prieto D32; Schepisi R39; Jimenez D32; Mukherji D33; Sacco D32; Cruz-Perez D5) prohibits MVC from imposing duplicate license or identification card fee and digitized picture fee if duplicate is requested to reflect change in organ donor status. 07/13/17: Signed by the Governor P.L.2017, c.108.

A-3749 (DeAngelo D14; Land D1; Chaparro D33; Wimberly D35; Beach D6; Connors, C. R9) allows "100 percent Disabled Veterans" to receive parking privileges reserved for persons with disability, and receive from the MVC a person with a disability card, hanging placard, and license plates that display a wheel chair insignia. 07/21/17: Signed by the Governor P.L.2017, c.166.

A-4401 (Greenwald D6; Land D1; Andrzejczak D1; Rible R30; Mazzeo D2; Houghtaling D11; Benson D14; Danielson D17; Beach D6; Madden D4) authorizes certain benefits for certain family members of military personnel who died while on active duty. 07/21/17: Signed by the Governor P.L.2017, c.175.

A-3911 (Wisniewski D19; Vainieri Huttel D37; Mukherji D33; Cardinal R39; Pennacchio R26) provides that motor vehicle registration expires on registrant's numerical calendar day of birth. 8/7/17: Signed by the Governor.

S-1750 (Madden D4; Cruz-Perez D5; Bucco R25; DeAngelo D14; Space R24; Mosquera D4; Wisniewski D19; DeCroce, B. R26; Mukherji D33; Jones D5) establishes special motorcycle license plates for veterans. 8/7/17: Signed by the Governor.

Recent Action on Bills of Note

A-1540 (Peterson R23; Moriarty D4; Tucker D28; Danielsen D17) authorizes special Support Our Veterans license plate with proceeds supporting New Jersey homeless veteran's centers. This bill authorizes a special Support Our Veterans license plate with the proceeds supporting New Jersey homeless veterans' centers, Veterans Haven, North and South. The design of the license plate would be chosen by the Chief Administrator of the New Jersey Motor Vehicle Commission in consultation with the Division of Veterans' Services in the New Jersey Department of Military and Veterans' Affairs (NJDMVA). There is a \$50 initial fee, in addition to the registration fees required by law, with a \$10

annual fee, in addition to the renewal fees required by law. The additional fees, after the deduction of the cost of producing and publicizing the plates, will be deposited into a special non-lapsing fund known as the "Support Our Veterans License Plate Fund." The proceeds of the fund are to be annually appropriated to the Veterans Haven Council within the (NJDMAVA). The bill provides that no State or other public funds may be used by the commission for the initial cost of producing, issuing, and publicizing the availability of Support Our Veterans license plates or any computer programming changes which may be necessary to implement the Support Our Veterans license plate program. The bill also requires that the Veterans Haven Council or other individual or entity designated by the Veterans Haven Council, contribute monies in an amount to be determined by the chief administrator, not to exceed a total of \$25,000, to be used to offset the initial costs incurred by the commission for producing, issuing, and publicizing the availability of Support Our Veterans license plates, and any computer programming which may be necessary to implement the program. The bill prohibits the commission from designing, producing, issuing, or publicizing the availability of Support Our Veterans license plates, or making any necessary programming changes, until: (1) the Veterans Haven Council, or its designee, has provided the commission with the money necessary to offset the initial costs incurred by the commission in establishing the Support Our Veterans license plate program; and (2) the Veterans Haven Council, or its designee, has provided the commission with a minimum of 500 completed applications for Support Our Veterans license plates, upon the availability for purchase of those plates. 06/22/17: Passed in Assembly 76-0-0; Received in Senate and referred to Senate Military and Veterans' Affairs Committee.

A-3149 (Land D1; Andrzejczak D1; DeAngelo D14; Chiaravalloti.D31) provides for special Bronze Star license plates. This bill authorizes the Chief Administrator of the New Jersey Motor Vehicle Commission to issue special license plates to recipients of the Bronze Star. The surviving spouse of a Bronze Star recipient may retain special license plates obtained pursuant to the bill. The license plate is to display the words "Bronze Star" and the Bronze Star emblem, along with the registration number and other markings or identification otherwise prescribed by law. An application to obtain a Bronze Star Medal license plate is to include satisfactory proof that the applicant is a recipient of the Bronze Star Medal as evidenced by the applicant's DD-214 form or on a Certificate of Release or Discharge from Active Duty. In addition to the required motor vehicle registration fees, there is an application fee of \$50 and an annual renewal fee of \$10 for the Bronze Star Medal license plates. After deducting the cost of producing and publicizing the plates, the additional fees collected will be deposited into the "Bronze Star Medal License Plate Fund" and the funds will be appropriated annually to the New Jersey Department of Military Veterans' Affairs for programs to benefit Bronze Star Medal recipients. The bill also requires that the Adjutant General of the department appoint a liaison to represent the department in all communications with the commission regarding the Bronze Star Medal license plates. The bill provides that no State or other public funds may be used by the commission for the initial cost to implement the Bronze Star Medal license plate program. The bill requires an individual or entity designated by the department to contribute non-public monies, not to exceed \$25,000, to offset the initial costs to design, produce, issue, and publicize the license plates. The bill authorizes the department to receive funds from private sources to

be used to offset the initial costs. The Chief Administrator is not required to design, produce, issue, or publicize the availability of the Bronze Star Medal license plates, until: (1) an individual or entity designated by the department has provided the commission with the money necessary to offset the initial costs incurred by the commission in establishing the Bronze Star Medal license plate program; and (2) the department, or its designee, has provided the commission with a minimum of 500 completed applications for the Bronze Star Medal license plates, upon the availability for purchase of those license plates. 06/22/17: Passed in Assembly 75-0-0; Received in Senate and referred to Senate Transportation Committee.

A-4663 (Eustace D38; Vainieri Huttle D37) **permits operation of low-speed electric bicycles.** Under the bill, low-speed electric bicycles may be operated on the streets, highways, sidewalks, and bicycle paths. An operator of a low-speed electric bicycle is not required to register the bicycle, furnish proof of insurance, or have a driver's license. The bill also clarifies that the definitions of a motor vehicle, a motorized bicycle, and a motorized scooter do not include a low-speed electric bicycle. 06/22/17: Passed in Assembly 74-0-0; Received in Senate and referred to Senate Transportation Committee.

S-2874 (Greenstein D14; Cunningham D31) authorizes use of certain electric school buses. This bill authorizes the use of electric school buses, with a maximum width of 102 inches, excluding accessories. Current regulations restrict the width of all school buses to 96 inches, excluding accessories. 6/22/17: Passed in Senate 38-0; Received in Assembly and referred to Assembly Education Committee.

Chairman Martinez thanked Laura for the presentation.

Public Comments:

Public comment was offered by Darryl T. Garvin, Esq., 18 Torne Mountain Road, West Milford, NJ 07480 regarding today's Item No. 1708-07, and he was asked to submit his comments consistent with instructions provided with the publishing of this proposal in the New Jersey Register. Also, Mr. Garvin expressed concerns with "Title Stops" procedures that are unclear. Finally, Mr. Garvin noted that Title transfer timelines are unclear, and requested that Hearings be instituted to prevent delays in Title transfers.

Chairman Martinez thanked everyone for their participation today.

Adjournment:

Since there were no further comments or business, a motion to adjourn was made by Deputy Commissioner Bertoni and seconded by Board Member Orcutt and unanimously adopted at 3:05 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, August 8, 2017

FINAL AGENDA	<u>PAGE</u>
• 1 – CALL TO ORDER	8047
• 2 – OPEN PUBLIC MEETINGS ACT STATEMENT	8047
• 3 – PLEDGE OF ALLEGIANCE	8047
• 4 – APPROVAL OF AGENDA	8047
• 5 – CHAIRMAN'S REPORT	8047
• 6 – APPROVAL OF MINUTES OF JUNE 13, 2017	8054
• 7 – APPROVAL OF ITEM 1708-01 – IN HONOR OF SCOTT L. KISCH	8060
• 8 – APPROVAL OF ITEM 1708-02 – FY2018 COMMISSION BUDGET	8062
• 9 – APPROVAL OF ITEM 1708-03 – PROPOSED READOPTION WITH AMENDMENTS – EXECUTIVE AND ADMINISTRATIVE SERVICE	8070
• 10 – APPROVAL OF ITEM 1708-04 – PROPOSED AMENDMENTS – ENFORCEMENT SERVICE REGULATION	8089
• 11 – APPROVAL OF ITEM 1708-05 – FINAL ADOPTION – DRIVING SCHOOLS REGULATION	8121
• 12 – APPROVAL OF ITEM 1708-06 – FINAL ADOPTION – ENTITY IDENTIFICATION NUMBER REGULATION	8124
• 13 – APPROVAL OF ITEM 1708-07 – PROPOSED NEW RULES – TITLE TO VEHICLES ABANDONED ON PRIVATE PROPERTY	8127
• 14 – LEGISLATIVE REPORT	8145
• 15 – PUBLIC COMMENTS	8051
• 16 – ADJOURNMENT	8051

Approval: Minutes of June 13, 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 June 13, 2017 Minutes were delivered on June 13, 2017 to the Governor, and became effective upon expiration of the ten day period on June 27, 2017.

ACTION

Approval of this item by the Board Members indicates acceptance of the June 13, 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 June 13, 2017 were delivered without delay to the Governor on June 13, 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 June 13, 2017 Board Meeting are effective as of June 27, 2017; and

NOW, THEREFORE, BE IT RESOLVED that the Minutes of actions taken at the June 13, 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 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 13, 2017.

Present:

Stephen S. Scaturro, Vice-Chairman

Scott Kisch, Public Board Member (by speakerphone)

John Case, Transportation Commissioner Designee (by speakerphone)

James Fruscione, State Treasurer Designee (by speakerphone)

Gary Poedubicky, Attorney General Designee

Chairman Martinez, and Board Members Asante and Orcutt, had previously advised that they would be unavailable to participate in today's meeting.

Governor's Authorities Unit Assistant Counsel Labinot Berlaolli participated by speakerphone, and Deputy Attorney General Jennifer Jaremback was present.

Vice-Chairman Scaturro convened the Open Session at 2:00 p.m. in accordance with the Open Public Meetings Act.

Agenda Approval. Board Member Kisch moved to accept the proposed agenda, Director Poedubicky seconded the motion and it was unanimously adopted.

The following Agenda Items were presented for approval:

Minutes: April 13, 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 Regular Board Meeting of April 13, 2017.

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

1706-01: Licensing Service and Scanning 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 Licensing Service and Document Scanning regulation. Richard DeMonaco of the MVC Office of Regulatory and Legislative Affairs presented the Final Adoption.

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

1706-02: Licensing Service and No-Fee 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 Amendment of the Licensing Service Regulation as to no-fee Non-Driver Identification Cards. JoAnne Sutkin of the MVC Office of Regulatory and Legislative Affairs presented the Proposed Amendment.

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

1706-03: Enforcement Service and Licensing Service Regulations. 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 Amendment of the Enforcement Service and Licensing Service regulations as to Autocycles. Richard DeMonaco of the MVC Office of Regulatory and Legislative Affairs presented the Proposed Amendments.

Director Fruscione moved the resolution, Chief of Staff Case seconded it and it was unanimously adopted.

1706-04: Enforcement Service and Amber Lights 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 Amendment of the Enforcement Service Regulation as to Amber Lights. JoAnne Sutkin of the MVC Office of Regulatory and Legislative Affairs presented the Proposed Amendment.

Chief of Staff Case moved the resolution, Board Member Kisch seconded it and it was unanimously adopted.

1706-05: Licensing Service and Farm 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 Proposed Amendment of the Licensing Service Regulation as to Farm Vehicles. Rebecca Donington of the MVC Office of Regulatory and Legislative Affairs presented the Proposed Amendment.

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

Legislative Report. A briefing was provided by Legislative Liaison Laura Hahn, including:

Bills Signed into Law

A-2087 (Mukherji D-33; Schaer D36; Downey D11; Quijano D20; Greenstein D14; Turner D15) Grants drivers additional time to resolve parking violations prior to license or registration suspension. *Signed on 5/11/17 by the Governor as P.L.2017, c.75.*

S-3015 (Rice D28; Ruiz D29; Sumter D35; Oliver D34; Schaer D36; Pintor Marin D29) Requires study of program allowing community service in lieu of paying motor vehicle surcharges. *Signed on 5/1/17 by the Governor as P.L.2017, c.60.*

S-2564/A-4115 (Weinberg D37; Bucco R25; Johnson D37; Vainieri Huttle D37; Bucco R25; Quijano D20; Holley D20; Mukherji D33) Provides that driver's license and identification cards expire every four years on licensee or cardholder's birthday. *Signed on 6/9/17 by the Governor as P.L.2017, c.91.*

Bills on the Governor's Desk

A-374 (Auth R39; Prieto D32; Schepisi R39; Jimenez D32; Mukherji D33; Sacco D32; Cruz-Perez D5) No duplicate license or ID card fees for changing organ donor status.

Recent Action on Bills of Note

A-2729/S-1750 (Bucco R25; DeAngelo D14; Space R24; Mosquera D4; Wisniewski D19; DeCroce, B. R26; Mukherji D33; Madden D4; Cruz-Perez D5) Establishes special motorcycle license plates for veterans.

A-3798/S-211 (Singleton D7; Wimberly; Chiaravalloti D31; Mukherji D33; Auth R39) Authorizes use of school bus monitoring systems.

A-3829 (Houghtaling D11; Downey D11; Andrzejczak D1; DeAngelo D14; Mukherji D33) Permits issuance of motorcycle endorsement to certain out-of-State military personnel.

A-4185/S-2979 (Mukherji D33; Bucco R25; Giblin D34; Doherty R23; Scutari D22) Concerns certain business requirements for motor vehicle dealers.

S-2335 (Cruz-Perez D5) Establishes certain additional examination and special learner's permit requirements.

S-2415 (Rice D28) Establishes For-Hire Vehicle License Plate Task Force; requires issuance of uniquely colored license plate for certain for-hire vehicles and registration of certain for-hire vehicles.

S-2501 (Van Drew D1; Singer R30) Requires MVC to educate and test drivers on responsibilities during police stop.

S-2854/A-4401 (Beach D6; Madden D4; Greenwald D6; Land D1; Andrzejczak D1)
Authorizes certain benefits for certain family members of military personnel who died while on active duty. The committee amendments change the effective date of the bill, having the bill take effect on the first day of the sixth month following the date of enactment instead of immediately.

S-2894/A-4165 (Gill D34; Chaparro D33; Mukherji D33; Chiaravalloti D31) Requires driver education course, certain new driver brochures, and driver's license written exam to include cyclist and pedestrian safety information.

Vice-Chairman Scaturro thanked Laura for the presentation.

Public Comments:

No members of the public sought to make a public comment.

Vice-Chairman Scaturro thanked everyone for their participation today.

Adjournment:

Since there were no further comments or business, a motion to adjourn was made by Chief of Staff Case and seconded by Board Member Kisch and unanimously adopted at 3:05 p.m.

