



New Jersey Motor Vehicle Commission

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

STATE OF NEW JERSEY

Minutes
Date: 12/11
Meeting: 12/10
Veto: 12/20
Memo: 12/18

Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

B. Sue Fulton
Chair and Chief Administrator

December 10, 2019

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



Dear Governor Murphy:

In accordance with Section 17 of The Motor Vehicle Security and Customer Service Act of 2003, constituting Chapter 13 of the laws of 2003 of the State of New Jersey, as amended pursuant to P. L. 2007, Chapter 335 and pursuant to P. L. 2009, Chapter 298, I herein transmit the minutes of actions taken at the open session of the Regular Meeting of the New Jersey Motor Vehicle Commission Board at Floor 8E, Motor Vehicle Commission Headquarters, Tuesday, December 10, 2019.

Thank you.

Yours truly,

Chris Hillmann
Chris Hillmann
Board Secretary

NOTE: Please email the veto date to Marykelly.ardente@mvc.nj.gov

Enclosure

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Approval:

Minutes of November 7, 2019

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 November 7, 2019 Minutes were delivered on November 7, 2019 to the Governor and became effective upon expiration of the ten day period on November 25, 2019.

ACTION

Approval of this item by the Board Members indicates acceptance of the November 7, 2019 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 November 7, 2019 were delivered without delay to the Governor on November 7, 2019; 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 November 7, 2019 Board Meeting are effective as of November 25, 2019; and

NOW, THEREFORE, BE IT RESOLVED that the Minutes of actions taken at the November 7, 2019 New Jersey Motor Vehicle Commission Board meeting are hereby approved.

NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Board Secretary Chris Hillmann of actions taken at the Open Session of the Special 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, November 7, 2019. This meeting was held via speakerphone.

Present:

B. Sue Fulton, Chair and Chief Administrator
Stephen S. Scaturro, Board Member (by speakerphone)
Diane Legreide, Board Member (by speakerphone)
Hannah Good, Assistant Director & State Treasurer Designee (by speakerphone)
Eric Heitmann, Director Highway Traffic Safety & Attorney General Designee (by speakerphone)
Sue Pigula, Vice Chair, (by Speakerphone)
Joy Johnson, Associate Counsel Governor's Authorities Unit (by speakerphone)
Deputy Attorney General Jennifer Jarembak (by speakerphone)

Chair B. Sue Fulton convened the Open Session at 11:10 a.m. in accordance with the Open Public Meetings Act.

Agenda Approval. Board Member Steve Scaturro moved to accept the proposed agenda, Diane Legreide Board Member seconded the motion and it was unanimously adopted.

The following Agenda Items were presented for approval:

Minutes: October 10, 2019. 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, including October 10, 2019. Board Member Scaturro moved the resolution, Board Member Diane Legreide seconded it and it was unanimously adopted.

1911-01: TRANSPORTATION NETWORK COMPANIES (SAMI's LAW) 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 to the TRANSPORTATION NETWORK COMPANIES. This is a Special Final Adoption. The effect of this item is to improve safety for consumers of prearranged ride services requested through a digital network. These rules make it easier and clearer for riders to confirm the identity of an Uber, Lyft or other prearranged ride vehicle before the rider enters the vehicle. JoAnne Sutkin of the Office of Legal and Regulatory Affairs, presented the Final Adoption. Board Member Scaturro moved the resolution, Board Member Diane Legreide seconded it and it was unanimously adopted.

Adjournment:

Since there was no further business, a motion to adjourn was made by Board Member Diane Legreide and seconded by Board Member Scaturro and unanimously adopted at 11:20 a.m.

ITEM 1912-01: 2020 MEETINGS

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, P. L. 2009, c. 298, and P.L. 2013, c.253, at section 16 provides for meetings of the Commission Board Members.

PURPOSE

The effect of this item is to fulfill the requirements of the Act and of the Motor Vehicle Commission Board Bylaws, Article III, that the Board adopt the annual notice of meetings.

