

 **New Jersey
Motor Vehicle Commission**

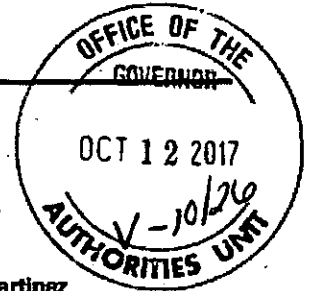
P.O. Box 160
Trenton, New Jersey 08666-0160

STATE OF NEW JERSEY

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Raymond P. Martinez
Chairman and Chief Administrator



October 12, 2017

Honorable Chris Christie
Governor, State of New Jersey
State House
125 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, Thursday, October 12, 2017.

Thank you.

Sincerely,


John G. Donnelly
Board Secretary

Enclosure

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Board Secretary



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NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Board Secretary John G. Donnelly of actions taken at the Open Session of the Regular Board meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Thursday, October 12, 2017.

Present:

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

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

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

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

Vice-Chairman Scaturro congratulated Chairman Martinez on his nomination as Administrator of the Federal Motor Carrier Safety Administration, noted several of the Chairman's many successes to-date at MVC, and looks forward to celebrating many more successes.

Chairman's Report

The Chairman then presented this report of key Commission activities since the August 8, 2017 Board Meeting:

JustDrive.com 125

First off, I would like to take a moment to thank the many MVC employees who made the trip down to Millville on Saturday, September 16 to support our sponsorship of the second annual NASCAR JustDrive.com 125. Through their efforts, thousands of race fans were exposed to our JustDrive.com campaign, which highlights the consequences of talking and texting while driving. The event was a prime opportunity to spread this life-saving message, as well as to show New Jersey residents the good work that the MVC is doing to make our roads safer. I am thrilled to see this collaboration build for the second year in a row and am hopeful that the efforts we have made through our JustDrive.com campaign will continue to help make New Jersey's roads safer.

Teen Driver Safety Week

Continuing with the theme of safe driving, from October 15th- October 21st, the MVC will be recognizing National Teen Driver Safety Week. The MVC recently reached an agreement to partner with New Jersey Manufacturers Insurance Company to promote the "Share the Keys" program, which provides resources to parents to help them help their young drivers develop safe driving habits and is a natural complement to our JustDrive.com campaign. New Jersey Manufacturers is sponsoring a contest where schools will compete to see who can garner the most signatures to the JustDrive pledge, with the winning school receiving a prize to benefit driver education efforts. This is yet another example of how the MVC is working with its partners to help impress upon young people the importance of responsible and safe driving.

Rebeka Verea Foundation

Continuing our commitment towards educating young motorists about the dangers of reckless driving, the MVC will be participating in the Rebeka Verea Foundation's 3rd Annual SAY YES TO LIFE Injury Prevention Educational Seminar for Educators and Administrators later this month.

The Foundation was formed in honor of a young woman who was tragically killed while riding in a car with a novice driver who was going in excess of the speed limit. The seminar will allow the MVC to bring the message behind our JustDrive.com campaign to educators and school administrators who are among the most influential individuals in a young person's life, and we are proud to continue our affiliation with this special group.

Skip the Trip Milestone

The MVC continues its efforts to make things easier for our customers, in many cases saving them from having to visit one of our agencies. As of August 29th, our Skip the Trip initiative hit a significant milestone – two million licenses renewed through the mail.

That means two million less customers in line and countless hours saved for New Jersey motorists as well as MVC staff. I am extremely proud of all those at the Commission who have helped us reach that number since we first rolled out the Skip the Trip initiative in 2012.

Honoring Officer Franchi and MVC Employees

Before we move on to the rest of our agenda, I would like to take a few moments to speak about the brave actions of a Police Officer stationed at one of our agencies, as well as those of several MVC employees. Back in April, Washington Township Police Officer Anthony Franchi was working at our Washington Agency. Shortly before closing, a customer informed Officer Franchi of an altercation in the parking lot. As he was attempting to de-escalate the situation, he was attacked.

Hearing the commotion, MVC employees Ryan Armstrong, Andre Sawaya and David Fraser rushed to help Officer Franchi subdue his attacker, who was then arrested and has since been charged with resisting arrest and assaulting a police officer. These individuals were recognized at a ceremony in August at the Washington Agency, but I also wanted to ensure that they were honored by the MVC Board. In a few moments, we will be recognizing each of them individually.

The following Agenda Items were presented for approval:

1710-01: Awards to Washington Township (Gloucester County) Police Officer Allen Franchi and MVC Staffmembers Ryan Armstrong, Andre Sawaya and David Fraser. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act ("Act"), P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, at Section 2 that MVC inform our customers of the work of MVC, which includes distinguished and invaluable service provided by New Jersey's police officers who secure MVC agencies through the Law Enforcement Agency Security Enhancement (LEASE) Program.

The Board approved a resolution to recognize and thank Washington Township Police Officer Allen Franchi, who demonstrated exemplary valor and selfless actions in defense of the State's security at the MVC Agency in Turnersville on Tuesday, April 18, 2017.

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

Chairman Martinez presented Officer Franchi with the framed resolution, and with an Award Plaque entitled "Law Enforcement Partner Award" that reads: "Presented to Officer Allen Franchi for Exemplary Service to the Motor Vehicle Commission." Chairman Martinez and Officer Franchi were then joined by Washington Township Police Chief Patrick Gurcsik for photographs.

Chairman Martinez then asked MVC Staffmembers Ryan Armstrong, Andre Sawaya and David Fraser of the MVC Turnersville Agency to join him, and presented them with Award Plaques entitled "Security Standards Award" that recognized each of them "for Exemplary Service to the Motor Vehicle Commission." Ryan, Andre and David ran into the Agency parking lot to pull an assailant off of Officer Franchi. All three of them held the assailant on the ground until the assailant was handcuffed and arrested.

The Chairman, Ryan, Andre and David were photographed with Police Chief Gurcsik and Officer Franchi, with acknowledgements for their daily efforts and those of their coworkers that keep us safe.

1710-02: Licensing Service Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this proposed amendment of the Licensing Service regulations concerning the use of an interpreter for the written knowledge test and the road test. Cassandra Berry of the Office of Regulatory and Legislative Affairs, presented the regulation.

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

1704-03: ZORF. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act that at section 98 assigns to MVC the duty to implement the Zone Of Rate Freedom (ZORF) law found at N.J.S.A. 48:4-2.20 to 2.25. Board Secretary Jack Donnelly presented the Final Adoption of the readoption with amendments.

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

1710-04: Disabled Veteran and Purple Heart Placard 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 Rule concerning an exemption from municipal parking fees for disabled veterans and Purple Heart recipients. JoAnne Sutkin of the Office of Regulatory and Legislative Affairs, presented the regulation.

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

1710-05: Licensing Service Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Final Rule regarding duplicate registrations and other matters. JoAnne Sutkin of the Office of Regulatory and Legislative Affairs, presented the regulation.

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

1710-06: Compliance and Safety Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Proposed Readoption with Amendments of the Compliance and Safety regulation. JoAnne Sutkin of the Office of Regulatory and Legislative Affairs, presented the regulation.

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

1710-07: Federal Grant. This item is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act for the Board to accept federal grants. Deputy Administrator for Business & Compliance Donna Pennabere described the grant. FMCSA has awarded \$1,134,503.00 to the New Jersey Motor Vehicle Commission (MVC) to complete three projects in the 2017 Commercial Driver License Program Implementation (CDLPI) grant application. Projects approved for the 2017 CDLPI grant funding include the Commercial Driver License (CDL) Mobile Compliance Unit, the CDL Interstate Fraud Prevention Initiative and the CDL Compliance and Coordination effort.

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

Minutes: August 8, 2017. This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the Minutes of each MVC Board Meeting, by approving the Minutes of the MVC Board Meeting of August 8, 2017.

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

Legislative Report. A briefing was provided by Legislative Liaison Laurá Hahn, including a summary of legislative activity since the August 2017 Motor Vehicle Commission (MVC) Board meeting, as follows: Atlantic County Freeholder Colin Bell and Passaic County Clerk Kristin Corrado were sworn in to fill out the balance of the terms through January 2018 of Jim Whelan (deceased) and Kevin O'Toole (resigned), respectively. Both are on the ballot next month as they are each seeking a full term.

Chairman Martinez thanked Laura for the presentation.

Public Comments:

No member of the public offered comments.

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

Chairman Martinez reflected on Vice-Chairman Scaturro's kind words earlier in the meeting, and explained that the role of Administrator of the Federal Motor Carrier Safety Administration is an honor that requires confirmation by the United States Senate, and thanked the MVC Board Members for their support of him as MVC Board Chairman during the last seven and one-half years.

Adjournment:

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

NEW JERSEY MOTOR VEHICLE COMMISSION
REGULAR MEETING OF THE BOARD MEMBERS

Commission Headquarters, 8th Floor East Wing

225 East State Street, Trenton, New Jersey

2:00 p.m., Thursday, October 12, 2017

PROPOSED AGENDA

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• 6 – APPROVAL OF ITEM 1710-01 – RESOLUTION IN HONOR OF POLICE OFFICER ALLEN FRANCHI FOR HIS VALOR AT THE TURNERSVILLE AGENCY <i>and</i> PRESENTATION TO MVC's RYAN ARMSTRONG, ANDRE SAWAYA AND DAVID FRASER	8159
• 7 – APPROVAL OF ITEM 1710-02 – PROPOSED AMENDMENT – N.J.A.C. 13:21 INTERPRETERS REGULATION	8161
• 8 – APPROVAL OF ITEM 1710-03 – FINAL ADOPTION – N.J.A.C. 16:53 ZORF REGULATION	8171
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- 12 – APPROVAL OF ITEM 1710-07 – FEDERAL GRANT – COMMERCIAL DRIVER LICENSE PROGRAM 8217
- 13 – APPROVAL OF MINUTES OF AUGUST 8, 2017 8224
- 14 – LEGISLATIVE REPORT 8156
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PLEASE NOTE:

THE DECEMBER 12, 2017 MEETING HAS BEEN RESCHEDULED TO DECEMBER 7, 2017. NOTICE OF THE RESCHEDULED DATE WAS GIVEN IN THE SAME MANNER AS THE ORIGINAL NOTICE, AND THIS IS ADDITIONAL NOTICE.

ITEM 1710-01: Resolution in Honor of Police Officer Allen Franchi**BENEFITS:**

The Motor Vehicle Security and Customer Service Act ("Act"), P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, requires at Section 2 that MVC inform our customers of the work of MVC, which includes distinguished and invaluable service provided by New Jersey's police officers who secure MVC agencies through the Law Enforcement Agency Security Enhancement (LEASE) Program.

PURPOSE:

LEASE provides for a law enforcement presence at MVC agencies that helps MVC effectively maintain its system and business processes in the securest manner while addressing fraudulent and criminal activities that present threats to the State's security. MVC's partnerships with local police are critical to enforcement activities with the Department of Law and Public Safety, the New Jersey State Police, and the Division of Criminal Justice to prevent document fraud, review suspicious motor vehicle transactions, conduct investigations relating to motor vehicle activities and prosecute cases.

