

STATE OF NEW JERSEY

Phillip D. Murphy
Governor

Shella Y. Oliver
Lt. Governor

B. Sue Fulton
Chair and Chief Administrator

April 9, 2019

Honorable Phillip 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, April 9, 2019.

Thank you.

Yours truly,



Chris Hillmann
Board Secretary

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

Enclosure

NEW JERSEY MOTOR VEHICLE COMMISSION

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

Present:

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

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

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

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

Chair's Report

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

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

Mobile Units

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

Queuing System

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

Autonomous Vehicle Commission

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

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

Employee Outreach

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

American Heart Month

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

Blood Drive

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

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

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

Women's History Month

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

Manager's Meeting

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

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

Inspections

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

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

Annual Report

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

Promotions

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

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

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

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

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

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

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

The following Agenda Items were presented for approval:

Minutes: February 14, 2019. This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the minutes of each MVC Board meeting, including February 14, 2019. Board Member Orcutt moved the resolution, Board Member Scaturro seconded it and it was unanimously adopted.

1904-01: Motorcycle Safety Education Program. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including these proposed amendments to the Motorcycle Safety Education Program. The effect of this item is to introduce a reimbursement program that would allow providers of the Motorcycle Safety Education Program to be reimbursed for certain specified expenses incurred while running training classes. JoAnne Sutkin of the Office of Legal and Regulatory Affairs, presented the Proposed Amendments. Board Member Scaturro moved the resolution, Board Member Orcutt seconded it and it was unanimously adopted.

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

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

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

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

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

Public Comments:

None

Board Secretary Comments:

None

Board Comments:

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

Adjournment:

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

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

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

2:00 p.m., Tuesday, April 9, 2019

FINAL AGENDA

- **1 – CALL TO ORDER** **8568**
- **2 – OPEN PUBLIC MEETINGS ACT STATEMENT** **8568**
- **3 – PLEDGE OF ALLEGIANCE** **8568**
- **4 – APPROVAL OF AGENDA** **8568**
- **5 – CHAIR’S REPORT** **8568**
- **6 – APPROVAL OF MINUTES OF FEBRUARY 14, 2019** **8576**
- **7 – APPROVAL OF ITEM 1904-01 – PROPOSED AMENDMENT –
MOTORCYCLE SAFETY EDUCATION PROGRAM** **8583**
- **8 – LEGISLATIVE REPORT** **8597**
- **9 – PUBLIC COMMENTS** **8573**
- **10 – ADJOURNMENT** **8574**

Approval: **Minutes of February 14, 2019**

BENEFITS

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

PURPOSE

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

The February 14, 2019 Minutes were delivered on February 14, 2019 to the Governor and became effective upon expiration of the ten day period on March 1, 2019.

ACTION

Approval of this item by the Board Members indicates acceptance of the February 14, 2019 Minutes.

FISCAL IMPACTS

None.

RESOLUTION

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

WHEREAS, pursuant to section 17 of The Motor Vehicle Security and Customer Service Act , P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, a true copy of the Minutes of the actions taken at the New Jersey Motor Vehicle Commission Board meeting of February 14, 2019 were delivered without delay to the Governor on February 14, 2019; and

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

WHEREAS, Minutes of the February 14, 2019 Board Meeting are effective as of March 1, 2019; and

NOW, THEREFORE, BE IT RESOLVED that the Minutes of actions taken at the February 14, 2019 New Jersey Motor Vehicle Commission Board meeting are hereby approved.

NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Board Secretary Chris Hillmann of actions taken at the Open Session of the Regular Board meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Thursday, February 14, 2019.

Present:

Sue Pigula, Vice-Chair and Transportation Commissioner Designee
Stephen S. Scaturro, Board Member (by speakerphone)
Walter Orcutt, Board Member (by speakerphone)
Hannah Good, Assistant Director and State Treasurer Designee (by speakerphone)
Ed O'Connor, Highway Traffic Safety and Attorney General Designee

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

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

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

Vice-Chair's Report

The Vice-Chair then presented this report of key activities since the December 11 MVC Board Meeting:

Sue Pigula, Deputy Commissioner of the Department of Transportation and Vice Chair of the New Jersey Motor Vehicle Commission delivered the meeting's Chair Report in the absence of Commission Chair Sue Fulton, whose beloved wife, Penny Gnesin, passed away after a long illness Tuesday. We offered our condolences to the Chief and our thoughts and prayers are with Chief Fulton and her and Penny's family at this most difficult time.

