



New Jersey Motor Vehicle Commission

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

STATE OF NEW JERSEY

Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

B. Sue Fulton
Chair and Chief Administrator



June 18, 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, June 18, 2019.

Thank you.

Yours truly,

Chris Hillmann
Board Secretary

NOTE: Please email the veto date to Ella.Crane@mvc.nj.gov

Enclosure

DRIVING FORWARD

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

**Commission Headquarters, 8th Floor East Wing
225 East State Street, Trenton, New Jersey**

2:00 p.m., Tuesday, June 18, 2019

FINAL AGENDA

- **1 – CALL TO ORDER**
- **2 – OPEN PUBLIC MEETINGS ACT STATEMENT**
- **3 – PLEDGE OF ALLEGIANCE**
- **4 – APPROVAL OF AGENDA**
- **5 – CHAIR'S REPORT**

- **6 – APPROVAL OF MINUTES OF April 9, 2019**
- **7 – APPROVAL OF ITEM 1906-01 – FINAL ADOPTION –
IFTA & IRP ELECTRONIC CREDENTIALS REGULATION**
- **8 – APPROVAL OF ITEM 1906-02 – FINAL ADOPTION –
BODY STANDARDS FOR SCHOOL BUSES REGULATION**
- **9 – APPROVAL OF ITEM 1906-03 – FINAL ADOPTION –
TITLE TO VEHICLES ABANDONED ON PRIVATE PROPERTY**
- **10 – APPROVAL OF ITEM 1906-04 – PROPOSED AMENDMENT –
INSPECTION OF SCHOOL BUSES AND COMMERCIAL DRIVER LICENSING**
- **11 – LEGISLATIVE REPORT**
- **12 – PUBLIC COMMENTS**
- **13 – ADJOURNMENT**

NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Board Secretary Chris Hillmann of actions taken at the Open Session of the Regular Board meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Tuesday, June 18, 2019.

Present:

B. Sue Fulton, Chair and Chief Administrator
Diane Legreide, Board Member
Stephen S. Scaturro, Board Member (by speakerphone)
Walter Orcutt, Board Member (by speakerphone)
Jim Fruscione, State Treasurer Designee (by speakerphone)
Eric Heitmann, Director of Highway Traffic Safety and Attorney General Designee

Governor's Authorities Unit Associate Counsel Lauren Nathan-Larusso (by speakerphone) and Deputy Attorney General Jennifer Jarembak participated.

Chair B. Sue Fulton convened the Open Session at 2:05 p.m. in accordance with the Open Public Meetings Act, and led the Pledge of Allegiance.

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

Chair's Report

The Chair then presented this report of key activities since the April 9, 2019 MVC Board Meeting:

The Chair congratulated Commissioner Steve Scaturro on his reappointment to the Commission. The Commission has long benefited from Commissioner Scaturro's input and counsel, and we appreciate his willingness to continue to serve.

The Chair also welcomed back to our NJMVC family someone who has a long and special history with the Commission right from the beginning – former Commission Chair and Chief Administrator Diane Legreide of Brick Township, Ocean County.

Diane's appointment to the Commission Board by Governor Murphy - and subsequent Senate confirmation - marks her return to the Commission she once led.

Diane served as the Commission's first-ever Chair and Chief Administrator when Governor McGreevey appointed her to the post in 2003. That appointment came after she led the reform effort of what was then the Division of Motor Vehicles and which would become the Motor Vehicle Commission under the Motor Vehicle Security and Customer Service Act of 2003.

The Chair welcomed back Diane. She thanked her for your willingness to return and help us continue to move forward the Commission that you were instrumental in building. (In truth, Diane has been a valued member of my own kitchen cabinet, and has been very giving of her time and

energies behind the scenes while helping me navigate through my own first year in office leading this great Commission and its more than 2,000 dedicated employees).

Over the past few weeks the NJMVC has been pushing important new initiatives with rapid speed as we ready our agencies and the public for the biggest change to emerge from our Commission in more than a decade: the rollout and implementation of REAL ID – the new federal requirement for identification.

Press Conference

On May 7, the NJMVC publicly rolled out not only our targeted timeline for REAL ID beta testing, but all the initiatives we've put into place in our attempt to make that implementation go as smoothly as possible. I'm going to walk you through that information that I shared with the press.

The NJMVC IT group has done a tremendous job over the last few years, laying all the technical groundwork for REAL ID. Meanwhile, over forty other states have already rolled out REAL ID, many with less than glowing results.

1. REAL ID transactions are much longer than regular transactions, for two reasons: (a) every document must be scanned; and (b) people ask many, many questions at the desk.

~~2. The resulting customer volume can range from twice the normal levels to, as Maryland recently reported, TEN TIMES normal levels.~~

3. Every single Motor Vehicle Administrator we interviewed reported that their agencies weren't adequately staffed or prepared to handle the volume when they started REAL ID.

A Decision has been made not to start issuing REAL ID until we made changes that would minimize the impact to our customers.

First, finish systems upgrades we started in November, with our new front-end portal in all agencies. These upgrades will reduce our downtime and process customer transactions faster in the agencies.

Our mainframe technology provides maximum security for our information, but we need to integrate it with more current and flexible systems. For example, the web-based Systems User Portal we rolled out in November is a platform for REAL ID, so not only are we ready for the final software implementation, but our employees are already trained on the basic interface.

Over the next six months, we will complete the following additional upgrades:

1. Each of our 39 agencies has a server that is at end-of-life. Every one of them will be replaced.

2. We will replace over 1200 PCs as well as keyboards and monitors throughout those 39 agencies.

3. The NJMVC will be installing faster, more reliable driver testing software.

4. The MJMVC will be replacing our point-of-sale payment system with cloud-based technology that expands our ability to scan not only credit cards, but eventually licenses or QR codes that can link to and upload a customer's completed application.

5. The NJMVC is launching a "take-a-ticket" queuing system. This system tracks wait times for each stage of a transaction and allows managers to speed customer flow. The system is piloting in Delanco and Trenton agencies today; more agencies will be added in the coming weeks and months.

The NJMVC has launched an improved website that is not only easier to use, but allows customers, for the first time, to renew their standard license, or to replace a lost or stolen license OR registration, all online.

It also has a REAL ID microsite at REALIDNJ.com that tells you everything you need to know, and allows you to sign up so that you are notified when the agency nearest you starts offering REAL ID.

The NJMVC has secured the domain name Skip the trip NJ-dot-com as an easy-to-remember landing page, which we will be using to highlight our online services in the weeks and months ahead.

These initiatives do for us is to reduce congestion in the agencies, to help manage the increased volume we expect during our REAL ID rollout.

The NJMVC is changing staffing and hours.

A 2018 review of agency staffing discovered that, on average, only about 60% of "windows" (stations) are staffed at any point in time. That number drops to 35-50% on Saturdays and in the first hour after opening every day. Most working people who can't take time off work will try to come in at those times, and we aren't serving them well.

Our overtime budget is 5 times what it was just four years ago – but we are still stretching too few employees to cover the requirements.

Over the next few months, the NJMVC will be filling open positions at an accelerated rate, and we'll be adding 209 F/T and 80 P/T positions in the Governor's FY2020 budget. But even those changes will not staff every window.

To get to full 100% staffing, the NJMVC will consolidate its hours and move to one shift during the week rather than two. This means all employees present at opening time, and until closing time.

Starting July 6, Motor Vehicle agencies will be open weekdays 8am-4:30pm. In addition, to serve those who can't get off work during the week, MVC Saturday hours will be extended to 3pm, and we'll use part-time employees to staff the windows at 100% instead of 50%, so we can serve more customers in less time.

The Chief thanked the amazing employees at MVC, but to Chris Rein and the Office of Information Technology, and to Beth Noveck and the Innovation Office, who've been instrumental in accelerating our technological initiatives, and to Governor Murphy, who has put customer service front & center at MVC.

New Motto/Logo

The NJMVC has a new logo and a new motto, to help communicate that this is, in many ways, a whole new MVC!

Our agency-of-record, Oxford Communications, helped us settle on the new logo, which has a fresh new feel and aligns with other New Jersey state logos.

For a motto, we turned to our employees.

You may recall from our October meeting that we encouraged all our employees to submit their motto ideas. From more than 250 entries, we chose the one that best communicated our values - from IT Technical Support Specialist 2 Gary Scartocci: Driving New Jersey Forward.

The NJMVC hopes the new look and feel will invite our customers to take a fresh look at NJMVC, to discover our new online services, and to learn about REAL ID before they come to the agency. We want every visit to be successful – that means the customer brings all the documents they need, we process their transactions quickly, and we keep the lines down by serving them at home when we can.

Budget Testimony

Last month, the Chair and Chief Administrator joined Transportation Commissioner Diane Gutierrez-Scaccetti and New Jersey Transit Executive Director Kevin Corbett as we gave testimony before the Senate and Assembly budget panels on our budget proposals for Fiscal Year 2020, which begins July 1.