Unless otherwise noted on the attached schedule or modified by the Chairperson or Board during the year, in accordance with the Open Public Meetings Law, meetings will be held on either a Tuesday or Thursday of every other month noted on the attached Exhibit A at 2:00 p.m. in Training Room A/B, 8th Floor East Wing, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey.

The Open Public Meetings Law, P.L. 1975, c. 231 requires that the public be given adequate notice of meetings of public bodies. Section 13 specifically provides that at least once each year, a public body must provide adequate notice of the schedule of regular meetings to be held during the year. The schedule must contain the location, to the extent known, the time and the date of each meeting.

ACTION

Adopt the Annual Notice of Meetings for all of the Board Member meetings during Calendar Year 2020, as presented in Exhibit A.

FISCAL IMPACTS

None.

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, P. L. 2009, c. 298, and P.L. 2013, c.253, at section 16 provides for meetings of the Commission Board Members; and

WHEREAS, pursuant to the Open Public Meetings Law, P.L. 1975, c. 231, an annual notice of regular meetings must be disseminated; and

WHEREAS, the Annual Notice of Meetings must be prominently posted in one public place reserved for announcements of this type, transmitted to newspapers, filed with the Secretary of State, and mailed to any person who requests it; and

WHEREAS, the Motor Vehicle Commission Board Bylaws, Article III, states that the Board will adopt an annual notice of meetings;

NOW, THEREFORE, BE IT RESOLVED that the Annual Notice of Meetings for 2020 is adopted as attached in Exhibit A; and

BE IT FURTHER RESOLVED that the Annual Notice of Meetings for 2020 shall be disseminated in accordance with the provisions of the Open Public Meetings Law, P.L. 1975, c. 231.

Exhibit A

ANNUAL NOTICE OF MEETINGS – CALENDAR YEAR 2020

NEW JERSEY MOTOR VEHICLE COMMISSION BOARD

In accordance with the "Open Public Meetings Law," P.L. 1975, c. 231, the above organization will hold regular meetings, open to the public, at 2:00 p.m. on those Tuesdays and Thursday of every other month as noted below for the period January 1, 2020 through December 31, 2020.

Unless otherwise noted or modified by the Chairperson or Board during the year, meetings will be held at 2:00 p.m. in Training Room A/B, 8th Floor East Wing, Motor Vehicle Headquarters, 225 East State Street, Trenton, New Jersey.

Below, MVC Website users are asked to please click on a specific meeting date to see the Open Public Meetings Act's required Notice and the Proposed Agenda of formal action. Each meeting's Notice and Proposed Agenda is available at least two business days before the meeting.

February 11	(2nd Tues.)
April 14	(2nd Tues.)
June 9	(2nd Tues.)
August 11	(2nd Tues.)
October 15	(3rd Thurs)
December 8	(2nd Tues.)

ITEM 1912:02 INSTALLATION AND USE OF IGNITION INTERLOCK DEVICES

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, assigns to MVC the duty to promulgate regulations affecting various programs, including these Proposed Amendments of the regulations concerning Installation and Use of Ignition Interlock Devices.

PURPOSE

This is a Proposed Amendment. The effect of this item is to introduce revisions to the penalties for operating a motor vehicle under the influence and expand the use of ignition interlock devices to deter drunk driving and enhance public safety.

ACTION

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

MVC Board Chair and Chief Administrator Sue Fulton 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 to the proposal 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, assigns to the Motor Vehicle Commission the duty to implement regulations affecting various programs, including this Proposed Amendment Proposed Regulation of the Enforcement Service Regulation of the Installation of the Use of Ignition and Interlock Devices

NOW, THEREFORE, BE IT RESOLVED that the Chair is authorized to file with the Office of Administrative Law a notice of this proposed regulation Installation concerning the, in substantially the form as attached in Exhibit A.