ITEM 1708-01: Scott L. Kisch Resolution**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 Scott L. Kisch was appointed by Governor Jon S. Corzine to serve a term of three years in January 2010 as the statutory Customer Service representative on the Board. Of note, customer service has played an important role in Scott's career, both in the military and in the private sector. Mr. Kisch continued to serve on the Board after the expiration of his term in January 2013, without a reappointment or successor, consistent with law. Mr. Kisch resigned from the Commission on July 7, 2017 in order to accommodate his increasingly demanding business opportunities.

ACTION:

Approval of a Commission Resolution recognizing Scott L. Kisch for his contributions to MVC and wishing him well in his new endeavors. While Mr. Kisch will not be able to attend the August 8 Board Meeting, the Resolution with the Commission's raised gold Seal will be delivered to him.

FISCAL IMPACT:

None.

RESOLUTION

WHEREAS, Scott L. Kisch, 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 January 11, 2010; and

WHEREAS, Scott announced his resignation due to his increasing professional responsibilities and business opportunities, effective July 7, 2017; and

WHEREAS, Scott served continuously on the Board from January 11, 2010 for his entire term to January 1, 2013, and continued in office with distinction and statutory authority until July 7, 2017; and

WHEREAS, Scott, as a graduate of the U.S. Naval Academy, a former Marine Corps Officer who served as a Company Commander in Desert Storm, and with noteworthy experiences as a private sector and public sector senior-level executive, has a wide breadth of experience ranging from large-scale logistics operations, to policy development as well as to public affairs and customer service; and

WHEREAS, Scott served on the Board, consistent with the "Fix DMV" law, as a resident of a Northern county, as a member of the Democratic political party, and as the Board expert in Customer Service;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Motor Vehicle Commission ("Commission") expresses its profound appreciation and heartfelt thanks to Scott L. Kisch for his praiseworthy efforts; and

BE IT FURTHER RESOLVED, that the Commission hereby honors and salutes Scott L. Kisch as he concludes an exemplary tenure of service to the Motor Vehicle Commission, commends his dedicated service to the people of this State, and extends sincere best wishes for his 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 eighth day of August, two thousand and seventeen, and that a copy thereof signed by the Chairman and Board Members be presented with appreciation to Scott L. Kisch.

ITEM 1708-02 FISCAL YEAR 2018 ANNUAL BUDGET

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 13b3 that the Board shall review and approve the annual budget as submitted by the Chairman and Chief Administrator.

PURPOSE

The effect of this item is to fulfill the statutory requirement that the Board review and approve an annual budget and ensure that projected revenues and service charges are sufficient to adequately fund MVC both in the short and long-term. Governor Chris Christie has signed into law the Fiscal Year 2018 Annual Budget for the State of New Jersey, and the appropriation for the MVC, as reflected in the submitted annual budget, is contained in it.

ACTION

Approval of this item will set the MVC's Fiscal Year 2018 Annual Budget at \$472,726,000 for implementation by the Chairman and Chief Administrator consistent with the Motor Vehicle Security and Customer Service Act, P.L. 2003, c. 13, as amended by P.L. 2007, c. 335 and by P. L. 2009, c. 298.

FISCAL IMPACTS

The budget is consistent with the Motor Vehicle Security and Customer Service Act.

RESOLUTION

WHEREAS, 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, directs at section 13b3 that the Motor Vehicle Commission Board shall review and approve the annual budget as submitted by the Chairman and Chief Administrator; and

WHEREAS, Governor Chris Christie has signed into law the Fiscal Year 2018 Annual Budget for the State of New Jersey, including the appropriation for the Motor Vehicle Commission that is contained therein; and

WHEREAS, the Fiscal Year 2018 Annual Budget for the Motor Vehicle Commission incorporates the final Fiscal Year 2017 individual line items, and the Fiscal Year 2018 Annual Budget individual line items may be adjusted as deemed necessary by the Chairman and Chief Administrator in furtherance of the purposes of the Motor Vehicle Commission and in a manner consistent with the Fiscal Year 2018 Annual Budget for the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED that the Chairman and Chief Administrator is authorized to expend, in the normal course of business, the funds necessary to meet the Motor Vehicle Commission's obligations, essentially in accordance with this Fiscal Year 2018 Annual Budget until the adoption and approval of the Fiscal Year 2019 Annual Budget; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that there is adopted the final Fiscal Year 2017 individual line items and the Fiscal Year 2018 Annual Budget for the Motor Vehicle Commission in the amount of \$472,726,000 as in the attached Exhibit A.

NEW JERSEY MOTOR VEHICLE COMMISSION**EXHIBIT A****FY 2018 BUDGET****BUDGET PRESENTATION**

Good Afternoon Chairman Martinez, Board Members and concerned citizens.

Chairman Martinez, Board Members and Executive and Senior Staff, thank you for the opportunity to present the Motor Vehicle Commission's Fiscal Year 2018 Annual Operating Budget.

Today, I present to you a carefully crafted budget demonstrating Motor Vehicle Commission's commitment to delivering secure, effective and professional motor vehicles services for our customers, business partners and stakeholders.

The FY18 Budget reflects the Commission's core values and commitment to ensuring the fiscal integrity and transparency with a focus on supporting and improving services for our customers, stakeholders and business partners.

OPERATING RESOURCES - REVENUES

The Motor Vehicle Commission projects revenue collections from all sources to be \$1.24 billion during Fiscal Year 2018. The largest percentage of these collections are anticipated for other State Departments at 37% and 28% to the General Fund. MVC utilizes the remaining 31% of revenue collections for its annual operating budget. The allocation breakdown is 17% from Proportional Split monies (that we share with the General Fund), 4% from Dedicated MVC Programs (such as the Bus Programs, Commercial Vehicle Enforcement, Texting While Driving, Motorcycle Safety, and Security Responsibility), and 13% from the 2009 and earlier fee changes (which include items such as GDL Stickers, Abstracts, Standard Sales, Auto Body, etc., as well as the \$6 DDL and \$7 Specialty Surcharges).

The planning and development for the FY 2018 Budget is based upon projected MVC revenues of \$423.4 million, re-appropriated funds of \$43.6 million, budget language transfers of \$11.6 million and expenditures of \$472.7 million. It also includes \$125.7 million in contributions to the General Fund (which is in addition to the proportional split revenues that are diverted directly to the General Fund upon collection). Since 2010, the Commission has diverted over \$950 million in contributions to the General Fund. The Commission is anticipated to end FY 2018 with a \$5.9 million surplus in its Base Operational Budget (exclusive of bond and grant monies).

OPERATING BUDGET EXPENDITURES

The FY18 Budget for salary and fringe benefit costs remain the largest expenditure for the Commission estimated at 47%. The Commission has a budgeted FTE level of 2,119 full-time positions with the ability to hire to the current FTE level of 2,225. This funding will provide for the back-filling of 106 vacancies. It also includes funding for the dedicated accounts for School and Commercial Bus operations (130) and the 120 positions funded through the Security Responsibility program. The budget also includes funding for 234 part-time positions and 91 hourly, with the majority being utilized at the Motor Vehicle Agencies.

The signing of Executive Order 225 has decentralized Office of Information Technology (OIT) software development and maintenance and operations for agency specific applications. OIT will be transferring these IT functions along with 39 FTE to the Motor Vehicle Commission IT Division. I ask you to join me in welcoming our new staff to the MVC Team.

The Commission Materials and Supplies budget has a projected increase of 3% from the previous fiscal year. The projected increase is primarily due to an anticipated increase in supplies for Commission operations, such as office supplies, license plates and enhanced digital driver's license (EDDL) cards.

The Commission Services budget is 36% of the operating budget. This budget category accounts for all of the various technical, professional and legal services as well as information technology software and maintenance costs for Commission operations.

The Commission has completed the public bid process for the Request for Proposal (RFP) of the ***Next Generation of Vehicle Inspections*** contract. The Commission is hopeful for a contract award in FY18.

In the Commission's commitment to moving forward in pursuit of new technologies and project approaches to achieve modernization of its IT infrastructure, continuation of funding has been allocated for the Transformation Project, and including implementation of REAL ID. The Transformation Project is a platform based architecture with several program systems to allow for all systems to communicate and share information. The planned upgrades for Securing MVC Processes and Scanning (SMPAS), REAL ID, Customer Abstract Information Retrieval (CAIR) System, the Multi-Scheduling System and Agency System Replacement will result in improved customer service, security revenue enhancements, and cost efficiencies. The Commission is committed and diligently working to become REAL ID compliant by the end of calendar year 2017.

The Commission experienced an untimely closing of its South Plainfield Agency. The Commission has selected a new leased site in the South Plainfield area. FY18 funding is allocated for building fit-out costs to resume operations.

The Commission is dedicated to improving customer service to the public, stakeholders, and business partners. During the past year, all Commission staff (2,646) received customer service training. Customer service training will now be provided to all employees on a two year renewal cycle.

The Commission will continue to waive convenience fees for online service charges for Registration Renewal, Driver History Abstracts, Restoration Fees and Special and Personalized license plates in order to reduce wait times in the Agencies.

The successful Skip-The-Trip (STT) program was expanded and mail-in renewals have been sent to those eligible. The volume of customers removed from the Agencies through June 2017 was 1.8 million, saving thousands of hours of customer transaction time.

The Commission's much-anticipated Mobile Agency Units purchased last fiscal year have been delivered by the manufacturers. The Commission plans to deploy both Mobile Agency Units in FY18. These Mobile Agency Units will process Driver's License renewals, duplicates, and Registration renewals. The mobile vehicle units will allow the Commission to provide services to its customers in times of disaster, assist select Agencies experiencing high customer volume, Agency renovations, special events, and populations who may have difficulty reaching an Agency.

FEDERAL GRANT FUNDING AWARDS

The Commission is always seeking Federal grant program funding opportunities to supplement its annual budget. The Commission recently applied for two Federal FY17 grants which are anticipated to be awarded during FY18 for approximately \$2.2 million. Federal grant funding includes the Motor Carrier Safety Administration Program (MCSAP) which supplements costs associated with the Commercial Bus Program of approximately \$908,000, plus Commercial Driver License Program Improvement (CDLPI) which will supplement costs for CDL Compliance and Coordination of approximately \$1.3 million.

BOND ACCOUNT

The Commission will continue to utilize accrued bond interest proceeds to help fund capital asset costs. The Commission has transferred some capital expenditures from the operating account to the Bond.

The Commission Bond Account is funding the construction of the Wayne and Delanco Agency sites. The construction of both the Wayne and Delanco Agencies are underway. The Commission has not allocated funding for any new agency construction projects.

The Commission has allocated Bond funding to upgrade its existing phone system to better serve its customers. Information Technology and Procurement staff are in discussions with state contract vendors for a cloud system solution upgrade that best fits our needs.

The FY18 Budget is aligned with the Commission's mission of providing excellence in motor vehicle services and consistent with the Governor's Performance Budget Center according to the three MVC Core Missions: Improving Customer Identification and Document Security, Improving Driver and Vehicle Safety, and Improving Fiscal Sustainability.

I would like to thank the Board Members, Executive, Senior staff and Financial Management staff for their time, effort, and support in preparing this year's budget.

Respectfully Submitted,

William Kelly, Director, Financial Management

NEW JERSEY MOTOR VEHICLE COMMISSION
FY 2018 BUDGET
(Dollars in 000's)

	FY 2017 Budget	FY 2018 Budget
RESOURCES		
MVC Base Budget	\$ 204,468	\$ 210,202
Digital Driver License (\$6)	\$ 13,560	\$ 14,863
Security Surcharge (\$7)	\$ 44,039	\$ 44,763
MVC Dedicated Service Charges	\$ 108,852	\$ 109,819
Market Transition Facility	\$ 1,500	\$ 1,500
Commercial Vehicle Enforcement Fund	\$ 14,431	\$ 14,768
Dedicated Revenues	\$ 26,400	\$ 27,534
OMB Approved Net Transfers	\$ 7,600	\$ 11,600
¹ Re-appropriation	\$ 82,132	\$ 43,631
Total MVC Operating Resources	\$ 502,982	\$ 478,680
EXPENDITURES		
Salaries	\$ 103,210	\$ 104,175
Fringe Benefits	\$ 55,812	\$ 54,649
Overtime	\$ 1,700	\$ 5,318
Total Salaries	\$ 160,722	\$ 164,142
Materials and Supplies	\$ 15,778	\$ 16,252
Services Other Than Personal	\$ 45,828	\$ 55,090
Inspection Contract	\$ 31,445	\$ 40,558
Capital Program Services & Other Service Projects		
Newark A & E	\$ 1,426	
Delanco A & E (increase delayed to FY17)	\$ 96	
Business Continuity Plan (revised for FY17)	\$ 696	
CDLIS Modernization	\$ 120	
Vehicle Information Database + Rental (FY18 is rental only)	\$ 4,651	\$ 1,727
4 IT Projects	\$ 10,894	\$ 9,565
OIT Coding of Servers	\$ 1,500	
Phone System Upgrade (consulting/software)	\$ 1,260	
Windows 10 Upgrade	\$ 3,000	\$ 3,000
FootPrints	\$ 1,500	
Turnstiles (design, mg., permits)	\$ 43	
Maintenance and Fixed Charges	\$ 6,806	\$ 6,820
Claims and Indirect	\$ 507	\$ 57
Additions, Improvements, Equipment	\$ 2,912	\$ 1,933
Eatontown Renovation (increased delayed to FY17)	\$ 399	
Mobile Agency (RV & Equipment)	\$ 1,792	
Phone System Upgrade (hardware)	\$ 540	
Turnstiles	\$ 308	
IT Refresh		\$ 2,905
Facility Fit-Outs etc.	\$ 1,600	\$ 1,825
Shelter Projects		\$ 210
Security Cameras (TOC/garage)	\$ 135	\$ 156
Commercial Vehicle Enforcement	\$ 5,219	\$ 5,695
Dedicated Expenditures	\$ 35,732	\$ 37,067
General Account Services	\$ 138,374	\$ 125,729
SubTotal MVC Expenditure Budget	\$ 473,283	\$ 472,726
² Carry- Forward Projects	\$ 2,681	
Total MVC Operating Expenditures	\$ 475,964	\$ 472,726
Projected Balance Surplus/(Deficit)	\$ 27,018	\$ 5,954

¹Re-appropriation may be modified for revenue and/or expenditure adjustments. Expenditure reductions may be due to delays with projects.

²FY 17 Carry-Forward Projects occurred after the presentation to the board. They include \$1.750m for Queue, \$889k increase for the 4 IT Projects, and \$42k for other various small facility projects.

ITEM 1708-03: EXECUTIVE AND ADMINISTRATIVE 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 Proposed Readoption with Amendments of the Executive and Administrative Service regulations.

PURPOSE

This is a Proposed Amendment. The effect of this item is to propose the Readoption with Amendments of the Executive and Administrative Service regulations.

ACTION

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

MVC Board Chairman and Chief Administrator Raymond P. Martinez 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 Readoption with Amendments of the Executive and Administrative Service regulations;

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law a notice of the proposed Readoption with Amendments of the Executive and Administrative Service regulations, in substantially the form as attached in **Exhibit A**.

MOTOR VEHICLE COMMISSION

EXHIBIT A

Executive and Administrative Service

Proposed Readoption with Amendments: N.J.A.C. 13:18

Authorized By: Motor Vehicle Commission Board, Raymond P. Martinez, Chairman and Chief Administrator, in consultation with Richard Badolato, Commissioner, Department of Banking and Insurance, as to N.J.A.C. 13:18-6.