Mobile Unit roundup

The NJMVC's mobile units have been incredibly busy this past month, zipping from one end of the state to the other – from as far north as Passaic to as far south as Cape May – completing hundreds of transactions that range from veteran license designations to registration renewals to plate surrenders and so much more. I'm pleased to announce, we've recently begun offering vehicle inspections at these stops too, making yet another NJMVC service even more accessible to customers in underserved communities.

The Chair had the privilege of escorting our First Lady, Tammy Murphy, through our Mobile Unit during the recent Family Festival at Newark's Central High School on June 8th. It was great to see the tremendous reception our First Lady received from our customers and to be able to show her the impact our services can have in an up-close and meaningful way. She was impressed by our services and our dedicated Mobile Unit staff!

Deputy Administrator Kim Abatto will now have oversight of Community Engagement and the Mobile Units, with Tanya Gauthier reporting directly to her. Tanya's done a top-notch job of managing this incredibly important outreach.

Bring Your Child to Work Day

For many of our employees, Bring Your Child to Work Day is that time of year when two worlds collide – where home life meets work life.

The Chair was happy to report that on April 25 we had around 80 children between the ages of 9 and 15, attend our event. The kids got to visit our JUST Drive booth, play a few MVC-related games and in some instances, get an inside look at how their parents spend their day with us. To be honest though, the biggest attraction was "Mallen," the State Police dog and handler State Police Sergeant Sean Dawson. There's no doubt in my mind that our furry, munitions-sniffing visitor stole the show.

Jeans for Troops

Another highly popular employee outreach event is our Jeans for Troops drive, which took place over a weeklong period in late May. In exchange for a \$5 donation to the GI Go Fund, participating employees take a jean-themed dress-down day.

It was wall-to-wall denim here at the TOC on May 23. The Chair as an Army veteran, was very proud to report that our employees raised \$1,000 for this worthwhile cause.

New Jersey Women Veterans Appreciation Day

The NJMVC has some great veterans throughout our Commission, and the Chair was proud to say we paid tribute to our Women Veterans on the first-ever New Jersey Women Veterans Appreciation Day on June 12.

NJ Trooper Video

The Chair was honored to join other Cabinet members in helping our New Jersey State Troopers with a recruiting video. This 35-sec ad debuted on Facebook April 26.

IM Solutions Conference

Each year, state and private sector representatives from around the country meet at an Inspections and Maintenance Solutions Conference to share the latest trends and new insights on programming for emissions enhanced inspections. This year, we had the privilege of co-hosting the national Conference at the Hyatt in West Windsor. The Chair was given a few minutes to address the hundreds of industry professionals who travelled from as far away as Hawaii and Alaska to participate in the 3-day forum in May. Her message was simple: thank you. In what can sometimes be a thankless job, I extended my gratitude to these individuals for the important work that they do in keeping our roads safe and our air clean, day in and day out.

101 Days of Summer

The Chair was also honored to join law enforcement and transportation partners at the 101 Days of Summer kick-off, an annual traffic safety event hosted by the New Jersey Attorney General's Office. This year's event was held on May 21 in my hometown of Asbury Park. The Chair joined with State Police, local law enforcement and key figures with the Department of Education, the Division of Highway Traffic Safety and the New Jersey Department of Transportation to send a unified message to encourage the driving public to BE SAFE during the deadliest time of the year on New Jersey roads.

Civil Service Employee Recognition

A few very deserving NJMVC employees received their due recognition during New Jersey's State Employee Recognition Day Award Ceremony, held May 10 at the War Memorial. This state-sponsored event, initiated by the Civil Service Commission, honors outstanding public servants for their dedication, ingenuity, and selflessness in a variety of areas.

In the category of Heroism, the NJMVC saw two of our employees, Records Technician 3 Edwin Lazaro-Valle (Lah-sa-doe Vie-yay) and Technician Lionel Borden, honored. We honored them at our June Board Meeting last year.

A little more than a year ago, these two brave young men, who were on break at the time, put their lives on the line to pull a pregnant woman from a burning car that had crashed into our TOC building. They showed quick thinking under pressure and unmatched valor that is deserving of the highest honor that can be bestowed on them.

Analyst Trainee Patricia Brewer, who works with policy and project management, received the Community Service Award for her extensive community outreach. This includes her fundraising for March of Dimes, her roles as a youth mentor, a PTA member and ambassador for a domestic violence victim support organization, as well as her work in establishing an outreach program that provides everything from food to school materials to underprivileged families through her Trenton-based Church.

Regulatory Officer Kelly Williams, who manages our Office of Administrative Law, was honored with the Innovation and Efficiency Award. She has streamlined many processes in her department, like case-law tracking, coming up with creative, clever, and efficient ways to correct operational deficiencies and implement change that benefits the Legal and Regulatory group, the Commission, and the driving public as a whole.

Our Director of Customer Information and Advocacy, Laurie Lyles-Thompson, was a recipient of the Leadership and Professional Achievement Award. She was an obvious nomination because her passion and work ethic know no bounds. In the time I've come to know her, she has proven herself a gifted and dedicated leader who goes above and beyond her duties to ensure her staff is trained and supported to the benefit of both employees and customers.

The Office of Employee Development, Training Technician 2 Darrell Waytes, accepted the Governor's Team of Excellence Award on behalf of his previous employer, the Civil Service Commission. We couldn't be more excited to have him onboard.

The following Agenda Items were presented for approval:

Minutes: April 9, 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 April 9, 2019. Board Member Orcutt moved the resolution, Board Member Scaturro seconded it and it was unanimously adopted. Diane Legreide abstained.

1906-01: IFTA and IRP Electronic Credentials. 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 IFTA AND IRP Electronic Credential Regulation. The effect of this item is to amend regulations regarding IFTA and IRP in order to provide positive feedback to stakeholders in order to allow electronic documentation at a motor carrier's request. Director Kate Tasch of the Office of Legal and Regulatory Affairs, presented the Final Adoption. Board Member Scaturro moved the resolution, Board Member Legreide seconded it and it was unanimously adopted.

1906-02: Body standards for school buses. 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 Body Standards for School Buses. The effect of this item is to amend the rules that implement various provisions of Title 39 of the Revised Statutes. Richard DelMonaco of the Office of Legal and Regulatory Affairs, presented the Final Adoption. Board Member

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

1906-03. Title to Vehicles Abandoned on Private Property. 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 Titles to Vehicles abandoned on Private Property. The effect of this item is to promulgate new regulations as part of the Commission's Licensing Service regulations. The purpose of this Final Adoption is to set forth the procedure required to sell a vehicle abandoned on private property at public auction and subsequently transfer the title of the abandoned vehicle to the purchaser or issue title in the applicant's name if the vehicle cannot be sold at auction. Director Kate Tasch, of the Office of Legal and Regulatory Affairs, presented the Final Adoption. Board Member Scaturro moved the resolution, Board Member Orcutt seconded it and it was unanimously adopted.

1906-04. Inspection of School Buses and Commercial Driver Licensing. 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 these proposes amendments. 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 proposed 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. Director Kate Tasch, of the Office of Legal and Regulatory Affairs, presented the Proposed Amendment. Board Member Legreide moved the resolution, Department Designee Paul Sprewel (DOT) seconded it and it was unanimously adopted.

Legislative Report. A briefing was provided by Director Chris Hillmann, as follows:

A5321 / S3687 – "Sami's Law"; This bill requires MVC to design a uniform credential placard template. This bill passed unanimously in both houses and has been sent to Governor's desk.

A5024 – This bill prohibits a transportation network company from engaging in surge pricing for a prearranged ride during a natural disaster or emergency for which a state of emergency has been declared. This bill was reported out of the Assembly Transportation and Independent Authorities Committee with amendments and is on its second reading in Assembly. MVC will continue to work with legislative sponsors on language.

A5461 – This bill authorizes qualified motor vehicle dealers to operate subscription vehicle programs. This bill was reported out of the Assembly Transportation and Independent Authorities Committee with a substitute and was referred to Assembly Appropriations Committee. MVC will continue to work with legislative sponsors on language. Currently there is no Senate counterpart.

A4921 / S1508 – This bill eliminates the points-based MVC surcharge system following payment of bonds and debts tied to the surcharges. This bill has passed the full Senate and awaits a full Assembly vote.

S824 – In the current version of this bill license suspensions are eliminated and interlock devices are required for all drunk driving offenses. MVC continues to monitor this bill and work with sponsors to clarify MVC's role. This bill was favorably reported out of the Senate Budget and Appropriations Committee as a substitute and still needs a full Senate vote and hearing in Assembly Appropriations.