EXHIBIT A

TRANSPORTATION

MOTOR VEHICLE COMMISSION

Installation and Use of Ignition Interlock Devices

Proposed Amendments: N.J.A.C. 13:19-6.4, 13:19-6.5, 13:19-6.9, 13:19-6.10,

13:19-6.11

Authorized By: _____

Motor Vehicle Commission

B. Sue Fulton, Chair and Chief Administrator

Authority: N.J.S.A. 39:2-3, 39:2A-28, 39:4-50, 39:4-50.16 et seq., 39:4-50.17 et seq.,
39:4-50.21, 39:5-30, 39:5D-4, and P.L. 2019, c. 248

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

Proposal Number: PRN 2019-

Submit comments by (insert date) to:

Kate Tasch, Director
Legal and Regulatory Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, NJ 08666-0162

Or via e-mail to: rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

The Motor Vehicle Commission (Commission) proposes amendments to N.J.A.C. 13:19-6.4, 13:19-6.5, 13:19-6.9, 13:19-6.10 and 13:19-6.11. P.L. 2019, c. 248 (the Act) amended N.J.S.A. 39:4-50, 39:4-50.4a, 39:4-50.17, and 39:4-50.18, effective December

1, 2019, to revise the penalties for operating a motor vehicle under the influence and expand the use of ignition interlock devices to deter drunk driving and enhance public safety.

Prior to the change in the law, a determination that a first-time drunk driving offender with a blood alcohol concentration (BAC) of 0.08% or higher but less than 0.10% resulted in a mandatory license suspension for three months. If the first-time offender's BAC was 0.10% or higher, or if the vehicle was being operated under the influence of drugs, the license suspension would range from seven months to one year. The new law makes a significant change that will allow a first-time drunk driver to continue to operate a vehicle rather than requiring a license suspension so long as the driver is compliant with installing and driving with an ignition interlock device on the vehicle.

In enacting the amendments, the Legislature found that since January 2001, New Jersey law has required repeat drunk drivers and first-time offenders with a high BAC to install an ignition interlock device; however, ignition interlock installation has not been mandatory for all first-time offenders. The Legislature also found that, despite the suspension of their driving privileges, many offenders continued to drive, which the Legislature concluded was ineffective in combating drunk driving. The Legislature further concluded, based upon a review of a recent national study by the Insurance Institute for Highway Safety (IIHS) and state laws, that ignition interlock devices are more effective in deterring drunk driving than license suspension. Specifically, the IIHS study (State alcohol ignition interlock laws and fatal crashes. Teoh, Eric R. / Fell, James C. / Scherer, Michael / Wolfe, Danielle E.R. *Insurance Institute for Highway Safety*, March 2018) found that state laws mandating interlock devices reduced the number of drivers involved in fatal

crashes, where the driver had a BAC of 0.08% or higher, by 16 percent compared to states with no interlock laws and by 8 percent when required for first time and repeat offenders. According to studies relied upon by the Legislature, the cost shouldered by the offender will be substantially outweighed by the increased public safety and potential to save lives lost because of drunk drivers. The Act, which applies to offenses that occurred on and after December 1, 2019, expires January 1, 2024.

The proposed amendments implement the provisions of the Act that expand the use of ignition interlock devices, specify the conditions necessary for removal of the ignition interlock device (also referred to in the rules as a breath alcohol ignition interlock device, or BAIID), and mandate new reporting requirements regarding the installation and use of ignition interlock devices.

N.J.A.C. 13:19-6.4 is proposed for amendment to create a distinction for offenses occurring between December 1, 2019 and January 1, 2024 and offenses prior to and after that period. The rule is also proposed to be amended to provide that a licensee subject to court-ordered BAIID installation must install the BAIID in one motor vehicle that is owned, leased, or principally operated by the licensee, and that the licensee shall drive no vehicle other than the one in which a BAIID has been installed pursuant to the court order. Further, the proposed amendment removes from the driver's license the date of completion of the offender's ignition interlock sentence for offenses that occur on and after December 1, 2019 and before January 2, 2024, and requires a certification of compliance in accordance with the Act prior to the issuance of a driver's license with the ignition interlock imprint removed.