Authority: N.J.S.A. 39:2-3, 39:2-3.3 et seq., 39:2A-28; 39:2A-33(c); 39:2A-36.1, 39:3-4e, 39:3-6.12b, 39:3-20, 39:3-43, 39:3-84, 39:5-30, 39:6-25, 39:6-50, 39:6-86.1, 39:6-86.4, 47:1A-1, et seq., 17:33B-41, 52:14B-1 et seq., 52:14B-3(1) and 54:39A-24.

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

Proposal Number: PRN 2017 –

Submit written comments by _____, 2017 to:

Kate Tasch, APO
Attention: Regulatory and Legislative Affairs
New Jersey 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

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

The Motor Vehicle Commission ("Commission") proposes to readopt with amendments, the provisions of N.J.A.C. 13:18, Executive and Administrative Service. These rules expire on March 9, 2018, per the Adoption Notice at 43 N.J.R. 1203(a).

The Commission has reviewed the rules and has determined that they are necessary, reasonable and proper for the purpose for which they were promulgated.

The rules contained in N.J.A.C. 13:18 implement the public policy of this State as set forth in various provisions of the Motor Vehicle and Traffic Laws (N.J.S.A. 39:1-1 et seq.) pertaining to: permits for overdimensional and overweight vehicles; reciprocal registration of commercial vehicles used in interstate commerce pursuant to the International Registration Plan (IRP); procedures pertaining to motor vehicle insurance verification; and guidelines for the posting of security deposits with the Commission by uninsured owners and operators who are involved in motor vehicle accidents. The rules also implement the International Fuel Tax Agreement (IFTA), N.J.S.A. 54:39A-1.1 et seq., concerning the reciprocal assessment and collection of motor fuel use taxes from owners of commercial vehicles used in interstate commerce. The rules also set forth the Commission's organizational structure as required by N.J.S.A. 52:14B-3(1) and set forth procedures and fees for the inspection and purchase of government records in accordance with the New Jersey Drivers' Privacy

Protection Act (N.J.S.A. 39:2-3.3 through 39:2-3.7) and the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.).

The subchapters of N.J.A.C. 13:18 are briefly summarized below, together with proposed changes, additions and deletions to various rules contained therein.

Subchapter 1, Permits for Overdimensional or Overweight Vehicles, sets forth the Commission's permit procedures for vehicles that exceed statutory dimensional or weight limitations. The subchapter establishes fees, expiration dates and minimum insurance coverage for such vehicles and sets forth escort vehicle, warning sign, warning flag and lighting requirements for overdimensional or overweight vehicle combinations that are subject to the subchapter. The Commission proposes herein amendments to this subchapter at N.J.A.C. 13:18-1.2 to reference the following recent federal regulatory requirements: (1) 23 U.S.C. 127(a)(13) allows a permit for a vehicle carrying fluid milk products in excess of the gross weight limit of 80,000 pounds or the maximum weight allowed by the Federal Bridge Formula; (2) 23 U.S.C. 127(m) allows a permit for a vehicle that is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility in excess of the gross vehicle weight of the disabled vehicle being transported; (3) 23 U.S.C. 127(r) allows a permit for a vehicle designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations in excess of the weight limit; (4) 23 U.S.C. 127(s) allows a permit for a vehicle operated by an engine fueled primarily by natural gas in excess of the weight limit; (5) 49 U.S.C. 31111 allows a permit for any vehicle combination designed and used for the transport of assembled highway vehicles in excess of weight and length limits, and; (6) 49 U.S.C. 31111 allows a permit for a

combination of vehicles consisting of a trailer transporter towing unit and 2 trailers or semitrailers in excess of the length limit.

Subchapter 2, International Registration Plan, establishes the procedure for the reciprocal registration of commercial vehicles used in interstate commerce, and no amendments are proposed.

Subchapter 3, International Fuel Tax Agreement Implementation, establishes the procedure for the collection of motor fuel taxes by the State of New Jersey and the distribution of tax proceeds on a reciprocal basis to member states, and no amendments are proposed.

Subchapter 4, Rulemaking Petition Procedures, establishes the procedure for any interested person to petition the Commission to adopt a new rule or amend or repeal an existing rule, and no amendments are proposed.

Subchapter 5 is Reserved.

Subchapter 6, Insurance Verification, pertains to the submission of insurance information to the Commission by insurers concerning motor vehicle liability insurance policy cancellation due to nonpayment of premium. The subchapter also provides the administrative framework for the suspension of motor vehicle registrations and driver licenses by the Commission as a result of such insurance cancellation. The Commission proposes herein amendments to this subchapter, as follows: (1) N.J.A.C. 13:18-6.1 definitions would be amended to include the word "automobile" in place of "lines" and insert "entity" in place of "person"; (2) N.J.A.C. 13:18-6.2 would be amended to insert the word "automobile" in place of "lines"; (3) N.J.A.C. 13:18-6.2 at subparagraphs (b) and (e) would now refer to "a secure data exchange" in the place of antiquated technology such as

"magnetic computer tape"; (4) N.J.A.C. 13:18-6.2 (g) would be amended to delete a reference to antiquated technology such as "diskettes"; (5) N.J.A.C. 13:18-6.5 would be amended to allow for an electronic format to be used for proof of insurance and temporary insurance, and would allow the Commission to accept faxes and electronic email for proof of insurance communications; (6) N.J.A.C. 13:18-6.6 would no longer require a notarized statement to be submitted to the Commission in the case of an inoperable vehicle; and (7) Appendix C and Appendix D would be deleted as they are no longer necessary.

Subchapters 7 and 8 are Reserved.

Subchapter 9, Uninsured Motorists, sets forth the circumstances when an uninsured owner or operator is required to deposit monies with the Commission to secure reimbursement of personal injury protection benefits that have been paid by the Unsatisfied Claim and Judgment Fund or to secure payment in part of any judgment or judgments that may be entered against such uninsured owner or operator for damages arising out of a motor vehicle accident, and no amendments are proposed.

Subchapter 10, Advertising On Commission Equipment, Facilities, And Property, sets forth the rules to implement the provisions of N.J.S.A. 39:2A-33c and establish the requirements and procedures for the approval of appropriate and suitable advertising in the interior or on the exterior of any equipment or facility owned or leased by the Commission, in any mailing the Commission conducts, and/or in any publication it produces. Two amendments are proposed, as follows: (1) N.J.A.C. 13:18-10.1, General Provisions, is amended at subparagraph (d) to require a contractor to receive the State and Commission approval prior to the use of the State or Commission's name, logos, images, or any data; and (2) N.J.A.C. 13:18-10.1, General Provisions, is amended at subparagraph (g) to note

the regulation applicable upon breach of contract.

Subchapter 11, Organization of the Motor Vehicle Commission, contains the Commission's organizational structure as required by the Administrative Procedure Act, sets forth the procedures and fees for public inspection and purchase of government records maintained by the Commission and sets forth Commission rulemaking procedures. The subchapter comprehensively sets forth the procedures for accessing motor vehicle records and government records under the common law, the New Jersey Drivers' Privacy Protection Act and the Open Public Records Act. Further, the subchapter describes distribution of proposed rules, and the procedure by which a person or entity may seek a waiver from one or more provisions of the Commission's rules. The subchapter is proposed for amendment at N.J.A.C. 13:18-11.1 to reflect the current organizational structure.

Social Impact

The readoption of N.J.A.C. 13:18 will have a beneficial social impact in that the rules contained therein enhance highway safety, provide a source of recovery for certain classes of individuals who are injured by uninsured owners and operators, reimburse in part the Unsatisfied Claim and Judgment Fund for personal injury protection benefits paid out to persons who have been injured by uninsured owners and operators, and provide procedures for the public to be familiar with the Commission's rulemakings, availability of records, organizational structure, and petitions and waivers as to regulations.

Economic Impact

There is an economic impact on the Motor Vehicle Commission, which is charged with the administration of these rules.

There is an economic impact on those persons and entities that are subject to the provisions of Subchapter 1 since they are required to pay the applicable fees specified therein for the issuance of overdimensional or overweight permits and to comply with the minimum insurance, escort vehicle, warning sign, warning flag and lighting provisions also set forth therein. There is an economic impact on those persons and entities based in New Jersey that are subject to the International Registration Plan (IRP) since they pay the apportioned registration fees and assessments specified for the operation of commercial vehicles in interstate commerce as well as applicable nonapportioned administrative transaction fees assessed by the Commission. See N.J.S.A. 39:3-6.11 et seq. and N.J.A.C. 13:18-2. There is an economic benefit to New Jersey-based motor carriers in that under the IRP they may register in New Jersey to conduct both intrastate and interstate operations in all member jurisdictions rather than registering motor vehicles in each state in which the motor carrier engages in intrastate commerce as was required under preexisting reciprocity statutes and agreements.

There is an economic impact on those persons and entities based in New Jersey that are subject to the International Fuel Tax Agreement (IFTA) since they remit the motor fuel use tax to the Commission when same is due and pay the fees specified for decals and temporary permits for the operation of commercial vehicles in interstate commerce. See N.J.S.A. 54:39A-1.1 et seq. and N.J.A.C. 13:18-3. There is an economic benefit to New Jersey-based motor carriers in that tax credits or refunds are made available under the IFTA

for fuel purchased in New Jersey but used out-of-state and in that New Jersey-based motor carriers may purchase fuel decals in New Jersey for the operation of its vehicles in all member jurisdictions rather than purchasing motor fuel decals in each state in which the motor carrier engages in interstate commerce, as was required under preexisting motor fuel use tax statutes and rules.

Subchapter 6, Insurance Verification, imposes an economic impact on the Motor Vehicle Commission in that the Commission is responsible for the implementation and administration of an insurance verification program which satisfies the requirements of N.J.S.A. 17:33B-41. The Commission funds this program as provided by law. Insurance companies that are required to submit information pursuant to N.J.S.A. 17:33B-41 and N.J.A.C. 13:18-6 incur costs in connection with assimilating, preparing and supplying the required information to the Commission. Motorists whose driving and registration privileges are suspended by the Commission pursuant to N.J.S.A. 17:33B-41 and N.J.A.C. 13:18-6 for failure to maintain liability insurance on a motor vehicle are subject to the payment of a \$100.00 license restoration fee and a \$100.00 registration restoration fee to the Commission pursuant to N.J.S.A. 39:3-10a. Motorists may seek the rescission of an order of suspension of a vehicle registration or driver license pursuant to N.J.S.A. 17:33B-41(d) and (g) and N.J.A.C. 13:18-6.8. Such rescission requires, among other things, the payment of a civil penalty in the amount of \$4.00 for each day up to 90 days for which motor vehicle liability insurance was not in effect after cancellation for nonpayment of the premium. Motorists are not obligated to seek such a rescission of suspension, and those choosing not to request such a rescission do not incur the above mentioned cost. Motorists who have surrendered registration plates to the Commission pursuant to N.J.S.A. 17:33B-41 and who thereafter

acquire motor vehicle liability insurance coverage and furnish proof of same to the Commission incur a fee in connection with obtaining a set of replacement plates for those that have been surrendered to the Commission. Such motorists are required by N.J.A.C. 13:18-6 to pay a fee as set forth in N.J.A.C. 13:20-34.5(b) to the Commission for the set of replacement plates. Such motorists seeking the reissuance of registration plates that contain the same alpha-numeric combination as had been contained on the surrendered plates must first pay the fee as specified above for replacement plates, to be followed by the payment to the Commission of a fee as set forth in N.J.A.C. 13:20-34.5(a)3 for the set of special plates.

Subchapter 9, Uninsured Motorists, imposes an economic impact on owners and operators of uninsured motor vehicles who are required to deposit monies with the Commission to provide a source of recovery for certain classes of individuals injured by uninsured owners and operators. There is a corresponding beneficial economic impact on injured individuals who are otherwise uninsured and on the Unsatisfied Claim and Judgment Fund, which expends funds for personal injury protection benefits to qualified individuals.

Subchapter 11 imposes fees for various records as specified in N.J.A.C. 13:18-11.4. The record fees are designed to offset Commission costs incurred in administering, processing and filing requests for such records. No changes to the record fees are proposed herein.

Federal Standards Statement

A Federal standards analysis is not required because the rules that are the subject of

this proposed readoption are dictated by State statutes and are not subject to Federal requirements or standards.

Jobs Impact

Although the rules could theoretically have an impact upon the jobs in the commercial vehicle and insurance industry, no specific number of jobs generated or lost as a result of these rules can be calculated.

Agriculture Industry Impact

The proposed readoption with amendments will have no impact on the agriculture industry.

Regulatory Flexibility Analysis

The proposed readoption with amendments affects commercial vehicle firms and insurance companies that are small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

The regulatory mandates herein constitute reporting, recordkeeping, and compliance requirements as defined in the Regulatory Flexibility Act. However, they affect only those firms that choose to avail themselves of the noted programs. The Commission believes that these reporting, recordkeeping, and compliance requirements are minimal and impose no burden on those companies. Nor are professional services, such as those provided by

engineers, attorneys or accountants, required for compliance with the reporting and recordkeeping provisions of this rule.

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 to commercial vehicle firms and insurance companies, 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 rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:18.

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

TITLE 13. LAW AND PUBLIC SAFETY

CHAPTER 18. EXECUTIVE AND ADMINISTRATIVE SERVICE

SUBCHAPTER 1. PERMITS FOR OVERDIMENSIONAL OR OVERWEIGHT VEHICLES

13:18-1.2 Requirement of permit

(a) –(c) (No change.)

(d) Consistent with 23 U.S.C. 127(a)(13), permits will be issued for a vehicle carrying fluid milk products, which is considered a load that cannot be easily

dismantled or divided (non-divisible), and that vehicle may exceed the gross weight limit of 80,000 pounds or the maximum weight allowed by the Federal Bridge Formula.

(e) Consistent with 23 U.S.C. 127(m), permits will be issued because the weight limitations under 23 U.S.C. 127(m) do not apply to a Covered Heavy-Duty Tow and Recovery Vehicle, which is a vehicle that is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility, and which has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.

(f) Consistent with 23 U.S.C. 127(r), permits will be issued up to 86,000 pounds, based upon a limit up to 24,000 pounds on a single steering axle, 33,500 pounds on a single drive axle, 62,000 pounds on a tandem axle, or 52,000 pounds on a tandem rear drive steer axle, for an Emergency Vehicle, which is a vehicle designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations.

(g) Consistent with 23 U.S.C. 127(s), permits will be issued up to 82,000 pounds plus the difference between the natural gas tank and fueling system and a comparable diesel tank and fueling system for a Natural Gas Vehicle, which is a vehicle operated by an engine fueled primarily by natural gas.

(h) Consistent with 49 U.S.C. 31111, permits will be issued for the transport of cargo or general freight on a backhaul if it complies with weight limitations for a truck tractor and semitrailer combination.

(i) Consistent with 49 U.S.C. 31111, permits will be issued for a stinger-steered automobile transporter, which is a vehicle combination designed and used for the transport of assembled highway vehicles, with a length of 80 feet or more, a front overhang of more than 4 feet, and a rear overhang of more than 6 feet.