Public Comments:

No Public Comments on Agenda Items

Board Secretary Comments:

None

Board Comments:

Steve Scaturro welcomed Diane Legreide back to the board. Walter Orcutt and Eric Heigtmann thanked Chair Fulton for the presentation. Diane Legreide mentioned she was pleased to be back after creating the legislation to convene the board and looks forward to participating in future board meetings.

Adjournment:

Since there was no further business, a motion to adjourn was made by Board Member Steve Scaturro and seconded by Board Member Diane Legreide and unanimously adopted at 2:50 p.m.

Approval: Minutes of April 9, 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 April 9, 2019 Minutes were delivered on April 9, 2019 to the Governor and became effective upon expiration of the ten day period on April 24, 2019.

ACTION

Approval of this item by the Board Members indicates acceptance of the April 9, 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 April 9, 2019 were delivered without delay to the Governor on April 9, 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 April 9, 2019 Board Meeting are effective as of April 24, 2019; and

NOW, THEREFORE, BE IT RESOLVED that the Minutes of actions taken at the ~~April 9, 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 Regular Board meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Tuesday, June 18, 2019.

Present:

B. Sue Fulton, Chair and Chief Administrator
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The NJMVC's mobile units have been incredibly busy this past month, zipping from one end of the state to the other – from as far north as Passaic to as far south as Cape May – completing hundreds of transactions that range from veteran license designations to registration renewals to plate surrenders and so much more. I'm pleased to announce, we've recently begun offering vehicle inspections at these stops too, making yet another NJMVC service even more accessible to customers in underserved communities.

The Chair had the privilege of escorting our First Lady, Tammy Murphy, through our Mobile Unit during the recent Family Festival at Newark's Central High School on June 8th. It was great to see the tremendous reception our First Lady received from our customers and to be able to show her the impact our services can have in an up-close and meaningful way. She was impressed by our services and our dedicated Mobile Unit staff!

Deputy Administrator Kim Abatto will now have oversight of Community Engagement and the Mobile Units, with Tanya Gauthier reporting directly to her. Tanya's done a top-notch job of managing this incredibly important outreach.

Bring Your Child to Work Day

For many of our employees, Bring Your Child to Work Day is that time of year when two worlds collide – where home life meets work life.

The Chair was happy to report that on April 25 we had around 80 children between the ages of 9 and 15, attend our event. The kids got to visit our JUST Drive booth, play a few MVC-related games and in some instances, get an inside look at how their parents spend their day with us. To be honest though, the biggest attraction was "Mallen," the State Police dog and handler State Police Sergeant Sean Dawson. There's no doubt in my mind that our furry, munitions-sniffing visitor stole the show.

Jeans for Troops

Another highly popular employee outreach event is our Jeans for Troops drive, which took place over a weeklong period in late May. In exchange for a \$5 donation to the GI Go Fund, participating employees take a jean-themed dress-down day.

It was wall-to-wall denim here at the TOC on May 23. The Chair as an Army veteran, was very proud to report that our employees raised \$1,000 for this worthwhile cause.

New Jersey Women-Veterans Appreciation Day

The NJMVC has some great veterans throughout our Commission, and the Chair was proud to say we paid tribute to our Women Veterans on the first-ever New Jersey Women Veterans Appreciation Day on June 12.

NJ Trooper Video

The Chair was honored to join other Cabinet members in helping our New Jersey State Troopers with a recruiting video. This 35-sec ad debuted on Facebook April 26.

IM Solutions Conference

Each year, state and private sector representatives from around the country meet at an Inspections and Maintenance Solutions Conference to share the latest trends and new insights on programming for emissions enhanced inspections. This year, we had the privilege of co-hosting the national Conference at the Hyatt in West Windsor. The Chair was given a few minutes to address the hundreds of industry professionals who travelled from as far away as Hawaii and Alaska to participate in the 3-day forum in May. Her message was simple: thank you. In what can sometimes be a thankless job, I extended my gratitude to these individuals for the important work that they do in keeping our roads safe and our air clean, day in and day out.

101 Days of Summer

The Chair was also honored to join law enforcement and transportation partners at the 101 Days of Summer kick-off, an annual traffic safety event hosted by the New Jersey Attorney General's Office. This year's event was held on May 21 in my hometown of Asbury Park. The Chair joined with State Police, local law enforcement and key figures with the Department of Education, the Division of Highway Traffic Safety and the New Jersey Department of Transportation to send a unified message to encourage the driving public to BE SAFE during the deadliest time of the year on New Jersey roads.

Civil Service Employee Recognition

A few very deserving NJMVC employees received their due recognition during New Jersey's State Employee Recognition Day Award Ceremony, held May 10 at the War Memorial. This state-sponsored event, initiated by the Civil Service Commission, honors outstanding public servants for their dedication, ingenuity, and selflessness in a variety of areas.

In the category of Heroism, the NJMVC saw two of our employees, Records Technician 3 Edwin Lazaro-Valle (Lah-sa-doe Vie-yay) and Technician Lionel Borden, honored. We honored them at our June Board Meeting last year.

A little more than a year ago, these two brave young men, who were on break at the time, put their lives on the line to pull a pregnant woman from a burning car that had crashed into our TOC building. They showed quick thinking under pressure and unmatched valor that is deserving of the highest honor that can be bestowed on them.

Analyst Trainee Patricia Brewer, who works with policy and project management, received the Community Service Award for her extensive community outreach. This includes her fundraising for March of Dimes, her roles as a youth mentor, a PTA member and ambassador for a domestic violence victim support organization, as well as her work in establishing an outreach program that provides everything from food to school materials to underprivileged families through her Trenton-based Church.

Regulatory Officer Kelly Williams, who manages our Office of Administrative Law, was honored with the Innovation and Efficiency Award. She has streamlined many processes in her department, like case-law tracking, coming up with creative, clever, and efficient ways to correct operational deficiencies and implement change that benefits the Legal and Regulatory group, the Commission, and the driving public as a whole.

Our Director of Customer Information and Advocacy, Laurie Lyles-Thompson, was a recipient of the Leadership and Professional Achievement Award. She was an obvious nomination because her passion and work ethic know no bounds. In the time I've come to know her, she has proven herself a gifted and dedicated leader who goes above and beyond her duties to ensure her staff is trained and supported to the benefit of both employees and customers.

The Office of Employee Development, Training Technician 2 Darrell Waytes, accepted the Governor's Team of Excellence Award on behalf of his previous employer, the Civil Service Commission. We couldn't be more excited to have him onboard.

The following Agenda Items were presented for approval:

Minutes: April 9, 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 April 9, 2019. Board Member Orcutt moved the resolution, Board Member Scaturro seconded it and it was unanimously adopted. Diane Legreide abstained.

1906-01: IFTA and IRP Electronic Credentials. 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 IFTA AND IRP Electronic Credential Regulation. The effect of this item is to amend regulations regarding IFTA and IRP in order to provide positive feedback to stakeholders in order to allow electronic documentation at a motor carrier's request. Director Kate Tasch of the Office of Legal and Regulatory Affairs, presented the Final Adoption. Board Member Scaturro moved the resolution, Board Member Legreide seconded it and it was unanimously adopted.

1906-02: Body standards for school buses. 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 Body Standards for School Buses. The effect of this item is to amend the rules that implement various provisions of Title 39 of the Revised Statutes. Richard DeIMonaco of the Office of Legal and Regulatory Affairs, presented the Final Adoption. Board Member

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

1906-03. Title to Vehicles Abandoned on Private Property. 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 Titles to Vehicles abandoned on Private Property. The effect of this item is to promulgate new regulations as part of the Commission's Licensing Service regulations. The purpose of this Final Adoption is to set forth the procedure required to sell a vehicle abandoned on private property at public auction and subsequently transfer the title of the abandoned vehicle to the purchaser or issue title in the applicant's name if the vehicle cannot be sold at auction. Director Kate Tasch, of the Office of Legal and Regulatory Affairs, presented the Final Adoption. Board Member Scaturro moved the resolution, Board Member Orcutt seconded it and it was unanimously adopted.

1906-04. Inspection of School Buses and Commercial Driver Licensing. 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 these proposes amendments. 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 proposed 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.

Director Kate Tasch, of the Office of Legal and Regulatory Affairs, presented the Proposed Amendment. Board Member Legreide moved the resolution, Department Designee Paul Sprewel (DOT) seconded it and it was unanimously adopted.

Legislative Report. A briefing was provided by Director Chris Hillmann, as follows:

A5321 / S3687 – "Sami's Law"; This bill requires MVC to design a uniform credential placard template. This bill passed unanimously in both houses and has been sent to Governor's desk.

A5024 – This bill prohibits a transportation network company from engaging in surge pricing for a prearranged ride during a natural disaster or emergency for which a state of emergency has been declared. This bill was reported out of the Assembly Transportation and Independent Authorities Committee with amendments and is on its second reading in Assembly. MVC will continue to work with legislative sponsors on language.