N.J.A.C. 13:19-6.5 is proposed for amendment to change the maximum required service interval from 67 days to 60 days to ensure proper functioning of the device and ensure accurate readings throughout the installation period, including the last 30 days of the installation period. The Act permits the removal of a BAIID only if the offender submits to the chief administrator a certification from the ignition interlock manufacturer or service center that during the final 30 days of the installation period there was not more than one failure to take a test or more than one test with a resulting BAC of 0.08% or higher unless a re-test conducted within five minutes of the initial test indicates a BAC of less than 0.08%. This amendment to the rules ensures that offenders sentenced to 90 days of BAIID installation will not have calibration or service-related issues during the final 30 days of the installation period.

N.J.A.C. 13:19-6.9 is proposed for amendment to establish requirements for BAIID manufacturers to maintain records of the number of offenders who qualify for a BAIID at a reduced rate pursuant to N.J.S.A. 39:4-50.17a, and to report this data to the Motor Vehicle Commission on January 1 and July 1 of each calendar year. Manufacturers will also be responsible for maintaining records of offenders who remove the BAIID due to their inability to afford continued installation and to report this data to the Motor Vehicle Commission on January 1 and July 1 of each calendar year. This amendment to the rules is necessary for the Chief Administrator to comply with the semiannual reporting requirements of the Act.

N.J.A.C. 13:19-6.10 is proposed for amendment to continue to provide the Chief Administrator with the power to revoke BAIID certification and remove that manufacturer from the list of approved BAIID manufacturers for failure to comply with the rules and

removes the requirement that the non-compliance must impair the integrity, safety, consistency or cost-effectiveness of the public trust in the program.

N.J.A.C. 13:19-6.11 is proposed for amendment to change the maximum required monitoring interval from 67 days to 60 days to ensure proper functioning and use of the device and to ensure accurate readings throughout the installation period, including the last 30 days of the installation period. The commission also proposes to amend this rule to require that the certificate of installation provided by the BAIID service center include the date of the offense for which the BAIID is being installed and the name and address of the court ordering the BAIID installation. The proposed amendments also establish requirements for the creation and submission of a certification of compliance at the conclusion of the court-ordered BAIID installation period, or when non-compliance requires a return to the court or Motor Vehicle Commission for a determination as to an additional BAIID installation term of up to 90 days.

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

Social Impact

The proposed amendments enhance the safety of the public by ensuring that offenders are not able to operate a motor vehicle with a BAIID installed if their breath alcohol (BrAC) is 0.05% or above.

Additionally, the proposed amendments will allow offenders to continue to drive to meet transportation obligations necessitated by employment, family, and travel.

Economic Impact

The proposed amendments will have an economic impact on the general public. For those individuals who are convicted of a violation of N.J.S.A. 39:4-50 or N.J.S.A. 39:4-50.4a, there will be costs associated with the installation, purchase or rental and maintenance of the BAIID. The Commission anticipates that these costs will be mitigated by the fact that, once the BAIID is installed, offenders will continue to have the ability to use their vehicles to travel to and from their places of employment, transport themselves and their family members, and maintain their typical lifestyles instead of being suspended. If offenders' licenses were suspended, offenders would then be responsible for finding alternative transportation, which can be inconvenient and costly.

The costs are also mitigated by the benefit to public safety when offenders are prohibited from operating a motor vehicle if the BAIID reading is 0.05% or above.

Manufacturers and ignition interlock service centers will be positively affected because of the anticipated increase in the use of BAIIDs.

Jobs Impact

The Commission anticipates that the proposed amendments may have a positive impact on jobs, as those who are subject to the installation of a BAIID will be able to continue to drive to their place of employment, or to destinations to seek employment, whereas if a person's driver license were suspended, the person may not have a way to get to places of employment. Also, the increased use of BAIIDs may generate additional jobs at the ignition interlock installation facilities.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendments are not being proposed to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Agriculture Industry Impact Statement

The Commission does not anticipate that there will be any impact on the agriculture industry as a result of the proposed amendments.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., defines a "small business" as any business resident in this State that employs fewer than 100 employees full-time, is independently owned and operated, and is not dominant in its field. Some of the businesses affected by the rules proposed for amendment with amendments are small businesses.

