

STATE OF NEW JERSEY



Philip D. Murphy  
Governor

Sheila Y. Oliver  
Lt. Governor

B. Sue Fulton  
Chair and Chief Administrator

December 11, 2018

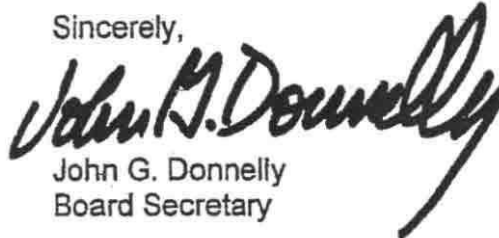
Honorable Philip D. Murphy  
Governor, State of New Jersey  
225 West State Street  
Post Office Box 001  
Trenton, NJ 08625-0001

Dear Governor Murphy:

In accordance with Section 17 of The Motor Vehicle Security and Customer Service Act of 2003, constituting Chapter 13 of the laws of 2003 of the State of New Jersey, as amended pursuant to P. L. 2007, Chapter 335 and pursuant to P. L. 2009, Chapter 298, I herein transmit the minutes of actions taken at the open session of the Regular Meeting of the New Jersey Motor Vehicle Commission Board at Floor 8E, Motor Vehicle Commission Headquarters, Tuesday, December 11, 2018.

Thank you.

Sincerely,

  
John G. Donnelly  
Board Secretary

**NOTE:** Please email the veto date to [Ella.Crane@mvc.nj.gov](mailto:Ella.Crane@mvc.nj.gov)

Enclosure

## NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Board Secretary Jack Donnelly of actions taken at the Open Session of the Regular Board meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Tuesday, December 11, 2018.

### **Present:**

B. Sue Fulton, Chair and Chief Administrator  
Sue Pigula, Vice-Chair and Transportation Commissioner Designee  
Stephen S. Scaturro, Board Member (by speakerphone)  
Walter Orcutt, Board Member (by speakerphone)  
Peter Lowicki, Manager and State Treasurer Designee (by speakerphone)  
Gary Poedubicky, Highway Traffic Safety Acting Director and Attorney General Designee

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

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

**Agenda Approval.** Director Poedubicky moved to accept the proposed agenda, Vice-Chair Pigula seconded the motion and it was unanimously adopted.

### **Chair's Report**

The Chair then presented this report of key activities since the October 9 MVC Board Meeting: It is with great sadness that I announce the recent passing of two extraordinary and beloved colleagues. Lori Colao passed away in October and John Pannone in December.

### **Automatic Voter Registration**

One of the great privileges of leading MVC is our engaging citizens in organ donation and voting. Earlier this year, Automatic Voter Registration was signed into law. MVC now offers automatic "opt-out" voter registration for our customers who are eligible to vote. **(Photos/graphic)**

### **Spanish-Language Driver Manual**

We took another big step in being engaged with our customers with the first hard copy edition of our Spanish-language driver manual in more than a decade. **(Photos of manual)**

### **Delanco Grand Opening**

On October 22nd, we officially opened our Delanco Agency, which is tied with Bakers Basin as the largest agency in the state. We held an official ribbon-cutting ceremony attended by state and local officials and MVC staff. **(Photos and video on screen)**

### **REAL ID/SUP Training**

We continue to move forward to build our readiness for REAL ID. On November 13, the MVC rolled out a new, web-based application that will be the platform for REAL ID later in 2019 called the "Systems User Portal" or "SUP" **(Photo of screen)**

### **TOMS RIVER MEASLES**

We deal with many things on a daily basis at MVC agencies and inspections stations. But last month, I was extra proud of our leadership and agency teams calmly and professionally (**Map of Toms River, headlines of Measles outbreak on screen**) handling notification of MVC exposure in the Ocean County measles epidemic.

### **Social Media/Military Observances**

In recent months, as many of you are aware, we have ramped up our social media presence to help spread the good word of our many services and happenings here at the MVC. (**Video of Jenn Long; veteran disabled/purple heart parking placards; Military Family Appreciation Month MVC montage**)

### **AAMVA VISIT**

Another benefit of social media is the ability to share with all of our employees and the public all kinds of information, including the recent visit we had from the Region 1 Director of AAMVA (**Photos from Twitter**)

### **Mobile Units**

The MVC is on the move again as we deployed our two mobile units to the Lodi and Randolph Agencies last week. (**LODI/RANDOLPH photos**)

### **JUSTDRIVE**

On another topic you are all familiar with, we've held several JUSTDRIVE activations since we last met. (**Photos of GIANTS; LEAGUE OF MUNICIPALITIES PHOTO**)

### **Halloween**

This Halloween, we learned just how spirited our Motor Vehicle staff is when a number of our employees decorated and dressed up for the holiday. One of our Comms team – Maria Prato – put together a short video for our Twitter and Facebook pages (**Video**)

### **Retirements**

We do have several staffers leaving, including Rebecca Donington, who came to the MVC in 2010 to work in Intergovernmental Affairs and later moved to our legal team. Rebecca has frequently briefed this Commission. She will be going into private practice and we wish her well.

We are also bidding farewell to a couple of the MVC's longest serving and most valued members – longtime Board Secretary Jack Donnelly; and longtime Deputy Administrator of Agency Services Bob Grill. Together, they've got almost 70 years of state service between them and – as importantly – a deep and vast reservoir of knowledge and institutional memory that will be sorely missed by the MVC.

In Jack's case, he is the only Board Secretary the MVC has known in our 15 years as a Commission. Jack was asked to come here from his post at the Department of Transportation back in 2002, along with former Chief Administrator Diane Legreide. The two were charged with writing the Fix DMV report and carrying out the remaking of Motor Vehicle services post 9/11 under the Customer Service and Security Act. But for Jack – a modest guy if there ever was one – his proudest moment in a distinguished career in government came during his tenure as Chairman of the Pension and Health Benefits Review Commission, a position he served in for 10 years. In October of 2016, he joined with three other members to vote against stripping 152,000

retirees in the State Health Benefits Plan of their health benefits. Jack's "no" vote resulted in a 4-4 tie and a defeat of the measure. As he heads into the sunset, our loss is a non-profit child services agency's gain. Jack plans to volunteer full time for "PEI Kids," which has been dedicated as the lead agency for the Greater Mercer (County) Coalition to Prevent Child Sexual Abuse.

For Bob Grill, his impressive rise through the ranks of the MVC began with the then Division of Motor Vehicles in 1986 as the supervisor of the Burlington Agency. In 1992, he came in-house and was promoted to Coordinator of the Agency Operations Unit. In July of 2000 he briefly went to the Department of Transportation's Division of Financial Management, but returned to the MVC in March of 2001 as the Manager of Agency Operations. He went on to be appointed as the Deputy Director of the Division of Agency Services, then the Director of the Division of Agency Services, and finally as the Deputy Administrator of Agency Services. He played a key role in the implementation of some of the MVC's major initiatives such as Compliance with CDL regulations in 1992, the transfer of the agencies from state operation to private operation in 1995, and then back to state operation in 2003, the implementation of the Digital Driver License Program and Enhanced Digital Driver License Program, the transition from the automated driver license testing (ADLT) system to the current Driver and Road Test Scoring System (DARTSS), the Y2K initiative, and the Organ Donation and Voter Registration Programs. Bob's entire career was related to the management and improvement of the motor vehicle agencies, a task to which he was very dedicated over the years. Bob will now have time to spend with his grandsons, to practice playing the guitar, and to once again be involved in community theater.

