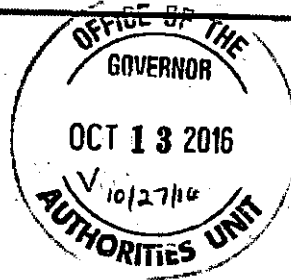


 **New Jersey
Motor Vehicle Commission**

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

STATE OF NEW JERSEY



Chris Christie
Governor

Kim Guadagno
Lt. Governor

Raymond P. Martinez
Chairman and Chief Administrator

October 13, 2016

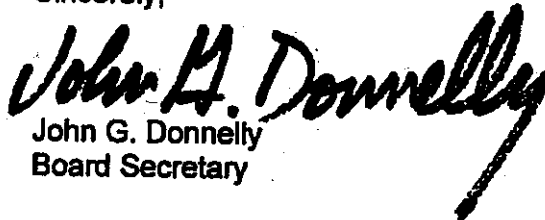
Honorable Chris Christie
Governor, State of New Jersey
State House
125 West State Street
Post Office Box 001
Trenton, NJ 08625-0001

Dear Governor Christie:

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, Thursday, October 13, 2016.

Thank you.

Sincerely,


John G. Donnelly
Board Secretary

Enclosure

 **New Jersey
Motor Vehicle Commission**

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

STATE OF NEW JERSEY

Chris Christie
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Kim Guadagno
Lt. Governor

Raymond P. Martinez
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October 13, 2016

Honorable Chris Christie
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State House
125 West State Street
Post Office Box 001
Trenton, NJ 08625-0001

Dear Governor Christie:

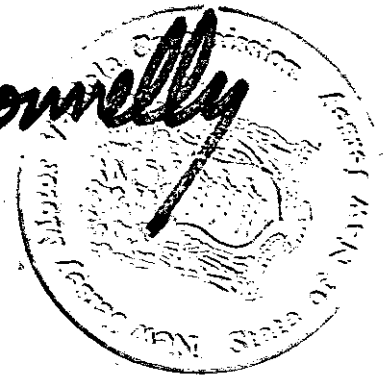
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Thank you.

Sincerely,



John G. Donnelly
Board Secretary



Enclosure

NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Board Secretary John G. 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 Thursday, October 13, 2016.

Present:

Raymond P. Martinez, Chairman
Stephen S. Scaturro, Vice-Chairman
Scott Kisch, Public Board Member (by speakerphone)
Walter Orcutt, Public Board Member (by speakerphone)
Laurette Asante, Public Board Member (by speakerphone)
John Case, Transportation Commissioner Designee
James Fruscione, State Treasurer Designee (by speakerphone)
Gary Poedubicky, Attorney General Designee

Deputy Attorney General Keith Rowan and Governor's Authorities Unit Assistant Counsel Lisa LeBoeuf participated by speakerphone.

Chairman Raymond P. Martinez 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. Transportation Chief of Staff John Case moved to accept the agenda proposed, Board Member Orcutt seconded the motion and it was unanimously adopted.

Chairman's Report

The Chairman then presented this report of key Commission activities since the August 9, 2016 Board Meeting:

REAL ID

I am pleased to report that the U.S. Department of Homeland Security (DHS) has approved the Motor Vehicle Commission for an extension of the Real ID compliance due date. The federal DHS took this action in recognition of the MVC's extraordinary efforts in achieving secure driver licenses. The MVC legal and information technology teams have my thanks for their efforts toward reaching this goal. Not every State has been approved for an extension or been given this recognition.

NO MORE ONLINE CONVENIENCE FEES

When we last met in August, I spoke to you about our efforts to reduce agency wait times and encourage customers to take advantage of our online services. As a part of that effort, I am proud to report that as of October 1, the MVC is no longer charging convenience fees for most online transactions. These fees, while nominal, were

discouraging some customers from utilizing the 20-plus transactions that can be completed online without ever setting foot in an agency. Last year alone, more than 1.5 million people visited an agency simply to renew their vehicle registration. That equals more than 250,000 hours of time spent on transactions that could have been completed from home with just a few clicks. We are continuing to utilize press releases, social media and other avenues to get the word out about this important change, which will help continue to reduce volume and wait times in our busiest agencies.

SKIP THE TRIP HITS MILESTONE

While we're on the subject of reducing volume in our agency locations, I'd like to take a moment to highlight a significant milestone with one of our most successful initiatives – the "Skip the Trip" program. Last month, we reached 1.5 million license renewals completed by mail through the "Skip the Trip" program. This exciting milestone means 1.5 million fewer people at our agencies and countless hours saved for our customers and staff. We are building on this success and will continue to promote Skip the Trip in order to provide excellent service for our customers.