The cost of compliance with the rules proposed for amendment will be administrative in nature; no professional services are required to comply. The rules proposed for amendment do not significantly increase reporting requirements; the majority of information requested from the manufacturers and service centers is information that is already captured. The recordkeeping requirements are designed to maintain essential compliance information needed by the commission and the courts to

comply with the Act's reporting requirements and to ensure that a BAID, and the ignition interlock imprint on the driver's license, are only removed upon successful completion of the ignition interlock program requirements.

Housing Affordability Impact

The rules proposed for amendment will have no impact on housing affordability because the rules pertain to driving while intoxicated and the consequences thereof.

Smart Growth Development Impact

The rules proposed for amendment will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey because the rules pertain to driving while intoxicated and the consequences thereof.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposed amendments follows (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,

i. For an offense committed prior to December 1, 2019 or after January 1, 2024, shall have installed, in the motor vehicle principally operated by the offender during and following the expiration of the period of license suspension imposed, a BAIID that has been certified by the Chief Administrator under N.J.A.C. 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.

ii. For an offense committed on or after December 1, 2019 through January 1, 2024, shall have installed, in one motor vehicle the person owns, leases, or principally operates, whichever the person most operates, pursuant to the sentence imposed by the court under N.J.S.A. 39:4-50 and pursuant to N.J.S.A. 39:4-50.17, a BAIID that has been certified by the Chief Administrator under N.J.A.C. 13:19-6.7. For the duration of the court's order, an offender shall not drive any vehicle other than the one in which an ignition interlock device has been installed pursuant to the order.

(b) – (c) No change.

(d) A BAIID installed as part of a sentence:

i. For an offense committed prior to December 1, 2019 or after January 1, 2024, imposed under N.J.S.A. 39:4-50 and 39:4-50.17 shall not be removed until the date of the completion of the offender's interlock sentence as designated on the driver license document, unless the offender first surrenders his or her driver's license to the Commission.

ii. For an offense committed on or after December 1, 2019 through January 1, 2024, imposed under N.J.S.A. 39:4-50 and 39:4-50.17 shall not be removed until the date of the completion of the offender's interlock sentence and submission of the certification of compliance to the Commission pursuant to N.J.S.A. 39:4-50.18 and N.J.A.C 13:19-6.11, unless the offender first surrenders his or her driver's license to the Commission.

13:19-6.5 Specifications for BAIDs

(a) – (c) No change.

(d) The manufacturer's required service interval shall not exceed 6[7]0 days.

13:19-6.9 Reports required from manufacturer after BAID certification

(a) – (b) No change.

(c) Beginning December 1, 2019, and through January 1, 2024, the manufacturer of a BAID certified under N.J.A.C. 13:19-6.7 shall maintain records and provide, on January 1 and July 1 of each year, to the

Commission, in either computerized or hard copy form, or both, the following:

1. A report detailing the number of persons, categorized by county of offender residence, who qualified for a BAIID at a reduced monthly rental rate in accordance with N.J.S.A. 39:4-50.17a and N.J.A.C. 13:19-6.14 during the reporting period.
2. A report detailing the number of persons who removed a BAIID due to their inability to afford continued installation, during the reporting period.

13:19-6.10 Revocation of certification of BAIID

(a) The Chief Administrator shall revoke certification of a BAIID, and remove it from the list of approved BAIIDs, upon one or more of the following grounds:

1. - 4. No change.
5. Evidence that the manufacturer is not in compliance with the provisions of this subchapter [, and the determination that the noncompliance impairs the integrity, safety, consistency, or cost-effectiveness of, or public trust in, the program];
6. Evidence that the manufacturer repeatedly is not in compliance with the provisions of this subchapter [, and the determination that the repeated noncompliance impairs the integrity, safety, consistency, or cost-effectiveness of, or public trust in, the program];
7. - 8. No change.

(b) - (c) No change.

13:19-6.11 Service center requirements

(a) No change.

(b) Each service center shall:

1.-6. No change.

7. Monitor BAIDs periodically at intervals of no more than 6[7]0 days;

8.- 14. No change.

15. Provide the program participant with a certificate of installation on a form provided by the Commission upon completion and delivery of the BAID installation;

i. The certificate of installation shall contain the following information:

(1) - (6). No change.