As reported at NJ.com and Philadelphia CBS-TV, Officer Allen Franchi, who has been on Washington Township's police force in Gloucester County for four years, was on duty on Tuesday, April 18, 2017 at the MVC Turnersville Agency. At around 7:30 p.m., shortly before closing time, a customer came into the MVC to get Officer Franchi's attention. There was an altercation in the parking lot outside, and his help was needed. Officer Franchi ran out and tried to de-escalate the situation. The reports state that an assailant then began shouting at the officer and hitting him, and that Officer Franchi called twice for backup and fended off the assailant for a few minutes, but soon, the assailant lunged at Officer Franchi and started choking him and saying he was going to kill him. Fortunately, that's when MVC's Ryan Armstrong, Andre Sawaya and David Fraser ran into the lot to pull the assailant off of Officer Franchi. All three of them needed to hold him on the ground while he was handcuffed and until he could be carted off. It has been reported that Ryan Armstrong, Andre Sawaya, and David Fraser "saved the life" of Officer Franchi. The assailant was charged with assault and resisting arrest, and further charges are expected to be presented to a grand jury.

ACTION:

Approval of the attached resolution to honor and thank Police Officer Allen Franchi of the Washington Township (Gloucester County) Police Department for his valor in keeping safe the MVC Turnersville Agency.

FISCAL IMPACT:

None.

RESOLUTION

WHEREAS, Police Officer Allen Franchi of the Washington Township (Gloucester County) Police Department helps to keep secure the Motor Vehicle Commission (MVC) Agency in Turnersville through the Law Enforcement Agency Security Enhancement Program (LEASE); and

WHEREAS, Police Officer Allen Franchi demonstrated exemplary valor and selfless actions in defense of the State's security at the MVC Agency in Turnersville on Tuesday, April 18, 2017 while investigating an altercation outside; and

WHEREAS, Police Officer Allen Franchi through his actions through LEASE is providing a law enforcement presence at MVC agencies that helps MVC effectively maintain its system and business processes in the securest manner while addressing fraudulent and criminal activities that present threats to the State's security; and

WHEREAS, Police Officer Allen Franchi was speaking to an individual who was involved in an altercation in the parking lot outside the MVC Turnersville Agency; and

WHEREAS, Police Officer Allen Franchi was attempting to de-escalate the situation when the individual began shouting at Officer Franchi and hitting him, and then lunged at Officer Franchi and started choking him and saying he was going to kill him; and

WHEREAS, MVC's Ryan Armstrong, Andre Sawaya and David Fraser ran into the lot and pulled the assailant off of Officer Franchi, held the assailant as he was being handcuffed, and reportedly assisted Officer Franchi; and

WHEREAS, the assailant was charged with assault and resisting arrest and, during this incident, Officer Franchi received injuries in the performance of his duties; and

NOW, THEREFORE, BE IT RESOLVED, that the Commission expresses its profound appreciation and heartfelt thanks to Police Officer Allen Franchi for his service to the Motor Vehicle Commission and the State of New Jersey and wishes him many more years of continued association with the Motor Vehicle Commission; and

BE IT FURTHER RESOLVED, that this resolution be spread in full upon the minutes of the meeting of the Commission held on the twelfth day of October, two thousand and seventeen, and that a copy thereof signed by the Chairman and Board Members be presented with appreciation to Police Officer Allen Franchi.

ITEM 1710-02: LICENSING SERVICE – INTERPRETERS 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 Licensing Service regulations concerning the use of an interpreter for the written knowledge test and the road test.

PURPOSE

This is a Proposed Amendment. The effect of this item is to amend the Licensing Service regulations concerning the use of an interpreter for the written knowledge test and the road test.

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 Licensing Service regulations concerning the use of an interpreter for the written knowledge test and the road test;

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 Licensing Service regulations concerning the use of an interpreter for the written knowledge test and the road test, in substantially the form as attached in Exhibit A.

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

Licensing Service

Proposed Amendments: N.J.A.C. 13:21-7.3, 8.7, 8.8, and 8.15

Authorized By: _____

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

Authority: N.J.S.A. 39:2A-28, 39:3-10

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

Proposal Number: PRN 2017-

Submit comments by _____ to:

Kate Tasch, APO
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

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

The Motor Vehicle Commission (the Commission) proposes amendments to the provisions of N.J.A.C. 13:21-7.3, Licensing Services-Special Learner's Permits, as well as N.J.A.C. 13:21-8.7, 8.8 and 8.15, Licensing Services-Driver Licenses.

N.J.A.C. 13:21-7.3 specifies provisions regarding road test appointment requirements. N.J.A.C. 13:21-8.7 specifies provisions for taking an oral law-knowledge test in English or a foreign language. N.J.A.C. 13:21-8.8 specifies provisions regarding special examinations for those who are deaf or hard of hearing. N.J.A.C. 13:21-8.15 specifies prohibitions regarding accompanying a driver to the testing area.

N.J.A.C. 13:21-7.3 is proposed for amendment to delete the provision that an oral law-knowledge test may be administered by the Commission to a deaf or hard of hearing applicant through an interpreter, as this language is included in N.J.A.C. 13:21-8.8.

N.J.A.C. 13:21-8.7 is proposed for amendment to delete the use of a full-time college professor or a person from the clergy as interpreters because these sources of interpreters are not always certified interpreters approved by the New Jersey Administrative Office of the Courts' (Language Service Section) Registry of Interpreters and Agencies. The Commission also proposes to add new provisions regarding the securing of an interpreter and payment provisions for the interpreter's services. Currently, the Commission only reimburses interpreters up to a certain amount, which amount the

Commission has determined is insufficient to fully reimburse interpreters for their services.

N.J.A.C. 13:21-8.8 is proposed for amendment to delete the hourly rate of payment for an interpreter, and payment for miles traveled by the interpreter. The Commission also proposes to add provisions regarding the securing of an interpreter and payment procedure for the interpreter's services.

N.J.A.C. 13:21-8.15 is proposed for amendment to include a new provision at paragraph (c) that allows an approved interpreter to provide instructions immediately before and immediately after the road test for a deaf or hard of hearing or limited English proficient applicant. The existing provision at N.J.A.C. 13:21-8.15(c), which pertains to unauthorized persons in the vehicle during the road test, is proposed for recodification as subsection (d).

Social Impact

The proposed amendments will have a positive social impact on the public because the proposed provisions will provide for better access to interpreters for deaf or hard of hearing and limited English proficient applicants.

The proposed amendments also provide that the Commission will secure an interpreter for a deaf or hard of hearing applicant who is unable to read the test after the applicant first attempts to take the written knowledge test using American Sign Language. The Commission will also provide an interpreter to the applicant if the applicant does not understand American Sign Language, without the applicant having to first attempt the test in American Sign Language. After the interpreter services are rendered, the Commission

will pay the interpreter's fees provided the interpreter submits a properly completed application for payment to the Commission.

Lastly, the proposed amendments allow an approved interpreter to provide instructions immediately before and immediately after the road test for a deaf or hard of hearing or limited English proficient applicant, allowing for an easier flow of communication between the applicant and the examiner as well as safer driving conditions for those on the roads and those participating in the road test.

Economic Impact

The proposed amendments will not have an economic impact on the general public. The Commission may see a slight increase in expenses because those qualifying applicants will have better access to interpreters and the payment process will be simplified, therefore encouraging more deaf or hard of hearing and limited English proficient individuals to apply for permits and driver licenses.

Federal Standards Statement

The proposed amendments are subject to but do not exceed Federal requirements or standards. As amended, the proposed rule is subject to Title II of the Americans with Disabilities Act, 42 U.S.C. 126, s. 12101 et seq., which applies to State and local government bodies, and protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities. Similarly, it is subject to Title VI of the Civil Rights Act of 1964, 42 U.S.C. s 2000d et seq., which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance, as well as corresponding regulations at 28 C.F.R. s 42.101 et seq. The

proposed amendments will provide for better access to interpreters for deaf or hard of hearing and limited English proficient applicants; the proposed amendments provide that the Commission will secure an interpreter for deaf or hard of hearing or limited English proficient applicants and translators for those with limited English proficiency.

Jobs Impact

The Commission does not anticipate that there will be a generation of jobs or a loss of jobs as a result of the proposed amendments.

Agriculture Industry Impact

The Commission does not anticipate that there will be any impact on the agriculture industry because proposed amendments pertain solely to test administration for deaf or hard of hearing and limited English proficient applicants.

Regulatory Flexibility Analysis

The proposed amendments require recordkeeping from those who provide interpreting services, the majority of which may be defined as small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.. The recordkeeping requirements pertain to documentation of the fee charged for interpretive services, which will be paid by the Commission. The proposed amendments do not require small businesses to engage additional professional services. The proposed amendments do not necessitate significant capital and annual expenditures for compliance by small businesses. These requirements are intended to ensure that the State is only paying what is due the interpreters, and, in order to accomplish this, there must be documentation of the fees for which the interpreters are seeking payment. There is no differentiation in compliance based on business size. The Commission has given

careful consideration to these matters and has determined that the proposed amendments must be applied to all interpreters approved by the Commission to provide services to the Commission's customers.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on affordable housing and they will not evoke a change in the average costs associated with housing because the proposed amendments pertain solely to test administration to deaf or hard of hearing and limited English proficient applicants.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on smart growth and will not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because The proposed amendments pertain solely to test administration to deaf or hard of hearing and limited English proficient applicants.

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

13:21-7.3 Road test appointment requirements

(a) Road test appointments may be granted and recorded on the special learner's permit prior to the 17th birthday of the applicant provided that:

1. (No Change.)

2. The student has passed the law-knowledge test administered by a representative of the Commission, and submits an approval certificate indicating that he or she has passed. [An oral law-knowledge test may be administered by the Commission to a student

having a hearing impairment. An interpreter of sign language approved by the New Jersey Division of the Deaf and Hard of Hearing, Interpreter Referral Service shall accompany the student to the oral test.]

3. - 5. (No change.)

13:21-8.7 Law-knowledge tests; oral; English language; foreign language

(a) Oral tests shall be administered **through the Driver and Road Test Scoring System (DARTSS) terminals at driving test centers** to driver license applicants who are unable to read the English language or a foreign language or who experience difficulty in understanding the English language in such a manner that they are unable to complete the written test.

(b) - (d) (No change.)

(e) Foreign language oral testing shall be administered in the same manner as English language oral testing. The questions shall be read to the applicant in the applicant's language [by a translator] **through the DARTSS terminal** from the standard computer test. **If the DARTSS terminal does not provide the applicant's specific language, the applicant shall inform the Commission of the need for an interpreter at least two weeks in advance of the date the applicant intends to take the written knowledge test. The applicant shall call the Motor Vehicle Commission's customer service phone number at (609) 292-6500 to request a foreign language interpreter. The Commission will secure an approved interpreter. The Commission will pay the interpreter's fees after receipt of a properly executed payment voucher from the interpreter. The payment voucher must be on a form approved by the Commission.**

(f) (No change.)

13:21-8.8 Special examination; [hearing-impaired] Deaf or Hard of Hearing

(a) A special test will be administered to driver license applicants who are [hearing-impaired] **deaf or hard of hearing** and unable to read and understand the English or foreign language written test. **The special test will be administered using American Sign Language through the Driver and Road Test Scoring System (DARTSS) terminal at the Commission's driving test centers. If the applicant understands American Sign Language, the applicant must first attempt to complete the test using the DARTSS terminal. If the applicant's first attempt to complete the test using the DARTSS terminal is unsuccessful, the Commission will secure an American Sign Language interpreter at the applicant's request. If the applicant does not understand American Sign Language, the applicant is not required to**

attempt the test using the DARTSS terminal and may instead request an interpreter to administer the test to the applicant in the sign language the applicant understands. The applicant shall inform the Commission of the need for an interpreter at least two weeks in advance of the date the applicant will need an interpreter for the written knowledge test pursuant to this section. The applicant shall call the Motor Vehicle Commission's customer service phone number at (609) 292-6500 to request an interpreter for the deaf or hard of hearing.