On behalf of the MVC, I would like to say that you will both be missed dearly, but we wish the best of luck to you both as you embark on this exciting new chapter of your lives. We want to thank you deeply for your unselfish service and the many, many contributions you've made on behalf of the Motor Vehicle Commission. Let's hear it for Bob and Jack!

The following Agenda Items were presented for approval:

**Minutes: October 9, 2018.** This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the minutes of each MVC Board meeting, including October 9, 2018. Board Member Orcutt moved the resolution, Director Poedubicky seconded it and it was unanimously adopted.

**1812-01: 2019 Meeting Dates.** This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to announce MVC Board Meeting Dates annually. Jack Donnelly, Board Secretary, presented the proposed meeting dates. Vice-Chair Pigula moved the resolution, Director Poedubicky seconded it and it was unanimously adopted.

**1812-02: Abigail's Law.** This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Final Adoption concerning Abigail's Law. Board Secretary Jack Donnelly presented the Final Adoption. Mr. Scaturro moved the resolution, Board Member Orcutt seconded it and it was unanimously adopted.

**1812-03: Abandoned Vehicles.** 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 Reproposed New Rule concerning the r

abandoned vehicles on private property. Rebecca Donington of the MVC Office of Regulatory and Legal Affairs presented the Reproposed New Rule. Vice-Chair Pigula moved the resolution, Board Member Scaturro seconded it and it was unanimously adopted.

**1812-04: Seat Belts 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 these amendments as to school buses. Richard DelMonaco of the MVC Office of Regulatory and Legal Affairs presented the Proposed Amendments. Director Poedubicky moved the resolution, Vice-Chair Pigula seconded it and it was unanimously adopted.

**1812-05: IFTA/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 these proposed amendments for the International Fuel Tax Agreement (IFTA) and the International Registration Plan (IRP). Board Secretary Jack Donnelly presented the Proposed Amendments. Vice-Chair Pigula 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:

1) A3890 – *Imposes motor vehicle penalty points for violation of “move over law”; requires MVC to conduct public awareness campaign.* This bill is in Assembly Appropriations, and we’ve asked for an effective date change to allow MVC more time to comply. Current language: [https://www.njleg.state.nj.us/2018/Bills/A4000/3890\\_R1.HTM](https://www.njleg.state.nj.us/2018/Bills/A4000/3890_R1.HTM)

2) A2089 - *Revises certain drunk driving penalties; expands use of ignition interlock devices.* Bill was amended to match the Senate version. We have been in touch with stakeholders of this legislation for continued talks to amend this bill. Current language: [https://www.njleg.state.nj.us/2018/Bills/A2500/2089\\_U1.HTM](https://www.njleg.state.nj.us/2018/Bills/A2500/2089_U1.HTM)

3) A3148 - *Allows person with implanted medical device to voluntarily make notation on driver’s license.* Bill was amended to be identical to the Senate version seen below. Current language: [https://www.njleg.state.nj.us/2018/Bills/S2000/1856\\_R1.HTM](https://www.njleg.state.nj.us/2018/Bills/S2000/1856_R1.HTM)

**Public Comments:**

No member of the public offered comments.

**Board Secretary Comments:**

Chair Fulton invited Board Secretary Jack Donnelly to offer his thoughts upon retiring from State service effective January 1, 2019. Jack said:

It seems like yesterday that Diane Legreide asked me to join her at DMV in 2002 to write the FIX DMV Report with her.

One symbol of the problems at DMV in 2002 was that we had run out of Polaroid paper for our driver licenses. Desperate for the Polaroid paper, we then found out that our shipment was on a ship on its way from Japan! The real surprise came when we learned that the ship sank in a very

bad storm. On the other side of the world! Well God bless the people of DMV who called around the country and found Polaroid paper to buy!

One other thing Diane did immediately, she created the Fraud Unit with Joe Vasil and Sandy Avanzato. Both of whom are great friends of mine to this day.

The key change in the FIX DMV Report was the creation of this Board, which enabled enormous change. Change from a mostly privately-run division in the N.J. Department of Transportation (NJDOT). Change from a \$100 million budget for 1100 staffers. We took that report and wrote the FIX DMV law, with the help of NJDOT's Patricia Snyder. Patricia held the job that our MVC Board Vice-Chair Sue Pigula now holds.

After we got that law passed, Diane asked me to be Chairperson of the FIX DMV Implementation Team. The job was to implement the 80 tasks in the report, which are now Standard Operating Procedure for MVC. One task was to re-hire all the hundreds of MVC Agency staffers that were "privatized" by the previous Administration.

All those dedicated people were fired just weeks before they were vested in the pension system. The noble task of re-hiring all those good people was successfully coordinated by Angela Sperrazza, our current Director of Facilities and Support Services.

The State of New Jersey is a great employer because it strives to be fair to its citizens, it provides civil rights and working rights to its employees, and it also allows each one of us to serve our neighbors. It allowed me in 2005 to co-author the Benefits Review Task Force Report with our new Governor Phil Murphy, who had been designated the Chairperson of that Task Force by Governor Dick Codey. Governor Murphy in that report identified billions of dollars in waste, fraud and abuse such as pension padding and double dipping that were then eliminated by several new laws in 2006. That report and those laws are helping employees futures, much like the Governor's salary reimbursements two months ago. Further, another result of that pension report was my service as Chairperson of the State's Pension and Health Benefits Review Commission for ten years from 2006-2016.

So the rest is history. I wish to thank Chair Fulton with all my heart for the fun and privilege of being Board Secretary and Legislative Liaison this year. And I wish to all my friends here, especially original Board Member Steve Scaturro, I wish that your efforts at MVC are full of pure service to all of New Jersey's citizens.

Finally, the State Legislature and the citizens of New Jersey took a big gamble on us 15 years ago AND they took a completely once-in-a-lifetime and unique risk by making us an independent commission. Please allow me to say to each MVC employee: Congratulations. Congratulations because we gave our word to others in State Government, we gave our word to the citizens of New Jersey, and we upheld our word. God bless you for keeping your word, for helping your coworkers keep their word, and for having successfully honored that sacred trust.

#### **Board Comments:**

Chair Fulton asked each Board member, individually, if they would like to make any public comments. Vice-Chair Pigula thanked the Chair for 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 Board Member Scaturro and seconded by Director Poedubicky and unanimously adopted at 2:35 p.m.

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

**Commission Headquarters, 8<sup>th</sup> Floor East Wing  
225 East State Street, Trenton, New Jersey**

**2:00 p.m., Tuesday, December 11, 2018**

**FINAL AGENDA**

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Approval: **Minutes of October 9, 2018**

**BENEFITS**

The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, provides at section 17 that the actions taken at MVC Board meetings do not become effective until approved by the Governor. Thereafter, the Minutes are presented to the Board Members for approval consistent with the MVC Board Bylaws.