(j) Consistent with 49 U.S.C. 31111, permits will be issued when a Towaway Trailer Transporter Combination is in excess of 82 feet. A Towaway Trailer Transporter Combination is a combination of vehicles consisting of a trailer transporter towing unit and 2 trailers or semitrailers with a total weight that does not exceed 26,000 pounds and that does not carry property or inventory of a manufacturer, distributor or dealer of such trailers or semitrailers.

SUBCHAPTER 6. INSURANCE VERIFICATION

13:18-6.1. Definitions

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

...
"Commercial [lines] **automobile** insurer" means [a person] **an entity** authorized to transact the business of private passenger automobile insurance in New Jersey pursuant to a commercial [lines] **automobile** rating system filed and approved in accordance with N.J.S.A. 17:29AA-1 et seq.
...

13:18-6.2. Reports of personal private passenger automobile insurance policy information to the Chief Administrator of the Motor Vehicle Commission

(a) Personal [lines] **automobile** insurers shall provide the Chief Administrator, or his or her designee, information by vehicle identification number (VIN) concerning the cancellation and issuance of personal private passenger automobile insurance policies on and after February 1, 1991. Commercial [lines] **automobile** insurers shall provide the Chief Administrator, or his or her designee, information by vehicle identification number (VIN) concerning the cancellation and issuance of nonfleet private passenger automobile insurance policies on and after July 1, 1994. Commercial [lines] **automobile** insurers shall only provide information concerning policies covering nonfleet private passenger automobiles registered to individual owners. This information shall be provided on a monthly basis in the manner and form as set forth in Appendices A and B, which are incorporated herein by reference. This information shall be provided in accordance with a schedule of dates set by the Chief Administrator.

(b) Personal [lines] **automobile** insurers shall report by [magnetic computer tape or cartridge (or, for insurers that write less than 750 personal private passenger automobile insurance policies per year in the State of New Jersey, by magnetic computer tape or cartridge or personal computer diskette)] **a secure data exchange** to the Chief Administrator on a monthly basis beginning September 15, 1991, the following information concerning policies cancelled for nonpayment of premium and newly issued policies. Commercial [lines] **automobile** insurers shall report by [magnetic computer tape or cartridge] **a secure data exchange** to the Chief Administrator on a monthly basis beginning September 7, 1994, the following information concerning nonfleet policies cancelled for nonpayment of premium and newly issued nonfleet policies. These reports shall be provided to the Chief Administrator in such format and at such times as he or she shall prescribe. The format for said reports is set forth in Appendices A and B, which are incorporated herein by reference.

1. Vehicle identification number;
2. Driver license number (of owner, if available; if not available, of the primary driver);
3. Automobile make, year and model;
4. Insurance company code;

5. Address of insured including street, city, state and zip code;
6. Transaction type (either cancellation or new policy);
7. Policy effective date;
8. Effective date of policy cancellation;
9. The date on which the tape or cartridge or personal computer diskette containing the information was prepared; and
10. Policy number.

(c) – (d) (No change.)

(e) Insurers shall also report by [magnetic computer tape or cartridge (or, for insurers that write less than 750 private passenger automobile insurance policies per year in the State of New Jersey, by magnetic computer tape or cartridge or personal computer diskette)] a **secure data exchange** to the Chief Administrator every six months, or at such other interval as may be specified by the Chief Administrator, the following information concerning all of their current personal private passenger automobile insurance policies. These reports shall be provided the Chief Administrator in such format and at such times as he or she shall prescribe. The format for said reports is set forth in Appendices C and D, which are incorporated herein by reference.

1. Vehicle identification number;
2. Driver license number (of owner, if available; if not available, of the primary driver);
3. Automobile make, year and model;
4. Insurance company code;
5. Policy effective date; and
6. The date on which the tape or cartridge or personal computer diskette containing the information was prepared.

(f) (No change.)

(g) In order to ensure that reports submitted are compatible with the Motor Vehicle Commission's information system, insurers shall transmit reports of information required by the Chief Administrator pursuant to this section in accordance with all of the Motor Vehicle Commission's technical specifications [including, but not limited to, data set name, internal and external labeling, data block size, codes, tape format and layout, and other physical characteristics of tapes or cartridges or personal computer diskettes].

13:18-6.5. Proof of insurance; submission of fictitious proof

(a) For purposes of section 50 of the FAIR Act (N.J.S.A. 17:33B-41), proof of motor vehicle liability insurance coverage shall consist of the original, [or] copy or **electronic format** of the following:

1. (No change.)
2. **Evidence of a** valid temporary insurance [identification card] **document** issued in accordance with N.J.A.C. 11:3-[6.3]6.5;
3. – 7. (No change.)

(b) An owner may present proof of motor vehicle liability insurance coverage to the Commission by mail, **electronic mail, fax** or in-person.

(c) (No change.)

13:18-6.6. Existence of "allowable circumstances"; avoidance of suspension; proof

(a) For purposes of section 50 of the FAIR Act (N.J.S.A. 17:33B-41), the Chief Administrator deems the existence of the following circumstances sufficient good cause to avoid the suspension of a vehicle registration after notice of cancellation of motor vehicle liability insurance has been received by the Commission:

1. (No change.)

2. The vehicle is inoperable or not in use. The owner must submit to the Commission a [notarized] statement setting forth a description of the vehicle, including the vehicle identification number and registration plate number issued therefor, and the condition of the vehicle which makes it inoperable and/or setting forth the reason why the vehicle is not being used by the owner. The owner must also surrender to the Commission the registration certificate (including any duplicate registration certificate and family registration certificate), and registration plates for the vehicle;

3. – 5. (No change.)

APPENDIX A

INSURANCE VERIFICATION PROGRAM --

[Click here to view image.](#)

APPENDIX B

[Click here to view image.](#)

[APPENDIX C]

[APPENDIX D]

SUBCHAPTER 10. ADVERTISING ON COMMISSION EQUIPMENT, FACILITIES, AND PROPERTY

13:18-10.1 General provisions

(a) – (c) (No change.)

(d) All advertisements shall require the prior written approval of the Chief Administrator of the Motor Vehicle Commission, **and the Contractor shall not use the State's name, logos, images, or any data or results arising from this contract as a part of any commercial advertising without first obtaining the prior written consent of the Director of the Department of the Treasury, Division Purchase and Property and the Chief Administrator of the Motor Vehicle Commission.** Advertisements shall not include the State's or the Commission's name, logos, images, or any data or results arising from an advertising contract as a part of any commercial advertising without first obtaining prior written approval.

(e) – (f) (No change.)

(g) In the event the advertiser fails to provide service in accordance with the contract for advertisement(s), the advertiser shall be considered in breach of contract and the advertisement(s) shall be immediately canceled[.] **consistent with N.J.A.C. 17:12-4.1, et seq.**

(h) – (k) (No change.)

(k) The advertiser shall protect, defend, and hold harmless the Commission, its agents, and employees, from any suits or actions of every nature and description brought against it by reason of the advertisement.

SUBCHAPTER 11. ORGANIZATION OF THE MOTOR VEHICLE COMMISSION

13:18-11.1 Motor Vehicle Commission organizational structure

(a) The Motor Vehicle Commission consists of the [Chair/] **Chairman and Chief Administrator** and such offices and other organizational units as allowed by law and as necessary to carry out the Commission's statutory mandates.

(b) The Motor Vehicle Commission has a Deputy Chief Administrator.

(c) The Motor Vehicle Commission has [two] **four** Deputy Administrators, as follows:

1. Deputy Administrator of **Finance and Administration**; [and]
2. Deputy Administrator of [Operations.] **Agency Services**;
3. **Deputy Administrator of Legal and Legislative Affairs**; and
4. **Deputy Administrator of Business and Compliance**.

(d) [The Motor Vehicle Commission has two Assistant Chief Administrators, as follows:

1. Assistant Chief Administrator, Vehicle Safety, Compliance and Business Operations;
and
2. Assistant Chief Administrator, Motor Vehicle Agency Services.]

(e) The Motor Vehicle Commission has 15 directors, as follows:

1. Director of [Policy and Planning] **Performance Management**;
2. Director of Financial Management;
3. Director of Human Resources;
4. Director of Compliance and Safety;
5. Director of Security, Investigations and Internal Audit;
6. Director of Regulatory and Legislative Affairs;
7. Director of Communications;
8. Director of Facilities and Support Services;
9. Director of Business and Government Operations;
10. Director of [Northern] Agency Services;
11. Director of [Southern] Agency **Support Services**;
12. Director of Information Technology;
13. Director of Inspection Services;
14. Director of Procurement; and
15. Director of Customer Information and Advocacy.

ITEM 1708-04: 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 these proposed amendments of the Enforcement Service regulations concerning various topics.

PURPOSE

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

ACTION

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

MVC Board Chairman and Chief Administrator Raymond P. Martinez 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 these proposed amendments of the Enforcement Service regulations concerning various topics;

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law a notice of the proposed amendments of 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**

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

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

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

Authorized by: Raymond P. Martinez, Chairman, 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.

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

Proposal Number: PRN 2016-____.

Submit comments by _____, to:
Kate Tasch, Administrative Practice Officer
Regulatory and Legislative Affairs
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. Since this notice is not listed in the agency rulemaking calendar, the public comment period for this notice will be 60 days.

The Motor Vehicle Commission (Commission) proposes to amend certain provisions of N.J.A.C. 13:20-1, et seq., to reduce unnecessary regulatory requirements.

N.J.A.C. 13:20-10, Automatic Vehicle Identification Systems, is proposed for repeal. This regulation covers toll transponders and provides for an approval process to place transponders in cars. The Commission does not oversee the placement of transponders in vehicles or approve their use. Repeal of this section reduces the amount of unnecessary and/or redundant regulation.

N.J.A.C. 13:20-14, Parking on State Property, is proposed for repeal. This section applies to parking permits that are no longer issued by the Commission. As written, all vehicle operators including Commission customers and employees, would be required to obtain a permit to park on property under Commission jurisdiction, such as agency and inspection facility parking lots. Repeal of this section reduces the amount of unnecessary and/or redundant regulation.

N.J.A.C. 13:20-26, Compliance with Diesel Emission Standards and Equipment, Periodic Inspection for Diesel Vehicles, is proposed for amendment to delete detailed

inspection procedures and instead reference the Federal inspection procedures found at 49 CFR 396, for safety inspections. This amendment harmonizes the Federal and state standards, and eliminates unnecessary duplication.

N.J.A.C. 13:20-27, Inspection of New Heavy Duty Diesel Trucks, is proposed for repeal; the pertinent portions that need to be retained will be included in N.J.A.C. 13:20-28, Inspection of New Motor Vehicles, which will include regulations regarding new heavy duty diesel trucks. The repeal of section 27 and the amendment of section 28 reduce the amount of duplicative regulation, and consolidate inspection regulations of new heavy duty diesel trucks with new motor vehicles.

N.J.A.C. 13:20-49, Standards for School Buses manufactured July 1985 through May 1993, is proposed for repeal, since school buses of this era cannot be used. Repeal of this section reduces the amount of unnecessary regulation.

N.J.A.C. 13:20-49 A through D, Standards for Buses used in Pupil Transportation manufactured June 1993 through December 2005, is proposed for repeal; pertinent portions (non-duplicative) can be included in N.J.A.C. 13:20-50, and 50 A through C. By amending sections 50 and 50A through C, the amount of duplicative regulation can be reduced, and the regulations for all school buses can be consolidated in the same sections. Further, the repeal of N.J.A.C. 13:20-49E, Autobuses Approved for Pupil Transportation prior to May 21, 1993, and the adoption of the same regulations under the new subchapter 50D, will preserve the regulations for these types of school buses and make them consistent with the amendments in subchapters 50 and 50A through C.

Social Impact

For each part of this proposal, there is no change in practice for any person or entity. The regulations being completely repealed pertain to requirements that are no longer relevant, such as the issuance of parking permits on Commission property and the standards for school buses manufactured prior to May 1993 that are no longer in operation. Also being completely repealed are the regulations pertaining to automatic vehicle identification systems, which are not overseen by the Commission. Consequently, there is no social impact on the repeal of these regulations.

With regard to regulations governing compliance with diesel emission standards, the proposed amendments refer directly to the Federal standards, where the State and Federal standards are compatible. Therefore, no social impact is foreseen with the enactment of these amendments.

The regulations for inspections of new heavy duty diesel trucks are being combined with the regulations for new motor vehicles by the repeal of the regulations governing the former and the amending of the regulations of the latter. None of the substantive requirements for inspecting new heavy duty diesel trucks is being eliminated or enlarged. This proposal merely eliminates the duplicative requirements pertaining to both new motor vehicles and new heavy duty diesel trucks. No social impact is envisioned.

The repeal of the regulations governing the standards for school buses manufactured prior to 2006, and the amendment of the regulations for school buses manufactured after 2005 to include the non-duplicative requirements of the former, will

streamline the regulations without reducing or enlarging the requirements. No social impact should result from these changes.

The repeal of the regulations of autobuses approved for pupil transportation and the enactment of substantially the same requirements in a new subchapter will make these regulations consistent with the changes being adopted on the regulations governing all school buses. As these requirements are otherwise unchanged, no social impact will result.

Economic Impact

The proposed amendments will not have an economic impact on the general public. The Commission does not anticipate an increase in expenses as a result of the proposed amendments because the rules do not introduce any new requirements. There is no need for any person or entity to hire personnel as a result of these changes in regulations.

Federal Standards Statement

These reductions in State regulations are possible, in part, by specific references to Federal regulations that remain in effect.

Jobs Impact

The Commission does not anticipate that the proposed amendments will have any impact on jobs. The rules solely eliminate duplicative requirements and do not repeal or introduce any new substantive changes to the existing regulations.

Agriculture Industry Impact

These reductions in regulations have no impact on the agriculture industry. They are not intended to regulate farming, crop, or animal production.

Regulatory Flexibility Statement

Any person or entity abiding by the regulations that are the subject of these reductions in regulations, may qualify as small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14b-16 et seq. However, these reductions in duplicative and/or redundant regulations are themselves an example of regulatory flexibility and do not impose any new reporting, recordkeeping, or compliance requirements on the regulated entities.

Housing Affordability Impact Analysis

It is not anticipated that these reductions in regulations will have any impact on affordable housing in New Jersey and there is an extreme unlikelihood that it will change the average costs associated with housing because these are reductions in regulations that pertain to commercial vehicles, school buses or parking on State property.

Smart Growth Development Impact Analysis

It is not anticipated that these reductions in regulations will have any impact on smart growth in New Jersey and there is an extreme unlikelihood that the rule would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey in that

these are reductions in regulations that pertain to commercial vehicles, school buses or parking on State property.