AGENCY RENOVATIONS

Building on that commitment to improve service in our agencies, I'm proud to announce that after more than five months of renovations, the Newark agency is once again open to process Suspension and Restoration transactions. The improvements made during that period will result in a better experience for customers and staff.

Among the renovations completed are:

- A new furniture arrangement that improves employee productivity by providing more workspace and also improves employee safety.
- Panic buttons installed at all employee stations.
- A reception desk and expanded waiting area with 20 customer seats
- An upgraded agency PA system.

While renovations at Newark are now complete, several other expansion and renovation projects are currently underway to improve the customer experience for New Jersey motorists. The Oakland Agency is being expanded by 1,750 square feet to accommodate more customers, and work is nearly finished. The Washington Agency is also being expanded, and will be 1,533 square feet larger when construction is complete. Finally, we recently broke ground on the new Wayne Agency, which will be the largest agency in the State when it is complete in 2017.

JUSTDRIVE.COM 125 AT NASCAR

First off, I'd like to take a moment to thank the many MVC employees who made the trip down to Millville on Saturday, September 17 to support our sponsorship of the NASCAR JustDrive.com 125. Through their efforts, thousands of race fans were exposed to our JustDrive.com campaign which highlights the consequences of talking and texting while driving. The event was a prime opportunity to spread this life-saving message, as well as show New Jerseyans the good work that the MVC is doing to make our roads safer.

REBEKA VEREA FOUNDATION

Continuing our commitment towards educating young motorists about the dangers of reckless driving, the MVC will be participating in the Rebeka Verea Foundation's 2nd Annual SAY YES TO LIFE Injury Prevention Educational Seminar for Educators and Administrators later this month. The Foundation was formed in honor of a young woman who was tragically killed while riding with a novice driver who was going in excess of the speed limit. The seminar will allow the MVC to bring the message behind our JustDrive campaign to educators and school administrators who are among the most influential individuals in a young person's life.

WEAR RED DAY

Before we move on to the rest of the agenda, I would like to take a few moments today to honor several individuals who have helped the MVC bring attention to the important issue of women's heart health. The first is Patti Harvey-Elphick (ELP-HICK), New Jersey Regional Director of the American Heart Association (AHA). She has been instrumental in providing technical support and knowledge, donation forms, posters, stickers and pins to help us organize our annual "Wear Red Day." In recognition of her efforts, I am proud to present her with a MVC Board Resolution thanking her for helping us raise awareness of heart disease. I would also like to take a moment to recognize Ms. Kelly Lemon, who serves as the Vice President of Development for the American Heart Association. The MVC is proud to partner with you on this important issue and we thank you for joining us today. Now I would like to recognize two of our own employees who are instrumental in putting together MVC's "Wear Red Day." The first is Quiana Dawson (KEE-AH-NAH), who is an MVC Technician and has served as the Chairperson for our MVC "Wear Red Day Committee" for the past three years. The second is Lesley Helmuth (HELL-MOOTH), who is also an MVC Technician and serves as the Co-Chairperson for the "Wear Red Day Committee." Over the past three years, these two employees have helped us triple the amount of funds raised annually for this important cause. In order to meet this challenge, they worked to expand the program to all 39 agencies, and spent every lunch hour for six weeks collecting donations for paper hearts that were then displayed at MVC locations. In recognition of their efforts, I am proud to present Quiana Dawson and Lesley Helmuth with certificates of appreciation for their hard work and dedication to this noble cause.

The following Agenda Items were presented for approval:

1610-01: Awards to American Heart Association of New Jersey Regional Director Patti Harvey-Elphick and MVC Techs Quiana Dawson and Lesley Helmuth. This action is to meet the statutory requirement of 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 Section 2 that MVC inform our customers of the work of MVC, which includes dedicated service provided by the American Heart Association and MVC staff to improve MVC employees' health. The Board approved a resolution to recognize and thank American Heart Association of New

Jersey Regional Director Patti Harvey-Elphick, who provides MVC with technical support and know-how to help raise awareness of heart disease.

Vice-Chairman Scaturro moved the resolution, Director Poedubicky seconded it and it was unanimously adopted.

Chairman Martinez presented Ms. Harvey-Elphick with the framed resolution.

Chairman Martinez then presented Ms. Dawson and Ms. Helmuth each with a Certificate of Appreciation as Co-Chairpersons of the MVC "Wear Red Day" Committee, which raised a record \$3,100 in donations for the American Heart Association this year. As photographs were taken, the Chairman acknowledged their daily efforts and those of their coworkers who volunteer their time and efforts to improve MVC employees' health.

1610-02: Bus Safety Regulation. 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 readoption without amendment of the Bus Safety regulations concerning sanctions and penalties for bus safety out-of-service violations. Richard DeMonaco of the Office of Regulatory and Legislative Affairs, presented the regulation.