**PURPOSE**

The Act at section 17 states that "A true copy of the minutes of every meeting of the Board shall be delivered by and under the certification of the Secretary of the Board, without delay, to the Governor. No action taken at the meeting shall have force or effect until ten days, Saturday, Sundays, and public holidays excepted, after the minutes are delivered, unless during the ten day period the Governor approves the Minutes, in which case the action shall become effective upon approval. If, in that ten day period, the Governor returns copies of the minutes with a veto of any action taken by the Board or any Member, the action shall be null and void and of no effect."

The October 9, 2018 Minutes were delivered on October 9, 2018 to the Governor, and became effective upon expiration of the ten day period on October 23, 2018.

**ACTION**

Approval of this item by the Board Members indicates acceptance of the October 9, 2018 Minutes.

**FISCAL IMPACTS**

None.

**RESOLUTION**

**WHEREAS**, consistent with the Bylaws the Minutes of actions taken at meetings of the New Jersey Motor Vehicle Commission Board are to be approved by the Board Members; and

**WHEREAS**, pursuant to section 17 of The Motor Vehicle Security and Customer Service Act , P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, a true copy of the Minutes of the actions taken at the New Jersey Motor Vehicle Commission Board meeting of October 9, 2018 were delivered without delay to the Governor on October 9, 2018; and

**WHEREAS**, those Minutes do not become effective until expiration of the ten day review period or otherwise approved by the Governor; and

**WHEREAS**, Minutes of the October 9, 2018 Board Meeting are effective as of October 23, 2018; and

**NOW, THEREFORE, BE IT RESOLVED** that the Minutes of actions taken at the October 9, 2018 New Jersey Motor Vehicle Commission Board meeting are hereby approved.

## NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Director of Legislative Affairs 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, October 9, 2018.

### **Present:**

B. Sue Fulton, Chair and Chief Administrator  
Sue Pigula, Vice-Chair & Transportation Commissioner Designee  
Stephen S. Scaturro, Board Member (by speakerphone)  
Walter Orcutt, Board Member (by speakerphone)  
James Fruscione, Revenue & Enterprise Services Director & State Treasurer Designee (by speakerphone)  
Gary Poedubicky, Highway Traffic Safety Director & Attorney General Designee

Governor's Authorities Unit Associate Counsel Craig Ambrose and Deputy Attorney General Phil Espinosa participated.

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

**Agenda Approval.** Director Poedubicky moved to accept the proposed agenda, Director Fruscione seconded the motion and it was unanimously adopted.

### **Chair's Report**

The Chair then presented this report of key Commission activities since the August 14, 2018 Board Meeting:

#### **AAMVA Conference**

In August Chief Fulton attended the AAMVA conference in Philadelphia where she was named to the Board of Directors. Sixteen staff members were able to attend.

#### **Core Values/Mission/Vision Statement/Executive Retreat**

Following the AAMVA conference, Chief Fulton convened an Executive retreat. The Core Values, Mission and Vision Statements have been updated.

#### **MVC New Motto Contest & Hispanic Heritage Month Recognition Photo Contest**

Both contests are among Commission staff. Our motto will be shared at our next Board meeting and the winners of the Hispanic Heritage photo contest will be featured at agencies next year.

#### **School Bus Safety**

Chief Fulton spoke about new laws enacted to protect school bus passengers and showed a video about school bus inspections.

**Mobile Unit Deployments**

We had two successful pilot events in Teaneck and Woodbridge working alongside Senate Majority Leader Loretta Weinberg and Senator Vitale.

**JustDrive.com & Military Veteran engagement**

Upcoming JustDrive.com events will be held at the Jets game and Rutgers Homecoming Game. Our public awareness campaign is well underway. Tanya Gauthier spoke at NJ National Guard Annual Military review and Chief Fulton spoke at DOT 9/11 memorial.

**REAL ID**

Real ID will kick off next Spring and MVC is actively working for the roll out to go smoothly.

**Spanish Manual**

New driver's manual in Spanish will be distributed in next few weeks.

**Delanco site opening**

The MVC-owned and operated site in Delanco will begin servicing customers October 22, 2018

**New Staff**

Maria Prato and Chris Hillmann have joined since the last Board meeting. Angela LaBelle has been to MVC Deputy Chief Administrator.

The following Agenda Items were presented for approval:

**Minutes: August 14, 2018.** This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the minutes of each MVC Board meeting, by approving the Minutes of the MVC Regular Board Meeting of August 14, 2018.

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

**1810-01: Transportation Network Companies Regulation.** This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations affecting various programs, including this Final Adoption concerning Transportation Network Companies. JoAnn Sutkin of the MVC Office of Regulatory and Legal Affairs presented the Final Adoption.

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

**1810-02: Licensing Service – Abandoned Vehicles.** 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 concerning titles for abandoned vehicles on private property. Rebecca Donington of the MVC Office of Regulatory and Legal Affairs presented the Final Adoption.

**Legislative Report.** A briefing was provided by Director Chris Hillmann, including a summary of legislative activity since the August 2018 Motor Vehicle Commission (MVC) Board meeting.

### Bills Signed into Law

A-2401 (Wimberly) / S-2618 (Cunningham) authorizes issuance of Delta Sigma Theta license Plates, and includes MVC amendments. Approved P.L.2018, c.109.

A-3683 (Murphy/McKnight/Jones) / S-2416 (Madden/Vitale) creates a parking placard program for caregivers.

A-4110 (Lopez/Benson/Swain) / S-233 (Thompson/Turner/Lagana) Requires certain school buses to be equipped with lap and shoulder seat belts.

### Bills on the Governor's Desk

S-883 (Sacco) / A-2197 (Eustace) authorizes issuance of special Humane State license plates

### Legislation on the move

S-2914 (Lagana) suspends school bus endorsement on driver's license for certain number of motor vehicle moving violations, and includes MVC amendments extending effective date, changing date of suspension to occur after MVC is notified, and adding private/parochial schools.

S-2848 (Diegnan / Lagana) / A-4346(Tully/Swain/Benson/Jones) requires medical certificates for school bus drivers every two years to be completed by a certified medical examiner, and in addition that a medical exam to be yearly for over age 70 and every six months for over 75 and furnish satisfactory evidence to their employer for MVC review at the biannual inspection.

S-2851 (Lagana/Diegnan) / A-4343 (Benson/Swain/Tully) requires designation of at least one school bus safety manager/supervisor, and includes an MVC amendment removing the need for MVC to establish the appropriate number of such staff.

A2436 (Benson/Swain/Tully/Bucco) / S2755 (Lagana) - Requires certain school district transportation supervisors to complete educational program.

### Passed Committee

S-2449 (Diegnan) waives certain commercial driver license fees for veterans and spouses, and includes an MVC amendment to use DD214 as proof; reviewing REAL ID and spousal issues.

**Public Comments:**

No member of the public offered comments.

**Board Comments:**

Chair Fulton asked each Board member, individually, if they would like to make any public comments. Vice-Chair Pigula thanked the Chair for the lively presentations during the Chair's Report, which provide great insight into the very varied responsibilities and activities of the Commission.