(b) – (e) (No change.)

(f) [The Commission shall pay the interpreter fees for hearing-impaired applicants. An approved interpreter shall be paid at the interpreter's customary rate, not to exceed \$ 55.00 per hour, plus \$ 0.31 per mile for travel over 25 miles round trip.] **The Commission shall pay the interpreter's fees plus \$ 0.31 per mile for travel over 25 miles round trip, after receipt of a properly executed payment voucher from the interpreter. The payment voucher must be on a form approved by the Commission.** The supervisor shall ascertain the total hours of service and the miles traveled in excess of 25 miles. Approved interpreters shall be paid a minimum of two hours.

13:21-8.15 Accompanying driver

(a) – (b) (No change.)

(c) An approved interpreter may provide instructions to the applicant immediately before and immediately after the road test for a deaf or hard of hearing or limited English proficient applicant but shall not accompany the applicant in the vehicle during the road test. The applicant shall contact the Commission at least two weeks in advance of the scheduled road test date and advise the Commission that the applicant is in need of an interpreter. The Commission shall secure an interpreter. The Commission will pay the interpreter's fees after receipt of a properly executed payment voucher from the interpreter. The payment voucher must be on a form approved by the Commission.

[[c)] (d) No unauthorized person may accompany the applicant and the licensing examiner in the vehicle during the test.

ITEM 1710-03: ZONE OF RATE FREEDOM (Z.O.R.F.) REGULATION**BENEFITS**

The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at section 98 assigns to MVC the duty to implement the Zone Of Rate Freedom (Z.O.R.F.) law found at N.J.S.A. 48:4-2.20 to 2.25. In 1995, the New Jersey Department of Transportation (NJDOT) had assigned this duty to the former Division of Motor Vehicles (DMV) when DMV was transferred to NJDOT, and MVC has inherited it.

PURPOSE

The effect of this Final Rule for ZORF, as readopted with amendments for 2017, is to fulfill the statutory requirement that MVC set a percentage limit or "Zone" within which private bus companies are *free* to adjust their *rates* (or fares or charges) for in-state bus routes. Under P.L. 1983, c.517, private bus companies are free to make these adjustments. Of over 100 such companies, typically up to five exercise that freedom annually and notify MVC, which confirms any adjustment is within the ZORF Zone. The Final Rule for 2017, as readopted with amendments, authorizes a 10% increase and 10% decrease.

ACTION

Approval of this item will authorize the Chairman to file the ZORF Regulation, as readopted with amendments for 2017, with the Office of Administrative Law (OAL) as a Final Rule. The rule states in relevant part:

"16:53d-1.1 General Provisions.

Any regular route autobus carrier operating within the State which seeks to revise its rates, fares or charges in effect as of the time of the promulgation of this rule shall not be required to conform with N.J.A.C. 16:51-3.10...provided the increase or decrease in the rate, fare or charge, or the aggregate of increases and decreases in any single rate, fare or charge is not more than the maximum percentage increase (10 percent for 2016) or decrease (10 percent for 2016), upgraded to the nearest \$.05."

FISCAL IMPACTS

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

RESOLUTION

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

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

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

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

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

REGULATORY AFFAIRS (COMMERCIAL PASSENGER TRANSPORTATION)

Zone of Rate Freedom

Readopted with Amendments: N.J.A.C. 16:53D

Proposed: April 16, 2017 at 49 N.J.R. 728 (a)

Adopted: _____, 2017 by the Motor Vehicle Commission,

Raymond P. Martinez, Chairman

Filed: _____, 2017 as R. 2017, d. , **without change.**

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

Effective Date: _____, 2017

Expiration Date: _____, 2017

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

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

**ITEM 1710-04: DISABLED VETERAN AND
PURPLE HEART PLACARD 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 Rule concerning an exemption from municipal parking fees for disabled veterans and Purple Heart recipients.

PURPOSE

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

ACTION

Approval of this item will authorize the Chairman to file the regulations with the Office of Administrative Law (OAL) as a Final Rule, 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 Rule concerning an exemption from municipal parking fees for disabled veterans and Purple Heart recipients;

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law a notice of the Final Rule concerning an exemption from municipal parking fees for disabled veterans and Purple Heart recipients, in substantially the form as attached in **Exhibit A**.

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

Enforcement Service

Disabled Veteran and Purple Heart Recipient Placards

Adopted Amendments: N.J.A.C. 13:20-9.8 through 9.12

Proposed: April 3, 2017 at 49 N.J.R. 632(a)

Adopted: February 16, 2017, by the Motor Vehicle Commission, Raymond P. Martinez, Chairman and Chief Administrator.

Filed: [____], R.2017, d. [____], **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 39:2A-28, 39:4-207.10.

Effective Date: _____, 2017

Expiration Date: December 4, 2020

Summary of Public Comments and Agency Responses:

The written comments received by the Motor Vehicle Commission ("Commission") regarding its April 3, 2017 notice of proposal at 49 N.J.R. 632(a) are available for inspection at the Office of the Chief Administrator, Regulatory and Legislative Affairs, Motor Vehicle Commission, 225 East State Street, 9th Floor, Trenton, New Jersey.

The Commission received written comments from Commander Joseph M. Belardo, Sr., Commander of New Jersey Military Order of the Purple Heart ("MOPH"); Nicholas C. Paoletti, DAV Chapter 66 Commander; Assemblyman Wayne P. DeAngelo, Deputy Speaker, 14th Legislative District, New Jersey General Assembly; Jean Public; and

Assemblyman Daniel R. Benson, 14th District, New Jersey General Assembly, which comments are addressed below:

1. COMMENT: Commander Belardo requests that the MOPH maintain control of coordinating the issuance of the Purple Heart license plates and assume the coordination of the new Purple Heart placards, so as to ensure the plates and/or placards are only distributed to those who qualify, and in keeping with the methodology in place for having special plates approved via a service organization. Commander Belardo states that MOPH has access to a database to which the Commission does not have access, and which contains accurate information as to who is a Purple Heart recipient. Commander Belardo also requests that MOPH be authorized as the authenticating agency for the control of Purple Heart recipient placards.

Deputy Speaker DeAngelo asks the Commission to incorporate the MOPH in the issuance of placards and ID cards, and suggests that such incorporation in the approval process would help promote the new program to accommodate as many veterans as possible. Deputy Speaker DeAngelo also suggests that the MOPH can work with its own members "to help MVC identify previously unforeseen pitfalls in the application and issuance process and fix those identified flaws."

Assemblyman Benson requests the Commission to review and consider the comments of Commander Belardo from the MOPH.

RESPONSE: The Commission appreciates the comments of Commander Belardo on behalf of the MOPH, Deputy Speaker DeAngelo and Assemblyman Benson. The

Commission also appreciates the MOPH's activities in coordination of the organizational MOPH license plate offered to qualifying members of the MOPH organization.

N.J.S.A. 39:4-207.10 provides that a person who is a disabled veteran or a recipient of the Purple Heart is exempt from payment of municipal parking meter fees under certain circumstances, with conditions, when that person displays a disabled veteran or Purple Heart license plate or a placard to be issued by the Commission. Placards will now be offered to disabled veterans and Purple Heart recipients, and N.J.S.A. 39:4-207.10 requires the Commission to promulgate rules and regulations to provide for the issuance of those placards. The bill contemplates placards for "disabled veterans" and "Purple Heart recipients," and does not require membership in any organization as a prerequisite.

With respect to disabled veterans and Purple Heart recipients, the Commission currently offers three license plates: disabled veteran military plates that do not require membership in any organization; DAV organizational plates, available only to qualifying members of the organization "Disabled American Veterans, Department of New Jersey"; and MOPH organizational plates, available only to qualifying members of the MOPH organization. In order to qualify for DAV or MOPH plates, an applicant must be a member of the DAV or MOPH service organization and must submit his or her application for DAV or MOPH plates through the service organization. There are no proposed changes to that process, and it is expected that the MOPH will continue in its role as the organizational coordinator for the MOPH organizational plate for its qualifying members. In contrast, statute N.J.S.A. 39:4-207.10 provides that a person may be qualified for the benefits provided without belonging to a service organization such as MOPH or DAV, and

may apply directly to the Commission for the disabled veteran or Purple Heart recipient placard.

Unlike license plates, placards are not offered to organizations, and the requirements for placards are different from those for plates. Currently placards offered in the State are limited to Persons with a Disability ("PWAD"), nursing home owners or operators of vehicles used to transport residents, and government and non-profit organizations who work with persons with intellectual disabilities. Administration and issuance of all placards is handled exclusively by the Commission for specific reasons. Placards are subject to abuse, misuse and fraud because they are easily transportable, and placards, which are offered at no cost to the applicant, are immediately available at the Commission's agencies throughout the State for the convenience of applicants, and all agents are qualified to issue them upon proper application and verification of entitlement including a Commission database check. Thus, the Commission is the appropriate agency to qualify eligibility for and issue placards. Further, Commission personnel are experienced in the review, evaluation, verification, and authentication of documents, including military documents such as those used by veterans to obtain the veteran designation on driver licenses and identification cards, and the Commission is confident in the ability of its staff to verify disabled veteran and Purple Heart recipient status for the purposes of strictly limiting the issuance of placards to qualified recipients. Additionally, to require vetting through the MOPH or DAV would unnecessarily add an extra step, and thus a delay to the process of obtaining a placard.

The Commission appreciates the MOPH's offer to coordinate the authentication and issuance of placards, but must decline this generous offer for the reasons stated

above. While the MOPH participates in the coordination of the MOPH license plate, the application process for placards will not be the same as that for organizational plates. The Commission anticipates and hopes that even though the MOPH will not be authenticating or controlling the issuance of the placards, the MOPH nonetheless will continue to work with the Commission to maintain the current established line of communication as the placard process is initiated and develops.

The Commission envisions participation of the MOPH and DAV organizations with regard to placards in a couple of important ways. It is hoped that MOPH and DAV will still participate and assist their members and the Commission by communicating or advertising the availability of placards, and by making placard applications available to their members. To the extent the organizations maintain databases that enable them to make available to their members copies of the necessary documents for obtaining placards, specifically discharge or separation papers, DD-214s, DD-215s if issued, disability award letters from the Veteran's Administration, citations awarding the Purple Heart or in the case of an Army veteran the General Order of the Purple Heart, MOPH and DAV can serve as a vital source of information and assistance to their members. While the Commission will also be promoting the new placards, the assistance of the MOPH and DAV would be invaluable.

2. COMMENT: Commander Belardo suggests that the special plate application form be modified to give the applicant the choice of a special plate, or a placard, or a special plate and placard.

RESPONSE: The Commission appreciates Commander Belardo's suggestion regarding applications, but as noted in response number 1 above, the application process

for a placard will not be the same as the current application process for an organizational plate. The requirements for special plates issued to service organizations are different from the requirements for and proofs necessary to obtain a disabled veteran or Purple Heart recipient placard. As such, modification of the organizational plate application to include placards is not a viable option. However, there is no restriction against a qualified applicant holding both an organizational plate and a placard for which that applicant qualifies.