The Commission and on behalf of Chairwoman Fulton and the rest of the Board, Vice-Chair Pigula welcomed our new Board Secretary, Chris Hillmann, who replaces the now-retired Jack Donnelly. Chris is new to this role, but also serves as the MVC's masterful Legislative Affairs Director, so he understands "process" and the MVC, and is a great fit for Board Secretary.

Spanish Manual Release (Graphics/video)

The MVC kicked off the New Year by releasing the hard copy and online editions of the Spanish language version of The New Jersey Driver Manual. More than 120,000 hard copies are now circulating in our agencies and making their way into schools, libraries and households throughout the state, where more than a million homes are occupied by Spanish speakers. The release was welcomed by the public after the MVC announced its availability in Spanish language press releases and social-media posts written entirely in Spanish. The posts were some of the most popular that the MVC has done to date.

**Op-ed Published:
(Graphics/photos/video)**

The MVC is working on making its newest agency more popular with the public. Back in October, you'll recall the MVC had a formal ribbon-cutting at the Delanco agency. It's a beautiful new facility, and at about 12,000 square feet under roof, it's tied with Bakers Basin as the MVC's largest. But the customers the MVC expected just weren't coming. Those numbers tapered off significantly from what the MVC had been seeing at the nearby Mount Holly agency that we closed to move into Delanco – an approximately 30 percent reduction in transactions in total. Chief Fulton looked to spread the word through a light-hearted approach in an Op-ed that was published by two separate newspapers. As one newspaper titled the Op-ed, "The MVC agency that is lonelier than a Maytag Repair Man." The Burlington County Times and the Courier Post, two of the most circulated newspapers in that region, ran the Chief's tongue-in-cheek piece, which underscored one of the biggest draws for any NJMVC customer: minimal to no wait time. MVC Strategic Communications followed that up with social media links to the Op-eds. The content ran last month and we hope to see increases in traffic in the months ahead.

**National Law Enforcement Appreciation Day
(Social media post photo)**

Also last month, Chief Fulton wanted to recognize with a social media posting the men and women who work to keep our documents safe here at the MVC. The posting featured the MVC's Security, Investigations and Internal Audit team – many of whom are former law enforcement officers – for National Law Enforcement Appreciation Day. You can see the group in front of a picture of the State House there on the screen in our graphic put together by Strategic Communications' Carlos Merino. Our team is led by former New Jersey State Police Lt. Col. Trish Littles-Floyd. On behalf of the Board and Chief Fulton, I'd like to take this opportunity to thank Trish and her team for their service, both past and present, as they continue to protect the public through safety and accountability.

**Maintaining inspection fleets
(Inspection photos/ video from Jan 31 Winslow visit)**

In another area of safety – safety on our roadways – the MVC sent out the message this month that Safety Starts at home. The MVC documented in a social media post – hashtag Safety starts at home – a recent day when the MVC's mobile bus inspection teams and Mobile Agency Units went through their quarterly maintenance and safety checkups in Winslow, Camden County. Everything from on-board generators to brake lines and windshield wipers are checked as the vehicles are given a thorough going over. It's a ritual the MVC goes through every three months to ensure our fleet stays in tip-top shape. The exercise promotes safe vehicles and also prolongs the life of them through regular servicing. (A video was shown by MVC Strategic Communications' Maria Prato and edited by Carlos Merino).

**Black History Month
(Graphic we developed for PIVS, social media)**

As we meet here today, we are in the middle of celebrating Black History Month ... a time when we recognize the central role African Americans have played in our nation's history. The MVC is marking the month by honoring African American inventors and influencers who've helped move us forward as a nation in our field of transportation, making an immeasurable impact on our quality of life. (You may have seen our beautifully decorated

display case in the lobby downstairs, featuring these influencers. Our thanks to Wanda Silva, deputy director of Strategic Communications, and Roseann Whypp, Employee Development Manager in Human Resources, for putting the display together). To pay tribute to these historical figures and their accomplishments, we've also created a video that is being broadcast on all of our agency television monitors during the month of February.

The video is in rotation does not use sound, so our Strategic Communications team – which produced the video – added some music to this piece.

(Rolled tape of PIVS black history month video with music)

This video was also posted on the MVC's social media channels on Facebook and Twitter as well as on the MVC's internal, Intranet site.