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

**Adjournment:**

Since there were no further comments or business, a motion to adjourn was made by Board Member Scaturro and seconded by Director Poedubicky and unanimously adopted at 2:35 p.m.

**ITEM 1812-01: 2019 MEETINGS****BENEFITS**

The Motor Vehicle Security and Customer Service Act ("Act"), P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335, P. L. 2009, c. 298, and P.L. 2013, c.253, at section 16 provides for meetings of the Commission Board Members.

**PURPOSE**

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

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

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

**ACTION**

Adopt the Annual Notice of Meetings for all of the Board Member meetings during Calendar Year 2019, as presented in Exhibit A.

**FISCAL IMPACTS**

None.

**RESOLUTION**

**WHEREAS**, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 (the "Act"), as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c. 335, P. L. 2009, c. 298, and P.L. 2013, c.253, at section 16 provides for meetings of the Commission Board Members; and

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Annual Notice of Meetings for 2019 is adopted as attached in Exhibit A; and

**BE IT FURTHER RESOLVED** that the Annual Notice of Meetings for 2019 shall be disseminated in accordance with the provisions of the Open Public Meetings Law, P.L. 1975, c. 231.

Exhibit A

**ANNUAL NOTICE OF MEETINGS – CALENDAR YEAR 2019**

**NEW JERSEY MOTOR VEHICLE COMMISSION BOARD**

In accordance with the "Open Public Meetings Law," P.L. 1975, c. 231, the above organization will hold regular meetings, open to the public, at 2:00 p.m. on those Tuesdays and Thursday of every other month as noted below for the period January 1, 2019 through December 31, 2019.

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

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

Feb. 14 (2nd Thurs.)  
April 9 (2nd Tues.)  
June 11 (2nd Tues.)  
Aug. 13 (2nd Tues.)  
Oct. 10 (2nd Thurs.)  
Dec. 10 (2nd Tues.)

**ITEM 1812-02: ABIGAIL'S LAW REGULATION**

**BENEFITS**

The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created the New Jersey Motor Vehicle Commission (MVC), and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to MVC the duty to promulgate regulations affecting various programs, including this Final Adoption in the Enforcement Service regulations concerning Abigail's Law.

**PURPOSE**

This is a Final Adoption. The effect of this item is to amend the Enforcement Service regulations concerning Abigail's Law to provide for school buses with sensors to alert a bus driver when a child walks in front or back of a school bus.

**ACTION**

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

**FISCAL IMPACTS**

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

**RESOLUTION**

**WHEREAS**, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 (the "Act"), as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to the Motor Vehicle Commission the duty to implement regulations affecting various programs, including this Final Adoption in the Enforcement Service regulations concerning Abigail's Law;

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

**TRANSPORTATION**

**EXHIBIT A**

**MOTOR VEHICLE COMMISSION**

**Enforcement Service**

**School Bus Sensors**

**Adopted New Rules: N.J.A.C. 13:20-50B.50 and 13:20-51.16**

Proposed: May 21, 2018 at 50 N.J.R. 1250(a)

Adopted: \_\_\_\_\_, 2018 by the Motor Vehicle Commission, B. Sue Fulton,  
Chair and Chief Administrator

Filed: \_\_\_\_\_, 2018 as R. 2018, d. , **without change.**

Authority: N.J.S.A. 39:2-3, 39:2A-28, 39:3-10, 39:3-11, 39:3-43, 39:3-63, 39:3-77,  
39:3B-5, 39:3B-10, 39:3B-24, 39:5-30, 39:5B-29a, 39:8-1, 39:8-2, 39:8-4, 39:8-4.1,  
39:8-10, 39:8-77, and 39:10-4

Effective Date: \_\_\_\_\_, 2018

Expiration Date: December 4, 2020

**Summary of Public Comment and Agency Response:**

**No comments were received.**

**Federal Standards Statement**

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

**ITEM 1812-03: 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, at sections 4 and 40 assigns to MVC the duty to promulgate regulations affecting various programs, including this Reproposed New Rule concerning the Licensing Service's title for abandoned vehicles on private property.

**PURPOSE**

This is a Reproposed New Rule. The effect of this item is to promulgate new regulations as part of the Commission's Licensing Service regulations. The purpose of these repropoed new rules is to set forth the procedure required to sell a vehicle abandoned on private property at public auction and subsequently transfer the title of the abandoned vehicle 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 Reproposed New Rule, 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 must be made consistent with instructions provided with the publishing of this proposal in the New Jersey Register.

**FISCAL IMPACTS**

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

**RESOLUTION**

**WHEREAS**, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 (the "Act"), as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to the Motor Vehicle Commission the duty to implement regulations affecting various programs, including this Reproposed New Rule 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 the Reproposed New Rule as part of the Commission's Licensing Service regulations, in substantially the form as attached in Exhibit A.

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

Licensing Service

Title to Vehicles Abandoned On Private Property

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

Authorized by:

\_\_\_\_\_

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

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

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

Proposal Number: PRN 2018 –

Submit written comments by \_\_\_\_\_ to:

Kate Tasch, APO  
Regulatory and Legal Affairs  
Motor Vehicle Commission  
225 East State Street  
PO Box 162  
Trenton, New Jersey 08666-0162  
or via e-mail: [rulecomments@mvc.nj.gov](mailto:rulecomments@mvc.nj.gov)

The agency reproposal follows:

### Summary

The Motor Vehicle Commission (MVC) has provided a 60-day comment period for this notice of reproposal. Therefore, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a) 5.

The MVC is reproposing new rules that will set forth the procedure to sell a vehicle abandoned on private property at public auction and subsequently transfer the title of the abandoned vehicle pursuant to N.J.S.A. 39:4-56.6. These reproposed new rules also allow title to the abandoned vehicle to be issued in the applicant's name if the vehicle cannot be sold at auction.

The reproposed new rules were originally proposed in the New Jersey Register on October 1, 2017 at 49 N.J.R. 3350 (a). During the public comment period for the original proposal the MVC received written comments from three entities, (1) American Insurance Association; (2) Insurance Council of New Jersey and (3) Eckert Seamans, Attorneys at Law on behalf of Manheim Remarketing, Inc. and its sister company NextGear Captial, Inc. MVC staff engaged in lengthy and thorough analysis of the comments submitted. The MVC determined that the issues raised by the commentators did not warrant any changes to the proposed rules. Accordingly the rules are being reproposed as originally published.

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

1. Comment: The commenters recommend that N.J.A.C. 13:21-11.6 require the applicant to also verify with the National Insurance Crime Bureau (NICB) that the vehicle is not listed as stolen in the NICB database to ensure that the interests of all parties are protected, including insurers. Additionally, the commenters recommend that the applicant search the Insurance Service Organization (ISO) for the insurer of record and to ascertain if the vehicle is related to an open claim or, in the alternative, have the Commission cross-reference the vehicle identification number with the insurer of record and notify the insurer that the vehicle has been reported abandoned. (1, 2)

Response: The Commission declined to amend the proposed regulations as requested because the requirement is overly burdensome, would require an additional expense and is unlikely to result in any additional claims being asserted regarding the abandoned vehicle. A vehicle that has been reported stolen will appear in a national search of the vehicle identification number pursuant to the reposed N.J.A.C. 13:21-11.8. Additionally, if during the application process it is revealed that the vehicle has been stolen, N.J.A.C. 13:21-11.8 allows the Commission to reject the application.