3. COMMENT: Commander Paoletti requests that DAV and "POW" (Prisoner of War) plates be recognized within the regulations.

RESPONSE: The Commission appreciates Commander Paoletti's comments. However, the proposed new rules must conform to the statutory requirements of N.J.S.A.

39:4-207.10, which is limited to "disabled veteran's or Purple Heart license plates or a placard issued by the New Jersey Motor Vehicle Commission..." The new law does not include POW and DAV plates. Nevertheless, a person entitled to POW or DAV plates may apply for a placard, because the language of the bill simply reads "disabled veteran," and does not require or prohibit the applicant veteran from being a member of any organization. Accordingly, as long as the veteran applying for the placard is service related disabled, can provide the Commission with the necessary award of disability letter from the Veteran's Administration, and meets the other qualifications and requirements, he or she may apply for a placard.

4. COMMENT: Commander Paoletti inquires regarding the economic impact on the MVC for educating personnel, additional workload for handling of the required documents, and the "vetting process."

RESPONSE: The Commission appreciates Commander Paoletti's comments. The Commission anticipates a minimal economic impact on the Commission in relation to implementation of the law and regulations. The Commission currently administers and issues all placards in the State, at no cost to applicants, and all agents are qualified to issue the placards upon proper application and verification of entitlement. Thus, Commission employees are already experienced in determining eligibility for and issuing placards. Further, Commission personnel are experienced in the review, evaluation, verification, and authentication of documents, including military documents such as those used for veterans to obtain the veteran designation on driver licenses and identification cards, and the Commission is confident in the ability of its staff to be able to verify disabled veteran and Purple Heart recipient status for the purposes of the issuance of placards to qualified recipients, at minimal expense to the Commission.

5. COMMENT: Commander Paoletti inquires why the proposed regulations do not address why the DAV plates and POW plates are not included in the categories of persons entitled to limited free municipal meter parking.

RESPONSE: The Commission appreciates the comments of Commander Paoletti. However, the Commission is constrained by the applicable law as written, and the law does not include DAV or POW plates.

6. COMMENT: Jean Public does not believe that free parking for disabled veterans and Purple Heart recipients is fair to the people of New Jersey. Jean Public comments that there is no indication that anticipated placard recipients cannot walk from their cars or need an exemption from municipal parking meter fees.

RESPONSE: The Commission has considered the comments of Jean Public; however, the Commission is bound by the law. The Commission is required to issue placards in accordance with N.J.S.A. 39:4-207.10 (P.L. 2015, c. 218).

7. COMMENT: Assemblyman Wayne P. DeAngelo, who authored the subject law in the General Assembly, commented on the legislative intent of the law, stating that the law is part of an "effort to give back to New Jersey's servicemen and women." He further commented that "This program seeks to provide an easily accessible benefit to disabled veterans and Purple Heart (sic) here in New Jersey." Finally, he commented that "In New Jersey, we have been fortunate to partner with terrific veterans' organizations throughout the state and create a way for their members to honor their organization's contributions to their community."

RESPONSE: The Commission appreciates the comments of Assemblyman DeAngelo regarding the intent of the legislature in passing the applicable law, and in response thereto, the Commission reviewed the proposed regulations with an eye towards honoring that legislative intent as stated by the author of the law. In so doing it was discovered that while the proposed regulations provided by definition that disabled veterans were required to be residents of the State for entitlement to a placard, the regulations inadvertently did not contain an equivalent definition including a residency clause for Purple Heart recipients. This inconsistency is noted to be incompatible with the stated legislative intent of the law which is to honor the servicemen and women of New Jersey, and as such an equivalent residency requirement for Purple Heart recipients is added to carry out the legislative intent and to apply consistency to the issuance of placards to all deserving New Jersey disabled veterans and Purple Heart recipients.

Summary of Agency-Initiated Changes:

The Commission made several edits and minor changes in this final adoption to make clear that in accordance with the intent of the legislature, disabled veterans and Purple Heart recipients must be residents of the State to qualify for placards; that applicants may apply by mail and need not go to an agency for the transaction; to further clarify that applicants may submit originals or photocopies of the documents submitted with their application to the Commission; and to correct an oversight and make clear that an applicant need only submit a DD-215 as part of the application if a DD-215 was issued. The changes were made for the benefit of the public and placard applicants by eliminating the need for an in-person visit to an agency to apply for and obtain a placard, and by removing the extra step of requiring a certified copy of the necessary document for obtaining a placard. Allowing applicants to apply by mail also benefits the public by eliminating any additional traffic in the agencies related to the placards.

Additionally, the subchapter heading for Subchapter 9 is recommended to change from "Persons with a Disability Parking Privileges," to "Special Parking License Plates and Placards," to more accurately reflect the regulations set forth within the subchapter.

These changes are technical in nature, are consistent with the legislative intent of the applicable law, and do not enlarge or curtail the scope of the rules, or what will be affected by the rules, or change what is mandated by the rules.

Federal Standards Statement

A Federal standards analysis is not required because the subject matter of the proposed new rules is authorized under State law and is not subject to Federal

requirements or standards. There are no equivalent Federal law standards concerning placards for disabled veterans or Purple Heart recipients.

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

SUBCHAPTER 9. SPECIAL PARKING LICENSE PLATES AND PLACARDS

13:20-9.8 Definitions

"Purple Heart recipient" shall mean ***[a]* any citizen and resident of this State who is or was a*** member of the Armed Services of the United States ***and*** who, while serving under competent authority in a capacity with one of the United States Armed Services ***[has been]* was** wounded and awarded the Purple Heart medal;

13:20-9.9 Application and qualifications for disabled veteran and Purple Heart recipient placards

- a. (No change from proposal.)
- b. The Chief Administrator shall require the following from an applicant who is a disabled veteran:
 - i. The original^{*}[, certified copy]^{*} or ^{*}a^{*} photocopy of the applicant's discharge or separation papers, the original^{*}[, certified copy]^{*} or ^{*}a^{*} photocopy of the recipient's DD-214, the original^{*}[, certified copy]^{*} or ^{*}a^{*} photocopy of the recipient's DD-215 ***if issued***, or the equivalent; and

ii. The original*[, certified copy]* or *a* photocopy of the applicant's award of disability letter from the Veteran's Administration; or

iii. (No change from proposal.)

c. The Chief Administrator shall require the following from an applicant who is a Purple Heart recipient:

i. The original*[, certified copy]* or *a* photocopy of the applicant's DD-214, the original*[, certified copy]* or *a* photocopy of the recipient's DD-215 ***if issued***, the original*[, certified copy]* or *a* photocopy of the recipient's citation awarding the Purple Heart, or in the case of an Army veteran only, the original*[, certified copy]* or *a* photocopy of the applicant's General Order for the Purple Heart; or

ii. (No change from proposal.)

d. Each disabled veteran placard and associated ID card*[,]* shall expire on the last day of the 36th month after ***[it was] *they were*** issued. At such time, and not in excess of 90 days prior, the holder of a disabled veteran placard and ID card shall resubmit a full application in accordance with the requirements of this section. Applications and renewal applications ***[must] *may*** be made in person at a Commission agency location*, **or by mail sent to the address indicated on the application***. At the discretion of the Chief Administrator, renewal applications may also be offered and accepted in the future*[, by mail or]* electronically over the internet. Upon receipt of the application and satisfaction that all necessary information has been submitted, the Chief Administrator will issue a new disabled veteran placard and ID card to the applicant.

e. Each Purple Heart recipient placard and ***associated*** ID card shall expire on the last day of the 36th month after ***[it was] *they were*** issued. At such time, and not in excess of 90 days prior, the holder of a Purple Heart recipient placard and ID card shall resubmit a full application in accordance with the requirements of this section. Applications and renewal applications ***[must] *may*** be made in person at a Commission agency location*, **or by mail sent to the address indicated on the application***. At the discretion of the Chief Administrator, renewal applications may also be offered and accepted in the future*[, by mail or]* electronically over the internet. Upon receipt of the application and satisfaction that all necessary information has been submitted, the Chief Administrator will issue a new Purple Heart recipient placard and ID card to the applicant.

f.-g. (No change from proposal)

13:20-9.10 – 9.12 (No change from proposal.)

ITEM 1710-05: 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 Final Rule concerning the licensing service.

PURPOSE

This is a Final Rule. The effect of this item is to amend regulations regarding the licensing service as to duplicate registrations and interim licenses.

ACTION

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

FISCAL IMPACTS

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

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 Rule concerning the licensing service as to duplicate registrations and interim licenses;

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law a notice of the Final Rule concerning the licensing service, in substantially the form as attached in Exhibit A.

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

LICENSING SERVICE

License and Registration Renewals, Duplicates, Interim Driver Licenses and Non-driver Identification Cards, and Restorations

Adopted Amendments: N.J.A.C. 13:21-9.5 through 9.12, and 9.14 through 9.15

Proposed: April 3, 2017 at 49 N.J.R. 634(a)

Adopted: February 16, 2017, by the Motor Vehicle Commission, Raymond P. Martinez, Chairman and Chief Administrator.

Filed: [____], R.2017, d. [____].

Authority: N.J.S.A. 39:2-3, 39:2-3.3, 39:2-3.4, 39:2-3.8, 39:2A-28, 39:3-4, and 39:3-31

Effective Date: _____, 2017

Expiration Date: December 4, 2020

Summary of Public Comments and Agency Responses:

The written comments received by the Motor Vehicle Commission ("Commission") regarding its April 3, 2017 notice of proposal at 49 N.J.R. 634(a) are available for inspection at the Office of the Chief Administrator, Regulatory and Legislative Affairs, Motor Vehicle Commission, 225 East State Street, 9th Floor, Trenton, New Jersey.

The Commission received written comments from one commenter, Jean Public, which comments are addressed below:

1. COMMENT: Jean Public believes that those who want duplicate registrations should have to go to an agency to obtain them, where all motor vehicle documents can be

checked in person, because of supposed fraud perpetrated by "illegal immigrants, terrorists and fake refugees" with false documents.

RESPONSE: The Commission has determined that the comment lacks factual support, and further that appropriate security measures and practices are and will be in place at the Commission in connection with online transactions for duplicate registrations to support such online transactions. For example, the Commission's mail-in Skip the Trip program for renewing driver licenses has operated quite successfully for many years. Additionally, the convenience to customers and the objective of reducing traffic at the Commission's agencies along with the safety and security of the Commission's online program support the inclusion of duplicate registrations to the services the Commission offers online.

2. COMMENT: Jean Public believes that no interim driver cards should be issued.

RESPONSE: The Commission has considered Jean Public's comment. However, the commenter has supplied no reason or support for the stated concern. The Commission has determined that if and when interim driver cards may be issued, appropriate security measures and practices will be employed to confirm that such cards could and would be issued using state-of-the-art technology and best practices to ensure the issuance would be safe, secure, and beneficial to the public.

3. COMMENT: Jean Public believes the Commission should not be in charge of non-driver identification cards, because the counties already have such cards, and "communities like Newark and Camden" New Jersey are corrupt, and nobody knows who is legal and American and who is "sneaking in" from another country.

