

CHAPTER 86B

QUALIFYING NONPROFIT ORGANIZATIONS

Authority

N.J.S.A. 27:5F-29c(8).

Source and Effective Date

R.2008 d.259, effective September 2, 2008.
See: 40 N.J.R. 1613(a), 40 N.J.R. 5050(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 86B, Qualifying Nonprofit Organizations, expires on September 2, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 86B, Qualifying Nonprofit Organizations, was adopted as new rules by R.2008 d.259, effective September 2, 2008. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

13:86B-1.1 Purpose and scope

The rules in this chapter establish the criteria that nonprofit organizations must meet to qualify as an applicant for the award of a Federally funded highway traffic safety project grant for programs approved by the Director of the Office of Highway Traffic Safety.

13:86B-1.2 Authority

These rules are promulgated by the Director of the Office of Highway Traffic Safety pursuant to N.J.S.A. 27:5F-29c(8) of the New Jersey Highway Traffic Safety Act of 1987 as amended by P.L. 2007, c. 84.

13:86B-1.3 Definitions

The following words and terms are defined as follows for the purpose of these rules unless the context in which they are used indicates otherwise:

“Application” means the application form available from the OHTS to apply for a Federally funded highway traffic safety project grant pursuant to the NJHTS Act.

“Approved program” means a highway traffic safety program approved by the Director for which a grant may be awarded to a qualifying NPO.

“Director” means the Director of the Office of Highway Traffic Safety in the Department of Law and Public Safety.

“Grant” means a highway traffic safety project grant funded with Federal monies awarded by the OHTS.

“NJHTS Act” or “Act” means the New Jersey Highway Traffic Safety Act of 1987 (N.J.S.A. 27:5F-18 et seq.).

“NPO” means a nonprofit organization.

“OHTS” means the Office of Highway Traffic Safety in the Department of Law and Public Safety.

“Qualifying or qualified NPO” means an NPO that meets the criteria established by these rules to apply for a grant for an approved program.

SUBCHAPTER 2. QUALIFYING NPOS AND APPLICATION

13:86B-2.1 Criteria to establish applicant is a qualifying NPO

(a) A qualifying NPO shall be eligible to apply for the award of a grant for an approved program. An NPO must meet all of the following criteria to be a qualifying NPO:

1. Is tax exempt under section 501(c)3 of the Federal Internal Revenue Code (26 U.S.C. §501(c)3) and is not a private foundation as defined in section 509(a) of the Federal Internal Revenue Code (26 U.S.C. §509(a));
2. Provide services throughout the State;
3. Is operated primarily for scientific, educational, service, charitable or similar purposes in the public interest;
4. Has a demonstrable record of conducting highway traffic safety programs;
5. Is organized under the provisions of the New Jersey Nonprofit Corporation Act, N.J.S.A. 15A:1-1 et seq. or pursuant to other New Jersey statutory authority to operate in the State;

6. Has been organized for a period of at least one year immediately prior to the date of its application for a grant;

7. If engaged in fundraising activities subject to the Charitable Registration and Investigation Act, N.J.S.A. 45:17A-18 et seq. is registered with the New Jersey Division of Consumer Affairs in the Department of Law and Public Safety;

8. If engaged in providing services that require registration with or licensing or other approval by a State or local government agency, is the holder of such valid registration, license or other approval issued by the agency, including a registration to do business with the State as required by P.L. 2004, c. 5;

9. If applying for a grant authorized at N.J.A.C. 13:86B-3.1(a)4, is the employer of staff who perform the duties of first responders and emergency medical technicians; and

10. If applying for a grant on behalf of another entity in accordance with N.J.A.C. 13:86B-3.2, meets the additional criteria set forth in that rule.

13:86B-2.2 Application to demonstrate compliance with qualifying criteria

(a) The NPO shall attach to its application for a grant, a resolution from its governing body authorizing the application. To demonstrate compliance with each of the qualifying criteria set forth in N.J.A.C. 13:86B-2.1, the NPO shall also attach to its application the documents and information set forth below. The NPO may supply such information by way of an annual report or other organizational report or publication or a written submission certified to by an officer of the NPO.

1. A letter from the Federal Internal Revenue Service confirming that the NPO is tax exempt under section 501(c)3 of the Federal Internal Revenue Code and is not a private foundation, as defined by section 509(a) of the Federal Internal Revenue Code;

2. A description of the services provided by the NPO throughout the State during the year immediately prior to the date of its application and information to demonstrate the following:

i. That the receipt of the services provided by the NPO does not require the recipient to be a resident of a particular municipality or county and that no preference is given to residents of a particular municipality or county;

ii. That the NPO maintains either a toll-free phone number or a website and an e-mail address by which the public can contact the NPO to acquire or arrange for the delivery of its services;

iii. The number of persons in the State who have received services from the NPO during the year immediately prior to the date of its application; and

iv. That the services provided by the NPO are available at a location or can be delivered to residents in a majority of the counties in the State;