It is very likely that the majority of applicants do not have access to the ISO database, which can only be searched for a fee. Requiring the MVC to match all applications' VINs to the vehicle insurance of record and to notify the insured that the vehicle has been reported abandoned would be overly burdensome, as the Commission does not maintain an individual driver insurance policy database. The duty to notify the insurance company that a vehicle is stolen or damaged lies with the insured and not the Commission. The abandoned on private property process will reveal the owner and lienholder who will be notified as to the vehicle's whereabouts and the intent that the

vehicle will be sold at auction. The identified owner and lien holder may then notify the insurance company should the vehicle be the subject of an insurance claim. Additionally, insurance companies can monitor the required newspaper advertisements, which contain the vehicle's vehicle identification number, to ascertain if a vehicle that is to be sold at auction is the subject of an insurance claim.

2. Comment: The commenters recommend that the proposed regulations contain a requirement that the applicant act on the application within a reasonable period of time in order to reduce excessive storage fees, and if the applicant does not provide notice within a reasonable time, that storage fees be capped at 30 days. (1, 2)

Response: The Commission does not have the authority to impose time frames outside of those required by statute or to cap storage fees and therefore declines to include the provisions 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. This statute also requires the vehicle to be sold pursuant to N.J.S.A. 2A:44-20 through N.J.S.A. 2A:44-31. These statutes also require that certain notices regarding the sale of the vehicle be sent and/or posted and that the auction be advertised in newspaper publications, all of which are in addition to the 90-day waiting period. Neither statute requires an applicant to act within a reasonable time frame or places a cap on storage fees.

3. Comment: The commenters request that the proposed regulations contain language to require an applicant to exercise good faith in choosing an auction venue that is likely to garner the highest proceeds. (1, 2)

Response: The Commission does not have the authority to require an applicant to choose an auction venue that is likely to garner the highest proceeds nor the expertise to determine what auction venue will likely garner the highest proceeds, and therefore declines to amend the regulations as requested. The statute only requires the vehicle to "be sold at public auction," N.J.S.A. 2A:44-29.

4. Comment: A commenter requests the proposed regulations codify that wholesale auctions are deemed an appropriate place to sell an abandoned vehicle consistent with decades long practice and consistent with the Uniform Commercial Code's (UCC) as adopted in New Jersey, as long as the sale is commercially reasonable. (3)

Response: The Commission declined to amend the proposed regulations as requested. N.J.S.A. 2A:44-29 only requires the vehicle "be sold at public auction" and whether a wholesale auction is a public auction pursuant to the statute is beyond the scope of these regulations.

5. Comment: A commenter requests the proposed regulations be amended to recognize that a lien perfected by a financing statement or otherwise on an abandoned vehicle would be superior to a garage keeper's lien for any expenses incurred for storage and sale of the vehicle and that said holder take priority to proceeds as required by existing statutes and case law. (3)

Response: The Commission declined to amend the proposed regulations as requested because it is unnecessary. As the commenter states in his comments "the lien holder takes priority to proceeds as required by existing statutes and case law" and "the statute is clear that any such garage keeper or mechanic lien is inferior to a lien, title or

interest of a prior perfected security interest in accordance with Chapter 9 of the UCC.” Additionally, the Commission will not release a security interest properly recorded in the Commission database without a required lien release from the lien holder or a court order.

6. Comment: A commenter requests that the Commission amend the proposed definition of “Abandoned Vehicle” to specifically exclude vehicles abandoned on public property. (3)

Response: The Commission declined to amend the proposed definition of “Abandoned Vehicle” as requested because it is unnecessary. The proposed definition of “Abandoned Vehicle, for the purposes of this regulatory proposal, is “a motor vehicle that has been unattended on the **private property** of another....” (Emphasis supplied.) As the commenter duly notes, it is implicit that this is not public property. Additionally, the sale of vehicles abandoned on public property is governed by N.J.S.A. 39:10A-1 et seq.

The following is a summary of the new rules that the MVC is reproposing at this time.

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

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

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

N.J.A.C. 13:21-11.4, Power of Attorney, allows a property owner, or other person in control or possession of the property on which the vehicle was abandoned, to have another person submit the application and required documents for the vehicle to be sold at public auction on their behalf.

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

N.J.A.C. 13:21-11.6, Application for Certificate of Title, provides the requirements for obtaining an Application for Certificate of Title, which is the document used to transfer title to the abandoned vehicle after public auction

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

N.J.A.C. 13:21-11.8, Submission of Completed Application for Certificate of Title, provides the documents that must be submitted, after the public auction of the abandoned vehicle, in order for title to be issued to the purchaser.

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

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

### **Social Impact**

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

These repropose new rules also protect owners and lienholders of vehicles that are abandoned on private property. These repropose new rules require applicants to perform lien searches on the abandoned vehicle in New Jersey, and where appropriate, in surrounding states, to identify possible owners and lienholders. These repropose new rules also require the vehicle's identification number to be verified through a national

search which may further reveal an ownership interest not previously identified. Under the repropose new rules, these repropose new rules will protect owners and lienholders that may be unaware a vehicle has been abandoned. The owners and lienholders will receive ample notice the vehicle is deemed abandoned and of the intent to sell the vehicle at auction. Owners and lienholders are provided with an opportunity to object to the auctions, to protect their ownership interest or lien and to have any liens satisfied from the auction proceeds. These repropose new rules will also protect purchasers of abandoned vehicles at auctions. A purchaser could only obtain title to an abandoned vehicle sold at auction by purchasing the vehicle from an applicant who has complied with these repropose new rules, reducing the risk purchasers at auction will take title to a vehicle with an undisclosed lien or ownership interest.

### **Economic Impact**

The repropose new rules will have a positive economic impact. These repropose new rules provide private property owners or persons in control or possession of property with a codified procedure to be reimbursed for costs associated with the removal, storage and sale of vehicles abandoned on their property. Under these repropose new rules, the applicant and the Commission will also identify abandoned vehicle owners and lienholders, and provide them with notice of the intent to sell the abandoned vehicle. The repropose new rules provide an opportunity for the abandoned vehicle's owner(s) and lienholder(s) to protect their lien(s) or interest and to object to the auction of the vehicle if the vehicle was not truly abandoned, and receive proceeds from the auction to satisfy their lien.

### **Federal Standards Statement**

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

### **Jobs Impact**

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

### **Agriculture Industry Impact**

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

### **Regulatory Flexibility Analysis**

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

property will hire to comply with the requirements of these repropoed new rules that will also be considered small businesses. The Commission receives approximately 1000 requests annually for the appropriate forms and directions to be followed to hold these auctions. However, the repropoed rules do not require any specific reporting or recordkeeping requirements that small businesses would be required to maintain.