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

SUBCHAPTER 10.(RESERVED)

SUBCHAPTER 14. (RESERVED)

SUBCHAPTER 26. COMPLIANCE WITH DIESEL EMISSION STANDARDS AND EQUIPMENT, PERIODIC INSPECTION FOR DIESEL EMISSIONS, AND SELF-INSPECTION OF CERTAIN CLASSES OF MOTOR VEHICLES

13:20-26.3 Inspection and maintenance

[(a) Every owner or lessee of a motor vehicle registered in this State shall systematically inspect and maintain, or cause to be systematically inspected and maintained, all motor vehicles subject to its control, and the accessories, required by 49 CFR Part 393, to be mounted thereon, to insure that such motor vehicle and accessories are in safe and proper operating condition. An owner or lessee shall maintain a systematic inspection and maintenance record for each vehicle. The inspection and maintenance records shall include, at a minimum, the following:

1. An identification of the vehicle including the New Jersey registration plate number, make, model, vehicle identification number, and number of tires, tire size, and number of ply;
2. A record of inspection and repairs indicating the nature of the repairs and the date of completion;
3. A lubrication record;
4. A systematic means for indicating for each vehicle the nature and due date of the inspection and maintenance operations to be performed; and

5. If a vehicle is leased or otherwise contracted for, the inspection and maintenance records shall also include the name of the lessor or contractor furnishing the motor vehicle.

(b) The inspection and maintenance records shall be maintained for a period of 24 months by the owner or lessee and shall be immediately available for inspection by the Chief Administrator or any other person authorized to inspect under this subchapter.]

Inspection and maintenance of all vehicles must meet all Federal requirements set forth by Federal Motor Vehicle Safety Standard 396.3 (49 CFR 396.3), which is incorporated herein by reference, as amended and supplemented.

13:20-26.4 Unsafe operations

[An owner or lessee shall not operate or permit or require a driver to operate any motor vehicle determined by the inspection or operation thereof to be in such condition that its operation would be hazardous or likely to result in the breakdown of the vehicle; nor shall any driver operate a motor vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown of the vehicle.]

Operation of all vehicles must meet all Federal requirements set forth by Federal Motor Vehicle Safety Standard 396.7 (49 CFR 396.7), which is incorporated herein by reference, as amended and supplemented.

13:20-26.6 Motor vehicles declared "out-of-service"

[(a) Any authorized State Police officer or examiner shall declare and mark "out-of-service" any vehicle which by reason of its mechanical condition or loading may cause a breakdown or an accident.

(b) Any motor vehicle that has been declared and marked "out-of-service" shall not be operated until all repairs have been satisfactorily completed. The term "operate" as used in this section shall include towing the vehicle; provided, however, that vehicles marked "out-of-service" may be towed by means of a vehicle using a crane or a hoist; and provided further, that the vehicle combination consisting of the emergency towing vehicle and the "out-of-service" vehicle meets the performance requirements of 49 CFR § 393.52.]

(a) Vehicles declared "out-of-service" must meet all Federal requirements set forth by Federal Motor Vehicle Safety Standard 396.9c (49 CFR 396.9c), which is incorporated herein by reference, as amended and supplemented.

[(c)] **(b)** Any authorized State Police officer or examiner shall declare and mark "out-of-service-limited movement authorized" any vehicle which has a serious mechanical or loading defect that may cause a breakdown or an accident, but which defect does not render the vehicle's continued operation, for limited movement, imminently dangerous.

[(d)] **(c)** If a vehicle is declared "out-of-service-limited movement authorized," the inspecting State Police officer or examiner, in his or her discretion, may permit the vehicle to proceed to the nearest acceptable place of repair. The inspecting State Police officer or examiner shall record the location of the place of repair, the vehicle's authorized route of movement and the estimated date and time of arrival at the place of repair on the inspection form. Upon arrival at the designated place of repair, a vehicle marked "out-of-service-limited movement authorized" shall be considered "out-of-service" as described in [(b)] **(a)** above.

[(e)] No person shall remove any marking indicating that a motor vehicle has been declared "out-of-service" prior to completion of all repairs.]

[(f)] **(d)** The person or persons completing the repairs required by the "out-of-service" or "out-of-service-limited movement authorized" notice shall certify to the Chief Administrator the date and the time the required repairs were completed.

13:20-26.7 Notice to owner or lessee

(a) The driver of any vehicle receiving an "out-of-service" notice must meet all Federal requirements set forth by Federal Motor Vehicle Safety Standard 396.9d (49 CFR 396.9d), which is incorporated herein by reference, as amended and supplemented.

[(a) The driver of any vehicle receiving notice that the vehicle is "out-of-service" shall:

1. Deliver such notice to the owner or lessee operating the vehicle upon his or her arrival at the next terminal, maintenance facility, or place of business of the owner or lessee, if such arrival occurs within 24 hours.

2. Immediately mail the notice to the owner or lessee if the driver does not arrive at a terminal, maintenance facility, or place of business of the owner or lessee operating the vehicle within 24 hours.]

(b) For operating convenience, the owner or lessee may designate any shop, terminal, maintenance facility, place of business, or person to which it may instruct its drivers to deliver or forward such notice.

(c) It shall be the sole responsibility of the owner or lessee to return such notice to the Motor Vehicle Commission in accordance with the terms prescribed therein and in (d) [and (e)] below.

(d) Any and all defects and deficiencies noted on the "out-of-service" notice shall be corrected. The driver's failure to comply with (a) above shall not excuse the owner or lessee from taking appropriate action to correct defects and deficiencies which come to his or her attention by any means whatsoever.

[(e) Within 15 days following the date of the vehicle inspection, the owner or lessee shall forward to the Commission a certificate of action taken as a result of said inspection.]

13:20-26.9 Vehicle condition report

[(a) Every owner or lessee shall require its drivers to report, and every driver shall prepare such a report in writing at the completion of his or her work day or tour of duty, which report shall list any defects or deficiencies of the motor vehicle discovered by the driver or reported to him or her as would be likely to affect the safe operation of the motor vehicle or result in its mechanical breakdown, or shall indicate that no such defects or deficiencies were discovered by or reported to him or her.

(b) An owner or lessee shall examine such reports and shall repair the defects and deficiencies noted therein. The report shall be retained by the owner or lessee for a period of 12 months.]

Every owner or lessee shall require its drivers to report, and every driver shall prepare such a report in writing at the completion of his or her work day or tour of duty. Vehicle condition reports must meet all Federal requirements set forth by

Federal Motor Vehicle Safety Standard 396.11 (49 CFR 396.11), which is incorporated herein by reference, as amended and supplemented.

SUBCHAPTER 27. (RESERVED)

SUBCHAPTER 28. INSPECTION OF NEW MOTOR VEHICLES AND NEW HEAVY DUTY DIESEL TRUCKS

13:20-28.1 Purpose

(a) The purpose of this subchapter is to effect increased equipment and vehicular safety by requiring new motor vehicle dealers to inspect new motor vehicles prior to delivery to an ultimate purchaser in New Jersey. The purpose of this subchapter is also to effect increased equipment and vehicular safety by permitting motor vehicle leasing companies that take delivery of new motor vehicles from franchised New Jersey licensed new motor vehicle dealers to inspect such new motor vehicles prior to leasing such motor vehicles in New Jersey. **Additionally, the purpose of this subchapter is to regulate exhaust emissions from heavy-duty diesel trucks by requiring new motor vehicle dealers to inspect the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus of new heavy-duty diesel trucks, prior to delivery to an ultimate purchaser in New Jersey. Further, the purpose of this subchapter is to regulate exhaust emissions from heavy-duty diesel trucks by permitting motor vehicle leasing companies that take delivery of new heavy-duty diesel trucks from franchised New Jersey licensed new motor vehicle dealers to inspect the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus of new heavy-duty diesel trucks, prior to leasing such heavy-duty diesel trucks in New Jersey.**

(b) Such inspection shall be deemed, when performed in conformity with this subchapter, to satisfy the requirements of N.J.S.A. 39:8-1, **39:8-64** and **N.J.A.C. 13:20-26.17(b)**.

13:20-28.2 Applicability

This subchapter shall apply to all new motor vehicle dealers licensed by the Chief Administrator. This subchapter shall also apply to those motor vehicle leasing companies that take delivery of new motor vehicles or **new heavy-duty diesel trucks** from franchised New Jersey licensed new motor vehicle dealers and that inspect such new motor vehicles or **new heavy-duty diesel trucks** in accordance with this subchapter.

13:20-28.3 Definitions

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

"California Air Resources Board" or "CARB" means the agency of the State of California established and empowered to regulate sources of air pollution, including motor vehicles, pursuant to the California Health and Safety Code, sections 39500 et seq.

"Certified configuration" means a heavy-duty diesel engine design certified by either the EPA or CARB as meeting the applicable emission standards for heavy-duty diesel engines manufactured for a given model year.

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c.13 (N.J.S.A. 39:2A-4).

"Diesel engine" means a compression ignition type of internal combustion engine.

"Diesel-powered" means utilizing a diesel engine.

"Element of design" means any part or system on a motor vehicle or a motor vehicle engine pertaining to the vehicle's or engine's certified configuration.

"Emission control apparatus" means any device utilized by the vehicle manufacturer and/or the engine manufacturer to control the release of any regulated emission, including any associated component that monitors the function and maintenance of such a device. This term shall also mean emission control apparatus or engine systems that have been retrofitted or upgraded in accordance with EPA or CARB requirements to control the release of any regulated emission, including any associated component that monitors the function and maintenance of such apparatus or system.

"EPA" means the United States Environmental Protection Agency.

"Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single or combination (articulated) vehicle.

"Jitney" means an autobus as defined in *N.J.S.A. 48:16-23* with a carrying capacity of not more than 13 passengers, operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route.

"Limousine" means any motor vehicle that is issued special registration plates bearing the word "limousine" pursuant to *N.J.S.A. 39:3-19.5* other than motor vehicles that are subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit.

"Model year" means the engine manufacturer's annual production period, consistent with 40 C.F.R. § 86.082, as the same is amended or supplemented, which includes January 1 of such calendar year, provided, that if the manufacturer has no annual production period, this term shall mean a calendar year. The manufacturer's annual production period shall include January 1 of the calendar year for which it is designated and shall not include a January 1 of any other calendar year. Thus, the maximum duration of a model year is one calendar year plus 364 days (or 365 days if the model year includes February 29 in a leap year).

"Motor Vehicle Commission" or "Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P. L. 2003, c. 13 (*N.J.S.A. 39:2A-4*).

"New heavy-duty diesel truck" means any new diesel-powered motor vehicle with a GVWR of 18,000 or more pounds that is designed or used for the transporting of property on any public road, street or highway or any public or quasi-public property in this State. For purposes of this subchapter, heavy-duty diesel truck shall not mean a heavy-duty diesel truck owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization and used for first aid, emergency, ambulance, rescue, or fire-fighting purposes.

"New motor vehicle" means every new motor vehicle, regardless of registration class, except omnibuses that are subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit, school buses, diesel trucks having a GVWR [of 10,000 pounds or more] **from 8,501 up to and including 17,999 pounds**, diesel truck tractors as defined in *N.J.S.A. 39:1-1*, and vehicles that run upon rails or tracks.

"New motor vehicle dealer" or "new motorcycle dealer" means a dealer licensed pursuant to *N.J.S.A. 39:10-19* to sell new motor vehicles or new motorcycles, its employees and/or agents.

"Pre-delivery checklist" means a list of items and procedures which a new motor vehicle dealer, new motorcycle dealer, or motor vehicle leasing company is required or recommended by a manufacturer to check or follow prior to delivery of a new motor vehicle to a purchaser or lessee.

"Taxicab" means an autocab as defined in *N.J.S.A. 48:16-1* engaged in the business of carrying passengers for hire, which is held out, announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this State and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the State.

"Ultimate purchaser" means any person, other than a motor vehicle dealer purchasing in its capacity as a motor vehicle dealer, who in good faith purchases or leases a new motor vehicle **or new heavy-duty diesel truck** from a new motor vehicle dealer or leases a new motor vehicle **or new heavy-duty diesel truck** from a motor vehicle leasing company.

13:20-28.4 Manufacturers' new motor vehicle and new heavy-duty diesel truck inspection procedure

(a) A new motor vehicle dealer shall, prior to delivery to an ultimate purchaser of a new motor vehicle, inspect the safety and emission control devices on such motor vehicle and perform such services as may be necessary so that such motor vehicle conforms to specifications established by the manufacturer and contained in its pre-delivery checklist. **Additionally, except as to new heavy-duty diesel trucks inspected by a motor vehicle leasing company in accordance with (b) below, a new motor vehicle dealer shall, prior to delivery to an ultimate purchaser of a new heavy-duty diesel truck, inspect the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, on such motor vehicle and perform such services, both required or recommended by the manufacturer, so that such motor vehicle conforms to the specifications established by the manufacturer.**

(b) A motor vehicle leasing company that takes delivery of a new motor vehicle from a franchised New Jersey licensed new motor vehicle dealer may, prior to delivery of such motor vehicle to a lessee, inspect the safety and emission control devices on such motor vehicle and perform such services as may be necessary so that such motor vehicle conforms to specifications established by the manufacturer and contained in its pre-delivery checklist. **Additionally, a motor vehicle leasing company that takes delivery**

of a new heavy-duty diesel truck from a franchised New Jersey licensed new motor vehicle dealer may, prior to delivery of such new heavy-duty diesel truck to a lessee, inspect the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, on such motor vehicle and perform such services, both required or recommended by the manufacturer, so that such motor vehicle conforms to the specifications established by the manufacturer.

(c) Compliance with the periodic inspection program requirements of N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17(b) shall be established by:

1. The new motor vehicle dealer's or motor vehicle leasing company's completion of the pre-delivery inspection procedure for new heavy-duty diesel trucks, both required or recommended by the manufacturer; and

2. The new motor vehicle dealer's or motor vehicle leasing company's certification that the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, has been inspected and conforms to the manufacturer's specifications for new heavy-duty diesel trucks.

[(c)] (d) A new motor vehicle dealer's or motor vehicle leasing company's completion of the pre-delivery inspection procedure required or recommended by the manufacturer shall be deemed by the Chief Administrator to render the new motor vehicle safe for operation on any public road, street, or highway or any public or quasi-public property in this State.

13:20-28.5 Motor vehicle and heavy-duty diesel truck equipment standards

(a) A new motor vehicle subject to inspection pursuant to this subchapter shall meet the equipment standards now or hereafter prescribed by the United States Department of Transportation, by Federal or State statute, by Motor Vehicle Commission rule, or by specifications established by the manufacturer.

(b) In the event of an inconsistency between the manufacturer's specifications and a standard or rule adopted by the United States Department of Transportation, or Federal or State statute, or Motor Vehicle Commission rule, the standard or rule adopted by the United States Department of Transportation, or Federal or State statute, or Motor Vehicle Commission rule shall take precedence.

(c) A new heavy-duty diesel truck subject to inspection pursuant to this subchapter shall be equipped with an engine certified by the EPA or CARB.

(d) Notwithstanding (c) above, if a new heavy-duty diesel truck subject to inspection pursuant to this subchapter is equipped with a 2005 or subsequent model year heavy-duty diesel engine, such engine shall be certified by the CARB.

13:20-28.6 Decal; period of validity

(a) A new motor vehicle dealer or a motor vehicle leasing company shall, after satisfactory completion of an inspection of a new motor vehicle or **heavy-duty diesel truck** pursuant to this subchapter, affix a decal upon such motor vehicle as an indication of same. The decal shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, or **lower right corner of the windshield inside the passenger compartment of the heavy-duty diesel truck**, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield **of the motor vehicle or from the right side of the windshield of the heavy-duty diesel truck**, but in every case, the decal shall be completely visible from the front of the motor vehicle. The decal shall be affixed in an upright position.