A5461 – This bill authorizes qualified motor vehicle dealers to operate subscription vehicle programs. This bill was reported out of the Assembly Transportation and Independent Authorities Committee with a substitute and was referred to Assembly Appropriations Committee. MVC will continue to work with legislative sponsors on language. Currently there is no Senate counterpart.

A4921 / S1508 – This bill eliminates the points-based MVC surcharge system following payment of bonds and debts tied to the surcharges. This bill has passed the full Senate and awaits a full Assembly vote.

S824 – In the current version of this bill license suspensions are eliminated and interlock devices are required for all drunk driving offenses. MVC continues to monitor this bill and work with sponsors to clarify MVC's role. This bill was favorably reported out of the Senate Budget and Appropriations Committee as a substitute and still needs a full Senate vote and hearing in Assembly Appropriations.

Public Comments:

No Public Comments on Agenda Items

Board Secretary Comments:

None

Board Comments:

Steve Scaturro welcomed Diane Legreide back to the board. Walter Orcutt and Eric Heigtmann thanked Chair Fulton for the presentation. Diane Legreide mentioned she was pleased to be back after creating the legislation to convene the board and looks forward to participating in future board meetings.

Adjournment:

Since there was no further business, a motion to adjourn was made by Board Member Steve Scaturro and seconded by Board Member Diane Legreide and unanimously adopted at 2:50 p.m.

NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Board Secretary Chris Hillmann of actions taken at the Open Session of the Regular Board meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Tuesday, April 9, 2019.

Present:

B. Sue Fulton, Chair and Chief Administrator
Stephen S. Scaturro, Board Member (by speakerphone)
Walter Orcutt, Board Member (by speakerphone)
Hannah Good, Assistant Director and State Treasurer Designee
Ed O'Connor, Highway Traffic Safety and Attorney General Designee

Governor's Authorities Unit Deputy Chief Counsel Brian Wilton and Deputy Attorney General Jennifer Jarembak participated.

Chair B. Sue Fulton convened the Open Session at 2:05 p.m. in accordance with the Open Public Meetings Act, and led the Pledge of Allegiance.

Agenda Approval. Board Member Orcutt moved to accept the proposed agenda, Hannah Good, Assistant Director and State Treasurer Designee seconded the motion and it was unanimously adopted.

Chair's Report

The Chair then presented this report of key activities since the February 14 MVC Board Meeting:

The Chair thanked Board Vice Chair Sue Pigula for delivering the Chair's Report and doing a terrific job presiding over our February meeting. The Chair also offered a sincere thank you to Sue and everyone present for the very touching condolence message on the loss of her loving wife Penny.

Mobile Units

The NJMVC's outstanding Mobile Unit teams, led by Community Engagement Manager Tanya Gauthier, have been very active - With a little help from great weather. They've been out on the road since February, first at Elizabeth City Hall, then at municipal centers, college campuses, and other community hubs around the state from Bergen County to Cumberland County. Since the Chair's appointment by Governor Murphy as Chief Administrator a little over a year ago, she has made it a personal mission to breathe new life into this important community outreach program. Mobile Unit deployments allow us to bring services like license renewal, veteran placards, and voter registration to underserved segments of our population and to regions that may not have easy access to our agencies.

Queuing System

The #1 complaint from our customers is long wait times. The NJMVC is working on a number of initiatives that will cut down on those wait times and improve the customer experience. One of the biggest is our new queuing system. On March 20, accompanied by senior and executive staff, the Chair was able to get a firsthand look at the new queuing system in a pilot program at our Delanco agency. The Chair was pleased to report that what she saw was a seamless process where visitors to the agency would check in with our front desk, receive a printout that indicated their place in the appropriate line for the transaction they needed, and wait for their number to be called and displayed on agency screens. This enables our customers to take a seat and relax rather than having to stand in line until they reach the window to carry out a transaction. It also enables our supervisors and managers to better manage customer flow and avoid logjams. Initiatives like this prepare our agencies to manage the anticipated increases in volume when we begin our rollout of the REAL ID program in the next couple of months.

Autonomous Vehicle Commission

Governor Murphy last month signed into law the New Jersey Advanced Autonomous Vehicle Task Force. As Chief Administrator of the NJMVC, The Chair will serve as a member, along with DOT Commissioner Diane Gutierrez-Scaccetti, Director of the Division of Highway Traffic Safety Eric Heitmann, and other officials. ~~The task force will serve an important role as the state evaluates regulations and standards for this cutting-edge technology and all the implications that come with self-driving vehicles.~~

This is an area well worth our time and energy for study, as more uniform guidelines and a better understanding of this technology should make for a more educated public and safer roadways. Bob Porreca, Director of Policy and Project Management, previously served on the Autonomous Vehicle Best Practices Working Group of the American Association of Motor Vehicle Administrators (AAMVA). Bob is a resident expert and is helping to guide NJMVC with regulations to drive New Jersey forward in this important technology.

Employee Outreach

MVC employees continue to step up in supporting our community, participating enthusiastically in community projects coordinated by our Strategic Communications team.

American Heart Month

The NJMVC celebrated American Heart Month in February. The NJMVC has championed the cause for more than a decade. This year, the Chair was pleased to announce that our employees – both here at the TOC and throughout our 39 agencies – showed the American Heart Association just how big a heart our organization has. Collectively, our employees raised approximately \$4,000 in donations for research to help knock out this disease that is the No. 1 killer of women in the United States.

Blood Drive

In March, NJMVC hosted our biannual blood drive, an effort made possible through our partnership with Miller-Keystone Blood Center of Ewing Township. Seasonal blood shortages make this a critical time for the Center, and our employees here at the Trenton Office Complex couldn't be happier to roll up their sleeves to help.

The Chair was so proud that we were able to MORE THAN DOUBLE the number of employee sign-ups compared to last summer's drive. Ultimately, our employees donated 43 viable pints of blood, which represents a 40 percent increase over the previous drive. To put a face on that number— NJMVC employee donations have the potential to save 129 lives.

Both events were great successes and the Chair tipped her cap to Director of Media Relations Wanda Silva and her team in spearheading these worthy projects. While each of these events – the blood drive, raising money for heart disease research – has been a success in its own right, our hope is that these opportunities for employee outreach create a culture of giving, a sense of community and a sense of pride in our workplace.

Women's History Month

March also marked Women's History Month. During this year's observance, NJMVC looked to honor those female leaders, mavericks and innovators that hailed from right here in the Garden State. Throughout the month, NJMVC highlighted the contributions of New Jersey natives like Clara Barton, Alice Paul and Judy Blume on our social media platforms, our agency monitors and within our TOC display. The Chair stated, "as a woman who's been in the fight to ensure equality for all, it's not lost on me that these are the trailblazers who paved the way. I'm proud to lead an organization where 80% of our agency employees and 75% of our Executive Team are women – accomplished, capable, committed leaders. We know that we are setting the example for the next generation of girls aspiring to leave their mark."

Manager's Meeting

Many of the items on the discussion block today involve change, revival and growth. From past experience that to remain effective and relevant, this Commission must continue to evolve and adapt. To make sure we're all on the same page, managers were invited from all 39 agencies to the TOC on March 25th to discuss ongoing changes -- from IT updates to our mobile unit partnerships to our new queuing system. Also, time was taken for EEO training and briefings from a number of senior and executive staff.

The gathering proved to be enlightening and incredibly productive, especially from an operational standpoint. The Chair is proud of this group of agency managers, and will be hosting more of these forums in the near future.

Inspections

Our Bus Operations Unit's great work was in the news last month ... News 12 New Jersey's piece on a school bus compliance check that NJMVC's field unit recently conducted in Nutley. On March 14, our team made a routine – but important – inspection stop at the Phoenix Center, a nonprofit high school servicing special-needs students from throughout North Jersey. This particular operation resulted in the issuance of 21 summonses – both to drivers who were not licensed to drive buses, and to the companies putting these unqualified drivers behind the wheel.

Many thanks to Tom Bednarz and Paul Giordano and all the members of the Bus Operations Unit for their stellar work. These important routine compliance checks are to ensuring the well-being and safety of our school children. The Chair appreciates the coverage from local media because they're helping NJMVC broadcast a message, a clear warning to those companies or individuals cutting corners: we will track you down. There are consequences to noncompliance – especially when that non-compliance jeopardizes the safety of our kids. Great job to our field unit for doing such amazing work out there on the front lines every day – even when the cameras aren't rolling.

Annual Report

NJMVC completed the 2018 Annual Report. All of the departments worked tirelessly collecting data covering so much of what NJMVC does and cobbling it all together so the public can have ready access to all that we do. NJMVC employee's do a lot, from issuing more than two-and-a-half million driver licenses to helping to register 770,000 new voters. A 52 percent increase over 2017; a jump fueled by the new automatic voter registration bill Governor Murphy signed into law last year and which took effect last November.