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

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

### **Housing Affordability Impact Analysis**

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

### **Smart Growth Development Impact Analysis**

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

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

#### **SUBCHAPTER 11: Vehicles Abandoned On Private Property**

##### **13:21-11.1 Purpose and Scope**

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

##### **13:21-11.2 Definitions**

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

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

“Commission” means the New Jersey Motor Vehicle Commission.

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

### 13:21-11.3 Application Forms

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

#### 13:21-11.4 Power of Attorney

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

#### 13:21-11.5 Transfer of Interest in Abandoned Vehicle

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

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

#### 11.6 Application for Certificate of Title

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:

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

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

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

(b) A detailed notarized affidavit stating the following:

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

ii) the address where the vehicle was abandoned;

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

iv) the abandoned vehicle's year, make and vehicle identification number;

v) the applicant's name, address and daytime telephone number;  
and

vi) the steps taken by the applicant to locate the abandoned vehicle's owner.

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

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

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

#### 11.7 Public Auction of Abandoned Vehicle

Upon receipt from the Commission of the Application for Certificate of Title, the applicant may sell the abandoned vehicle at public auction, pursuant to the requirements of this section.

(a) The applicant must publish a notice in a newspaper of general circulation in the municipality where the vehicle was abandoned for two weeks, at

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

(b) An Abandoned Vehicle on Private Property – 5 Day Notice must be posted at the location where the vehicle was left abandoned, not less than five days prior to the date of the public auction.

#### 11.8 Submission of Completed Application for Certificate of Title

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

- i. The original or certified copy of the notarized Affidavit of Newspaper Publication for the two publications required by this subchapter;
- ii. A copy of the Abandoned Vehicle on Private Property – 5-Day Notice required by this subchapter;
- iii. A Notarized Affidavit of Public Auction identifying all persons who attended the public auction, including an accounting of the auction proceeds and

costs incurred. If no persons attended the public auction or no bids were received, the applicant must state that a public auction was held but that no bids were received and/or no persons attended. The applicant must also describe any liens placed on the vehicle as a result of the sale of the vehicle at the public auction. If the applicant is a business, the affidavit must be on the business's letterhead;

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

v. A copy of the purchaser's driver's license or, if the purchaser is not an individual, the entity's corporation code (entity identification number assigned by the Commission).

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

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

(d) Upon the Commission's receipt of all required documents set forth in this section, the chief administrator will conduct a national search to verify the abandoned vehicle's vehicle identification number. If the national search reveals an ownership interest not previously disclosed, the application for title will be rejected and the Commission will notify the applicant that the process set forth in this subchapter must be repeated, including the public auction.

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

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

#### 13:21-11.9 Auction Proceeds

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

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

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

**ITEM: 1812-04: 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, at sections 4 and 40 assigns to MVC the duty to implement regulations affecting various programs, including these proposed amendments to existing regulations pertaining to school buses.

**PURPOSE**

This is a proposed amendment. 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.

MVC Board Chair and Chief Administrator Sue Fulton has adopted a new policy that proposed rules are to be provided by the New Jersey Motor Vehicle Commission as a courtesy to inform the public about pending rules. This version is not the official text of the proposal and may differ from the official published text. The official text of the proposal is published in the New Jersey Register issue for the date indicated. Should there be any discrepancies between this version and the official version of the proposal, the official version will govern. All comments must be made consistent with instructions provided with the publishing of this proposal in the New Jersey Register.

**ACTION**

Approval of this item will authorize the Chair to file these amendments with the Office of Administrative Law (OAL) as a proposed rule, 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, at sections 4 and 40 assigns to MVC the duty to implement regulations affecting various programs, including these amendments 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 proposed rule, in substantially the form as attached in Exhibit A.

**MOTOR VEHICLE COMMISSION**

Exhibit A

**ENFORCEMENT SERVICE**

**Body Standards for School Buses**

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

Authorized by:

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

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

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

Proposal Number: PRN 2018-\_\_\_\_.

Submit written comments by \_\_\_\_\_, to:

Kate Tasch, Administrative Practice Officer

Regulatory and Legal Affairs

Motor Vehicle Commission

225 East State Street

PO Box 162

Trenton, NJ 08666-0162

or via e-mail to: [rulecomments@mvc.nj.gov](mailto:rulecomments@mvc.nj.gov)

The agency proposal follows:

### **Summary**

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

The proposed amendment to N.J.A.C. 13:20-50B.32 puts the regulation of seat belts on school buses, manufactured on or after February 21, 2019, to be consistent with the recent change in legislation (N.J.S.A. 39:3B-10, enacted P.L. 2018, c. 118 on August 25, 2018, effective 180<sup>th</sup> day following enactment, February 21, 2019). N.J.S.A. 39:3B-10 now requires that seat belts for each seating position on school buses be the three-point lap and shoulder seat belt type rather than the previously mandated lap belt type. The statute also mandates that the regulation shall be amended so as to be in conformity with the statutory amendment.

### **Social Impact**

The proposed amendments will have a positive impact because the installation of three-point lap and shoulder seat belts provide greater safety than the currently mandated lap belt seat belts.

### **Economic Impact**

The Commission anticipates that the proposed amendments will have a minor economic impact on the general public.

As part of the legislative process, the General Assembly did a fiscal analysis on the impact of passage of the bill (June 25, 2018, bill number A4110). The analysis revealed that the bill would impose an increased cost on the manufacturing of new school buses. Because the new configuration causes a loss in seating capacity, more school

buses will be required to transport the same number of students. The rerouting of school buses may help to alleviate this problem. While not all the school buses will be purchased exclusively by the school districts, it is assumed that the bulk of the cost will eventually be borne by the districts through contract pricing.

Finally, the increased cost can also be weighed against the cost of treating injuries that would decrease with the use of the safer lap and shoulder belts.

### **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 promulgated due 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.

### **Jobs Impact**

The Commission does not anticipate that the proposed amendments will have any impact on jobs.

### **Agriculture Industry Impact**

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

### **Regulatory Flexibility Statement**

The amendments do not impose significantly different regulatory requirements than exist currently. The amendments merely require that the three-point shoulder and lap seat belts replace the lap seat belts currently required by the regulations.

### **Housing Affordability Impact Analysis**

It is not anticipated that these amendments will have any impact on affordable housing in New Jersey and there is an extreme unlikelihood that they will evoke a change in the average costs associated with housing because these regulations pertain solely to the installation of shoulder and lap seat belts on school buses manufactured on or after February 21, 2019.

### **Smart Growth Development Impact Analysis**

It is not anticipated that these proposed amendments will have any impact on smart growth in New Jersey and there is an extreme unlikelihood that the proposed amendments 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 these regulations pertain solely to the installation of shoulder and lap seat belts on school buses manufactured on or after February 21, 2019.

**Racial and Ethnic Community Criminal Justice and Public Safety Statement**

The Commission has determined that the proposed amendments will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

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

13:20-50B.32          Seat belts for driver and passengers

(a) - (b)          (No change.)