American Heart Month

(Graphic/photos)

The MVC interacts with the community in many ways. One of the causes that's close to the MVC's hearts is the fight against cardiovascular disease, which unfortunately remains the No. 1 killer of women. The MVC is currently in the midst of its annual fundraising for the American Heart Association, a cause that's received a lot of support from MVC employees in years past. To their credit, the employees have raised more than \$14,000 over the years for the Heart Association's fight to end heart disease. The employees will also take a group photo as part of the GoRedForWomen campaign later this month in a show of solidarity.

PROMOTIONS

(Head shots of Kate, Noreen, Kim, Emily, and Kevin)

Chief Fulton has made some management changes and promotions in recent months. In November, Kate Tasch was appointed Director of the MVC's Office of Legal and Regulatory Affairs. Many of you already know Kate well, as she has been with the Commission for 8 years. Kate brings with her a wealth of experience in state government, including having served as assistant counsel in the Governor's office, director of Regulatory Affairs at the Housing and Mortgage Finance Agency, and also counsel in the Attorney General's office. Kate got her start with her great breadth of experience in government while working as counsel and a Committee aide in the state Legislature for the Office of Legislative Services.

Noreen Kemether has taken on the duties of Director of Internal Compliance. Before joining the MVC back in August, Noreen spent 13 years as a Deputy Attorney General in the New Jersey Department of Law and Public Safety, where she most recently served as Section Chief of the Employment Litigation Section.

Another great addition to our executive leadership team is Kim DiGiovanni-Abatto, who replaces the now-retired Bob Grill as Deputy Administrator of Agency Operations, heading up our 39 agencies. Prior becoming the Deputy Administrator she served as Manager of the Fraudulent Documents Training Unit and the Title Records Unit within the Division of Security, Investigations and Internal Audit. In that position, Kim played a key role in our efforts to maintain the safety and integrity of our documents and developed and implemented comprehensive fraud detection programs. Kim has been in state government for over 25 years, and with the MVC since 2005.

Chief Fulton has also named two new deputy directors since we last met. Emily Armstrong, who joined the MVC in 2008 and prior to that served for nine years as a Deputy Attorney General in the Department of Law and Public Safety's Division of Law, is now Deputy Director of Legal and Regulatory Affairs; and Kevin McSherry, who before joining the MVC in July of 2017, served for 31 years in the New Jersey Office of Information Technology, has been named Deputy Director of Information Technology. Congratulated Kate, Noreen, Kim, Emily and Kevin, on their well-earned promotions!

The following Agenda Items were presented for approval:

Minutes: December 11, 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 December 11, 2018. Board Member Orcutt moved the resolution, Board Member Scaturro seconded it and it was unanimously adopted.

1902-01: Enforcement Service – Diesel Vehicle Inspection. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including these proposed amendments to the Enforcement Service regulations concerning the diesel vehicle inspection rules. Director Kate Tasch of the Office of Legal and Regulatory Affairs, presented the Proposed Amendments. Board Member Scaturro moved the resolution, Board Member Orcutt seconded it and it was unanimously adopted.

1902-02: Licensing Service – Driver License and Registration. 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 concerning license and registration renewals, duplicates, interim driver licenses and non-driver identification cards and restorations. JoAnne Sutkin of the Office of Legal and Regulatory Affairs presented the Proposed Amendments. Board Member Scaturro moved the resolution, Board Member Orcutt seconded it and it was unanimously adopted.

1902-03: Zone of Rate Freedom (ZORF). This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Proposed Amendments concerning the law that authorizes limits or zones within which private bus companies are free to adjust their in-state bus routes rates, fares or charges. Richard DelMonaco of the MVC Office of Legal and Regulatory Affairs presented the Proposed Amendments. Board Member Scaturro moved the resolution, Board Member Orcutt seconded it and it was unanimously adopted.

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

Four bills have been signed by Governor Murphy to make school buses safer.

1. A4339 which requires school bus operations to comply with certain federal regulations.
2. A4345 which requires safety education training twice per calendar year for school bus drivers and school bus aides.
3. S2848 which requires school bus drivers to submit medical certificate to employer to prove continuing physical fitness and to submit to medical examination that includes certain screenings.
4. S2914 which requires suspension of school bus endorsement on driver's license for certain number of motor vehicle moving violations in certain time period.

A fifth bill is on the Governor's desk awaiting action, A4031 which requires display of identifying information on rear of school bus so public may report bus driver misconduct.