(b) A new motor vehicle receiving a decal as an indication of successful inspection pursuant to this subchapter shall next be inspected not later than five years from the last day of the calendar month in which the motor vehicle was inspected by the new motor vehicle dealer or the motor vehicle leasing company, and the decal affixed to the motor vehicle by the new motor vehicle dealer or the motor vehicle leasing company shall so indicate.

(c) Notwithstanding (b) above, a new motor vehicle that is to be initially registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine or jitney and that is receiving a decal as an indication of successful inspection pursuant to this subchapter shall next be inspected not later than one year from the last day of the calendar month in which the motor vehicle was inspected by the new motor vehicle dealer or the motor vehicle leasing company and the decal affixed to the motor vehicle by the new motor vehicle dealer or the motor vehicle leasing company shall so indicate.

(d) A new **heavy-duty diesel truck** receiving a decal as an indication of successful inspection pursuant to this subchapter shall next be inspected for diesel emissions at a licensed private inspection facility not later than two years from the last day of the calendar month in which the new heavy-duty diesel truck was initially registered in this State, and the decal affixed to the new heavy-duty diesel truck by the new motor vehicle dealer or the motor vehicle leasing company shall so indicate. Thereafter, the heavy-duty diesel truck shall be subject to an annual diesel emission inspection in compliance with the periodic inspection program pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17(b).

(e) Notwithstanding (d) above, in the event that the ultimate purchaser of a new heavy-duty diesel truck transfers the registration of a previously owned heavy-duty diesel truck registered in his or her name to the new heavy-duty diesel truck, the new heavy-duty diesel truck shall next be inspected for diesel emissions at a

licensed private inspection facility not later than two years from the expiration date of the transferred registration, and the decal affixed to the new heavy-duty diesel truck by the new motor vehicle dealer or the motor vehicle leasing company shall so indicate. Thereafter, the heavy-duty diesel truck shall be subject to an annual diesel emission inspection in compliance with the periodic inspection program pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17(b).

13:20-28.7 Compliance

(a) A new motor vehicle dealer shall not deliver a new motor vehicle or new heavy-duty diesel truck to an ultimate purchaser unless such motor vehicle has been inspected pursuant to this subchapter and found to be in compliance with the equipment and emissions standards set forth in N.J.A.C. 13:20-28.4 and 13:20-28.5[(a)].

(b) A motor vehicle leasing company that performs inspections of new motor vehicles or new heavy-duty diesel trucks pursuant to this subchapter shall not lease a new motor vehicle or new heavy-duty diesel truck to a lessee unless such motor vehicle has been inspected pursuant to this subchapter and found to be in compliance with the equipment and emissions standards set forth in N.J.A.C. 13:20-28.4 and 13:20-28.5[(a)].

13:20-28.8 Evidence of compliance

[(a) Completion by the new motor vehicle dealer or motor vehicle leasing company of the manufacturer's pre-delivery checklist shall be evidence of compliance with this subchapter.]

(a) Compliance with this subchapter shall be established by:

1. The new motor vehicle dealer's or motor vehicle leasing company's completion of the manufacturer's pre-delivery checklist; and

2. The new motor vehicle dealer's or motor vehicle leasing company's certification that the exhaust system for heavy-duty diesel trucks, including the emission control apparatus and the exhaust aftertreatment apparatus, has been inspected and conforms to the manufacturer's specifications.

(b) Such pre-delivery checklist shall be retained by the new motor vehicle dealer or the motor vehicle leasing company for a period of at least five years from the date of inspection for new motor vehicles and four years for new heavy-duty diesel trucks.

13:20-28.9 Pre-delivery checklist form; required information

The pre-delivery checklist used by the new motor vehicle dealer or the motor vehicle leasing company shall indicate the place and date of inspection, the person or persons performing the new motor vehicle **or new heavy-duty diesel truck** inspection, and that the new motor vehicle **or new heavy-duty diesel truck** has been found to be in compliance with the equipment standards of this subchapter.

13:20-28.10 Additional inspection

This subchapter shall not be construed to limit the Chief Administrator's authority to require any additional inspection, including, **but not limited to: roadside inspection and self-inspection to assure the proper functioning of an element of design and the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus of new heavy-duty diesel trucks; or an inspection to assure the proper functioning of emission control devices or systems of new motor vehicles.** [, nor shall t]This subchapter **shall not** be construed as abrogating any code, rule or regulation now or hereafter promulgated pursuant to the "Air Pollution Control Act (1954)" (N.J.S.A. 26:2C-1 et seq.), **as amended and supplemented, P.L. 1995, c.157 (N.J.S.A. 39:8-59 et seq.), as amended and supplemented,** or the New Jersey "Federal Clean Air Mandate Compliance Act" (P.L. 1995, c.112), **as amended and supplemented.**

13:20-28.12 Violations; suspension or revocation of motor vehicle dealer license; suspension or revocation of privilege of performing inspections of new motor vehicles **or new heavy-duty diesel trucks**

(a) A new motor vehicle dealer that violates any provision of this subchapter shall be subject, upon notice and an opportunity to be heard, to the suspension or revocation of its New Jersey motor vehicle dealer license and/or its privilege of performing inspections of new motor vehicles **or new heavy-duty diesel trucks** pursuant to this subchapter.

(b) A motor vehicle leasing company that violates any provision of this subchapter shall be subject, upon notice and an opportunity to be heard, to the suspension or revocation of its privilege of performing inspections of new motor vehicles **or new heavy-duty diesel trucks** pursuant to this subchapter.

SUBCHAPTER 49. (RESERVED)

SUBCHAPTER 49A. (RESERVED)

SUBCHAPTER 49B. (RESERVED)

SUBCHAPTER 49C. (RESERVED)

SUBCHAPTER 49D. (RESERVED)

SUBCHAPTER 49E. (RESERVED)

SUBCHAPTER 50. STANDARDS FOR SCHOOL BUSES [MANUFACTURED JANUARY 2006 AND THEREAFTER]

13:20-50.1 Scope and purpose

(a) – (c) (No change.)

(d) An **autobus** or commercial bus that is used for the transportation of children to or from school shall display a certificate of inspection issued by the Commission indicating school use. A commercial bus is exempt from displaying a certificate for school use issued by the Commission when being used on a preset franchised route and schedule or chartered for school-connected activities.

(e) – (g) (No change.)

13:20-50.2 Definitions

The following words and terms, when used in this subchapter and in N.J.A.C. 13:20-50A, 50B, [and]50C, **and 50D** shall have the following meanings unless the context clearly indicates otherwise.

"Accident" or "**crash**" means:

1. A collision involving a school bus or vehicle that results in personal injury or death, or causes disabling damage to one or more motor vehicles requiring the vehicle(s) to be transported away by a tow truck or other vehicle;
2. A collision between a motor vehicle and a student at any time during the loading or unloading process of a school bus or school vehicle; or
3. An injury to a student inside a school bus or vehicle that results from negligent or unsafe acceleration, deceleration or other movement of a school bus.

"Capacity" means the maximum permitted number of seated passengers if the vehicle contains no wheelchair positions, or the maximum permitted number of wheelchair positions if the vehicle contains no seated passengers, as certified by the manufacturer on the vehicle manufacturer's certification plate.

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

"Completed vehicle" means a vehicle that requires no further manufacturing operation to perform its intended function.

"County superintendent" means the county Superintendent of Schools.

"Curb weight" means the weight of a school bus or vehicle including a maximum capacity of all fluids.

"Driver" means the authorized licensed driver of a school bus or vehicle.

"Emergency brake" means the mechanism designed to stop a school bus or vehicle in case of service brake failure.

"FMCSR" means the Federal Motor Carrier Safety Regulations as found in the Code of Federal Regulations (49 CFR Part 393). Copies of the Federal Motor Carrier Safety Regulations as found in the Code of Federal Regulations may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3238.

"FMVSS" means the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 CFR Part 571). Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3238, or at <http://www.nhtsa.gov/cars/rules/import/FMVSS>.

"Gross axle weight rating" or "GAWR" means the value specified by the manufacturer as the load-carrying capacity of a single axle system, as measured at the tire-ground interfaces.

"Gross vehicle weight" or "GVW" means the total weight of a single vehicle plus its load.

"Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle.

"Incomplete chassis" means an assemblage consisting, at a minimum, of frame and chassis structure, power train, steering system, suspension system and braking system, to the extent that those systems are to be part of the completed vehicle, that requires further manufacturing operation to become a completed vehicle.

"Incomplete chassis manufacture date" means the incomplete vehicle date established by the chassis manufacturer. This date governs the chassis and body manufacturing standards and inspection standards that are applicable to such vehicle.

"Kph" means kilometers per hour.

"Manufacturer" means a person engaged in the business of manufacturing or assembling school buses.

"Mph" means miles per hour.

"NSTSP" means the National School Transportation Specifications and Procedures, 2010 Revised Edition (May 2010), which have been issued by the 2010 National Conference on School Transportation. Copies of this publication may be obtained from the Missouri Safety Center, Central Missouri State University, Humphreys Suite 201, Warrensburg, MO 64093, (660) 543-4830.

"Operator" means the owner or person responsible for the day-to-day operation and maintenance of a school bus or vehicle.

"Parking brake" means a mechanism designed to prevent the movement of a stationary vehicle.

"Passenger" means any person riding in a school bus or vehicle other than the driver.

"Passenger seat" means a seat other than the driver's seat.

"Person" means any natural person, business, company, firm, partnership, association, corporation, or any other entity.

"SAE" means the Society of Automotive Engineers, Inc. Copies of the Standards and Recommended Practices of the Society of Automotive Engineers may be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096, (724) 776-4841.

"School bus" or "bus" when used in N.J.A.C. 13:20-50A, 50B, 50C, and this subchapter shall refer to Type A, B, C, and D, and **Type I and Type II** school buses, which shall be classified in the following manner:

1. A "Type A" school bus is a conversion or body constructed and installed upon a van-type compact truck or a front-section vehicle chassis, with a GVWR of 10,000 pounds or less, originally designed by the manufacturer for carrying 10 to 16 passengers;

2. A "Type B" school bus is constructed utilizing a stripped or cutaway chassis with a GVWR of more than 10,000 pounds, originally designed by the manufacturer for carrying 10 to 54 passengers. Part of the engine is beneath and/or behind the windshield and beside the driver's seat. The service door is behind the front wheels;

3. A "Type C" school bus is a body installed upon a flat back cowl chassis with a GVWR of more than 10,000 pounds, originally designed by the manufacturer for carrying 10 to 54 passengers. The engine is in front of the windshield, or part of the engine is beneath and/or behind the windshield and beside the driver's seat. The service door is behind the front wheels; [and]

4. A "Type D" school bus is a body installed upon a chassis, with the engine mounted in the front, middle, or rear, with a GVWR of more than 10,000 pounds, originally designed by the manufacturer for carrying 10 to 54 passengers. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the school bus, behind the rear wheels; or it may be in the middle of the school bus between the front and rear axles. The service door is ahead of the front wheels[.] ;

5. A "Type I" school bus is any vehicle designed to transport 16 or more passengers, including the driver, used for the transportation of students to and from school or school related activities. This identification regulates the type of vehicle registration required by the New Jersey Motor Vehicle Commission; and

6. A "Type II" school bus is any vehicle designed to transport less than 16 passengers, including the driver, used for the transportation of students to and from school or school related activities. This identification regulates the type of vehicle registration required by the New Jersey Motor Vehicle Commission.

"School bus signal warning lamps" means eight alternately flashing red or amber lamps, mounted horizontally both front and rear, intended to identify a vehicle as a school bus and to inform other users of the highway that the vehicle is stopped or about to stop.

"Seating capacity" means the manufacturer's original passenger capacity design as noted on the manufacturer's vehicle certification plate.

"Service brakes" means the primary mechanism designed to stop a motor vehicle.

"Strobe school bus warning lamps" means a school bus warning lamp system utilizing eight electronic sealed beam flash tubes.

"Track seating" means a system installed for the purpose of seating and wheelchair position flexibility.

"UL" means the Underwriters' Laboratories, Inc.

"Vehicle manufacturer's certification plate" means the plate issued by the school bus body manufacturer in accordance with *N.J.A.C. 13:20-50.3*.

"Vendor" means any person engaged in the business of buying, selling, leasing, or exchanging school buses.

SUBCHAPTER 50A. CHASSIS STANDARDS FOR SCHOOL BUSES
[MANUFACTURED JANUARY 2006 AND THEREAFTER]

13:20-50A.4 Bumper, front

(a) – (e)

(No change.)

(f) Unless otherwise provided in this chapter for school buses with a June 1993 through December 2005 chassis manufacture date, tow eyes or hooks shall be furnished and attached so as not to project beyond the front bumper. Tow eyes or hooks attached to the chassis frame, shall be furnished by the chassis manufacturer. This installation shall be in accordance with the chassis manufacturer's standards.

13:20-50A.28 Undercoating

(a) For school buses with a January 2006 or later chassis manufacture date, [T]the underside of steel or metallic-constructed front fenders may be coated with a rustproofing compound meeting or exceeding Federal Standard Rustproofing of Commercial (Nontactical) Vehicles (FED-STD-297E August 1990), incorporated herein by reference, as amended and supplemented. Copies of the above Federal Standard, which is approved by the Commissioner, Federal Supply Service, United States General Services Administration, may be obtained from the General Services Administration, Federal Supply Service Bureau, Specification Section, Suite 8100, 470 East L'Enfant Plaza, S.W., Washington, DC 20407. The undercoating material shall be nonflammable, shall not peel, crack, chip, or melt, and shall be stable under both high and low temperatures.

(b) Unless otherwise provided in this chapter for school buses with a June 1993 through December 2005 chassis manufacture date, the undersides of steel or metallic-constructed front fenders shall be coated with rust-proofing compound.

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

13:20-50B.6 Color

(a) Unless otherwise provided in this chapter, for school buses with a June 1993 through December 2005 chassis manufacture date, the school bus body shall be painted National School Bus Yellow. For school buses with a January 2006 or later chassis manufacture date, [T]the school bus body, including the fenders and all doors, shall be National School Bus Yellow; school bus entrance doors may be National School Bus Yellow or black.

(b) Unless otherwise provided in this chapter, for school buses with a June 1993 through December 2005 chassis manufacture date, the body exterior paint trim, bumper, lamp hoods, emergency door arrow, exterior mirror assembly and support brackets shall be black. The words "EMERGENCY DOOR" shall be applied both inside and outside the door in red lettering at least two inches high and at least 3/16 inch wide. For school buses with a January 2006 or later chassis manufacture date, [T]the body exterior paint trim, bumpers, lamp hoods, and emergency door arrow shall be black; rub rails shall be National School Bus Yellow and/or black; and exterior mirror assembly and support brackets shall be black or stainless steel in color.

(c) National School Bus Yellow retro-reflective material may be applied to the school bus. The material used shall be of an automotive engineering grade or better, shall meet initial reflectance values in accordance with performance specifications for retro-reflective material set forth in the NSTSP, 2010 Revised Edition (May 2010), incorporated herein by reference, as amended and supplemented, and at Appendix B (Retro-reflective Sheeting Daytime Color Specification) thereof, incorporated herein by reference, as amended and supplemented, and shall retain at least 50 percent of the initial reflectance values for a minimum of six years. Retro-reflective materials and markings, if used, may include any or all of the following:

1.- 3. (No change.)