Promotions

There have been a couple of promotions and a hiring to announce in our senior and executive ranks.

Wanda Silva, who joined our team in mid-2018 with a wealth of knowledge and communications experience under her belt. An Emmy Award-winning journalist with Telemundo and Univision, she had most recently served as press secretary for the Bronx Borough President, Ruben Diaz Jr. She joined the NJMVC in August as Deputy Director of Strategic Communications. Seeing her in action over the past few months has been very impressive. She's a dynamo. The Chair recently promoted Wanda to Director of Media Operations, a position that we know she'll find both challenging and fulfilling as her role continues to evolve.

Tom Miskulin, our new Senior Director of Communication Analytics. Customer service is at the center of everything we do. The Chair has been eager to bring on an expert in understanding and delighting consumers and is so happy to bring Tom onboard – he's a seasoned marketing research professional with over 25 years' experience working for Fortune 100 companies, including Pfizer, Novartis, Merck and Nielsen. Tom's expertise is in listening to consumers and translating their issues into the best possible solutions. The Chair strongly believes that he, partnering with the amazing Laurie Lyles-Thompson and our Customer Information and Advocacy team, are the key to the NJMVC delivering excellent service every day to New Jerseyans.

Though he only started in mid-February, Tom has made his way around the building to introduce himself and sit with people to familiarize himself with our operation. He's now making his way around the Garden State assessing customer operations in our agencies. So far he's hit Lawrenceville, Flemington and Edison – as he gets the lay of the land.

Jim Hooker, a former anchor of the Emmy Award-winning New Jersey Network News. For 16 years, Jim paid our television sets a regular visit, delivering a daily dose of government and politics, all but defying the concept of a slow news day. Last summer, the Chair tapped Jim to head the Commission's new Strategic Communications Department. He came onboard as a state government shutdown loomed over our heads and let me tell you, it's only gotten busier from there. Jim's never short on surprises but the Chair really has come to admire his tenacity and all the great work coming from his department...so much so that in February, we promoted him to Deputy Administrator of Strategic Communications. This will allow Jim to better manage the MVC's overall messaging and keep us on point and consistent with the information we're providing to our customers.

With sound leadership in place, our topnotch Strategic Communications team only gets stronger. It's a strength we'll be drawing on to communicate with our customers as we start offering REAL ID across the state this summer.

Close out Chair's Report by noting that every day, New Jersey Motor Vehicle Commission employees go out of their way to serve our customers with professionalism, integrity, respect, creativity, and a strong sense of accountability. It's a great team to be a part of and I am proud to lead this outstanding organization.

The following Agenda Items were presented for approval:

Minutes: February 14, 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 February 14, 2019. Board Member Orcutt moved the resolution, Board Member Scaturro seconded it and it was unanimously adopted.

1904-01: Motorcycle Safety Education Program. 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 these proposed amendments to the Motorcycle Safety Education Program. The effect of this item is to introduce a reimbursement program that would allow providers of the Motorcycle Safety Education Program to be reimbursed for certain specified expenses incurred while running training classes. JoAnne Sutkin of the Office of Legal and Regulatory Affairs, presented the Proposed Amendments. Board Member Scaturro moved the resolution, Board Member Orcutt seconded it and it was unanimously adopted.

Legislative Report. A briefing was provided by Director Chris Hillmann, as follows:

This Legislative Report provides a summary of key legislative activity being tracked by the Motor Vehicle Commission (MVC) since the February 14, 2019 MVC Board meeting.

A4224 – This bill called for a school bus safety study led by the Department of Education in consultation with MVC. There was initial conference call on April 5th and the first meeting will be on May 18th.

S1773 – Signed into law on March 18, 2019 this bill requires display of identifying information on rear of school bus so public may report bus driver misconduct. The Commissioner of Education, in consultation with MVC & State Police, shall establish regulations. First applicable school year beginning on July 1, 2019.

S1080 – This bill would drastically reduce the number of driver license suspensions for non-driving related offenses. It would also create a restricted driver's license for those suspended, which would allow them to drive to work or school. This bill passed the Senate on March 25th. There has been no action on the Assembly counterpart, but Legislative Affairs has been in contact with Governor's Counsel and legislative sponsors to address our concerns.

Public Comments:

None

Board Secretary Comments:

None

Board Comments:

Chair Fulton asked each Board member, individually, if they would like to make any public comments. Chair Fulton thanked the lively presentations during the Chair's Report. Chair Fulton then noted that there was no further business before the Board and thanked the Board Members and staff for their continuing service.

Adjournment:

Since there was no further business, a motion to adjourn was made by Hannah Good, Assistant Director and State Treasurer Designee and seconded by Board Member Orcutt and unanimously adopted at 2:35 p.m.

ITEM 1906-01: IFTA & IRP ELECTRONIC CREDENTIALS 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, assigns to MVC the duty to promulgate regulations affecting various programs, including this Final Adoption of the regulations concerning the International Fuel Tax Agreement (IFTA) and the International Registration Plan (IRP) by which member jurisdictions track commercial vehicle trips.

PURPOSE

This is a Final Adoption. The effect of this item is to amend regulations regarding IFTA and IRP in order to provide positive feedback to stakeholders in order to allow electronic documentation at a motor carrier's request.

ACTION

Approval of this item will authorize the Chair to file the IFTA and IRP 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 of the regulations concerning the International Fuel Tax Agreement (IFTA) and the International Registration Plan (IRP) by which member jurisdictions track commercial vehicle trips;

NOW, THEREFORE, BE IT RESOLVED that the Chair is authorized to file with the Office of Administrative Law a notice of this Final Adoption pertaining to the International Fuel Tax Agreement and the International Registration Plan regulations, in substantially the form as attached in **Exhibit A**.

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

EXECUTIVE AND ADMINISTRATIVE SERVICE
INTERNATIONAL FUEL TAX AGREEMENT IMPLEMENTATION, INTERNATIONAL
REGISTRATION PLAN

Adopted amendments: N.J.A.C. 13:18-2.1, 13:18-2.10, 13:18-2.20, 13:18-3.1 through
13:18-3.4.

Proposed: February 4, 2019 at 51 N.J.R. 159 (a)

Adopted: _____, 2019 by the Motor Vehicle Commission

B. Sue Fulton, Chair and Chief Administrator

Filed: _____, 2019 as R.2019, d _____, **without change**

Authority: N.J.S.A. 39:1-1, N.J.S.A. 39:2A-21, N.J.S.A. 39:3-6.12, N.J.S.A. 54:39A-24

Effective Date: _____, 2019

Expiration Date: December 1, 2021

Summary of Public Comment and Agency Response

No comments were received.

Federal Standards Statement

There are no Federal standards applicable to the subject matter of N.J.A.C. 13:18-
2 or 18-3, so no Federal standards analysis is required.

ITEM: 1906-02: SCHOOL BUS "SEAT BELTS" REGULATION**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, assigns to MVC the duty to implement regulations affecting various programs, including this Final Adoption to the existing regulations pertaining to school buses.

PURPOSE

This is a Final Adoption. The effect of this item is to amend the rules that implement various provisions of Title 39 of the Revised Statutes.

N.J.A.C. 13:20-50B.32, will be amended to require Type 2 lap and shoulder safety belts in all school buses manufactured on or after February 21, 2019 in accordance with Federal regulations.

ACTION

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

FISCAL IMPACTS

Annual costs will continue consistent with the Annual Budget. There are no new or amended fees.

RESOLUTION

WHEREAS, 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, assigns to MVC the duty to implement regulations affecting various programs, including this Final Adoption of regulations pertaining to school buses;

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

MOTOR VEHICLE COMMISSION

EXHIBIT A

ENFORCEMENT SERVICE

Body Standards for School Buses

Adopted Amendments: N.J.A.C. 13:20-50B.32

Proposed: February 4, 2019, at 51 N.J.R. 161.

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

Filed: _____, 2019 as R. d. _____, **without change.**

Authority: N.J.S.A. 39:2-3, 39:2A-21, 28, 39:3B-10.

Effective Date:

Expiration Date: December 4, 2020.

Summary of Public Comments and Agency Responses:

The written comments received by the Motor Vehicle Commission ("MVC") regarding its February 4, 2019 proposal at 51 N.J.R. 161(a) are available for inspection at the Office of the Chief Administrator, Motor Vehicle Commission, 225 East State Street, 9th Floor, Trenton, New Jersey. The following individuals submitted timely written comments to the Commission regarding that proposal:

1. Michael A. Vrancik, Director Governmental Relations, New Jersey School Boards Association.

The submitted comment is summarized below and followed by the Commission's response thereto.