3. That the NPO is operated primarily for scientific, educational, service, charitable or similar purposes in the public interest;

4. A description of all highway traffic safety programs conducted by the NPO during the year immediately prior to the date of its application, the subject matter of which is related to an approved program area established by N.J.A.C. 13:86-3.1, including the dates during which the NPO conducted the program, whether it was conducted on a local or Statewide basis, and statistics showing the number of persons who participated in the program;

5. A certified copy of the NPO's certificate of incorporation in New Jersey pursuant to N.J.S.A. 15A-1 et seq. or other organizing document that authorizes it to operate in New Jersey, a copy of its by-laws or governing rules, and the names of all members of its board of trustees or board of directors or other governing body and all officers;

6. That it has been organized for at least one year immediately prior to the date of its application;

7. A description of any activities conducted by the NPO that require registration with the Division of Consumer Affairs pursuant to the Charitable Registration and Investigation Act, N.J.S.A. 45:17A-18 et seq., and a copy of such valid registration;

8. A copy of any valid registration, license or other approval required by a State or local government agency to provide the services offered by the NPO throughout the State, including registration to do business in the State of New Jersey pursuant to P.L. 2004, c. 57; and

9. If applying for a grant authorized by N.J.A.C. 13:86B-3.1(a)4, a list of all employees who perform the duties of first responders and emergency medical technicians.

SUBCHAPTER 3. APPROVED PROGRAMS IDENTIFIED BY THE DIRECTOR

13:86B-3.1 Types of approved programs

(a) A qualifying NPO is eligible to apply for a grant to implement highway traffic safety projects in any of the following program areas or in such additional program areas as the Director may approve and identify in a Notice of Availability of Funds published in accordance with N.J.S.A. 52:14-34.4:

1. To provide public information and educational programs for any of the following purposes:

- i. To curtail alcohol and drug use while driving;
- ii. To promote occupant protection, pedestrian, and bicycle safety;
- iii. To assist in the implementation of community traffic safety programs that will increase the public's awareness of traffic safety issues at the local level or Statewide;
- iv. To promote motorcycle safety education, training, and motorist awareness;
- v. To promote the safe movement of traffic by obeying traffic control devices, signs, and pavement markings; or
- vi. To reduce crash-related trauma;

2. To conduct surveys on highway traffic safety issues that will be used to develop public information and/or education programs;

3. To study crash data that is available to the public; or

4. To provide first responders and emergency medical technicians employed by the qualifying NPO training and other activities designed to reduce crash-related trauma.

13:86B-3.2 Approved program when applying for grant on behalf of others

(a) In accordance with N.J.S.A. 27:5F-26, a qualifying NPO may submit an application on behalf of a hospital, volunteer or nonvolunteer first aid, rescue or ambulance squad or other local entity serving a public purpose for a grant of money to implement an emergency medical services program provided it meets all of the criteria set forth in Subchapter 2 and the following additional criteria:

- 1. The qualifying NPO demonstrates that it has record of conducting highway traffic safety programs related to the providing of emergency medical services to the public; and
- 2. The qualifying NPO demonstrates that it has had for a period of one year immediately prior to the date of the application a working relationship with the hospital, volunteer or nonvolunteer first aid, rescue or ambulance squad or other local entity serving a public purpose. The NPO shall demonstrate a working relationship during the one year

period by attaching to the application a description of the services it has provided or activities it has engaged in conjunction with the entity on whose behalf it is submitting the application.

SUBCHAPTER 4. ADDITIONAL INFORMATION/ DETERMINATION

13:86B-4.1 Additional information required by the director

The OHTS shall review the application for the grant to determine whether the NPO has provided all documents and information required by N.J.A.C. 13:86B-2.1. In the event that the NPO has not provided a required document or other required information or further information is needed to clarify whether the NPO has met all qualifying criteria, the Director shall contact the NPO in writing to request the document or additional information needed. Within 15 days from the receipt of the request, the NPO shall provide such document or respond in writing to the additional information requested. In the event that the NPO fails to provide the document or other information required, the Director shall return the application as incomplete.

13:86B-4.2 Determination NPO is qualifying/acceptance

(a) If the Director determines based on the documents and information provided in accordance with N.J.A.C. 13:86B-2.1 that the NPO does not meet all of the criteria to establish that it is a qualifying NPO, the Director shall return the grant application to the NPO and identify in writing the criteria the NPO has failed to demonstrate.

(b) If the Director determines based on the documents and information provided in accordance with N.J.A.C. 13:86-2.1 that the NPO has met all of the criteria to establish that it is a qualifying NPO and is, therefore, eligible to apply for a grant, but has submitted an application for a grant in an unapproved program area, the Director shall return the grant application and explain in writing the reasons for its return.

(c) If the Director determines based on the documents and information provided in accordance with N.J.A.C. 13:86-2.1 that the NPO has met all of the criteria to establish that it is a qualifying NPO and the application is submitted for a grant in an approved program area, the Director shall accept the application for processing in accordance with N.J.S.A. 27:5F-29c(8).