4. Unless otherwise provided in this chapter, for school buses with a June 1993 through December 2005 chassis manufacture date, the "SCHOOL BUS" signs may be marked with reflective National School Bus Yellow material comprising background for lettering of the front and/or rear "SCHOOL BUS" signs.

(d) (No change.)

13:20-50B.12 Doors, service

(a) - (k) (No change.)

I. Unless otherwise provided in this chapter, for school buses with a June 1993 through December 2005 chassis manufacture date, the entrance door on Types B, C, and D buses shall have a minimum horizontal opening of 24 inches and a minimum vertical opening of 68 inches. The entrance door on a Type A bus shall have a minimum opening of 1,200 square inches.

13:20-50B.23 Lamps and signals

(a) Each lamp on the exterior of a school bus shall be marked with the SAE rating for its proper use and shall conform to FMVSS No. 108 (49 CFR § 571.108), incorporated herein by reference, as amended and supplemented.

1. Unless otherwise provided in this chapter, for school buses with a June 1993 through December 2005 chassis manufacture date, each clearance, marker, or identification lamp shall be of the two bulb design and shall automatically be activated, whenever the headlights or parking lamps are activated, in a steady burning state. For school buses with a January 2006 or later chassis manufacture date, [E]very school bus shall be equipped with clearance, marker, and identification lamps as set forth in FMVSS No. 108 (49 CFR § 571.108), incorporated herein by reference, as amended and supplemented. Each clearance, marker, or identification lamp shall automatically be activated whenever the headlights or parking lamps are activated in a steadily burning state.

2. - 4. (No change.)

(b) (No change.)

(c) [(Reserved)] Unless otherwise provided in this chapter, for school buses with a June 1993 through December 2005 chassis manufacture date, body instrument panel lights shall be controlled by an independent switch or rheostat switch.

(d) - (e) (No change.)

(f) The following requirements in this subsection also apply to dual purpose omnibuses under the jurisdiction of the Motor Vehicle Commission's Inspection Services Bus Unit, approved for school use, contracted by a local board of education for transportation to and from school. Alternately flashing signal warning lamps shall be provided as follows:

1. - 9. (No change.)

(g) (No change.)

(h) Every school bus shall be equipped with four combination red stoplamps/taillamps as follows:

1. – 2. (No change.)

3. Unless otherwise provided in this chapter, for school buses with a June 1993 through December 2005 chassis manufacture date, Type A buses may conform to the chassis manufacturer's standard.

(i) – (j) (No change.)

13:20-50B.27 Overall length

Unless otherwise provided in this chapter, for school buses with a June 1993 through December 2005 chassis manufacture date, overall length of bus shall not exceed 40 feet. For school buses with a January 2006 or later chassis manufacture date, [T]the maximum overall length of a school bus body shall not exceed 42 feet, excluding the bumpers. The maximum overhang of the body to the rear of the center of the rear axle shall not be in excess of one-third of the total length of the vehicle.

13:20-50B.35 Steps

(a) – (d) (No change.)

(e) Unless otherwise provided in this chapter, for school buses with a June 1993 through December 2005 chassis manufacture date, a grab handle not less than 20 inches in length shall be provided in an unobstructed location inside the doorway. For school buses with a January 2006 or later chassis manufacture date, [A] a school bus shall be equipped with two grab handles, each not less than 20 inches in length. The grab handles shall be in unobstructed locations inside the doorway, one on the left side and one on the right side. The grab handle on the left side shall be adjacent to the passenger compartment. Grab handles shall be designed so as to prevent snagging.

(f) (No change.)

13:20-50B.44 Ventilation

(a) – (c) (No change.)

(d) Unless otherwise provided in this chapter, for school buses with a June 1993 through December 2005 chassis manufacture date, one six inch diameter, two speed auxiliary fan with protective cage shall be installed on each side of the driver

position on Types C and D school buses. Each fan shall be controlled by a separate switch.

SUBCHAPTER 50C. STANDARDS FOR SPECIALLY EQUIPPED SCHOOL BUSES
[MANUFACTURED JANUARY 2006 AND THEREAFTER]

13:20-50C.1 Scope

(a) – (b) (No change.)

(c) A bus used for the transportation of children confined to a wheelchair or other mobile positioning device, or who require life support equipment which prohibits the use of the entrance door, shall be equipped with a power lift.

13:20-50C.6 Fire suppression systems

(a) For school buses with a January 2006 or later chassis manufacture date, [E]very school bus shall be equipped with an automatic fire suppression system for the engine compartment. The fire suppression system shall be installed in accordance with the fire suppression system manufacturer's specifications.

(b) For school buses with a January 2006 or later chassis manufacture date, [S]school buses may be equipped with fire suppression systems in other locations in accordance with the fire suppression system manufacturer's installation specifications.

(c) For school buses with a January 2006 or later chassis manufacture date, [A]n indicator light shall be provided in the driver's compartment that will indicate to the driver the existence of a fire in the engine compartment of the school bus. The indicator light shall remain lit until the system is serviced and the light reset. An indicator light shall be provided in the driver's compartment that will indicate a system discharge.

13:20-50C.9 Power lift

(a) – (i) (No change.)

(j) Unless otherwise provided in this chapter, for school buses with a June 1993 through December 2005 chassis manufacture date, the platform shall be equipped with at least one handrail. The handrail shall be approximately 25 to 34

inches in height and a minimum of 18 inches in length and designed to fold when it is in a stored position. For school buses with a January 2006 or later chassis manufacture date, [T]the power lift platform shall be equipped with a handrail on each side of the power lift platform. Each handrail shall be 25 to 34 inches in height above the platform and a minimum of 18 inches in length and shall be designed to fold when in a stored position. A handrail with a curved-end design shall be at least 24 inches in length.

(k) – (o)

(No change.)

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

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

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

13:20-50D.2 Exceptions and exemptions

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

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

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

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

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

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

i. The sign on the front shall have the words "School Bus" printed in black letters

not less than six inches high on a background of national school bus glossy yellow;

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

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

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

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

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

13:20-50D.3 Certificate of inspection

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

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

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

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

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

ITEM 1708-05: DRIVING SCHOOLS 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 regarding the licensure of businesses and instructors engaged in driving instruction.

PURPOSE

This is a Final Adoption. The effect of this item is to readopt the existing regulations with amendments regarding Driving Schools.

ACTION

Approval of this item will authorize the Chairman to file the Final Adoption with the Office of Administrative Law (OAL), 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 regarding the licensure of businesses and instructors engaged in driving instruction;

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law a Final Adoption regarding the licensure of businesses and instructors engaged in driving instruction, in substantially the form as attached in **Exhibit A**.

MOTOR VEHICLE COMMISSION

EXHIBIT A

Driving Schools

Readoption with Amendments: N.J.A.C. 13:23

Proposed: April 17, 2017, at 49 N.J.R. 721(a).

Adopted:

Authorized By:

Raymond P. Martinez, Chairman,
Motor Vehicle Commission

Authority: N.J.S.A. 39:2-3, 39:2A-28, and 39:12-4.

Effective Date:

Expiration Date:

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

No comparable Federal law or regulation exists; therefore, a Federal standards analysis is not required for the adopted amendments.

Full text of the adopted new rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:23.

ITEM 1708-06: ENTITY IDENTIFICATION NUMBERS 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 that would establish procedural requirements for the issuance of an Entity Identification Number, which is sometimes referred to as an MVC "corp code."

PURPOSE

This is a Final Adoption. The effect of this item is to adopt the new regulation as part of the Commission's Licensing Service regulations.

ACTION

Approval of this item will authorize the Chairman to file the Final Adoption with the Office of Administrative Law (OAL), 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 a new regulation to establish procedural requirements for the issuance of an Entity Identification Number;

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law a Final Adoption that would establish procedural requirements for the issuance of an Entity Identification Number, in substantially the form as attached in Exhibit A.

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

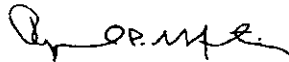
Licensing Service

Entity Identification Number

Adopted New Rules: N.J.A.C. 13:21-25.1; 25.2; 25.3; 25.4; 25.5; 25.6; and 25.7.

Proposed: April 17, 2017, at 49 N.J.R. 719(a).

Adopted: August , 2017,



by:

Raymond P. Martinez, Chairman, Motor Vehicle Commission

Filed: August , 2017 as R. 2017 d. , without changes.

Authority: N.J.S.A. 39:2-3; 39:2A-2; 39:2A-21; 39:2A-28; 39:3-4; 39:10-4.

Effective Date: 2017.

Expiration Date: December 4, 2020.

Summary of Public Comments and Agency Responses:

No comments were received.

Federal Standards Statement

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

Full text of the adopted new rules:

ITEM 1708-07: LICENSING 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 Proposed New Rule concerning the Licensing Service's titles for abandoned vehicles on private property.

PURPOSE

This is a Proposed New Rule. The effect of this item is to promulgate new regulations as part of the Commission's Licensing Service regulations.

ACTION

Approval of this item will authorize the Chairman 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 Chairman and Chief Administrator Raymond P. Martinez 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 concerning the Licensing Service's titles for abandoned vehicles on private property;

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law a notice of the Proposed New Rule as part of the Commission's Licensing Service regulations, in substantially the form as attached in Exhibit A.

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

Licensing Service

Title to Vehicles Abandoned On Private Property

Proposed New Rules: N.J.A.C. 13:21-11.1 to -11.9

Authorized By:

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

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

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

Proposal Number: PRN 2017 –

Submit written comments by _____ to:

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

The agency proposal follows:

Summary

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

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

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

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

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

N.J.A.C. 13:21-11.4, Power of Attorney, allows a property owner, or other person in control or possession of the property on which the vehicle was abandoned, to have

another person submit the application and required documents for the vehicle to be sold at public auction on their behalf.

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

N.J.A.C. 13:21-11.6, *Application for Certificate of Title for Vehicles Abandoned on Private Property and Sold at Public Auction*, provides the requirements for obtaining the Certificate of Ownership for a Vehicle Abandoned on Private Property and Sold at Public Auction from the Commission which is the document used to transfer title to the abandoned vehicle after public auction

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

N.J.A.C. 13:21-11.8, *Submission of Completed Application for Certificate of Title for Vehicles Abandoned on Private Property and Sold at Public Auction*, provides the documents that must be submitted, after the public auction of the abandoned vehicle, in order for title to be issued to the purchaser.

N.J.A.C. 13:21-11.9, *Auction Proceeds*, provides that the proceeds from the sale of the abandoned vehicle first be applied to pay any perfected liens, storage expenses and sale expenses. Any remaining proceeds must be transferred to the abandoned vehicle's owner identified in any lien searches. If the owner cannot be located, the

proceeds must be held in escrow for 60 days and then submitted to the municipality in which the vehicle was sold at auction.

Social Impact

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

These proposed new rules also protect owners and lien holders of vehicles that are abandoned on private property. These proposed new rules require applicants to perform lien searches on the abandoned vehicle in New Jersey, and where appropriate, in surrounding states, to identify possible owners and lien holders. These proposed new

rules also require the vehicle's identification number to be verified through a national search which may further reveal an ownership interest not previously identified. These proposed new rules will protect owners and lien holders that may be unaware a vehicle has been abandoned. The owners and lien holders will receive ample notice the vehicle is deemed abandoned and of the intent to sell the vehicle at auction. Owners and lienholders are provided with an opportunity to object to the auctions, to protect their ownership interest or lien and to have any liens satisfied from the auction proceeds.

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

Economic Impact

The proposed new rules will have a positive economic impact. These proposed new rules provide private property owners or persons in control or possession of property with a codified procedure to be reimbursed for costs associated with the removal, storage and sale of vehicles abandoned on their property. Under these proposed new rules, the applicant and the Commission will also identify abandoned vehicle owners and lien holders, and provide them with notice of the intent to sell the abandoned vehicle. The proposed new rules provide an opportunity for the abandoned vehicle's owner(s) and lien holder(s) to protect their lien(s) or interest and to object to

the auction of the vehicle if the vehicle was not truly abandoned, and receive proceeds from the auction to satisfy their lien.

Federal Standards Statement

A Federal standards analysis is not applicable to this rulemaking as the proposed new rules do not impose an unnecessary state standard or requirement that exceeds Federal law.

Jobs Impact

The Commission anticipates a minimal job impact in relation to these proposed new rules. These proposed new rules codify a Commission procedure that allows property owners or other persons in control or possession of property where vehicles are abandoned to sell abandoned vehicles at auction. The Commission does not anticipate additional vehicles will be abandoned on private property as a result of these new rules.

Agriculture Industry Impact

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

Regulatory Flexibility Analysis

These proposed new rules will affect some property owners and other persons in control or possession of property, including small business owners, if vehicles are abandoned on their property. Additionally, towing and storage companies removing and storing abandoned vehicles may also fall under the small business designation. Finally, there are entities that property owners or other persons in control or possession of

property will hire to comply with the requirements of these proposed new rules that will also be considered small businesses. The Commission receives approximately 1,000 requests annually for the appropriate forms and directions to be followed to hold these auctions. However, the proposed new rules do not require any specific reporting or recordkeeping requirements that small businesses would be required to maintain.

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

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

Housing Affordability Impact Analysis

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

Smart Growth Development Impact Analysis

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

Full text of the proposed new rules follows (additions indicated in boldface **thus**):

SUBCHAPTER 11: Title to Vehicles Abandoned On Private Property

13:21-11.1 Purpose and Scope

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

13:21-11.2 Definitions

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

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

“Commission” means the New Jersey Motor Vehicle Commission.

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

13:21-11.3 Application Forms

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

13:21-11.4 Power of Attorney

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

13:21-11.5 Transfer of Interest in Abandoned Vehicle

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

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

13:21-11.6 Application for Certificate of Title for Vehicles Abandoned on Private Property and Sold at Public Auction

Prior to conducting an auction for the sale of the abandoned vehicle, the applicant must first obtain an Application for Certificate of Title for Vehicles Abandoned on Private Property and Sold at Public Auction from the Commission. In order to obtain this Application from the Commission, the applicant must submit the following to the Commission:

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

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

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

(iii) The chief administrator will conduct a national search to verify the abandoned vehicle's identification number.

(b) A detailed notarized affidavit stating the following:

i) how the abandoned vehicle came into the applicant's possession;

ii) the address where the vehicle was abandoned;

iii) how long the abandoned vehicle has been in the applicant's possession;

- iv) the abandoned vehicle's year, make and vehicle identification number;
- v) the applicant's name, address and daytime telephone number; and
- vi) the steps taken by the applicant to locate the abandoned vehicle's owner.

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

(d) A pencil tracing or a photograph of the abandoned vehicle's vehicle identification number; and

(e) One photograph each of the front, back, passenger and driver's side of the abandoned vehicle.

13:21-11.7 Public Auction of Abandoned Vehicle

Upon receipt from the Commission of the Application for Certificate of Title for Vehicles Abandoned on Private Property and Sold at Public Auction, the

applicant may sell the abandoned vehicle at public auction, pursuant to the requirements of this section.

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

(b) **An Abandoned Vehicle on Private Property – 5 Day Notice** must be dated and posted at the location where the vehicle was left abandoned, not less than five days prior to the date of the public auction in the format as prescribed by the Commission in the Application for Certificate of Title for Vehicles Abandoned on Private Property and Sold at Public Auction.