1. COMMENT: The commenter stated that the proposed regulation does not provide any source of funds to meet the needs of the mandate. The commenter estimated that it may cost up to an additional \$20,000 per bus for the required Type 2 lap and shoulder belts. In addition to the direct increase in manufacturing costs, mandatory installation of lap and shoulder belts on all school buses is likely to reduce seating capacity on the vehicles. Consequently, school districts may have to purchase additional vehicles and hire more drivers to serve the same number of students. Commenter asks the MVC to identify a funding source to meet the costs of the proposal.

RESPONSE: The regulation is being promulgated in accordance with the statute enacted in 2018 (L. 2018, c. 118 s. 1). According to the Legislative Fiscal Estimate, the marginal increase in cost to purchase a new school bus with lap and shoulder belts is approximately \$5,000 per school bus. Further, the Legislature considered the reduced seating capacity and the need for additional school buses and drivers and fuel costs in passing the legislation. The reduced seating capacity will depend on the configuration chosen by the school district and the selected route and the amount of congestion for those routes. Additionally, not all school buses will be purchased exclusively by school

districts. Some buses will be purchased by private companies that supply school buses on a service contract basis.

Federal Standards Statement

The Federal standards for lap seat belts (known as Type 1) are governed by the same Federal regulations for the new shoulder and lap belts (known as Type 2), namely 49 CFR 571.208 (occupant crash protection), 571.209 (seat belt assemblies), 571.210 (seat belt assembly anchorages), and 571.222 (school bus passenger seating and crash protection), which are incorporated into the State regulations by reference. These amendments are being adopted pursuant to the enactment of N.J.S.A. 39:3B-10, which imposed the installation of Type 2 seatbelts or other child restraint systems that are in conformity with applicable Federal standards in all school buses manufactured after February 21, 2019.

The legislation imposes a stricter standard than the corresponding Federal regulations, which require Type 2 shoulder and lap belts for school buses weighing less than 10,000 pounds. The legislation imposes the requirement for Type 2 belts to all school buses regardless of weight due to safety concerns for students expressed in the statute.

The State standard exceeds the Federal regulation because of the enactment of N.J.S.A. 39:3B-10 as well as the public policy goal of providing for the safety of children while being transported in a school bus. In the passage of the bill, the Legislature

performed a financial analysis that determined that there would be an increase in cost in the manufacture of new school buses, but that the increased cost is abated by the lower costs resulting from a decrease in treating injuries.

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

**ITEM 1906-03: TITLES TO VEHICLES ABANDONED ON PRIVATE
PROPERTY 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, assigns to MVC the duty to promulgate regulations affecting various programs, including this Final Adoption concerning the Licensing Service's title for abandoned vehicles on private property.

PURPOSE

This is a Final Adoption. The effect of this item is to promulgate new regulations as part of the Commission's Licensing Service regulations. The purpose of this Final Adoption is to set forth the procedure required to sell a vehicle abandoned on private property at public auction and subsequently transfer the title of the abandoned vehicle to the purchaser or issue title in the applicant's name if the vehicle cannot be sold at auction.

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 concerning the Licensing Service's titles for abandoned vehicles on private property;

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

MOTOR VEHICLE COMMISSION

EXHIBIT A

Licensing Service

Title to Vehicles Abandoned on Private Property

Final Adoption Reproposed New Rules: N.J.A.C. 13:21-11

Proposed: February 4, 2019, at 51 N.J.R. 162.

Adopted: _____, by the Motor Vehicle Commission,

B. Sue Fulton, Chair and Chief Administrator.

~~Filed: _____, 2019 as R. d. _____, with changes upon adoption.~~

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

Effective Date:

Expiration Date: December 4, 2020.

The Motor Vehicle Commission received a Petition for Rulemaking on this topic. The Petitioner subsequently submitted comments to this rulemaking that addressed the requests raised in the Petition for Rulemaking. The the petition has been addressed in comments to this rulemaking.

Summary of Public Comments and Agency Responses:

The written comments received by the Motor Vehicle Commission ("MVC") regarding its February 4, 2019 proposal at 51 N.J.R. 162(a) are available for inspection at the Office of the Chief Administrator, Motor Vehicle Commission, 225 East State Street, 9th Floor, Trenton, New Jersey. The following individuals submitted timely written comments to the Commission regarding that proposal:

1. John H. Glass, President, Garden State Towing Association, Inc.
2. Michael Sassano, Jr., Recovery Solutions and Title, L.L.C.

The submitted comments are summarized below and followed by the Commission's response thereto. The numbers in parentheses after each comment correspond to the commenter numbers above to indicate the source of the comment.

1. COMMENT: The commenters recommended that in the application for certificate of title, N.J.A.C. 13:21-11.6(a)1i, the applicant be permitted to conduct a lien search with the National Motor Vehicle Title Information System (NMVTIS) prior to searching for the record in the neighboring five states specified in the regulation. If the record is found in the NMVTIS search, it could save the cost of conducting a search in the five states. (1 and 2)

RESPONSE: Because the intention of the regulation is to locate the record of ownership, the Commission will amend the rule on adoption to permit a lien search first to be conducted with NMVTIS. If no record is found, the applicant will then be required

to conduct the lien search in the five neighboring states. (See Summary of Changes upon Adoption, *infra*.)

2. COMMENT: The commenters recommended that the Abandoned Vehicle Notice be reduced from 90 days to 60 days, stating that 60 days is sufficient to respond to the Notice. The commenters point out that the time for abandoned vehicle provisions for vehicles on public property is 15 days if applying for a junk title and 20 days for standard titles. (1 and 2)

RESPONSE: The Commission does not have the authority to impose time frames ~~outside of those required by statute and, therefore, declines to include the provision~~ requested. Under N.J.S.A. 39:4-56.6, Abandonment of vehicle on private property; removal by owner of property; costs; sale of vehicle, a vehicle is not considered abandoned until the vehicle remains unclaimed for 90 days.

3. COMMENT: The commenters requested separate procedures for junk vehicles. Additionally, the commenters requested an expedited process with a 30 to 45-day notice period. (1 and 2)

RESPONSE: As mentioned above, N.J.S.A. 39:4-56.6 requires a 90-day notice period. Therefore, the Commission declines to provide any additional procedures at this time.

4. COMMENT: A commenter raised a concern about the statute pertaining to abandoned vehicles at a public agency, N.J.S.A. 39:10A-1 to -7. The commenter would like towing companies to be allowed to perform the function of a municipality or public agency in bringing an abandoned vehicle on public property to auction. (2)

RESPONSE: The Commission does not have the authority to change the statute on abandoned vehicles at a public agency. The commenter is seeking for the Commission to issue a directive allowing a towing company to act as a public agency.

Summary of Changes upon Adoption:

The Commission will amend the rule on adoption to allow an applicant for a certificate of title to search the NMVTIS database for a lien search prior to conducting a search on the five neighboring states listed in the regulation. If the owner or lienholder cannot be located in the NMVTIS search, the applicant must search the five states indicated.

Federal Standards Statement

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

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks

thus; deletions from proposal indicated in brackets with asterisks ***[thus]***):

13:21-11.6 Application for Certificate of Title

(a) Prior to conducting an auction for the sale of the abandoned vehicle, the applicant must first obtain an Application for Certificate of Title from the Commission. In order to obtain an Application for Certificate of Title from the Commission, the applicant must submit the following to the Commission:

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

i. ~~If there is no record of ownership of the abandoned vehicle in~~

~~New Jersey, *the applicant may perform a lien search with~~

~~the National Motor Vehicle Title Information System~~

~~(NMVTIS). If no record is found or the applicant cannot~~

~~or does not choose to search NMVTIS,* the applicant must~~

~~perform a lien search in each of the following states and return~~

~~the lien search results to the Commission: New York,~~

~~Delaware, Pennsylvania, Connecticut, and Maryland.~~

ii. (No change.)

2 – 5. (No change.)

**ITEM 1906-04: 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 these proposed amendments 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

The Motor Vehicle Commission proposes amendments. 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 proposed 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 Proposed Amendments proposal, 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 Amendments 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 Proposal as part of the Commission's Enforcement Service and Licensing Service regulations, in substantially the form as attached in Exhibit A.

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

Inspection of School Bus Driver Records

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

Authorized By: _____

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

Authority: N.J.S.A. 39:3-10.1

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

Proposal Number: PRN 2019-.