(c)          Every school bus **as defined in N.J.S.A. 39:1-1 with a manufacturer date of October 1, 1992 through February 20, 2019** shall be equipped with either passenger **Type 1** lap safety belts or **Type 2** lap and shoulder safety belts, **as defined in FMVSS (Federal Motor Vehicle Safety Standards) No. 209 (49 CFR 571.209)** for each seat position. [that] **All school buses as defined in N.J.S.A. 39:1-1 manufactured on or after February 21, 2019 shall be equipped with a Type 2 lap and shoulder safety belt or other child restraint system that is in conformity with applicable Federal standards for each seat position. All seat belts and installation shall conform to FMVSS Nos. 208, 209, [and] 210, and 222 (49 CFR §§ 571.208, 571.209, [and] 571.210, and 571.222)**, incorporated herein by reference, as amended and supplemented. If safety belt floor installation is used, attachment hardware shall be designed to prevent attaching bolts and other parts from becoming inadvertently disengaged from the floor of the school bus.

(d)          (No change.)

**ITEM 1812-05: 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, at sections 4 and 40 assigns to MVC the duty to promulgate regulations affecting various programs, including these proposed amendments 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 Proposed Amendment. 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 Proposed Amendment, 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 must be made consistent with instructions provided with the publishing of this proposal in the New Jersey Register.

**FISCAL IMPACTS**

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

**RESOLUTION**

**WHEREAS**, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 (the "Act"), as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to the Motor Vehicle Commission the duty to implement regulations affecting various programs, including these proposed amendments of the 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 the proposed amendments 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

Proposed 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.

Authorized By \_\_\_\_\_  
Motor Vehicle Commission  
B. Sue Fulton, Chair and Chief Administrator

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. 48:4-3,  
N.J.S.A. 54:39A-24, and N.J.S.A. 39:2A-21

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

Proposal Number: PRN-2018

Submit comments by \_\_\_\_\_ to:

Kate Tasch, APO  
Regulatory and Legislative Affairs  
Motor Vehicle Commission  
225 East State Street  
PO Box 162  
Trenton, NJ 08666-0162  
Or via email to: rulecomments@mvc.nj.gov

The agency proposal follows:

**SUMMARY**

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

The Motor Vehicle Commission (hereinafter "the Commission") proposes amendments to the International Registration Plan (IRP), N.J.A.C. 13:18-2.1, 2.10 and 2.20, and the International Fuel Tax Agreement Implementation (IFTA), N.J.A.C. 13:18-3.1 through 13:18-3.4. The IRP is an agreement among states of the United States, the District of Columbia and provinces of Canada providing for payment of commercial motor carrier registration fees. IFTA is a fuel tax collection and sharing agreement for the redistribution of fuel taxes paid by interstate commercial carriers.

The amendments to the IRP rules allow the holders of IRP registrations the option to present electronic images of these credentials in lieu of the current paper forms. Drivers would have the option to present either paper credentials or an electronic image of these credentials on a portable device to law enforcement officials. The amendments to the IFTA rules implement amendments to the IFTA Articles of Agreement to also allow the holders of IFTA licenses the option to present electronic images of IFTA credentials in lieu of the current paper forms. Drivers would have the option to present either paper credentials or an electronic image of these credentials on a portable device to law enforcement officials.

Section 13:18-2.1, Definitions, is amended to change the definition of cab card to include both a paper and an electronic image of the IRP registrations, as compared to the current paper form only.

Section 13:18-2.10 provides that the commission will issue a cab card in either paper format or as an electronic image upon receipt of payment of all applicable registration fees.

Section 13:18-2.20 amends the current process to replace an existing IRP registration when apportioned license plates have been reported stolen, to clarify that the requirement to return a cab card applies only to cab cards in paper form.

N.J.A.C. 13:18-3.1, Definitions, is amended to change the definition of cab card to include both a paper and an electronic image of the IRP registrations, as compared to the current paper form only.

N.J.A.C. 13:18-3.2 is amended to include in the requirements for an Agreement Application, the option to present electronic images of the IFTA licenses or the current paper forms, at Subparagraph 3.2(a)15. Subparagraph 3.2(a)8 is deleted because it is an outdated reference to a physical location for the storage of records, which is no longer required by the IFTA Articles of Agreement; the elimination of this subparagraph results in the renumbering of the subsequent subparagraphs. Similarly, Subparagraph 3.2(a)14 deletes an outdated reference to a physical location that is no longer required by the IFTA Articles of Agreement. The Articles of Agreement no longer require a designated physical location for the storage of records; however, records must be made available on demand by member jurisdictions.

N.J.A.C. 13:18-3.3 is amended to provide that upon application approval, the chief administrator may issue a cab card in either electronic or paper format. If issued in paper form, the cab card must be kept in the licensee's principal place of business; the amendments allow for a photocopy in each vehicle.

N.J.A.C. 13:18-3.4 is amended to provide that a temporary license may be issued until the paper forms or the electronic images of the IFTA licenses are provided to the licensee.

### SOCIAL IMPACT

The proposed amendments in this chapter will have a positive social impact. The purpose of these proposed amendments is to reduce the regulatory burden by agreeing to the request of the regulated community to allow the holders of IFTA licenses and IRP registrations the option to present electronic images of these credentials in lieu of the current paper forms.

### ECONOMIC IMPACT

The economic impact on the Commission will be minimal, and consists of the costs of oversight and issuance of the IFTA licenses and IRP registrations. Costs may be reduced by changing to electronic formats, which saves time in searching records and potentially in issuing the credentials to motor carriers. The costs to the motor carriers may potentially be reduced by not having to store and keep manual track of paper forms.

### FEDERAL STANDARDS

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.

### JOBS IMPACT

It is not anticipated that the proposed amendments would result in an increase or a decrease in jobs.

### AGRICULTURE INDUSTRY

The proposed amendments do not have any impact on the agriculture industry in this State.

### REGULATORY FLEXIBILITY ANALYSIS

The proposed amendments continue reporting and recordkeeping requirements on motor carriers, some of which may be defined as small businesses, as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16, et. seq. The recordkeeping requirements pertain to the tracking of IFTA licenses and IRP registrations. The proposed amendments do not require small businesses to engage additional professional services, but instead may reduce such requirements by reducing the number of paper forms.

The proposed amendments do not necessitate significant capital and annual expenditures for compliance by small businesses. These requirements are intended to ensure that motor carriers entering the State are recorded for purposes of ensuring the payment of required motor fuel taxes and registration fees. There is no differentiation in compliance based on business size.

The Commission has given careful consideration to these matters and has determined that the proposed amendments are necessary to be applied to all motor carriers who wish to replace the current IFTA paper forms with an electronic copy option.

### HOUSING AFFORDABILITY IMPACT ANALYSIS

The proposed amendments will have no impact on housing affordability and there is an extreme unlikelihood that it will evoke a change in the average costs associated with housing because the rules pertain to motor carriers.

### SMART GROWTH DEVELOPMENT IMPACT ANALYSIS

It is not anticipated that the proposed amendments will have an impact on smart growth and there is an extreme unlikelihood that they 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 they pertain to electronic vehicle registrations.