(7) The date of the offense for which the BAID is being installed;

(8) The name and address of the court ordering the BAID installation;

ii. No change.

16.- 17. No change.

18. Provide the program participant with a certification on a form provided by the Commission upon satisfactory completion of the ignition interlock installation period ordered by the court;

i. The certification shall contain, at a minimum, the following information:

(1) The service center's name, address, and telephone number;

(2) The name, title and signature of the person completing the certification;

- (3) The date of completion of the certification;**
- (4) The name and address of the registered owner of the vehicle in which the device was installed;**
- (5) The name and address of the person required by the court to have the BAID installed, if different than the vehicle owner;**
- (6) The driver's license number of the person required by the court to have the BAID installed;**
- (7) The make, model, year, vehicle identification number and license plate number of the vehicle in which the BAID was installed;**
- (8) The date of the offense for which the BAID was installed;**
- (9) A statement that the BAID remained installed for the duration of the court-ordered installation period; and**
- (10) The name and address of the court ordering the BAID installation.**
- (11) A statement that:**
 - (a) during the final 30 days of the installation period the program participant did not have more than one failure to take a test;**
 - (b) during the final 30 days of the installation period the program participant did not have more than one test with a resulting BrAC of 0.08% or higher unless a re-test conducted**

within five minutes of the initial test indicated a BrAC of less than 0.08%, and

(c) the program participant complied with all required maintenance, repair, calibration, monitoring, and inspection requirements related to the BAID.

(12) If, during the final 30 days of the installation period, the program participant had more than one failure to take a test, more than one test with a resulting BrAC of 0.08% or higher unless a re-test conducted within five minutes of the initial test indicated a BrAC of less than 0.08%, or failed to comply with all required maintenance, repair, calibration, monitoring, and inspection requirements related to the BAID, the service center shall provide the violation information on the certification provided by the Commission to the Chief Administrator and the court that ordered the installation of the BAID. At a minimum, this form shall include the information required by N.J.A.C. 13:19-6.11(b)(18)(i), and any reason(s) for non-compliance, including the date and time of any BAID test that resulted in a BrAC of 0.08% or higher during the final 30 days of the installation period, evidence of more than one failure to take a required test during the final 30 days of the installation period, and evidence of failure to comply with all required maintenance, repair, calibration, monitoring and inspection requirements

related to the BAID. Upon receipt, the court, or the Chief Administrator, if the offense was committed in another state or jurisdiction, shall determine whether to extend the period of BAID installation for up to 90 days. The court may alternatively issue, to the Chief Administrator, a certification indicating compliance with the program requirements; if the offense was committed in another state or jurisdiction, the Chief Administrator may alternatively determine if the offender is compliant.

19. The falsification of any information on the certification shall subject the service center and manufacturer to revocation of the BAID certification pursuant to N.J.A.C. 13:19-6.10, and any additional applicable civil and criminal penalties.

(c) No change.

1.-3. No change.

**ITEM 1912-03: ENFORCEMENT SERVICE / LICENSING SERVICE – INSPECTION
OF SCHOOL BUSES AND COMMERCIAL DRIVER LICENSING**

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, to MVC the duty to promulgate regulations affecting various programs, including this Final Adoption of the Enforcement Service and Licensing Service regulations to the provisions of N.J.A.C. 13:20-30.14 and 13:21-23.15.

PURPOSE

This is a Final Adoption. Recent amendments to N.J.S.A. 39:3-10.1 require a holder of a school bus endorsement who is over the age of 70 to annually obtain and furnish to his or her employer, a certified Medical Doctor or Osteopathic Physician Evaluation, attesting to his or her continued physical fitness, and a holder of a school bus endorsement who is 75 or older, to obtain and furnish to his or her employer the same evaluation biannually. The rules clarify and set forth the details of the new requirements, including when the evaluations are required to be obtained and furnished to employers, and the penalty for a driver or employer who fails to comply with the requirements.