Submit comments by _____ 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 the provisions of N.J.A.C. 13:20-30.14 and 13:21-23.15. Recent amendments to N.J.S.A. 39:3-10.1, which were effective on December 17, 2018, 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 twice a year. The proposed rules clarify and set forth the details of the new requirements, including when the evaluations must be obtained and furnished to employers, and the penalty for a driver or operator, as each is defined in N.J.A.C. 13:20-30.2, who fails to comply with the requirements. The rules further clarify that the new requirements are in addition to, and cannot be substituted with the Federal Medical Examiner's Certification required by 49 C.F.R. 391.43 and N.J.A.C. 13:21-23.28(l). The public comment period for this notice of proposal will be 60 days. This notice of proposal is, therefore, excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5. A Federal Medical Examiner's Certificate, which is required to operate any commercial vehicle including a school bus, can be valid for up to two years, in accordance with Federal regulations, but in New Jersey if a holder of a school bus endorsement is between the ages of 70 and 74, that holder must also obtain a certified New Jersey Medical Doctor or Osteopathic Physician Evaluation annually. Likewise, if a New Jersey holder of a school bus endorsement is 75 years old or over, that holder must, in addition to maintaining a current Federal Medical Examiner's Certificate, also obtain a certified New Jersey Medical Doctor or Osteopathic Physician Evaluation twice a year. The Federal and State medical evaluations are similar in that they both test to the same physical standards for continued physical fitness to operate a school bus. However, the proposed rules affect the frequency of medical evaluations, and in accordance with recent amendments to N.J.S.A. 39:3-10.1, mandate annual or twice-a-year evaluations for holders of school bus endorsements who are 70 years old or

over. The chart below lists the evaluation requirements and frequency for holders of school bus endorsements based on age.

N.J.A.C. 13:20-30.14(f) is proposed for amendment to reference the penalty for operators who fail to maintain driver qualification employment records.

N.J.A.C. 13:20-30.14(f)2 is proposed for amendment to include citation to the Federal law and the State regulation that requires a driver to obtain a Medical Examiner's Certificate completed by a licensed physician attesting to the driver's physical qualification to drive a school bus.

N.J.A.C. 13:20-30.14(f)3 and 4 are proposed for amendment to clarify that a licensed medical doctor or osteopathic physician must perform and certify a Medical Doctor or Osteopathic Physician Evaluation, in the format prescribed by the Chief Administrator, annually for drivers aged 70 to 74, and twice a year for drivers aged 75 and over.

N.J.A.C. 13:20-30.14(f)3 and 4 are proposed for amendment to clarify an operator shall maintain annual and twice-a-year evaluations for three years from the date of the execution of the evaluation.

N.J.A.C. 13:21-23.15(b) and (c) are proposed for deletion, as they have not applied since September 30, 2005.

N.J.A.C. 13:21-23.15(d) is proposed for amendment to include the requirement that a holder of a school bus endorsement must submit his or her certified Medical Doctor or Osteopathic Physician Evaluation to his or her employer annually if he or she is between the ages of 70 and 75, and twice a year if he or she is aged 75 or over.

School bus endorsement holders who were age 70 to 74 on or before June 1, 2019 must comply with the reporting provisions no later than June 1, 2019, and by June 1

annually thereafter until the age of 74. School bus endorsement holders who were not yet 70 years of age on or before June 1, 2019 must comply with the reporting provisions no later than 30 days after turning the age of 70, and no later than their birthday each year thereafter, through the age of 74.

The rules are different for school bus endorsement holders age 75 or older. A school bus endorsement holder who was age 75 or older on or before June 1, 2019 must comply with the June 1, 2019 date, and submit a certified evaluation to his or her employer by June 1, 2019 and every six months thereafter. For an endorsement holder who was not 75 years old on or before June 1, 2019, the rules provide that a certified evaluation must be obtained and submitted to his or her employer within 30 days of turning 75, and every six months thereafter.

N.J.A.C. 13:21-23.15(d) is also proposed for amendment to clarify that employers must maintain the evaluations under N.J.A.C. 13:20-30.14, and holders of a school bus endorsement must obtain the evaluations under N.J.A.C. 13:21-23.15(d). These requirements are in addition to, and may not be substituted with the Medical Examiner's Certificate required by 49 C.F.R. 391.43 and N.J.A.C. 13:21-23.28(l).

N.J.A.C. 13:21-23.15(d) is also proposed for amendment to provide that if a holder of a school bus endorsement is over the age of 70 and does not comply with the requirements to obtain and submit evaluations, the Chief Administrator will suspend that driver's school bus endorsement.

New Jersey's regulatory requirements for CDL drivers including those for obtaining a school bus endorsement are found in N.J.A.C.13:21-23.1-29, and N.J.A.C. 13:21-14.1-5. The Federal regulations for CDL holders require CDL holders to obtain a medical

exam and current Medical Examiner's Certificate from a licensed medical examiner. The Federally-required exam is valid for up to 24 months; however, the medical examiner may issue a medical examiner's certificate for less than 24 months when it is desirable to monitor a condition, such as high blood pressure. This determination is made by the medical examiner on a case by case basis. If the medical examiner finds that the person examined is physically qualified to drive a commercial motor vehicle (CMV), the medical examiner will furnish one copy of the results to the person who was examined and complete and issue a Medical Examiner's Certificate.

AGE OF HOLDER OF SCHOOL BUS ENDORSEMENT	EVALUATIONS REQUIRED	FREQUENCY OF EVALUATIONS
Under 70	Federal Medical Examiner's Certificate	Based on expiration date of last Federal Medical Examiner's Certificate
70 to 74	1. Federal Medical Examiner's Certificate; and 2. Annual certified Medical Doctor or Osteopathic Physician Evaluation	1. As to Federal Medical Examiner's Certificate: based on expiration date of last Federal Medical Examiner's Certificate; 2. As to certified Medical Doctor or Osteopathic Physician Evaluation: If holder is age 70 to 74 on or before June 1, 2019, evaluation is required by June 1, 2019 and thereafter by June 1 each year; and if holder turns age 70 after June 1, 2019, evaluation is required annually no later than 30 days after turning age 70, and every year through the age of 74, no later than their birthdate.
75 and over	1. Federal Medical Examiner's Certificate; and 2. Twice-a-year certified Medical Doctor or Osteopathic Physician Evaluation	1. As to Federal Medical Examiner's Certificate: based on expiration date of last Federal Medical Examiner's Certificate;

		<p>2. As to certified Medical Doctor or Osteopathic Physician Evaluation: If holder is age 75 or over on or before June 1, 2019, evaluation is required by June 1, 2019 and every six months thereafter; and if holder is not yet 75 years old on after June 1, 2019, within 30 days of turning 75, and every six months thereafter.</p>
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Social Impact

The proposed amendments enhance the safety of the public by providing for annual or twice-a-year medical evaluations for holders of school bus endorsements over the ages of 70 and 75 respectively. The medical evaluations are designed to ensure that each driver is physically examined by a medical professional, who certifies to the continuing physical fitness of that individual. Each holder is then required to furnish the certified evaluation to their employer, who in turn must maintain the evaluation in the driver's driver qualification employment record.

The new examination requirement will ensure that drivers over the ages of 70 and 75 remain physically fit for the operation of school-buses and the transportation of children in the State. This in turn will enhance the public's confidence that the children and all other residents of this State who ride on school buses are being transported safely to and from school, school events off premises, summer camps, and other locations and events.

The proposed rules do not place any burden on the public, and to the contrary, they benefit the public by adding a new layer of checks and balances to ensure the

physical fitness of school bus drivers and in turn the safety of school bus riders, children who are often the most vulnerable of the State's residents.

Economic Impact

The proposed amendments will not have a direct economic impact on the general public, and it is anticipated that there will be no economic impact on either the Commission or the operators of school bus companies. The economic impact on holders of school bus endorsements over the age of 70 in obtaining and submitting their annual (ages 70-74) or twice-a-year (ages 75 and over) certified Medical Doctor or Osteopathic Physician Evaluation forms, is offset by the enhanced safety to the motoring, cycling and pedestrian population as well as the public's safety.

Jobs Impact

The Commission does not anticipate that any jobs will be generated or lost as a result of the adoption of the proposed amendments.

Federal Standards Statement

The proposed amendments exceed the requirements of Federal regulations by requiring school bus drivers to obtain, and operators to maintain, medical evaluations for school bus drivers 70 years of age and over.

Federal requirements related to commercial driver licenses in general, and school bus endorsements in particular are addressed in Federal regulations, but there is no requirement for school bus drivers 70 years of age and over to obtain and submit to their

employers an additional medical evaluation. State law at N.J.S.A. 39:3-10.1, mandates medical evaluations for school bus drivers 70 years of age and over, and that they be furnished to the driver's employer. The proposed amendments relate exclusively to the State law, and as such the Commission has determined that the proposed amendments are justified in order to ensure safety.

The Commission has determined that the economic impact on holders of school bus endorsements 70 years of age and over in obtaining and submitting their annual (ages 70-74) or twice-a-year (ages 75 and over) Medical Doctor or Osteopathic Physician Evaluation forms, is justified by the enhanced safety to the motoring, cycling and pedestrian population as well as the public's and passengers' safety.

None of the Federal physical qualification regulations at 49 CFR 391.41 through 391.49 address the medical certification of school bus drivers by age or contain an additional requirement for drivers 70 years of age or older. The proposed amendments implement State law, which imposes the requirement for a specific medical evaluation for drivers 70 years of age and over to be obtained and furnished to a school bus driver's employer before a school bus driver can continue to drive or begin to drive.