### RACIAL AND ETHNIC COMMUNITY CRIMINAL JUSTICE AND PUBLIC SAFETY

#### IMPACT

The Commission has determined that the proposed amendments will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

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

#### 13:18-2.1 Definitions

...

"Cab card" means a registration card, **in the form of a paper card or electronic image**, issued by the base jurisdiction for a vehicle of an apportioned fleet which identifies the vehicle, base plate, registered weight by jurisdiction and the jurisdictions [where] **in which** a vehicle is [apportionally] registered.

...

## 13:18-2.10 Apportioned license plates; registration certificate ("cab card")

(a) Upon receipt of payment for all applicable apportioned and non-apportioned registration fees, the Commission shall issue a certificate of registration ("cab card"), **in the form of a paper card or electronic image**, and two license plates marked "Apportioned" for each vehicle. Such license plates shall be displayed as required by N.J.S.A. 39:3-33.

(b) – (c) (No change).

(d) The cab card issued for an apportioned vehicle shall contain a list of the member jurisdictions [for] **in** which the vehicle is [apportionally] registered and the corresponding weight in pounds (for states) and kilograms (for Canadian provinces), in addition to all other required information.

1. The card shall be free of any errors, erasures, or strikeovers and shall include security features.

2. The original cab card, **whether in the form of a paper card or electronic image**, is to be carried in the vehicle.

3. (No change).

## 13:18-2.20 Replacement credentials

(a) (No change).

(b) If an apportioned license plate has been reported as stolen, the corresponding apportioned cab card, **if issued in paper form**, shall be returned to the Commission.

(c) – (d) (No change).

## N.J.A.C. 13:18-3.1. Definitions

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

...

"License" means the cab card or identification card issued by the Chief Administrator, **in the form of a paper card or electronic image**, to a motor carrier who has made successful application to the Chief Administrator for IFTA credentials.

...

## N.J.A.C. 13:18-3.2. Agreement application

(a) Any motor carrier based in New Jersey and operating one or more qualified motor vehicle(s) in at least one other jurisdiction (that is, engaged in interstate operations) shall file an Agreement Application with the Commission on forms and in a manner prescribed by the Chief Administrator. The application shall contain the following information:

1. The applicant's legal name and business location address (P.O. Boxes not permitted);
2. The applicant's trade name, if different from legal name;
3. The applicant's Federal Employer's Identification Number (FEIN) or, if sole proprietor, Social Security number;
4. The applicant's mailing address (if different from business address);
5. The name and telephone number of a contact person;
6. The type of ownership;
7. The name, title, and telephone number for all partners or corporate officers (president, vice president, secretary, treasurer);
8. [The location of records for audit purposes;
- 9.] The type of motor carrier operation;
- [10.] 9. The name and address of lessor(s) or lessee(s) where qualified vehicles are involved in lease agreement(s) and a declaration indicating whether lessor or lessee is responsible for reporting all operations;
- [11.] 10. The type(s) of fuel consumed by qualified motor vehicles;
- [12.] 11. A declaration of having been previously licensed by another Agreement jurisdiction, if applicable;
- [13.] 12. A declaration of never having had an Agreement license suspended or revoked by another Agreement jurisdiction, if applicable;
- [14.] 13. A declaration of maintaining special fuel storage in New Jersey and the listing of any special fuel license number(s) or exemption certificate number(s), if applicable;
- [15.] 14. A declaration of the [jurisdictions in which the applicant plans to operate qualified motor vehicles, and the fuel type(s)] **locations** if the applicant maintains bulk storage [in other jurisdictions];
- [16.] 15. A declaration that the applicant agrees to comply with all the reporting, payment, recordkeeping and license/identification requirements specified in the Agreement, **including the option to present electronic images of the IFTA license in lieu of the paper form**; and

[17.] 16. A certification by signature of the owner, partner, or corporate officer that the information contained in the application is true, accurate and complete.

(b) – (h) (No change).

N.J.A.C. 13:18-3.3. Identification card/license; identification markers/decals

(a) For each approved application for IFTA credentials, the Chief Administrator shall issue one license identification cab card per fleet **in paper and/or electronic form**, and two identification marker/decals for each vehicle listed on the application as part of that particular fleet.

(b) – (c) (No change).

(d) The original cab card (license), **if issued in paper form**, shall be kept in the licensee's principal place of business. The licensee [shall] **may** photocopy the card and carry such photocopy in each qualified vehicle, **or carry an electronic image of these credentials in lieu of the paper forms**.

(e) The form and content of the license and decal shall be as specified in **the IFTA Articles of Agreement**.

(f) – (n) (No change).

N.J.A.C. 13:18-3.4. Temporary licensing permit

(a) Upon receipt of a properly completed application and payment of a fee of \$10.00 for two decals per vehicle from a New Jersey IFTA licensee with an account in good standing, the Chief Administrator shall issue in person, by mail or through a preapproved third party an IFTA Temporary Permit for a qualified motor vehicle. A temporary permit shall be valid for a period of 30 consecutive days beginning with the date of issue to allow a carrier sufficient time to affix permanent decals and carry the identification card **or electronic image of the identification card**.

(b) – (e) (No change).



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

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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 Board Members

From: Chris Hillman, Director  
Legislative Affairs

Date: December 11, 2018

Re: Legislative Report

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This Legislative Report provides a summary of key legislative activity being tracked by the Motor Vehicle Commission (MVC) since the October 9, 2018 MVC Board meeting.

- 1) A3890 – *Imposes motor vehicle penalty points for violation of “move over law”; requires MVC to conduct public awareness campaign.* This bill was voted out of the Assembly Law & Public Safety Committee and referred to Assembly Appropriations. We asked for an effective date change to allow MVC more time to comply, specifically “This act shall take effect on the first day of the seventh month after enactment, but the Chief Administrator of the New Jersey Motor Vehicle Commission may take any administrative action in advance as shall be necessary for the implementation of the act.” Hope to get the above amendment in Assembly Appropriations or on Senate side. No action in Senate yet.  
Current bill language: [https://www.njleg.state.nj.us/2018/Bills/A4000/3890\\_R1.HTM](https://www.njleg.state.nj.us/2018/Bills/A4000/3890_R1.HTM)
- 2) A2089 - *Revises certain drunk driving penalties; expands use of ignition interlock devices.* Bill was amended to match the Senate version. We have been in touch with stakeholders of this legislation including Legislators, majority offices, NJSBA, interlock advocates and the courts. There will be continued talks to amend this bill. Both Senate & Assembly versions are now in Appropriations committee.  
Current bill language: [https://www.njleg.state.nj.us/2018/Bills/A2500/2089\\_U1.HTM](https://www.njleg.state.nj.us/2018/Bills/A2500/2089_U1.HTM)
- 3) A3148 - *Allows person with implanted medical device to voluntarily make notation on driver's license.* Bill was amended to be identical to the Senate version seen below. Both Senate & Assembly version are now in Appropriations committee. I have in our documents that we are supportive of this bill and are not seeking changes.  
Current bill language: [https://www.njleg.state.nj.us/2018/Bills/S2000/1856\\_R1.HTM](https://www.njleg.state.nj.us/2018/Bills/S2000/1856_R1.HTM)