13:21-11.8 Submission of Completed Application for Certificate of Title for Vehicles Abandoned on Private Property and Sold at Public Auction

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

i. The original or certified copy of the notarized Affidavit of Newspaper Publication for the two publications required by this subchapter;

ii. A copy of the Abandoned Vehicle on Private Property – 5-Day Notice required by this subchapter;

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

iv. Completed Application for Certificate of Ownership for a Vehicle Abandoned on Private Property, with the applicable title fee and sales tax due; and

v. A copy of the purchaser's driver's license or, if the purchaser is not an individual, the entity's identification number (a.k.a a NJMVC Corp Code) assigned by the Commission.

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

(c) A \$25 fee will be assessed if the completed Application for Certificate of Title to the abandoned vehicle is not submitted to the Commission within 10 days of the date of the public auction.

(d) If upon the Commission's receipt of all required documents set forth in this section an ownership interest is revealed that was not previously disclosed, the application for title will be rejected and the Commission will notify the applicant that the process set forth in this subchapter must be repeated, including the public auction.

(e) When the Commission has received all required documents and the chief administrator is satisfied that title should be issued to the purchaser at public auction, the chief administrator will issue a certificate of title, which will be mailed to the purchaser to the address indicated on the Application for Certificate of Title for Vehicles Abandoned on Private Property and Sold at Public Auction. If there is a lien as a result of the sale at public auction, title will be mailed to the lien holder.

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

13:21-11.9 Auction Proceeds

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

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

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



New Jersey Motor Vehicle Commission

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

STATE OF NEW JERSEY

To: Raymond P. Martinez, Chairman
 CC: MVC Board Members
 From: Laura Hahn, Legislative Liaison
 Date: August 8, 2017
 Re: Legislative Report

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Raymond P. Martinez
Chairman and Chief Administrator

This Legislative Report provides a summary of legislative activity since the June 2017 Motor Vehicle Commission (MVC) Board meeting.

Bills Signed into Law

A-374 (Auth R39; Prieto D32; Schepisi R39; Jimenez D32; Mukherji D33; Sacco D32; Cruz-Perez D5)

Prohibits MVC from imposing duplicate license or identification card fee and digitized picture fee if duplicate is requested to reflect change in organ donor status.

- This bill prohibits the New Jersey Motor Vehicle Commission from imposing duplicate identification card fees and replacement driver's license fees, including the digitized picture fee, if a person requests the duplicate identification card or replacement license solely for the purpose of reflecting that the person has become an organ donor. In order for a person to receive a replacement driver's license or duplicate identification card under this bill, the person is required to first surrender their current driver's license or identification card to the MVC. This requirement forestalls signing up as an organ donor to avoid paying the replacement fee for a lost license or card.

07/13/17: Signed by the Governor P.L.2017, c.108

A-3749 (DeAngelo D14; Land D1; Chaparro D33; Wimberly D35; Beach D6; Connors, C. R9)

Allows "100 percent Disabled Veterans" to receive parking privileges reserved for persons with disability.

- This bill permits a military veteran who is designated by the United States Department of Veterans Affairs as a "100 Percent Disabled Veteran" to park a motor vehicle in parking spaces reserved for persons with a disability. Under the bill, military veterans designated as 100 percent disabled can submit a statement from the Department of Veterans Affairs certifying that he or she is 100 percent disabled and receive from the MVC a person with a disability card, hanging placard, and license plates that display a wheel chair insignia.

- Under federal law, a veteran rendered permanently disabled by a service-connected injury may receive from the United States Department of Veterans Affairs a 100 percent disability rating, which entitles the veteran to certain unemployment, health care, and educational benefits. The sponsor believes that these veterans should be entitled to park their motor vehicles in parking spaces reserved for persons with a disability without being required to submit a separate certification from a medical professional.

07/21/17: Signed by the Governor P.L.2017, c.166

A-4401 (Greenwald D6; Land D1; Andrzejczak D1; Rible R30; Mazzeo D2; Houghtaling D11; Benson D14; Danielson D17; Beach D6; Madden D4)

Authorizes certain benefits for certain family members of military personnel who died while on active duty.

- This bill authorizes the Chief Administrator of the Motor Vehicle Commission to approve and issue a driver's license and an identification card with a Gold Star Family designation for certain family members of servicemen and servicewomen who lost their lives while on active duty for the United States. The MVC will also be required to provide to the Department of Military and Veterans Affairs personal identifying information of any person issued a driver's license or ID with a Gold Star Family designation, and any person issued a Gold Star Family license plate.

07/21/17: Signed by the Governor P.L.2017, c.175

Bills on the Governor's Desk

A-3911 (Wisniewski D19; Vainieri Huttle D37; Mukherji D33; Cardinal R39; Pennacchio R26)

Provides that motor vehicle registration expires on registrant's numerical calendar day of birth.

- This bill provides that the motor vehicle registration expires on the registrant's numerical calendar day of birth in the 12th month after the registration was issued. If the numerical calendar day of the registrant's birth does not correspond to a numerical calendar day in the 12th month or if the vehicle is a leased motor vehicle, the registration is to expire on the last day of the 12th month after the registration was issued.

06/19/17: Passed in Senate and sent to Governor 39-0

S-1750 (Madden D4; Cruz-Perez D5; Bucco R25; DeAngelo D14; Space R24; Mosquera D4; Wisniewski D19; DeCroce, B. R26; Mukherji D33; Jones D5)
Establishes special motorcycle license plates for veterans.

- This bill directs the Chief Administrator of the New Jersey Motor Vehicle Commission to issue special Military Veteran motorcycle license plates that display the words "U.S. Vet" along with an image of the American flag to certain military veterans upon application and payment of a fee. The bill permits the surviving spouse of a deceased veteran, who is eligible to operate a motorcycle in this State, to retain and display the license plates that were initially obtained by the deceased veteran.
- Under the bill, the application for the issuance of the license plates is to be made to the chief administrator on forms and in a manner prescribed by the chief administrator. The application is to include satisfactory proof that the applicant is a military veteran and has been honorably discharged as evidenced by the applicant's DD-214 form or Certificate of Release or Discharge from Active Duty.
- The bill requires each application for the issuance of the license plates to be accompanied by a \$50 application fee payable to the commission. Each year thereafter, the chief administrator is to collect a \$10 renewal fee for each issued license plate. The bill establishes the "Military Veteran Motorcycle License Plate Fund" as a special, non-lapsing fund in the Department of the Treasury, and requires all application and renewal fees collected in connection with the license plates to be deposited to the fund, after the commission is reimbursed for certain allowable costs incurred to implement the license plate program. Monies deposited to the fund are to be appropriated annually to the Department of Military and Veterans' Affairs to be used to support programs benefiting military veterans.
- In addition, the bill prohibits State or other public funds from being used by the commission for the initial costs to implement the license plate program. The bill requires an individual or entity designated by the Department of Military and Veterans' Affairs to contribute non-public monies, not to exceed \$25,000, to offset the initial costs of the plates, and authorizes the department to receive funds from private sources to offset those costs. The bill prohibits the commission from designing, producing, issuing, or publicizing the availability of the license plates, until: (1) an individual or entity designated by the Department of Military and Veterans' Affairs has provided the commission with the money necessary to offset the initial costs incurred by the commission in establishing the license plate program; and (2) the department's liaison has provided the commission with a minimum of 500 completed applications for the plates.

06/22/17: Passed in Assembly and sent to Governor 75-0-0

Recent Action on Bills of Note**A-1540** (Peterson R23; Moriarty D4; Tucker D28; Danielsen D17)**Authorizes special Support Our Veterans license plate with proceeds supporting New Jersey homeless veteran's centers.**

- This bill authorizes a special Support Our Veterans license plate with the proceeds supporting New Jersey homeless veterans' centers, Veterans Haven, North and South. The design of the license plate would be chosen by the Chief Administrator of the New Jersey Motor Vehicle Commission in consultation with the Division of Veterans' Services in the New Jersey Department of Military and Veterans' Affairs (NJDMAVA).
- There is a \$50 initial fee, in addition to the registration fees required by law, with a \$10 annual fee, in addition to the renewal fees required by law. The additional fees, after the deduction of the cost of producing and publicizing the plates, will be deposited into a special non-lapsing fund known as the "Support Our Veterans License Plate Fund." The proceeds of the fund are to be annually appropriated to the Veterans Haven Council within the (NJDMAVA).
- The bill provides that no State or other public funds may be used by the commission for the initial cost of producing, issuing, and publicizing the availability of Support Our Veterans license plates or any computer programming changes which may be necessary to implement the Support Our Veterans license plate program. The bill also requires that the Veterans Haven Council or other individual or entity designated by the Veterans Haven Council, contribute monies in an amount to be determined by the chief administrator, not to exceed a total of \$25,000, to be used to offset the initial costs incurred by the commission for producing, issuing, and publicizing the availability of Support Our Veterans license plates, and any computer programming which may be necessary to implement the program.
- The bill prohibits the commission from designing, producing, issuing, or publicizing the availability of Support Our Veterans license plates, or making any necessary programming changes, until: (1) the Veterans Haven Council, or its designee, has provided the commission with the money necessary to offset the initial costs incurred by the commission in establishing the Support Our Veterans license plate program; and (2) the Veterans Haven Council, or its designee, has provided the commission with a minimum of 500 completed applications for Support Our Veterans license plates, upon the availability for purchase of those plates.

06/22/17: Passed in Assembly 76-0-0; Received in Senate and referred to Senate Military and Veterans' Affairs Committee

A-3149 (Land D1; Andrzejczak D1; DeAngelo D14; Chiaravalloti D31)
Provides for special Bronze Star license plates.

- This bill authorizes the Chief Administrator of the New Jersey Motor Vehicle Commission to issue special license plates to recipients of the Bronze Star. The surviving spouse of a Bronze Star recipient may retain special license plates obtained pursuant to the bill. The license plate is to display the words "Bronze Star" and the Bronze Star emblem, along with the registration number and other markings or identification otherwise prescribed by law.
- An application to obtain a Bronze Star Medal license plate is to include satisfactory proof that the applicant is a recipient of the Bronze Star Medal as evidenced by the applicant's DD-214 form or on a Certificate of Release or Discharge from Active Duty. In addition to the required motor vehicle registration fees, there is an application fee of \$50 and an annual renewal fee of \$10 for the Bronze Star Medal license plates. After deducting the cost of producing and publicizing the plates, the additional fees collected will be deposited into the "Bronze Star Medal License Plate Fund" and the funds will be appropriated annually to the New Jersey Department of Military Veterans' Affairs for programs to benefit Bronze Star Medal recipients.
- The bill also requires that the Adjutant General of the department appoint a liaison to represent the department in all communications with the commission regarding the Bronze Star Medal license plates. The bill provides that no State or other public funds may be used by the commission for the initial cost to implement the Bronze Star Medal license plate program. The bill requires an individual or entity designated by the department to contribute non-public monies, not to exceed \$25,000, to offset the initial costs to design, produce, issue, and publicize the license plates. The bill authorizes the department to receive funds from private sources to be used to offset the initial costs.
- The chief administrator is not required to design, produce, issue, or publicize the availability of the Bronze Star Medal license plates, until: (1) an individual or entity designated by the department has provided the commission with the money necessary to offset the initial costs incurred by the commission in establishing the Bronze Star Medal license plate program; and (2) the department, or its designee, has provided the commission with a minimum of 500 completed applications for the Bronze Star Medal license plates, upon the availability for purchase of those license plates.

06/22/17: Passed in Assembly 75-0-0; Received in Senate and referred to Senate Transportation Committee

A-4663 (Eustace D38; Vainieri Huttle D37)
Permits operation of low-speed electric bicycles.

- Under the bill, low-speed electric bicycles may be operated on the streets, highways, sidewalks, and bicycle paths. An operator of a low-speed electric bicycle is not required to register the bicycle, furnish proof of insurance, or have a driver's license.

- The bill further provides that all statutes, including the provisions of chapter 4 of Title 39 of the Revised Statutes, rules, and regulations that are applicable to bicycles also apply to low-speed electric bicycles.
- The bill defines a low-speed electric bicycle as a two or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts, whose maximum speed on a paved level surface, when powered solely by a motor while operated by a person weighing 170 pounds, is less than 20 miles per hour. The bill also clarifies that the definitions of a motor vehicle, a motorized bicycle, and a motorized scooter do not include a low-speed electric bicycle.

06/22/17: Passed in Assembly 74-0-0; Received in Senate and referred to Senate Transportation Committee

S-2874 (Greenstein D14; Cunningham D31)

Authorizes use of certain electric school buses.

- This bill authorizes the use of electric school buses, with a maximum width of 102 inches, excluding accessories. Current regulations restrict the width of all school buses to 96 inches, excluding accessories. The increased permissible width set forth in the bill would apply to electric school buses exclusively, and not those powered by conventional fuel or a combination of power sources.

06/22/17: Passed in Senate 38-0; Received in Assembly and referred to Assembly Education Committee

STATE OF NEW JERSEY

RESOLUTION

WHEREAS, Scott L. Kisch, 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 January 11, 2010; and

WHEREAS, Scott announced his resignation due to his increasing professional responsibilities and business opportunities, effective July 7, 2017; and

WHEREAS, Scott served continuously on the Board from January 11, 2010 for his entire term to January 1, 2013, and continued in office with distinction and statutory authority until July 7, 2017; and

WHEREAS, Scott, as a graduate of the U.S. Naval Academy, a former Marine Corps Officer who served as a Company Commander in Desert Storm, and with noteworthy experiences as a private sector and public sector senior-level executive, has a wide breadth of experience ranging from large-scale logistics operations, to policy development as well as to public affairs and customer service; and

WHEREAS, Scott served on the Board, consistent with the "Fix DMV" law, as a resident of a Northern county, as a member of the Democratic political party, and as the Board expert in Customer Service;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the New Jersey Motor Vehicle Commission ("Commission") expresses its profound appreciation and heartfelt thanks to Scott L. Kisch for his praiseworthy efforts; and

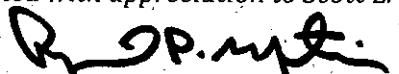
BE IT FURTHER RESOLVED, that the Commission hereby honors and salutes Scott L. Kisch as he concludes an exemplary tenure of service to the Motor Vehicle Commission, commends his dedicated service to the people of this State, and extends sincere best wishes for his continued success; and

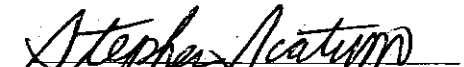
BE IT FURTHER RESOLVED, that this resolution be spread in full upon the minutes of the meeting of the Commission held on the eighth day of August, two thousand and seventeen, and that a copy thereof signed by the Chairman and Board Members be presented with appreciation to Scott L. Kisch.

Attest:



Board Secretary



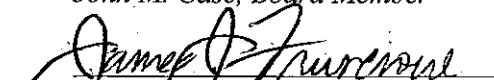

Raymond P. Martinez, Chairman


Stephen S. Scaturro, Vice-Chairman


Laurette K. Asante, Board Member


Walter S. Orcutt, Board Member


John M. Case, Board Member


James J. Fruscione, Board Member


Gary R. Poedubicky, Board Member