Vice-Chairman Scaturro moved the resolution, Director Fruscione seconded it and it was unanimously adopted.

1604-03: ZORF. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act that at section 98 assigns to MVC the duty to implement the Zone Of Rate Freedom (ZORF) law found at N.J.S.A. 48:4-2.20 to 2.25. Board Secretary Jack Donnelly presented the Final Adoption for 2016.

Board Member Orcutt moved the resolution, Chief of Staff Case seconded it and it was unanimously adopted.

Minutes: August 9, 2016. 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 Board Meeting of August 9, 2016.

Board Member Asante moved the resolution, Board Member Kisch seconded it and it was unanimously adopted.

Legislative Report. A briefing was provided by Legislative Liaison Laura Hahn, including a summary of legislative activity since the February 2016 Motor Vehicle Commission (MVC) Board meeting, as follows:

Bills Signed by the Governor

S-1155 (Diegnan D18; Barnes, III D18; Johnson D37). Regulates autocycles as motorcycles. MVC will review the current process for titling and registering autocycles and decide if changes need to be made in order to comply with the new law. This may require the creation of a new registration code and a decision on the type of license plates that would be issued to autocycle owners. Agency Services staff would then need to be educated on how to process these transactions. MVC shall adopt rules and regulations, as are necessary to implement Section 2 of the law, which states that an autocycle shall be registered as a motorcycle, an operator of the autocycle does not need to possess a motorcycle endorsement, and several safety precautions. MVC may also wish to include information in the driver manual and on the website, as is suggested, but not required in the language.

A789/S-1835 (Greenwald D6; Burzichelli D3; DeAngelo D14; Mukherji D33; Whelan D2; Bateman R16). Allows use of rear view backup camera and parking sensors during road test. MVC agency staff and road test examiners will need to be notified that vehicles with backup cameras and parking sensors are allowed to be used for the road test. The MVC website and manual will need to be updated, as both currently state that these new vehicles will not be allowed unless the technology is disabled. Driving schools and high school driver's education programs should be notified of this change.

Recent Action on Bills of Note

A-597 (Lagana D38; Gusciora D15; Webber R26; Mukherji D33; Holley D20; Benson D14; Danielsen D17; Wimberly D35; Downey D11). Establishes crimes of operating school bus with suspended or revoked driving privileges and being involved in accident causing bodily injury; permanently prohibits passenger and school bus CDL endorsements for persons convicted of those crimes.

A-1257 (Caride D36; Jimenez D32; Mukherji D33; Holley D20; Benson D14). Requires school bus transporting students using wheelchairs to be equipped with four-point securement system; requires school bus operator to secure students using wheelchairs.

A-1944 (Coughlin D19; Schaer D36; Eustace D38; Downey D11; Benson D14; Wimberly D35; McKeon D27; Jasey D27; Chiaravalloti D31; Vitale D19; Gill D34). Automatically registers or updates voter registration as part of driver's license application or renewal. The Legislature attempted and failed to override Governor's veto.

A-2053 (Gusciora D15, Wimberly D35). Establishes that payment plan for motor vehicle surcharges is mandatory upon request; extends payment period.

A-3335/S-1585 (Sumter D35; Pintor Marin D29 / Rice D28; Ruiz 29). Establishes program allowing certain applicants to perform community service in lieu of paying motor vehicle surcharges.

A-3955/S-727 (Barclay D5; Wimberly D35; Holley D29 / Cruz-Perez D5; Van Drew D1). "New Jersey Open Data Initiative" to require certain information be provided on Internet to public and State agencies.

S-2350/A-2107 (Ruiz D29; Madden D4 / Mukherji D33; Holley D20; Gusciora D15). Exempts homeless from fee for non-driver identification cards.

S-2364 (Oroho R24; Stack D33). Establishes pilot program appointing third party vendors to administer commercial driver license testing.

S-2378/A-3829 (Van Drew D1 / Houghtaling D11; Downey D11; Andrzejczak D1; DeAngelo D14). Permits issuance of motorcycle endorsement to certain out-of-State military personnel.

Chairman Martinez thanked Laura for the presentation.

Public Comments:

No member of the public offered comments.