AJR164 which establishes "New Jersey Advanced Autonomous Vehicle Task Force" has passed both houses and awaits action by Governor Murphy. The Chief Administrator or her designee will serve ex officio.

Public Comments:

1 public comment – George Lindsey –

Mr. Lindsey has an issue with the OPRA Procedure, his license suspension and would like a copy of a video from the Cardiff Motor Vehicle Agency.

Board Secretary Comments:

None

Board Comments:

Vice-Chair Pigula asked each Board member, individually, if they would like to make any public comments. Vice-Chair Pigula thanked the lively presentations during the Vice-Chair's Report. Vice-Chair Pigula 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 Board Member Orcutt and unanimously adopted at 2:40 p.m.

ITEM 1904-01: MOTORCYCLE SAFETY REGULATION PROGRAM**BENEFITS**

The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created the New Jersey Motor Vehicle Commission (MVC), and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, assigns to MVC the duty to promulgate regulations affecting various programs, including this Proposed Amendment to the Motorcycle Safety Education Program.

PURPOSE

This is a Proposed Amendment. The effect of this item is to introduce a reimbursement program that would allow providers of the Motorcycle Safety Education Program to be reimbursed for certain specified expenses incurred while running training classes.

ACTION

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

MVC Board Chair and Chief Administrator B. 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. 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.

The proposed amendments provide financial assistance for certain costs associated with running an MVC approved motorcycle safety education program. The fiscal impact for the entities providing the class will be positive and that, in turn, should benefit those taking advantage of the class offerings.

RESOLUTION

WHEREAS, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 (the "Act"), as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, assigns to the Motor Vehicle Commission the duty to implement regulations affecting various programs, including this Proposed Amendment in the Motorcycle Safety Education Program;

NOW, THEREFORE, BE IT RESOLVED that the Chair is authorized to file with the Office of Administrative Law a notice of this Proposed Amendment regulation concerning the Motorcycle Safety Education Program, in substantially the form as attached in **Exhibit A**.

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

Motorcycle Safety Education Program

Proposed Amendment: N.J.A.C. 13:85-5.1

Authorized By: _____

Motor Vehicle Commission

B. Sue Fulton, Chair and Chief Administrator

Authority: N.J.S.A. 27:5F-36-39 and 39:3-10.31; and Reorganization Plan No. 001-2005.

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

Proposal Number: PRN 2019-.

Submit comments by _____ to:

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

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

The agency proposal follows:

Summary

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

Reorganization Plan No. 001-2005 transferred responsibility for the State's motorcycle safety education program (hereinafter "the Motorcycle Safety Education Program") established pursuant to P.L. 1991, c. 452 and all related duties including rulemaking authority relating thereto from the Office of Highway Traffic Safety in the Department of Law and Public Safety to the New Jersey Motor Vehicle Commission (hereinafter "the Commission") allocated in, but not of, the Department of Transportation.

The Commission now proposes amendments to the provisions of N.J.A.C. 13:85-5.1, which would allow the Commission to reimburse providers of the Motorcycle Safety Education Program for certain expenses incurred while running Commission-approved motorcycle safety education and training classes.

Social Impact

The proposed amendments enhance the safety of the public by providing a new mechanism for equipment to be purchased and maintained for motorcycle safety education courses. This new process will allow public and private entities, approved by the Commission, to continue to offer motorcycle safety education courses in which New Jersey motorcyclists may voluntarily seek to improve their motorcycling skills both before and after licensure. The proposed amendments create an avenue of funding to ease the cost of running motorcycle safety education classes. This, in turn, will help ensure that

classes offered as part of the Motorcycle Safety Education Program are offered frequently and in multiple locations convenient to those seeking to participate in the class. Enhanced participation in the Motorcycle Safety Education Program facilitates the safety of the motoring public as a whole.

The need for voluntary motorcycle safety education courses remains strong and serves as an important component of the State's overall highway traffic safety program, which is aimed at reducing accidents and fatalities. These proposed amendments, if adopted, will enhance the Commission's ability to defray the costs of the program that offers motorcycle examination permit holders the means to prepare themselves for licensed motorcycle riding, alleviate the burden on the Commission of testing such examination permit holders for licensing, and offer licensed motorcyclists an opportunity to improve their motorcycling skills.

Economic Impact

The proposed amendments will not have a direct economic impact on the general public. The amendments will allow certain public or private entities to provide motorcycle safety education to additional participants by offsetting certain approved costs associated with providing necessary equipment.