RESPONSE: The Commission is bound by the law and is required to issue identification cards in accordance with N.J.S.A. 39:3-29.3 (P.L. 1980, c. 47). Additionally, county identification cards are not offered in all 21 New Jersey counties, nor are the cards that are offered uniform. County identification cards are also different from State-issued identification cards, and different counties have different standards for the identification documents required to obtain the cards. Additionally, county issued identification cards may not have security features equivalent to the Commission's standards, nor can they be REAL ID compliant.

Summary of Changes Upon Adoption.

The Commission is making no changes upon adoption.

Federal Standards Statement

A Federal standards analysis is not required because the subject matter of the proposed amendments is authorized under State law and is not subject to Federal requirements or standards.

Full text of the adopted rules follows:

ITEM 1710-06: COMPLIANCE AND SAFETY REGULATION**BENEFITS**

The Motor Vehicle Security and Customer Service Act (the "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 Compliance and Safety regulation.

PURPOSE

This is a Proposed Readoption with Amendments, pertaining to driver qualification, administrative hearing procedures, cardiovascular disorders, convulsive seizures, installation and use of ignition interlock devices, reciprocity, out-of-state motor vehicle convictions, and driver license suspension.

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 Compliance and Safety regulation;

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law a notice of this Proposed Readoption with Amendments of the rule regarding the Compliance and Safety regulation, in substantially the form as attached in **Exhibit A**.

MOTOR VEHICLE COMMISSION

EXHIBIT A

Compliance and Safety

Proposed Readoption with Amendments: N.J.A.C. 13:19-1 through 13:19-9 and 13:19-11

Authorized By:

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

Authority: N.J.S.A. 17:29A-35, 39:2-3, 39:2A-28, 39:3-10, 39:3-10.4, 39:4-50.16 et seq.,
39:5D-4, and 39:5F-1 et seq.

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

Proposal Number: PRN 2017 -

Submit comments by _____, 2017 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

Summary

The public comment period for this proposal will be 60 days, because 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. 13:19, Compliance and Safety, specifically, 13:19-1 through 13:19-9 and 13:19-11, in accordance with N.J.S.A. 52:14B-5.1. These rules are scheduled to expire on November 1, 2017, pursuant to N.J.S.A. 52:14B-5.1. On August 4, 2017, Governor Chris Christie, pursuant to his authority under P.L. 2011, c.45, Section 10(d)(1), waived the seven-year sunset provision of P.L. 2011, c. 45, Section 10(b) for subchapters 10, 12 and 13 of N.J.A.C. 13:19, and extended the expiration date for those subchapters until such time as all bonds secured by the Regulatory Surcharges have been retired, which retirement has not yet occurred. 49 N.J.R. 2967.

The rules contained in N.J.A.C. 13:19 implement various provisions of the motor vehicle and traffic laws, N.J.S.A. 39:1-1 et seq., including those subject to this readoption with amendments pertaining to driver qualification, administrative hearing procedures, cardiovascular disorders, convulsive seizures, installation and use of ignition interlock devices, reciprocity, out-of-state motor vehicle convictions, and , driver license suspension. The Commission has reviewed N.J.A.C. 13:19 in accordance with Executive Order No. 66 (1978) and the Administrative Procedure Act, N.J.S.A. 52:14B-5.1, and has determined that the rules are "necessary, adequate, reasonable, efficient, understandable and responsive to the purpose for which they were promulgated," but has also determined to propose amendments to various rules contained in N.J.A.C. 13:19 for the reasons set forth below.

Subchapter 1 pertains to administrative hearings, and no changes are proposed thereto.

N.J.A.C. 13:19-1.1 provides that the provisions of the subchapter shall apply to administrative hearings in cases involving revocation, suspension or refusal to renew licenses, including cases involving imposition of insurance surcharges by the Commission pursuant to N.J.S.A. 17:29A-35. However, the provisions of N.J.A.C. 13:19-1 do not apply to hearings in fatal accident cases in which the Commission has initiated administrative suspension action against a licensee pursuant to subsection (b), (c) or (e) of N.J.S.A. 39:5-30; requests for hearings and the scheduling and conduct of same in such cases are governed by the provisions of subsection (b) or (e) of N.J.S.A. 39:5-30.

N.J.A.C. 13:19-1.2 affords a licensee or his or her attorney a period of 25 days from the date of notice of proposed Commission action against such licensee in which to make a written hearing request to the Commission. N.J.A.C. 13:19-1.2 also provides that requests for a hearing must specify all disputed material facts that the licensee or his or her attorney intends to raise at such hearing. Additionally, requests for a hearing must set forth all legal issues that the licensee or his or her attorney intends to raise, and must present all arguments on those issues that the licensee wishes the Commission to consider.

N.J.A.C. 13:19-1.2 provides that when a hearing request fails to set forth any disputed material fact and fails to set forth any legal issue or any argument on an issue, the request for a hearing shall be denied. The Commission shall notify the licensee of this denial and the grounds thereof, and shall notify the licensee that the proposed action shall become effective on such date as the Commission shall specify. The rule

further provides that such notice of denial of a hearing request shall be deemed to constitute the final decision of the Commission in such matter.

N.J.A.C. 13:19-1.2 also provides that when a hearing request sets forth disputed material facts that the licensee or his or her attorney intends to raise at such hearing, the Chief Administrator shall require the licensee to attend a prehearing conference conducted by designated Commission employees.

N.J.A.C. 13:19-1.2 further provides that when there are no disputed material facts and when a request for a hearing sets forth legal issues and presents arguments on those issues, the Chief Administrator may either consider those legal issues and arguments on the basis of the written record and render a written determination, which shall constitute the final agency decision in the matter; or may require the licensee to attend a prehearing conference conducted by designated employees of the Commission; or may transmit the matter directly to the Office of Administrative Law for a hearing pursuant to N.J.A.C. 1:1.

N.J.A.C. 13:19-1.3 provides that the Commission shall notify the licensee of the date, time and place of a prehearing conference scheduled pursuant to N.J.A.C. 13:19-1.

N.J.A.C. 13:19-1.4 is reserved.

N.J.A.C. 13:19-1.5 governs adjournments and failure to appear.

N.J.A.C. 13:19-1.6 concerns representation by counsel.

N.J.A.C. 13:19-1.7 provides for the conduct of prehearing conferences by driver improvement analysts.

N.J.A.C. 13:19-1.8 indicates that the purpose of the prehearing conference is to clarify disputed material facts and legal issues raised in the hearing request; to review the evidence upon which the licensee bases his or her claim; to ascertain the discovery needs of the licensee; to supply the licensee with any discovery to which the licensee may be entitled under the Uniform Administrative Procedure Rules; and to attempt to resolve the administrative action to be taken. N.J.A.C. 13:19-1.8 also provides that a Commission driver improvement analyst shall conduct a prehearing conference with a licensee who has been scheduled for such a conference pursuant to N.J.A.C. 13:19-1. N.J.A.C. 13:19-1.8 further provides that when the Commission and a licensee cannot reach a resolution of the proposed administrative action at the prehearing conference, the matter shall be transmitted to the Office of Administrative Law for a hearing pursuant to N.J.A.C. 1:1, unless there are no disputed material facts and no legal issues or argument on those issues raised at the conference. The rule further provides that in the event there is no resolution of the proposed administrative action at the prehearing conference and there are no disputed material facts and no legal issues or argument on those issues raised at the conference, the Commission shall notify the licensee that the matter shall not be transmitted to the Office of Administrative Law and the grounds thereof and shall notify the licensee that the proposed action shall become effective on such date as the Commission shall specify. Such notice shall constitute the final agency decision in the matter.

N.J.A.C. 13:19-1.9 through 1.12 are reserved.

N.J.A.C. 13:19-1.13(a) provides that the Commission shall not take administrative action against a person unless it has first afforded the person an

opportunity to be heard in conformity with N.J.A.C. 13:19-1, except as set forth in subsections (b), (c) and (d) of the rule. Subsection (b) of the rule provides that when the administrative action proposed by the Commission against any person is one wherein the Commission has authority to act without first providing an opportunity to be heard, such action shall be valid, but the Commission shall promptly afford the person an opportunity to be heard in conformity with N.J.A.C. 13:19-1. Subsection (c) of the rule provides that a hearing shall not be provided when the action taken by the Commission is required by any law that prescribes a suspension or revocation of a license or a privilege and that requires no exercise of discretion on the part of the Commission. A hearing shall not be provided when a license or privilege is suspended or revoked by order of a court of competent jurisdiction. Subsection (d) of the rule provides that when a license is restored with the understanding that any subsequent moving violation will be cause for a summary suspension, the issue of any hearing provided with respect to a proposed suspension for such subsequent moving violation will be limited to whether or not the licensee has been convicted of a subsequent moving violation and ascertaining whether the licensee received notice that the license had been restored with that understanding.

Subchapters 2 and 3 are reserved.

Subchapter 4 pertains to cardiovascular disorders.

N.J.A.C. 13:19-4.1 provides for the appointment of a Cardiovascular Committee ("Committee") of specialists to advise the Commission concerning the physical qualifications of drivers.

N.J.A.C. 13:19-4.2 provides that the Chief Administrator, in determining the driver qualification of a person affected by a cardiovascular disorder, may require the person to provide a statement of his or her medical history and a statement from his or her physician pertaining to diagnosis, treatment and prognosis.

N.J.A.C. 13:19-4.3 indicates that the Chief Administrator may refer cases to the Committee for review and recommendation relating to driver qualification. If the Committee deems it advisable, the applicant or licensed driver may be required to be examined by an internal medicine specialist or a cardiologist.

N.J.A.C. 13:19-4.4 indicates that the Committee members will report their findings and recommendations to the Chief Administrator who will determine whether or not to issue a driver license or whether or not to allow an existing licensee to retain his or her driving privilege.

N.J.A.C. 13:19-4.5 addresses consideration of restoration of driving privileges.

N.J.A.C. 13:19-4.6 provides that when a person applies for restoration of his or her driving privilege, the case may be referred to the Committee when the Chief Administrator determines that it is necessary.

N.J.A.C. 13:19-4.7 provides that restoration of driving privileges may be conditioned upon the driver's written agreement to submit interval medical reports to the Chief Administrator in the format and at the intervals set forth therein.

N.J.A.C. 13:19-4.8 provides that as a condition prior to issuance, retention or restoration of driving privileges, the Chief Administrator may require a driver to be given a driving test and examination.

Subchapter 5 pertains to convulsive seizures.

N.J.A.C. 13:19-5.1 requires a person who has been subject to recurrent convulsive seizures, recurrent periods of impaired consciousness or impairment or loss of motor coordination due to various conditions, including but not limited to epilepsy, in any of its forms, to establish that he or she has been free of such condition for 6 months, with or without medication, as a prerequisite to the issuance of a learner's permit, driver's license, driver's license renewal or the retention of a driver's license.

N.J.A.C. 13:19-5.2 provides that the Chief Administrator, after notice and hearing, may suspend the driving privilege of, or deny the issuance of a learner's permit or driver's license to a person who is affected by recurrent convulsive seizures, recurrent periods of impaired consciousness or impairment or loss of motor coordination. When the Chief Administrator determines it to be in the public interest, a suspension may be imposed pending administrative hearing.

N.J.A.C. 13:19-5.3 provides that the Chief Administrator, in determining the driver qualification of a person affected by recurrent convulsive seizures, recurrent periods of impaired consciousness or impairment or loss of motor coordination, may require the person to provide a statement of his or her medical history, a statement from the treating physician pertaining to diagnosis, treatment and prognosis and any other information deemed necessary.