Chairman Martinez 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 Director Poedubicky and seconded by Board Member Asante and unanimously adopted at 3:00 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., Thursday, October 13, 2016

FINAL AGENDA

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• 1 – CALL TO ORDER	7730
• 2 – OPEN PUBLIC MEETINGS ACT STATEMENT	7730
• 3 – PLEDGE OF ALLEGIANCE	7730
• 4 – APPROVAL OF AGENDA	7730
• 5 – CHAIRMAN'S REPORT	7730
• 6 – APPROVAL OF ITEM 1610-01 – RESOLUTION IN HONOR OF AMERICAN HEART ASSOCIATION REGIONAL DIRECTOR PATTI HARVEY-ELPHICK FOR HER DEDICATION TO MVC EMPLOYEES' HEALTH <i>and</i> PRESENTATION: MVC TECHS QUIANA DAWSON & LESLEY HELMUTH	7737
• 7 – APPROVAL OF ITEM 1610-02 – PROPOSED READOPTION WITHOUT AMENDMENT – BUS SAFETY REGULATION	7739
• 8 – APPROVAL OF ITEM 1610-03 – PROPOSED AMENDMENT – ZONE OF RATE FREEDOM REGULATION	7742
• 9 – APPROVAL OF MINUTES OF AUGUST 9, 2016	7745
• 10 – LEGISLATIVE REPORT	7757
• 11 – PUBLIC COMMENTS	7735
• 12 – ADJOURNMENT	7735

ITEM 1610-01: Resolution in Honor of American Heart Association

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, requires at Section 2 that MVC inform our customers of the work of MVC, which includes dedicated service by the American Heart Association (AHA) to improve MVC employees' health.

PURPOSE:

MVC's annual "Wear Red Day" event each February is made possible, in part, due to the assistance of the AHA.

The "Wear Red Day" event is to raise awareness of heart disease as the #1 killer of women, as more women die from heart disease than all forms of cancer combined. For the "Wear Red Day" event, AHA provides MVC with technical support and know-how, donation forms, posters to help raise awareness of heart disease, pins, stickers, and paper hearts.

ACTION:

Approval of the attached resolution to honor and thank Patti Harvey-Elphick, Regional Director of the New Jersey office of the AHA, for her invaluable assistance to MVC in its "Wear Red Day" effort and for helping MVC to raise awareness of heart disease.

FISCAL IMPACT:

None.

RESOLUTION

WHEREAS, the American Heart Association (AHA) assists the Motor Vehicle Commission (MVC) with its annual "Wear Red Day" event each February; and

WHEREAS, AHA's National Wear Red Day is an annual campaign led by AHA to raise awareness of the importance of heart health – especially in women; and

WHEREAS, heart disease kills an estimated 1 in 3 women, and yet it is preventable in 80% of the cases; and

WHEREAS, the AHA's Patti Harvey-Elphick works closely with MVC to develop a successful "Wear Red Day" event and within the next few months will be assisting the MVC "Wear Red Day" Committee to prepare for our next event in February 2017; and

WHEREAS, through the combined efforts of the AHA, the MVC Office of Employee Development, the MVC Division of Human Resources, and the MVC "Wear Red Day" Committee, the MVC has exceeded its fundraising goal in each of the last two years, with over \$3,100 of donations raised in 2016; and

WHEREAS, the donations raised by MVC are provided to AHA to continue its efforts to expand awareness of heart disease; and

WHEREAS, these combined efforts have rallied MVC in the Trenton Office Complex and throughout all MVC agencies, to show their support for this great cause;

NOW, THEREFORE, BE IT RESOLVED, that the Commission expresses its appreciation and thanks Patti Harvey-Elphick, Regional Director of the New Jersey office of the AHA, for her invaluable assistance to MVC in its "Wear Red Day" effort and for helping MVC to raise awareness of heart disease; and

BE IT FURTHER RESOLVED, that this resolution be spread in full upon the minutes of the meeting of the Commission held on the thirteenth day of October, two thousand and sixteen, and that a copy thereof signed by the Chairman and Board Members be presented with appreciation to AHA.

ITEM 1610-02: BUS SAFETY REGULATIONS

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 proposed readoption without amendment of the Bus Safety regulations concerning sanctions and penalties for bus safety out-of-service violations.

PURPOSE

This is a proposed readoption without amendment. The effect of this item is to readopt N.J.A.C. 16:53A concerning sanctions and penalties for bus safety out-of-service violations.

ACTION

Approval of this item will authorize the Chairman to file the Bus Safety regulations with the Office of Administrative Law (OAL) as a Final Rule, 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 proposed readoption without amendment of the Bus Safety regulations concerning sanctions and penalties for bus safety out-of-service violations;

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law a notice of the this proposed readoption without amendment of the Bus Safety regulations concerning sanctions and penalties for bus safety out-of-service violations, in substantially the form as attached in **Exhibit A**.

MOTOR VEHICLE COMMISSION

A

Notice of Readoption

Bus Safety Compliance Oversight, Enforcement, Out-of-Service Violations and Penalties

Readoption: N.J.A.C. 16:53A

Authority: N.J.S.A. 2A:58-10 et seq., 48:4-2.1c et seq., and 52:14D-6; and October 5, 1978 Executive Reorganizational Plan.