49 CFR 391.51 General requirements for driver qualification files, requires maintenance in a driver's file of the Federally required Medical Examiner's Certificate relating to the driver for the current year and it is to be maintained for three years. The proposed amendments impose the requirement for an employer to maintain the additional medical evaluation for drivers 70 years of age and over. The Commission has determined that there is no economic impact on operators, and that to the extent any costs are incurred by operators, the costs are justified in order to ensure safety.

I, B. Sue Fulton, Chair and Chief Administrator of the New Jersey Motor Vehicle Commission, certify that the Federal Standards Statement accurately and plainly explains to the public the purposes and expected consequences of the proposed amendments.



B. Sue Fulton
Chair and Chief Administrator Motor Vehicle Commission

Agriculture Industry Impact

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

Some operators of school bus companies may be small businesses within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., in that they employ fewer than 100 full-time employees. The cost of compliance with the rule amendments will be administrative in nature; no professional services are required to comply. There are no new reporting requirements, and the recordkeeping requirements merely require the maintenance in a driver's driver qualification employment record of an additional annual or twice-a-year Medical Doctor or Osteopathic Physician Evaluation for drivers over the age of 70 who are holders of school bus endorsements. This additional information is essential information needed by the Commission and there is minimal, if any, adverse economic impact on operators that may be small businesses.

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 rules pertain to medical examination requirements for holders of school bus endorsements 70 years of age and older.

Smart Growth Development Impact Analysis

The proposed amendments will have no 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 medical examination requirements for holders of school bus endorsements 70 years of age and older.

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]):

13:20-30.14

Driver qualification; criminal history record information; driver qualification employment records

(a)- (e) (No change.)

(f) An operator shall maintain a driver qualification employment record for each driver employed by the operator. **Failure to maintain all required records shall subject an operator to the penalties set forth at N.J.A.C. 13:20-30.11.** A driver qualification employment record shall include the following:

1.(No change.)

2. A **M[m]edical E[e]xaminer's C[c]ertificate** of the driver's physical qualification to drive a school bus in the form of a satisfactory medical report, **which is compliant with the requirements set forth at 49 C.F.R. 391.43 and N.J.A.C. 13:21-23.28(l) and is completed by a licensed physician;**

3. **In addition to the requirement in subsection (f)(2) above, for every holder of a school bus endorsement who is 70 to 74 years of age, an annual Medical Doctor or Osteopathic Physician Evaluation. A licensed medical doctor or osteopathic physician must perform an examination, and complete and certify a Medical Doctor or Osteopathic Physician Evaluation, in the format prescribed by the Chief Administrator, as evidence of the examination and the continuing physical fitness of the school bus endorsement holder pursuant to N.J.S.A. 39:3-10.1 and N.J.A.C.13:21-23.15. An operator shall maintain the annual evaluation for three years after the date of execution of the evaluation;**

4. **In addition to the requirement in subsection (f)(2) above, for every holder of a school bus endorsement who is 75 years of age or older, a Medical Doctor or Osteopathic Physician Evaluation twice a year. A licensed medical doctor or**

osteopathic physician must perform an examination, and complete and certify a Medical Doctor or Osteopathic Physician Evaluation, in the format prescribed by the Chief Administrator, as evidence of the examination and the continuing physical fitness of the driver pursuant to N.J.S.A. 39:3-10.1 and N.J.A.C.13:21-23.15. An operator shall maintain each of the two evaluations required yearly for three years after the date of execution of the evaluation;

[3]5. (No change.)

[4]6. (No change.)

13:21-23.15 Requirements for a school bus endorsement

(a) (No change.)

[(b) The driving skills test required in (a)3 above may be waived for an applicant who is currently licensed, has experience driving a school bus, has a good driving record, and meets the following conditions:

1. An applicant must certify that, during the two-year period immediately prior to applying for the school bus endorsement, the applicant:

i. Held a valid CDL with a passenger vehicle endorsement to operate a school bus representative of the group he or she will be driving;

ii. Has not had his or her driver's license or CDL suspended, revoked or cancelled or been disqualified from operating a CMV;

iii. Has not been convicted of any of the disqualifying offenses in 49 CFR § 383.51(b) while operating a CMV or of any offense in a noncommercial motor vehicle that would be disqualifying under 49 CFR § 383.51(b) if committed in a CMV;

- iv. Has not had more than one conviction of any of the serious traffic violations defined in 49 CFR § 383.5 or N.J.A.C. 13:21-23.1, while operating any type motor vehicle;
 - v. Has not had any conviction for a violation of State or local law relating to motor vehicle traffic control (other than a parking violation) arising in connection with any traffic accident;
 - vi. Has not been convicted of any motor vehicle traffic violation that resulted in an accident; and
 - vii. Has been regularly employed as a school bus driver, has operated a school bus representative of the group the applicant seeks to drive, and provides evidence of such employment.
-

(c) The provisions of (b) above shall not apply after September 30, 2005.]

(b) Every holder of a school bus endorsement who is 70 years of age or older must comply with the following requirements:

- i. Every holder of a school bus endorsement who is aged 70 to 74 must obtain and submit to his or her employer annually, a certified Medical Doctor or Osteopathic Physician Evaluation, in the format prescribed by the Chief Administrator and completed by a licensed medical doctor or osteopathic physician, which evidences a medical examination and the continuing physical fitness of the school bus endorsement holder pursuant to N.J.S.A. 39:3-10.1. School bus endorsement holders who are 70 years of age or older on or before June 1, 2019 must comply with the provisions of this subsection no later than June 1, 2019, and thereafter on or before June 1 of each year.**

All other school bus endorsement holders aged 70 to 74 must comply with the provisions of this subsection annually no later than 30 days after turning the ages 70 through 74, and every year through the age of 74, no later than their birthdate.

ii. Every holder of a school bus endorsement who is aged 75 or older must obtain and submit to his or her employer every six months, a certified Medical Doctor or Osteopathic Physician Evaluation, in the format prescribed by the Chief Administrator and completed by a licensed medical doctor or osteopathic physician, which evidences a medical examination and the continuing physical fitness of the school bus endorsement holder pursuant to

~~N.J.S.A. 39:3-10.1. School bus endorsement holders who are 75 years of age or older on or before June 1, 2019 must comply with the provisions of this subsection no later than June 1, 2019 and every six months thereafter. School bus endorsement holders who are not yet 75 years of age as of June 1 must comply with the provisions of this subsection beginning within 30 days of turning 75 and every six months thereafter;~~

iii. The requirements to obtain and submit a certified Medical Doctor or Osteopathic Physician Evaluation identified in the preceding subsections are in addition to, and may not be substituted with, the Medical Examiner's Certificate required by 49 C.F.R. 391.43 and N.J.A.C. 13:21-23.28(l);

iv. If a holder of a school bus endorsement over the age of 70 does not comply with subsections i. or ii. above, the Chief Administrator shall suspend the holder's school bus endorsement.



New Jersey Motor Vehicle Commission

MVC BOARD 06/18/2019
8658

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

STATE OF NEW JERSEY

Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

B. Sue Fulton
Chair and Chief Administrator

To: Sue Fulton, Chair and Chief Administrator

CC: MVC Executive and Senior Staff

From: Chris Hillmann, Legislative Affairs Director

Date: June 18th, 2019

Re: **Legislative Report**

This Legislative Report provides a summary of key legislative activity being tracked by the Motor Vehicle Commission (MVC) since the April 9th, 2019 MVC Board meeting.

A5321 / S3687 – “Sami’s Law”; This bill requires MVC to design a uniform credential placard template. This bill passed unanimously in both houses and has been sent to Governor’s desk.

A5024 – This bill prohibits a transportation network company from engaging in surge pricing for a prearranged ride during a natural disaster or emergency for which a state of emergency has been declared. This bill was reported out of the Assembly Transportation and Independent Authorities Committee with amendments and is on its second reading in Assembly. MVC will continue to work with legislative sponsors on language.

A5461 – This bill authorizes qualified motor vehicle dealers to operate subscription vehicle programs. This bill was reported out of the Assembly Transportation and Independent Authorities Committee with a substitute and was referred to Assembly Appropriations Committee. MVC will continue to work with legislative sponsors on language. Currently there is no Senate counterpart.

A4921 / S1508 – This bill eliminates the points-based MVC surcharge system following payment of bonds and debts tied to the surcharges. This bill has passed the full Senate and awaits a full Assembly vote.

S824 – In the current version of this bill license suspensions are eliminated and interlock devices are required for all drunk driving offenses. MVC continues to monitor this bill and work with sponsors to clarify MVC’s role. This bill was favorably reported out of the Senate Budget and Appropriations Committee as a substitute and still needs a full Senate vote and hearing in Assembly Appropriations.

DRIVING FORWARD

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