N.J.A.C. 13:19-5.4 provides that the Chief Administrator shall appoint a Neurological Disorder Committee upon consultation with and advice of the Medical Society of the State of New Jersey.

N.J.A.C. 13:19-5.5 provides that the Chief Administrator may refer individual cases to the Neurological Disorder Committee for review, advice and recommendation relating to driver qualification.

N.J.A.C. 13:19-5.6 requires each member of the Neurological Disorder Committee to separately report the member's findings and recommendations to the Chief Administrator.

N.J.A.C. 13:19-5.7 provides that the Chief Administrator upon consultation with members of the Neurological Disorder Committee, may grant a learner's permit or initial driver's license or may permit a person to retain his or her driver's license although such person may have suffered a seizure, period of impaired consciousness or impairment or loss of motor coordination within a one-year period when the specific characteristics of a person's disorder do not adversely impact on the person's ability to safely operate a motor vehicle.

N.J.A.C. 13:19-5.8 sets forth restoration qualifications when the Chief Administrator has denied an applicant a driver's license or has suspended a license pursuant to N.J.A.C. 13:19-5, et seq.

N.J.A.C. 13:19-5.9 indicates that a condition to issuance or restoration of driving privileges is the individual's agreement to submit to interval reports containing the medical history and physician's statement. Interval reports must be submitted every six months for a period of two years from the date of license issuance or restoration. Thereafter, yearly reports must be submitted. The Chief Administrator, in his or her discretion, may waive or alter the interval report requirement.

N.J.A.C. 13:19-5.10 provides that a driver reexamination may be required as a condition to the issuance, retention or restoration of driving privileges.

Subchapter 6, Installation and Use of Ignition Interlock Devices, establishes procedures and requirements for the certification of breath alcohol ignition interlock devices ("BAIDs").

N.J.A.C. 13:19-6.1 articulates the purpose and scope of the subchapter.

N.J.A.C. 13:19-6.2 defines the words and terms used in the subchapter.

N.J.A.C. 13:19-6.3 adopts and incorporates by reference the National Highway Traffic Safety Administration's ("NHTSA") Model Specifications for BAIDs.

N.J.A.C. 13:19-6.4 currently sets forth standards governing the use and installation of BAIDs for the purpose of satisfying driving while intoxicated ("DWI") sentencing requirements. The rule is proposed to be amended to provide that a licensee subject to court ordered BAID installation must install such a device in the motor vehicle principally operated by the licensee, and that the licensee shall drive no vehicle other than one in which an interlock device has been installed pursuant to the order. The amendment is proposed to conform the rules with the applicable statute, N.J.S.A. 39:4-50.17, which requires that where a BAID is ordered, it must be installed in the motor vehicle principally operated by the licensee subject to the requirement, and the licensee may only operate a vehicle in which an interlock device has been installed in accordance with the court order.

N.J.A.C. 13:19-6.5 establishes the specifications for BAIDs used for satisfaction of DWI sentencing requirements. BAIDs are required to meet the NHTSA Model Specifications, to have an alcohol setpoint of 0.05 percent breath alcohol concentration,

to have affixed thereto a label warning against tampering liability, and to have a maximum required service interval of 67 days.

N.J.A.C. 13:19-6.6 establishes the application procedure for the Chief Administrator's certification of BAIDs.

N.J.A.C. 13:19-6.7 provides that the Chief Administrator shall certify a BAID for use in meeting DWI sentencing requirements provided the BAID meets the requirements of N.J.A.C. 13:19-6.5, the manufacturer has filed a completed application containing the certifications and information required in N.J.A.C. 13:19-6.6, and the manufacturer's service center complies with the requirements of N.J.A.C. 13:19-6.11. The Chief Administrator is empowered to deny certification of a BAID model if certification or approval has been denied, suspended or revoked in another state. The Chief Administrator provides written notice of the grant or denial of certification, and in case of denial, the reason therefor. After BAID certification, manufacturers are required to file a surety bond in the amount of \$10,000 with the Commission.

N.J.A.C. 13:19-6.8 requires manufacturers to obtain liability insurance in specified amounts and to file proof thereof with the Commission.

N.J.A.C. 13:19-6.9 requires manufacturers of certified BAIDs to provide annually to the Chief Administrator a certified statement that its manufacture of the certified BAID has not been modified or altered in any way, and a summary of all complaints received and corrective action taken with respect to the BAID. In addition, manufacturers are required to notify the Commission within 30 days of their receipt of notice of another state's suspension, revocation or denial of certification of the model certified by the Commission.

N.J.A.C. 13:19-6.10 sets forth the ground upon which the Chief Administrator shall revoke BAIID certification and establishes the effective date of the revocation. In addition, the rule requires BAIIDs installed under the subchapter to be removed from the program participants' vehicles, and the installation of new BAIIDs that comply with the subchapter, at the manufacturer's expense, when the Chief Administrator revokes certification of the BAIID.

N.J.A.C. 13:19-6.11 establishes requirements for BAIID service centers that address the physical layout, operation and staffing of the facilities. The requirements also address the matters of installation security, tampering memorialization, access to BAIID installation and maintenance without regard to economic status, training and responsible staffing. The rule is proposed to be amended to reflect that BAIID service centers may display either their current sign stating "New Jersey Approved Ignition Interlock Service Center," or a paper certificate issued by the Commission with the same information.

N.J.A.C. 13:19-6.12 sets forth specifications regarding the annual registration and review of certification of BAIIDs by the manufacturers thereof.

N.J.A.C. 13:19-6.13 is reserved.

N.J.A.C. 13:19-6.14 provides that indigent persons are eligible for a reduced installation charge and monthly leasing fees during the period the person is indigent, which reduction is 50%; and sets forth requirements regarding proofs to be presented by the applicant.

N.J.A.C. 13:19-6.15 sets forth how to obtain a list of certified BAIIDs and a list of service center locations.

Subchapter 7, Reciprocity Agreement between Connecticut and New Jersey, contains the reciprocity agreement between the two states concerning motor vehicle violations, bail forfeitures, failures to appear, revocations or suspensions, and speeding by drivers licensed in the respective states.

Subchapter 8, Reciprocity Agreement between Province of Alberta and State of New Jersey, contains the reciprocity agreement concerning motor vehicles registered in the respective jurisdictions.

Subchapter 9, Designation of State Official to Be Notified by Drivers of Commercial Motor Vehicles Concerning Out-of-State Motor Vehicle Convictions, designates the Motor Vehicle Commission's Director, Compliance and Safety, as the State official to be notified by drivers of commercial motor vehicles of out-of-State motor vehicle convictions pursuant to the Federal Commercial Motor Vehicle Safety Act of 1986, and also indicates the address to which such notification is to be sent.

Subchapter 11, Suspension for Out-of-State Convictions; Administrative Determinations and Bail Forfeitures for Driving While Under the Influence of Intoxicating Liquor or Drugs; Refusal to Submit to Chemical Test, provides for the uniform application of New Jersey law in matters relating to out-of-State convictions for alcohol-related violations. New Jersey licensed drivers are subject to the terms of suspension and alcohol education or rehabilitation program requirements set forth at N.J.S.A. 39:4-50 and 39:4-50.4a for alcohol-related violations incurred out-of-State.

Social Impact

The readoption of N.J.A.C. 13:19 will have a beneficial social impact in that the rules contained therein promote highway safety by implementing various provisions of

the motor vehicle and traffic laws pertaining to driver qualification, driver rehabilitation and driver disqualification for violation of motor vehicle laws. The readoption of these subchapters also promotes the social welfare in that they set forth administrative hearing procedures that comport with due process requirements of notice and hearing before final administrative action is taken by the Commission in license suspension and insurance surcharge matters.

Persons may be disqualified from licensure because their medical condition (that is, cardiovascular or convulsive seizure disorder) creates an unreasonable risk to the safety of other motorists. Persons who have repeatedly violated motor vehicle and traffic laws or have incurred alcohol-related violations may have their driving privileges suspended because they also present a disproportionate risk to the safety of other motorists. Imposition of driving privilege suspensions fosters highway safety in that said suspensions are intended to deter further violations upon license restoration. Driver improvement programs for motor vehicle violators and alcohol education or rehabilitation program requirements for persons committing alcohol-related violations also foster highway safety in that said programs are designed and intended to modify driver behavior. Installation of ignition interlock devices on motor vehicles principally operated by DWI offenders as a condition of driver license restoration promotes highway safety by preventing motor vehicles from being driven by persons whose breath alcohol concentrations effectively prohibit a vehicle's engine from being started.

The rules proposed for readoption with amendment will also have a positive social impact. The amendments to the rules benefit the public by clarifying those vehicles in which a BAIID must be installed pursuant to a court order and State law,

N.J.S.A. 39:4-50.17, and by offering BAID service centers an upgraded option to displaying paper certificate to the public confirming that the service center is approved by the State.

Economic Impact

The economic impact on the State in funding the Commission's driver control services is partially offset by the driver improvement program and other fees that are collected by the Commission pursuant to N.J.S.A. 39:5-30.4 and N.J.S.A. 39:2A-36.

There is an adverse economic impact on drivers who commit motor vehicle violations and who, as a result, incur driver improvement program fees; or who, as a result, incur a driver license suspension necessitating a payment of a license restoration fee or alcohol program fee as a prerequisite to license restoration; or who, as a result, are required to install an ignition interlock device as a condition of license restoration.

There is an economic impact on the Commission in funding the Commission's Automobile Insurance Surcharge and Collection Unit, which is charged with the administration of the supplemental surcharge rules. A portion of the administrative costs incurred by the Commission's Automobile Insurance Surcharge and Collection Unit are funded by offset from the State General Fund.

Federal Standards Analysis Statement

In compliance with Executive Order No. 27 (1994), Requirement for Statement Concerning Federal Standards in State Agency Rulemaking, notice is hereby given that the rules proposed for readoption pertaining to the installation of an ignition interlock device meet but do not exceed federal standards.

Specifically, N.J.A.C. 13:19-6.3 adopts and incorporates by reference the NHTSA Model Specifications for the use of BAIIDS, thereby meeting but not exceeding the Federal standards.

A Federal standards analysis is not required for the remainder of the rules proposed for readoption with amendment or the other proposed amendments because the subject matter of those rules is governed by State law and is not subject to any Federal requirements or standards.

Jobs Impact

The Commission does not anticipate that any jobs will be generated or lost as a result of the rules proposed for readoption or the rules proposed for readoption with amendment.

Agriculture Industry Impact

The rules proposed for readoption and readoption with amendment will have no impact on the agriculture industry in the State.

Regulatory Flexibility Analysis

The rules proposed for readoption impose reporting, recordkeeping and compliance requirements on ignition interlock device manufacturers, some of which may be small businesses within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Manufacturers that seek to participate in the certified ignition interlock device program are required to comply with the application and post-certification reporting, recordkeeping and compliance requirements imposed by N.J.A.C. 13:19-6. To obtain certification, the rules require manufacturers to ensure that the device proposed for

certification complies with the NHTSA model specifications, has the designated alcohol setpoint, bears the prescribed warning label, has a required service interval of no more than 67 days and does not impede the safe operation of the vehicle in which it is installed. To ensure compliance with NHTSA model specifications, the rules require manufacturers to submit with their applications the written instructions, technical specifications and proof of either laboratory testing or another state's certification of the device as meeting the NHTSA Model Specifications. The rules require that manufacturers provide indigent persons with device installation and leasing at half the regular price.