Authorized By _____

Raymond P. Martinez, Chairman and Chief Administrator
Motor Vehicle Commission

Effective Date:

New Expiration Date:

Take notice that pursuant to the provisions of Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 16:53A will expire on January 15, 2017. The purpose of these rules is to promote bus safety in the State of New Jersey by enforcement of statutory sanctions and penalties for bus safety out-of-service violations. The Motor Vehicle Commission has reviewed these rules and has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1c(1), these rules are readopted and shall continue in effect for a seven-year period.

ITEM 1604-03: ZONE OF RATE FREEDOM (Z.O.R.F.) REGULATION**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, at section 98 assigns to MVC the duty to implement the Zone Of Rate Freedom (Z.O.R.F.) law found at N.J.S.A. 48:4-2.20 to 2.25. In 1995, the New Jersey Department of Transportation (NJDOT) had assigned this duty to the former Division of Motor Vehicles (DMV) when DMV was transferred to NJDOT, and MVC has inherited it.

PURPOSE

The effect of this proposed rule for ZORF for 2016 is to fulfill the statutory requirement that MVC set a percentage limit or "Zone" within which private bus companies are free to adjust their rates (or fares or charges) for in-state bus routes. Under P.L. 1983, c.517, private bus companies are free to make these adjustments. Of over 100 such companies, typically up to five exercise that freedom annually and notify MVC, which confirms any adjustment is within the ZORF Zone. The attached proposal for 2016 has a 10% increase and 10% decrease.

ACTION

Approval of this item will authorize the Chairman to file the 2016 ZORF Regulation with the Office of Administrative Law (OAL) as a Proposed Rule. The rule states in relevant part:

"16:53d-1.1 General Provisions.

Any regular route autobus carrier operating within the State which seeks to revise its rates, fares or charges in effect as of the time of the promulgation of this rule shall not be required to conform with N.J.A.C. 16:51-3.10...provided the increase or decrease in the rate, fare or charge, or the aggregate of increases and decreases in any single rate, fare or charge is not more than the maximum percentage increase (10 percent for 2016) or decrease (10 percent for 2016), upgraded to the nearest \$.05."

MVC Board Chairman and Chief Administrator Raymond P. Martinez 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 NJ 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

MVC does not receive any proceeds from any rate, fare or charge adjustments. It is fulfilling a duty assigned to DMV in 1995. For illustrative purposes, a 10% increase on a \$1.65 fare would result in a \$.20 fare adjustment to \$1.85, and a 10% decrease on a \$1.25 fare would result in a \$.15 fare adjustment to \$1.10.

RESOLUTION

WHEREAS, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c. 335 and by P. L. 2009, Chapter 298, at section 98 assigns to the Motor Vehicle Commission the duty to implement the Zone Of Rate Freedom (Z.O.R.F.) law found at N.J.S.A. 48:4-2.20 to 2.25; and

WHEREAS, in 1995, the New Jersey Department of Transportation (NJDOT) had assigned this duty to the former Division of Motor Vehicles (DMV) when DMV was transferred to NJDOT; and

WHEREAS, the Zone of Rate Freedom law authorizes limits or zones within which private bus companies are free to adjust their in-state bus route rates, fares or charges;

NOW, THEREFORE BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law a notice of the proposal of the Zone of Rate Freedom regulation for 2016, in substantially the form as attached in **Exhibit A**.

TRANSPORTATION

A

MOTOR VEHICLE COMMISSION

REGULATORY AFFAIRS (COMMERCIAL PASSENGER TRANSPORTATION)

Zone of Rate Freedom

Adopted Amendment: N.J.A.C. 16:53D-1.1

Proposed: June 20, 2016 at 48 N.J.R. 1061 (a)

Adopted: October 13, 2016 by the Motor Vehicle Commission,

Raymond P. Martinez, Chairman

Filed: November ____, 2016 as R. 2016, d. , **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 48:2-21, and 48:4-2.20 through 2.25

Effective Date: November ____, 2016

Expiration Date: September 21, 2017

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.

Approval: Minutes of August 9, 2016**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 August 9, 2016 Minutes were delivered on August 9, 2016 to the Governor, and became effective upon expiration of the ten day period on August 23, 2016.

ACTION

Approval of this item by the Board Members indicates acceptance of the August 9, 2016 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 August 9, 2016 were delivered without delay to the Governor on August 9, 2016; 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 August 9, 2016 Board Meeting are effective as of August 23, 2016; and

NOW, THEREFORE, BE IT RESOLVED that the Minutes of actions taken at the August 9, 2016 New Jersey Motor Vehicle Commission Board meeting are hereby approved.

NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Board Secretary John G. Donnelly of actions taken at the Open Session of the Regular 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, August 9, 2016.