Jobs Impact

The Commission does not anticipate that any jobs will be generated or lost within the Commission itself as a result of the proposed amendments. It is possible, however, that some jobs may be retained by those individuals who provide instruction.

Federal Standards Statement

The proposed amendments have no comparable Federal standard that can be applied; therefore, a Federal standards analysis is not required for this rulemaking.

Agriculture Industry Impact

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

Regulatory Flexibility Analysis

Some course providers may be small businesses within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., in that they employ less than 100 full-time employees. The cost of compliance with the rule amendments will be administrative in nature; no professional services are required to comply. The reporting requirements imposed on providers by the rules must be uniform to ensure adherence to the standards of the Motorcycle Safety Foundation and the Commission. The proposed amendments do not significantly increase reporting requirements. The recordkeeping requirements are designed to maintain the essential information needed by the Commission in regard to a participant with a minimum of adverse economic impact on providers that may be small businesses.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on affordable housing and they will not evoke a change in the average costs associated with housing because the rules pertain to motorcycle safety education and licensing.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain to motorcycle safety education and licensing.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

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

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

N.J.A.C. 13:85-5.1

(a) – (b) (No change.)

(c) A "public or private entity" shall include the following:

1. – 3. (No change.)

4. A [not-for-profit] **nonprofit** corporation organized under Title 15A of the New Jersey Statutes for educational purposes in the field of motorcycle safety education that is tax-exempt under Section 501(c)(3) of the United States Internal Revenue Code;

5. – 6. (No change.)

(d) – (j) (No change.)

(k) The following concern range instructional materials, participant and range safety, and reimbursement requirements:

1. The Chief Administrator may use monies in the Motorcycle Safety Education Fund to reimburse authorized expenditures of approved providers for materials, equipment, supplies and services purchased in compliance with this section.

2. In order to qualify for reimbursement through the Motorcycle Safety Education Fund reimbursement program a provider must:

i. Complete an application on a form prescribed by the Chief Administrator;

ii. Comply with all relevant statutes, regulations, procedures and memoranda from the Program Coordinator;

iii. Have offered a minimum of 18 approved courses in the past fiscal year;

iv. Offer the Basic Rider Course (BRC);

v. Utilize instructors included on the Commission-certified instructor list;

vi. Be a public or private entity specifically defined in 13:85-5.1(c)1-5 above;

vii. Not use Motorcycle Safety Education Program reimbursement funds to supplant other Federal, State or local funds which would otherwise be available to the provider;

viii. Provide the Commission with a certification that the provider has accounting, auditing, inventory accountability, and monitoring procedures in place that are being employed and that all records relating to expenditures and/or reimbursement from the Motorcycle Safety Education Fund reimbursement program are maintained in such condition as to allow inspection, prevent fraud or error and to assure fiscal control, proper management and accurate disbursement of funds;

ix. Provide all inventory, programmatic and financial records for audit and review by the Commission upon request; and

x. Provide a list of expenses that the provider anticipates will qualify for reimbursement under this section.

3. Distribution of any reimbursement from the Motorcycle Safety Education Fund pursuant to N.J.S.A. 27:5F-39 and this section shall be at the sole discretion of the Chief Administrator and shall not be made available for:

i. Salaries or benefits of instructors or other employees of the provider;

ii. Fundraising; or

iii. The provider's business costs, such as, but not limited to: liability insurance on buildings or structures, capital improvements, real estate purchases,

construction costs, labor costs for equipment repairs or any other use which has not gained the prior approval of the Chief Administrator or is inconsistent with N.J.S.A. 27:5F-39 or this section as determined by the Chief Administrator.

4. Distribution of any reimbursement from the Motorcycle Safety Education Fund may be made available to approved providers, based on funds available each year, for:

i. DOT-approved helmets and personal safety equipment, as identified by N.J.A.C. 13:85-2.2, for use by range instruction participants and instructors;

ii. Range safety equipment for use during training and education such as, but not limited to, fire extinguishers, cones, first aid supplies and range safety maintenance;

iii. Purchase of motorcycles; and/or

iv. Motorcycle repair and replacement parts, for use only on motorcycles that were purchased using funds from the Commission pursuant to this section, excluding labor costs.

5. Upon making the determination that funding may be made available for reimbursement consistent with this section, the Chief Administrator shall provide notice to all providers setting forth when and if funds will be available for distribution under this section and the deadline for submission of applications.