The rules also require a manufacturer to carry liability insurance in the specified amount and to provide the Commission with a certificate of insurance upon application. Upon the Chief Administrator's certification of a manufacturer's device, the manufacturer is required to post a bond in a specified amount.

The rules also require a manufacturer to submit with its application a list of states that have approved, revoked, suspended and denied certification of the device in a program that requires compliance with the NHTSA Model Specifications, and in the case of a revocation, suspension or denial, the reasons and contact information of the state official responsible therefore. Manufacturers have a continuing obligation upon certification to notify the Commission in case of a subsequent revocation, suspension or denial of certification or approval of a device certified by the Chief Administrator.

The rules also require manufacturers to maintain a network of device service centers. The manufacturer must submit with its application for certification a list of the service centers in the network, information relating to the nature of the proprietorship

thereof, and a list of the employees that will provide services related to BAIDs at the centers. The employees of service centers have to be free from records of certain criminal offenses that could have the propensity to impair the integrity of, and public confidence in the program. Manufacturers must provide employees with appropriate training and submit the training documentation with their applications.

The rules require the configuration of service centers to provide a secure service area, a secure record storage area, a waiting area for customers and a training area in which to provide required hands-on training to device users. Service centers must display certain signage and must be equipped with appropriate tools, testing equipment and service manuals. The proposed readoption with amendment upgrades the signage options available to a BAID service center. Service centers must maintain, in a secure area, all material and supplies relating to BAID servicing. Service centers must keep as confidential all of the program participants' personal and medical information.

Service centers are required to operate during normal business hours, to maintain a 24-hour emergency response telephone number and to provide prompt response to emergency service requests. Service centers are required to complete installations within seven days of a request and to provide device users in the DWI sentencing program with a certificate of installation.

Service centers are required to provide device users in the sentencing program with hands-on training, care and maintenance instructions, emergency procedures and the emergency response telephone number. In conducting required service, service centers are required to check for proper device functioning and operation and for

evidence of tampering and to document in written and photographic form indicia of tampering and circumvention efforts and attempts.

Manufacturers are required to report to the Commission annually that the manufacture of the device has not changed and to provide a summary of reported problems with the device, categorized by the nature of the complaint. Manufacturers and their service centers are required to maintain service records for each offender for a specified time period after device removal.

Failure of manufacturers to remain in compliance with the application and post-certification requirements or inaccurate misrepresentation of the device, provides grounds for the Chief Administrator's decertification of the device. Manufacturers whose devices the Chief Administrator decertifies are required to pay for the removal of devices installed to satisfy sentencing program requirements and for the cost of installation of certified devices.

The rules proposed for readoption and readoption with amendment do not require small businesses to engage additional professional services for compliance therewith. The records are of a kind that are maintained in the ordinary course of business; therefore, the rules do not impose additional reporting or recordkeeping burdens on small businesses nor do they necessitate initial capital and annual expenditures for reporting or recordkeeping compliance by small businesses, other than as discussed above.

The Commission rules are intended to ensure that persons sentenced to use an ignition interlock device have a reliable resource to aid them in complying with their sentences, that indigent persons are not precluded by cost from participating in the

program and that the devices used are in compliance with the NHTSA Model Specifications and are consistent in their design and operability. The DWI sentencing program has as its goal the deterrence of DWI recidivism, thereby promoting the health and safety of the public. The Commission has determined that the uniform application of rules to all manufacturers, regardless of business size, is necessary to ensure that the conduct of manufacturers meets these reliability, safety and fairness goals. Therefore, the Commission has provided no distinction in the rules based on business size.

Smart Growth Impact

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

Housing Affordability Impact Analysis

Housing affordability will not be impacted by the rules proposed for readoption or readoption with amendment and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing. The rules are concerned with driver management and control, including the administrative hearing process for taking action against errant drivers, and the use and installation of BAIDs where ordered by courts.

Smart Growth Development Impact Analysis

The rules proposed for readoption or readoption with amendment will have no impact on smart growth development because they do not impose any requirements on housing units, affordable housing or new construction within Planning Areas 1 or 2 or

within designated centers under the State Development and Redevelopment Plan. The rules are concerned with driver management and control, including the administrative hearing process for taking action against errant drivers, and the use and installation of BAIIDs where ordered by courts.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:19.

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

SUBCHAPTER 6 INSTALLATION AND USE OF IGNITION INTERLOCK DEVICES

13:19-6.4 Requirements for use of BAIIDS installed to meet sentencing requirements

(a) In order to have a driver license restored, an offender required by the court to have a BAIID installed as part of a sentence imposed under N.J.S.A. 39:4-50 and 39:4-50.17 shall have installed in **the motor vehicle principally operated by the offender during and following the expiration of the period of license suspension imposed** [every motor vehicle the offender owns, leases, or regularly operates], a BAIID that has been certified by the Chief Administrator under N.J.S.A. 13:19-6.7, **and for the duration of the court's order, an offender shall drive no vehicle other than one in which an interlock device has been installed pursuant to the order.**

(b) - (d) (No change).

13:19-6.11 Service center requirements

(a) (No change).

(b) Each service center shall:

(1.) - (2.) (No change).

3. Display in a place visible to BAIID customers a sign **or certificate** provided by the Commission that states "New Jersey Approved Ignition Interlock Service Center";

(4.) - (17.) (No change).

(c) (No change).

ITEM 1710-07: FEDERAL GRANT - COMMERCIAL DRIVER LICENSE**BENEFITS**

The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created MVC, which was amended by P.L. 2007, c.335 and by P.L. 2009, c.298, provides at section 13a4 that the Board Members shall approve the receipt of federal grants to assist with operational or other improvements.

PURPOSE

The effect of this item is to fulfill the statutory requirement that the Board Members vote on the receipt of federal grants. In a manner consistent with the Commercial Motor Vehicle Security Act of 1999, the Fixing America's Surface Transportation (FAST) Act of 2015, and the Federal Motor Carrier Safety Act, funds from a grant that recently has been awarded to the Motor Vehicle Commission by the Federal Motor Carrier Safety Administration will be used to make improvements to the Commercial Driver License (CDL) system, as noted below.

ACTION

Approval of this item will authorize the Chairman to receive federal funds from the Commercial Driver License (CDL) Program Implementation Grant. That grant provides financial assistance to States to achieve compliance with the requirements of 49 CFR Parts 383 and 384 regarding the national CDL Program. The goal of the national CDL Program is to reduce the number and severity of commercial motor vehicle crashes in the United States by ensuring that only qualified drivers are eligible to receive and retain a CDL. This goal focuses on maintaining the concept that for every driver, there is only one driving record and only one licensing document (commonly referred to as "One Driver — One License — One Record".) To further this concept, States are required to conduct knowledge and skills testing before issuing a CDL, maintain a complete and accurate driver history record for anyone that obtains a CDL, and impose appropriate disqualifications against any driver that violates certain offenses. This effort is directly linked to the Federal Motor Carrier Safety Administration (FMCSA) focus of reducing crashes, injuries, and fatalities involving large trucks and buses.

FMCSA has awarded \$1,134,503.00 to the New Jersey Motor Vehicle Commission (MVC) to complete three projects in the 2017 Commercial Driver License Program Implementation (CDLPI) grant application. Projects approved for the 2017 CDLPI grant funding include the Commercial Driver License (CDL) Mobile Compliance Unit, the CDL Interstate Fraud Prevention Initiative and the CDL Compliance and Coordination effort.

FISCAL IMPACTS

This item approves proceeding with federal funds in the amount of \$1,134,503.00. These funds will be consistent with the Fiscal Year 2018 MVC Annual Budget that was approved by the Board Members at their August 12, 2017 meeting.

RESOLUTION

WHEREAS, the Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 which was amended by P.L. 2007, c.335 and by P.L. 2009, c.298, provides at section 13a4 that the Board Members shall approve the receipt of federal grants to assist with operational or other improvements; and

WHEREAS, the Federal Motor Carrier Safety Administration has notified the Motor Vehicle Commission that it has been awarded federal funds pursuant to the Commercial Driver License (CDL) Program Implementation Grant;

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to proceed with the federal funds in the amount of \$1,134,503.00 to be used to make the specified improvements to the Commercial Driver License system.

**NEW JERSEY MOTOR VEHICLE COMMISSION
October 12, 2017 Regular Meeting of the Board Members**

PRESENTATION ON THE FEDERAL GRANT - - CDL

by

Donna Pennabere, Deputy Administrator, Business and Compliance

Background

The Federal Motor Carrier Safety Administration ("FMCSA") has awarded the Motor Vehicle Commission ("Commission") a grant would update and support the Commission's commercial driver licensing program.

Funding

FMCSA has awarded \$1,134,503.00 to the New Jersey Motor Vehicle Commission (MVC) to complete three projects in the 2017 Commercial Driver License Program Implementation (CDLPI) grant application. Projects approved for the 2017 CDLPI grant funding include the Commercial Driver License (CDL) Mobile Compliance Unit, the CDL Interstate Fraud Prevention Initiative and the CDL Compliance and Coordination.

The 2017 CDLPI grant was awarded for \$1,134,503.00, as follows:

(1) CDL Mobile Compliance Unit:	\$424,129.00
(2) Interstate Fraud Prevention Initiative - CDL:	\$219,742.00
(3) CDL Compliance and Coordination:	\$490,632.00
TOTAL.....	\$1,134,503.00

The Board is being asked to approve a Resolution authorizing the MVC to accept these awarded funds to help ensure New Jersey's continued compliance with all FMCSA commercial driver regulations and to improve CDL testing operations.

Summary of the three projects

PROJECT #1: CDL Mobile Compliance Unit

Problem Statement: The CDL Mobile Compliance Unit is a multifaceted group that administers the regulations set forth by FMCSA. Primary duties are to conduct overt and covert monitoring of the state's Certified Commercial Examiners, provide staff training certifications and evaluations, identify CDL skills test site improvements, administer bulk CDL Skills testing to meet the demands of industry and assist high volume MVC CDL skills testing sites. The unit will also assist with the implementation of third party CDL testing in New Jersey by identifying and incorporating internal controls and oversight to ensure skills examinations are conducted in accordance with federal standards.

Bulk testing assists the CDL Driving School industry, school bus industry, school districts, state, county and local government agencies and mass transit. The necessity is to expediently meet industry demand and ensure efficient government and mass transit operations, while ensuring CDL applicants meet the qualification standards. Bulk testing assists MVC CDL sites in providing additional testing availability for the general public.

From its inception, the CDL Mobile Compliance Unit has worked closely with MVC's Division of Facilities Management to develop new and improved CDL process flows for efficiency. Their collaboration has identified innovations in reflective paints, traffic markings, and the latest in universal signage that will improve the Commercial Motor Vehicle (CMV) test flow. The MVC requests funding to enable these innovations through the use of unique site equipment and tooling to plot an accurate and efficient CDL skills test site.

Over the last year, the CDL Mobile Compliance Unit has piloted outreach to bulk test groups in an effort for these groups to better understand the CDL licensing process. Though this was a limited program, the reduction in failures as well as a clearer understanding of the CDL manual has shown improvement in the overall pass rate. The state wishes to continue and expand this outreach to our bulk testing community.