Present:

Raymond P. Martinez, Chairman
Stephen S. Scaturro, Vice-Chairman
Scott Kisch, Public Board Member (by speakerphone)
Walter Orcutt, Public Board Member (by speakerphone)
Laurette Asante, Public Board Member (by speakerphone)
John Case, Transportation Commissioner Designee
James Fruscione, State Treasurer Designee (by speakerphone)
Gary Poedubicky, Attorney General Designee

Deputy Attorney General Philip Espinosa participated in person, and Governor's Authorities Unit Assistant Counsel Lisa LeBoeuf participated by speakerphone.

Chairman Martinez convened the Open Session at 2:00 p.m. in accordance with the Open Public Meetings Act, and led the Pledge of Allegiance.

Agenda Approval. Board Member Kisch moved to accept the proposed agenda, Director Poedubicky seconded the motion and it was unanimously adopted.

Chairman's Report. Chairman Martinez began by welcoming everyone to the summer season, and updated all attendees on these actions since the June 14 Board Meeting:

WELCOMING NEW STAFF

I want to start by officially welcoming to our Board two new members to our MVC family. Angela LaBelle has joined us as our new Deputy Administrator of Finance and Administration. Angela comes to us having served as the Director of Administration and Personnel in the Office of the Governor, and previously as the Chief of Staff for the Division of Criminal Justice. We are very happy to have her with us. I would like you to join me in welcoming Angela to the MVC.

I would also like to welcome Mary Smith, who is our new Director of the Division of Human Resources. She comes to us from the Department of Environmental Protection where she served as a Human Resource Manager since 2003. Mary will be tasked with keeping the MVC on the right path toward maintaining a sustainable workforce well into the future.

LONG LINES AND UPDATES

The MVC has continued to get media attention recently due to extraordinarily high volumes and computer downtimes in our agencies. I said it on NJ101.5 radio, and I will say it again here today – the long lines are not acceptable.

At our last meeting, I outlined several initiatives that the Commission is taking to remedy these issues including the promotion of our *Skip the Trip* mail-in driver's license renewal program, our online service offerings, and the technological upgrades we will be making in the next few months. These aren't going to be overnight remedies, but the wheels are in motion.

And today, I am here to tell you that our work continues. Though we have no control when statewide systems are down, we can help mitigate the long lines at our agencies.

We deployed additional staff to our heaviest volume agencies at the end of July to help expedite transactions for the number of people waiting in line. We have also increased the security presence at these higher volume sites to assist with crowd management. Additional I.T. resources were also on hand to monitor all systems.

We have also gone to extraordinary measures to let our customers know about the convenient renewal services – among others – that they can do from home. Many residents are still unaware how simple it is to renew their license or vehicle registration without ever setting foot in an agency.

We also are working on longer-term projects that will comprehensively overhaul our technology and business processes. Again, these are not overnight fixes, but our staff is working diligently each and every day to move the Commission forward. We are striving for better service, better processes, and better technology that will all help to create a better experience for our customers.

VETERANS DESIGNATION

A few weeks ago, the MVC joined a group of brave Korean War veterans in Atlantic City to announce the availability of a new permanent veterans designation for driver's licenses and non-driver IDs.

With this convenient single point of identification, veterans will now have easier access to services and discounts at businesses around the State. We are committed to recognizing our veterans and making life easier for them where we can, and the new veterans designation will serve as a symbol for those who have proudly served our country. It should also be noted that eligible veterans will be able to obtain a new license or non-driver ID free of charge at any MVC agency or by mail.

JUSTDRIVE.COM 125 AT NASCAR

And one more item I would like to mention. We are just about five weeks away from the JustDrive.com 125 NASCAR race down in Millville, New Jersey. Our JustDrive.com campaign, which highlights the consequences of talking and texting while driving, is sponsoring a large scale event that will reach the public in a very personal way. So if you

are a race fan, we hope to see you down there. And if you are not, please continue to help our efforts and spread the message that people need to put down the phone and Just Drive.

OFFICER JOSEPH YACENDA PRESENTATION

And now I have one more order of business. During our Board meeting today, we will be presenting Officer Joseph Yacenda, from the U.S. Citizenship and Immigration Services, with an official resolution and commemorative license plate. His support and customer service assistance to the Motor Vehicle Commission -- specifically with our S.A.V.E. system -- has been integral to our business process. He has gone above and beyond the call of duty and I am very pleased to be recognizing him today. I am also honored to have with us today the U.S.C.I.S.'s New Jersey Director, John Thompson.

The following Agenda Items were presented for approval:

1608-01: Award to USCIS's Joseph Yacenda. This action is to meet the statutory requirement of 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 Section 2 that MVC inform our customers of the work of MVC, which includes distinguished and invaluable service provided by our law enforcement partners. The Board approved a resolution to recognize and thank U.S. Citizenship and Immigrations Services' (USCIS) Immigration Officer Joseph Yacenda, whose dedication to supporting MVC and his daily commitment to customer service in support of the State's security is of critical importance to MVC's work.