6. Upon receiving notice of reimbursement funding availability from the Chief Administrator, providers may submit a timely application for inclusion in the Motorcycle Safety Education Fund reimbursement program, which shall include:

- i. The provider's name and other identifying information;
- ii. A signed certification that funds will be used only in conformance with this section;
- iii. A list of all anticipated expenditures, that the provider anticipates will qualify for reimbursement under this section; and
- iv. Certification that the provider has accounting, auditing, inventory accountability, and monitoring procedures in place that are being employed and that all records relating to expenditures and/or reimbursement from the Motorcycle Safety Education Fund are maintained in such condition as to allow inspection, prevent fraud or error and to assure fiscal control, proper management and accurate disbursement of funds in compliance with this section.

7. Approved providers are not limited to one application per year. Following approval for reimbursement of expenditures listed in the application, and subject to availability of funds, approved providers may seek reimbursement for other items by filing a new application with the Chief Administrator.

8. All equipment and motorcycles purchased with funds that are reimbursed pursuant to the Motorcycle Safety Education Fund reimbursement program must be for safety, education and training purposes only, as described below:

i. All equipment and motorcycles purchased pursuant to this section with State funding are the property of the provider, unless and until the provider is no longer an approved provider in good standing as described in subsection v. below;

ii. All equipment and motorcycles purchased pursuant to this section must be properly stored and maintained and exclusively used for education and training on approved training ranges;

iii. All motorcycles purchased pursuant to the Motorcycle Safety Education Fund reimbursement program must be titled in the provider's name;

iv. All motorcycles purchased pursuant to this section must be properly registered and insured by the provider from the time of receipt until the motorcycle is returned to the possession of the Commission, at a location designated by the Commission. Insurance certificates for motorcycles purchased pursuant to this section must include the Commission as an additional insured party. Every provider must provide the Commission with a copy of a valid declaration of insurance for each motorcycle purchased pursuant to this section, and shall provide the Commission, when any change is made, including renewals, a copy of the insurance declaration indicating such changes. The provider shall be responsible for any and all transportation costs relating to returning any and all motorcycles; and

v. Should any of the following events occur:

(a) Provider disqualification;

(b) Provider removal;

(c) Provider voluntarily leaving the Motorcycle Safety Education Fund reimbursement program, or losing its status as an approved provider;

(d) Provider ceasing to provide training; or

(e) Provider failing to maintain insurance on any motorcycles purchased, or failing to include the Commission as an additional insured party on the insurance policy pursuant to the Motorcycle Safety Education Fund reimbursement program, all equipment and motorcycles purchased pursuant to the Motorcycle Safety Education Fund reimbursement program shall be returned immediately to the Commission at a location designated by the Commission and legal title shall transfer to the Commission.

vi. If a provider is required to return all equipment and motorcycles to the Commission in accordance with the immediately preceding paragraph, the provider shall be responsible for all transportation related costs and for supplying the Commission with all title and registration documents for the motorcycles being returned to the Commission. If a provider fails to return all motorcycles, equipment and title and registration documents purchased pursuant to the Program, to the location designated by the Commission, then the Commission shall cause the motorcycles and equipment to be taken from the location or premises of the

provider or the location where such motorcycles are stored or taken by the provider, in addition to any other available remedy. In such event, the provider shall be responsible for any and all transportation costs.

9. Upon qualification of a provider pursuant to N.J.A.C. 13:85-5.1(k)2, the Chief Administrator, at his/her sole discretion, and upon availability of funds, may reimburse each such qualified provider for approved purchases in a manner to be determined by the Chief Administrator.

10. The Chief Administrator or his/her designee may at any time and for any purpose monitor, evaluate, or conduct an audit of all financial records and accounting practices, including original receipts and invoices, related to the disbursement of funds under the Motorcycle Safety Education Fund reimbursement program to ensure compliance with all applicable statutes and regulations. The Motor Vehicle Commission may also request, at any time, reports and/or financial statements detailing the purpose and use of Motorcycle Safety Education Fund reimbursement program-funded purchases. Original receipts and invoices for each item purchased or paid for using funds disbursed under the Program must be maintained by the provider.

11. Failure to comply with this section may result in the suspension of reimbursement payments, termination of qualification as a provider and/or any other appropriate criminal, civil or administrative action available pursuant to law.



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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 Hillmann, Director
Legislative Affairs

Date: April 9, 2019

Re: Legislative Report

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

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

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

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