ACTION

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

FISCAL IMPACTS

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

RESOLUTION

WHEREAS, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 (the "Act"), as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, assigns to the Motor Vehicle Commission the duty to implement regulations affecting various programs, including this Final Adoption to the Enforcement Service and Licensing Service regulations, at N.J.A.C. 13:20-30.14 and 13:21-23.15.

NOW, THEREFORE, BE IT RESOLVED that the Chair is authorized to file with the Office of Administrative Law a Notice of Final Adoption as part of the Commission's Enforcement Service and Licensing Service regulations, in substantially the form as attached in Exhibit A.

TRANSPORTATION

MOTOR VEHICLE COMMISSION

Inspection of School Bus Driver Records

Adopted Amendments: N.J.A.C. 13:20-30.14 and 13:21-23.15

Proposed: August 5, 2019 at 51 N.J.R. 1253

Adopted: _____, by the Motor Vehicle Commission, B. Sue Fulton, Chair and
Chief Administrator.

Authorized By:

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

Filed: _____, R. _____, 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. 39:3-10.1

Effective Date: As to N.J.A.C. 13:20-30.14, December 4, 2017; As to N.J.A.C. 13:21-
23.15, December 4, 2017

Expiration Date: As to N.J.A.C. 13:20-30.14, December 4, 2020; As to N.J.A.C. 13:21-
23.15, December 4, 2020

Summary of Public Comments and Agency Responses:

The written comments received by the Motor Vehicle Commission ("Commission")
regarding its August 5, 2019 notice of proposal at 51 N.J.R. 1253, are available for

inspection at the Office of the Chief Administrator, Legal and Regulatory Affairs, Motor Vehicle Commission, 225 East State Street, 9th Floor, Trenton, New Jersey.

The following individuals submitted timely written comments to the Commission regarding the proposal, which comments are addressed below: Michael A. Vrancik, Director Governmental Relations, New Jersey School Boards Association; and J. Marsden.

1. COMMENT: Mr. Vrancik submitted a letter in support of the proposal on behalf of the New Jersey School Boards Association (NJSBA), a federation of all of New Jersey's school districts. Mr. Vrancik states that the NJSBA, which believes that local boards of education should provide conditions and establish policies that will ensure the health and safety of students, supported P.L. 2018, c. 151 during the legislative process, and supports the proposed regulations that implement the law. Specifically, the NJSBA supports requiring school bus drivers to provide medical certificates to employers to prove continuing physical fitness and submit to medical examinations that include certain screenings

RESPONSE: The Commission appreciates the comments of Mr. Vrancik on behalf of the NJSBA, and the NJSBA's continuing support of policies and regulations that ensure the health and safety of students.

2. COMMENT: J. Marsden states that each driver is already physically examined by a medical professional, who certifies the continuing physical fitness of that individual under federal regulations. J. Marsden continues that the federal requirement should be able to substitute in the place of one of the two proposed additionally required examinations. J. Marsden states that the medical examination done to satisfy the federal requirement

would not be any different from an examination as required under the rule proposal, and it would still meet the goal to monitor bus drivers for safety to operate.

RESPONSE: The Commission appreciates J. Marsden's suggestions. However, the federal examination is not identical to the new requirement at N.J.S.A. 39:3-10.1, chiefly because the requirement at N.J.S.A. 39:3-10.1, requires the medical examination to be completed by a licensed medical doctor or licensed osteopathic physician, whereas the federal requirement allows examination by various other medical professionals, including physician assistants, chiropractors, advanced practice nurses, and other practitioners. In addition, J. Marsden's comment does not appear to recognize the difference in the law and proposed rule implementing that law, between the requirements for drivers ages 70-74, and those ages 75 and over. It is only for those drivers ages 75 and over that two examinations in addition to the federal requirement are mandated. For drivers ages 70-74, only one additional examination is required. Thus, for drivers ages 70-74, the federal examination and one additional examination is required; for drivers ages 75 and over, two examinations in addition to the federal requirement are required. As noted immediately above, the federal requirement is not the same as the State one, and therefore, substitution is not appropriate.

Summary of Agency-Initiated Changes:

No change from proposal.

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.

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]***):

No change from proposal.