Director Poedubicky moved the resolution, Vice-Chairman Scaturro seconded it and it was unanimously adopted.

Chairman Martinez presented Mr. Yacenda with the framed resolution, and with an Award Plaque entitled "Law Enforcement Partner Award" that reads: "Presented to Joseph Yacenda for Exemplary Service to the Motor Vehicle Commission." Chairman Martinez and Mr. Yacenda were then joined by USCIS's New Jersey Director John Thompson for photographs.

Chairman Martinez then asked MVC Agency Services' Paul Wolleon and MVC Security, Investigations & Internal Audit's Frank VanWie to join him, and presented Mr. Yacenda with a commemorative shirt from Roosevelt Stadium in Jersey City, which served as the former DMV's office in the 1970's when Paul, Frank and Joe worked together for DMV.

1608-02: Fiscal Year 2017 Commission Budget. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act that provides at section 13b3 that the Board shall review and approve the annual budget as submitted by the Chairman and Chief Administrator. Director William Kelly of the MVC Division of Financial Management, presented the FY17 Budget in the amount of \$473.2 million.

Vice-Chairman Scaturro moved the resolution, Director Fruscione seconded it and it was unanimously adopted.

1608-03: International Registration Plan. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act that assigns to MVC the duty to promulgate regulations affecting various programs, including these proposed amendments to remove the charter bus exemption in International Registration Plan (IRP) regulations. Board Secretary Jack Donnelly presented the proposed amendment for 2016.

Board Member Asante moved the resolution, Assistant Commissioner Case seconded it and it was unanimously adopted.

1608-04: Proof of Identity Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act that assigns to MVC the duty to promulgate regulations affecting various programs, including this Final Adoption of the amended regulations concerning proof of identity.

Vice-Chairman Scaturro moved the resolution, Board Member Orcutt seconded it and it was unanimously adopted.

1608-05: Personalized Plate Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act that assigns to the MVC the duty to promulgate regulations affecting various programs, including this Final Adoption of regulations pertaining to personalized plates.

Assistant Commissioner Case moved the resolution, Director Fruscione seconded it and it was unanimously adopted.

Minutes: June 14, 2016. 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 Board Meeting of June 14, 2016.

Board Member Asante moved the resolution, Board Member Kisch seconded it and it was unanimously adopted.

Legislative Report. A briefing was provided by Legislative Liaison Laura Hahn, including a summary of legislative activity since the June 2016 Motor Vehicle Commission (MVC) Board Meeting.

A-1944/S-1228 (Coughlin D19; Schaer D36; Eustace D38; Downey D11; Benson D14; Wimberly D35; McKeon D27; Jasey D27; Chiaravalloti D32 / Vitale D19) **Automatically registers or updates voter registration as part of driver's license application or renewal.**

Both bills provide that the MVC would automatically register to vote any person who applies for a special learner's permit, examination permit, probationary driver's license,

basic driver's license, or non-driver identification card, or for renewal of any license or identification card, according to the permanent address provided by the applicant, unless the applicant specifically declines the automatic voter registration. The Chief Administrator of the MVC would forward the personal information required to register to vote to the Division of Elections in the Department of State in an electronic format. Submission of an application would serve as consent to be registered to vote at the permanent address provided by the applicant, unless the applicant specifically declines the automatic registration. As amended, the legislation requires the Chief Administrator to provide for a statement to be printed on the application for a special learner's permit, an examination permit, a provisional driver's license, a basic driver's license, or a non-driver identification card informing the applicant that by submitting the application, the applicant is consenting to register to vote and is legally permitted to vote. The legislation was amended to require the Chief Administrator to provide for a statement to be printed on the application for a license or identification card, which notifies applicants that victims of domestic violence or stalking may decline the automatic registration provided for in this bill and register to vote without disclosing their street address. The amendments also provide that a person who is not entitled to vote that becomes registered through the automatic registration provided for in the legislation will not be guilty of fraudulently voting or attempting to fraudulently vote so long as the person does not willfully vote or attempt to vote knowing he is not entitled to vote. The legislation was further amended to include an acknowledgement statement to be printed on the application for a special learner's permit, an examination permit, a probationary driver's license, a basic driver's license, and a non-driver identification card.

06/23/16 – A-1944 was amended on Senate floor, 2nd reading in Senate 26-0, S-1228 was amended on Senate floor, 2nd reading in Senate 23-3

06/27/16 – A-1944 was substituted for S-1228; Passed in Senate 22-16; Received in Assembly, 2nd reading in Assembly to concur with Senate amendments; Passed in Assembly and sent to Governor 54-24-0

A-2789/S-1835 (Greenwald D6; Burzichelli D3; DeAngelo D14; Mukherji D33 / Whelan D2; Bateman R16)

Allows use of rear view backup camera and parking sensors during road test.