New Jersey requests funding to share information and processes to collaborate with other State Driver Licensing Agencies. The possibility of neighboring state collaborations is viewed as mutually beneficial to the states and FMCSA goals of ensuring only qualified individuals obtain CDLs.

Performance Objective: The objective is to eliminate backlogs that develop during peak periods for CDL skills testing and to ensure New Jersey remains compliant with all of the FMCSA CDL testing and licensing standards. Implementation of a Third Party CDL Testing Pilot Program with proactive state oversight and controls to ensure third party compliance with FMCSA skills testing standards and evaluation of the Third Party CDL Testing Pilot Program. New Jersey will maintain a highly-trained CDL Mobile Compliance Unit to ensure collaboration with federal and state partners.

Program Activity Plan: The CDL Mobile Compliance Unit will require four (4) employees for the third party testing pilot program. The CDL Mobile Compliance Unit expansion will require two (2) additional vehicles, two (2) document scanners, two (2) video cameras and two (2) laptop computers. The purchase of extended cab pickup trucks will enable the CDL Mobile Compliance Unit to move CDL equipment for deployment throughout the State and expand our innovative offsite testing program.

Overtime is requested to increase CDL bulk testing, scheduled testing and conduct CDL site improvements. Overtime funding will reduce backlogs; meet industry demand and address a reduction in CDL skills test volume due to an increase in CDL testing time.

Performance Measurement Plan: All staff who administer CDL skill and knowledge tests will be properly trained and certified by AAMVA. Required equipment will be purchased to allow for deployment throughout the state and expand the offsite testing program.

PROJECT #2: Interstate Fraud Prevention Initiative - CDL

Problem Statement: The MVC currently operates the Facial Recognition Center, which was established in 2012. The purpose of the Facial Recognition Center (FRC) is to support the MVC's enduring global objective of vigilantly maintaining "one person, one record" driver license database integrity. In 2014 the MVC participated in a proof of concept with New York DMV called Interstate Fraud Prevention Initiative - CDL (IFPIC). The initial IFPIC project compared 3,000 New Jersey driver license records against the universe of images of CDL drivers in the state of New York and identified drivers that used false identities to bypass the Commercial Driver License Information System (CDLIS) and obtain a New Jersey CDL. This project yielded 200 compact state license suspensions of CDL drivers in New Jersey. Additionally, through our investigation and review process, the MVC assisted in identifying fraudulent activity by 62 CDL drivers licensed in New York.

Building on the successes of the initial IFPIC project, the MVC will enter into a multi-state Interstate Fraud Prevention Initiative - CDL (IFPIC 2). This second phase will leverage facial recognition technology to focus specifically on individuals holding an illegally obtained CDL or those suspended in one state while holding a valid CDL in another state. In the past, these individuals might have avoided prosecution by using different identities in any of the four participating states; New Jersey, New York, Connecticut and/or Maryland to obtain commercial driving documents in each of those states simultaneously. The use of facial recognition technology across state lines is the cutting edge investigative tool that will identify these fraudsters and protect the motoring public against subjects that by virtue of some prior violations or other circumstances are not entitled to drive a commercial vehicle.

Through our past experience with establishing a facial recognition operation, we have identified the need for certain equipment. It should be noted that the multi-state facial recognition system is being designed to allow other states to join the four original participating states. For this reason, the required computer equipment must be technologically efficient and effective to allow for the growing demand of the FRC.

Performance Objective: The objective is to implement a multi-state facial recognition comparison of the images of all drivers completing CDL transactions in motor vehicle agencies in any combination of the four participating states. The total number of CDL records contained in the databases of these four states is almost one million. Over 25,800 of these CDL records are either revoked or suspended. On any given day, these states capture CDL driver images in over 1,100 transactions. A comparison of these CDL images against the CDL images in each of the other participating states will without a doubt produce a quantity of possible fraud related crimes. Given the fact that these individuals potentially obtained a second CDL to circumvent penalties related to serious motor vehicle violations, this is clearly a safety-related issue for any person sharing the highways with these unauthorized drivers.

As stated above, the FRC is intended to strengthen the MVC's effort to ensure one person, one record database integrity. Naturally, this objective and these FRC efforts

align the MVC with FMCSA's vision of paramount data integrity and airtight security within the commercial vehicle driver licensing system.

Program Activity Plan: In commencing the second phase in combatting CDL fraud, the plan is to establish a separate, dedicated physical workspace, infrastructure, hardware, software and workforce within the FRC to facilitate this cutting edge CDL fraud identification tool.

Performance Measurement Plan: When the purchased equipment is installed the expected increase in CDL fraud identification and remediation will be measured via backend analytics utilizing the web-based eFORCE Records Management Software. Numerous statistical categories are maintained within this system related to MVC fraud prevention and interdiction efforts.

PROJECT #3: CDL Compliance and Coordination

Problem Statement: The MVC CDL Unit is responsible for tasks involved with all aspects of CDL compliance. The MVC has a CDL Coordinator who is responsible for ensuring that all CDL-related projects and regulations are implemented. This unit, in addition to daily tasks, is responsible for all the timely data entries regarding self-certification and Medical Examiner's Certificate information for all CDL holders. Federal funding is needed to maintain a staff dedicated to CDL-related tasks.

Performance Objective: In addition to daily tasks and the timely data entry of self-certification and medical certificate information, the CDL Unit verifies that all CDL Hazardous Materials endorsement applicant fingerprint checks are updated, Problem Driver Pointer System (PDPS) inquiries are addressed, CDL convictions and withdrawals are posted properly to the driver, and errors identified on the American Association of Motor Vehicle Administrators' (AAMVA) weekly CD90.3.1 Pointer Suspense Report are corrected. The CDL Unit handles numerous calls and correspondence from federal Department of Transportation (DOT) inspectors, other states, motor carriers and the public who request information or guidance regarding CDL-related matters.

Program Activity Plan: The CDL Coordinator's primary responsibility is to keep New Jersey in compliance with all federal regulations, including medical certificate requirements and CDL permit and testing standards. This includes ensuring that all New Jersey regulations are updated and all system requirements are met. The CDL Unit staff will ensure that all CDL holders licensed in New Jersey and their employers are aware of all federal Medical Examiner's Certificate (MEC) requirements. Staff will update driver records with MEC information and support the transfer of this information to CDLIS. The project will help ensure all New Jersey CDL holders comply with the MEC requirements and avoid being placed "out of service".

Performance Measurement Plan: Tasks in this project will demonstrate that New Jersey is in substantial compliance with all FMCSA commercial driver regulations. All required data on MECs are entered into CDLIS within 10 days after receipt.

Closing

On behalf of MVC, I like to publicly thank FMCSA for all the awarded grant funding to this Commission, and for their continued support of our ongoing efforts. I'd also like to thank this Board for supporting the Commission's CDLPI efforts.

Questions

I'd be happy to answer any questions you might have regarding this grant.

Thank You.

Approval: Minutes of August 8, 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 August 8, 2017 Minutes were delivered on August 8, 2017 to the Governor, and became effective upon expiration of the ten day period on August 22, 2017.

ACTION

Approval of this item by the Board Members indicates acceptance of the August 8, 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 August 8, 2017 were delivered without delay to the Governor on August 8, 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 August 8, 2017 Board Meeting are effective as of August 22, 2017; and

NOW, THEREFORE, BE IT RESOLVED that the Minutes of actions taken at the August 8, 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, 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 Jaremback 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 DelMonaco 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 DelMonaco 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 (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 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.

STATE OF NEW JERSEY

RESOLUTION

WHEREAS, Police Officer Allen Franchi of the Washington Township (Gloucester County) Police Department helps to keep secure the Motor Vehicle Commission (MVC) Agency in Turnersville through the Law Enforcement Agency Security Enhancement Program (LEASE); and

WHEREAS, Officer Franchi demonstrated exemplary valor and selfless actions in defense of the State's security at the MVC Turnersville Agency on April 18, 2017 while stopping an altercation outside; and

WHEREAS, Officer Franchi through his actions through LEASE is providing a law enforcement presence at MVC agencies that helps MVC effectively maintain its system and business processes in the securest manner while addressing fraudulent and criminal activities that threaten the State's security; and

WHEREAS, Police Officer Allen Franchi was speaking to an individual who was involved in an altercation in the parking lot outside the MVC Turnersville Agency; and

WHEREAS, Police Officer Allen Franchi was attempting to de-escalate the situation when the individual began shouting at Officer Franchi and hitting him, and then lunged at Officer Franchi and started choking him and saying he was going to kill him; and

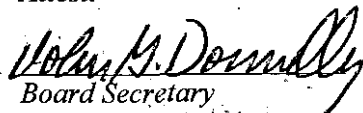
WHEREAS, MVC's Ryan Armstrong, Andre Sawaya and David Fraser ran into the lot and pulled the assailant off, held the assailant as he was being handcuffed, and assisted Officer Franchi; and

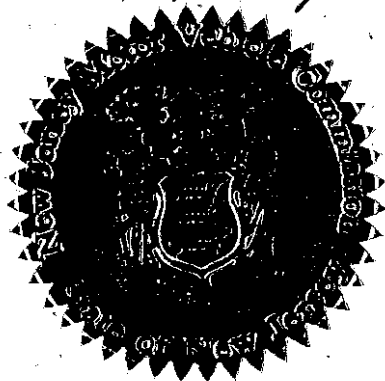
WHEREAS, the assailant was charged with assault and resisting arrest and, during this incident, Officer Franchi received injuries in the performance of his duties; and

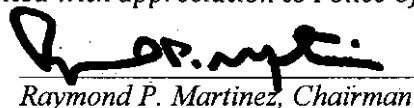
NOW, THEREFORE, BE IT RESOLVED, that the Commission expresses its profound appreciation and heartfelt thanks to Police Officer Allen Franchi for his service to the Motor Vehicle Commission and the State of New Jersey and wishes him many more years of continued association with the Motor Vehicle Commission; and

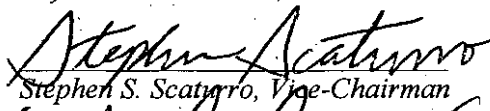
BE IT FURTHER RESOLVED, that this resolution be spread in full upon the minutes of the meeting of the Commission held on the twelfth day of October, two thousand and seventeen, and that a copy thereof signed by the Chairman and Board Members be presented with appreciation to Police Officer Allen Franchi.

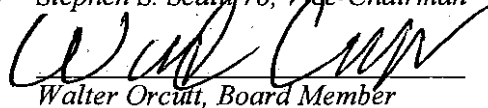
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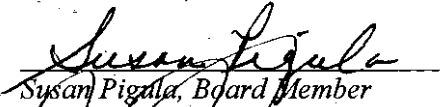

John M. Donnelly
Board Secretary

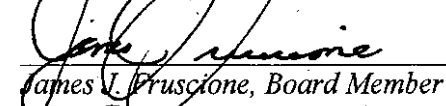


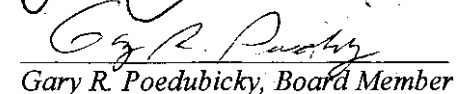

Raymond P. Martinez, Chairman


Stephen S. Scatarro, Vice-Chairman


Walter Orcutt, Board Member


Susan Pigala, Board Member


James J. Pruscione, Board Member


Gary R. Poedubicky, Board Member