Both bills clarify that a probationary driver's license applicant is permitted to use a rear view backup camera when taking the road test administered by the Motor Vehicle Commission. In addition, the legislation clarifies that a license applicant may utilize a vehicle's parking sensors, which are designed to alert a driver to obstacles while parking. Because all new motor vehicles will be equipped with a backup camera and many vehicles are sold with a parking sensor option, it is the view of the sponsor that a person should be permitted to use this ubiquitous technology while taking a road test.

03/14/16 – A-2789 passed in Assembly 71-4-0

06/27/16 – A-2789 was substituted for S-1835; Passed in Senate and sent to Governor 39-0

A-3662/S-2374 (Schaer D36; Caride D36; Vainieri Huttle D37; Mukherji D33; McKnight D31) "Rosa-Bonilla Family Act"; concerns development of carbon monoxide poisoning educational program for drivers.

Both bills require that the curriculum approved for classroom driver education courses include techniques for the safe operation and proper maintenance of a vehicle, including, but not limited to, safety tips to avoid carbon monoxide poisoning from motor vehicles. The informational brochure distributed by the New Jersey Motor Vehicle Commission (MVC) to the parents and guardians of new drivers is to include information on the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle. The MVC is required to include questions concerning these dangers and techniques as a part of the written examination required to obtain an examination permit, special learner's permit, and basic driver's license. The legislation further requires the Chief Administrator of the MVC, in consultation with the Commissioner of Health and the Director of the Division of Highway Traffic Safety, to include in the driver's manual information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle; and to develop an informational brochure with this information. The informational brochure is to be made available at every MVC agency and regional service center, official inspection facility, private inspection facility, and on the MVC's website.

05/26/16 – A-3662 was amended on Assembly floor to remove the requirement for MVC to distribute brochures with each agency transaction and vehicle inspection, and instead allows the Commission to make the brochure available on the website, as well as at agencies and inspection stations

06/16/16 – A-3662 passed in Assembly 77-0-0

07/14/16 – Both bills were reported out of committee, 2nd reading in Senate

S-727 (Cruz-Perez D5; Van Drew D1)

"New Jersey Open Data Initiative"; requires certain information be provided on Internet to public and State agencies.

The purpose of this legislation is to require that certain information generated by State departments and agencies be provided on the Internet to the public and other State departments and agencies. Specifically, it provides that a Chief Data Officer is to be appointed by the Chief Technology Officer, after consultation with the State Treasurer. The Chief Data Officer, in cooperation with the State Treasurer, is to be responsible for overseeing and implementing the open data website established by each agency. Each agency is to either provide datasets to the Chief Data Officer, in a format determined thereby, or create and maintain on the agency's website links to the datasets hosted by the agency. Agencies that choose to host their open datasets on their own websites are to provide links to the Chief Data Officer for publication thereof on the dedicated website maintained for that purpose by that officer. Each agency is to adopt policies that are consistent with the open data security and technical standards, policies, and practices

established by the Chief Data Officer that govern access to open data and datasets available on the open data website of the agency. In addition, each agency is to: create, maintain, and post on its open data website an inventory of all its open data and datasets pursuant to the standards and timetables established by the Chief Data Officer; include on the open data website appropriate explanations about the open data, its format, how often the open data and datasets are updated, and how notice regarding such updates can be obtained; and assist users to gain access to the open data and datasets of the agency through the deployment of online access tools, and the development and publication of application program interfaces. Each agency is to update the open data and datasets on the timetable and in the manner determined by the Chief Data Officer. Unless a fee is required by law, open datasets are to be provided to the public by an agency without cost to the public.

06/27/16 – Passed in Senate 30-9; Received in Assembly and referred to Assembly State and Local Government Committee

S-1155/A-2696 (Barnes D18 / Johnson D37)

Regulates autocycles as motorcycles.

As amended and reported, this bill permits licensed drivers to operate autocycles on New Jersey roads. An "autocycle" is defined as a three-wheeled motorcycle designed to be controlled with a steering wheel and pedals in which the operator and passenger may ride in a completely or partially enclosed seating area that is equipped with a roll cage or roll hoops, safety seat belts for each occupant, and anti-lock brakes. Under the legislation, an autocycle is required to be registered as a motorcycle; however, it does not require a person holding a basic driver's license to hold a motorcycle license or a motorcycle endorsement to operate an autocycle. Both bills prohibit a person from driving, operating, or riding as a passenger in an autocycle without: sitting on a seat; properly using a safety seat belt; and wearing a helmet unless the autocycle is completely enclosed. Both bills require that a person operating an autocycle be subject to existing insurance requirements for motor vehicles in this State, including liability insurance coverage, personal injury protection coverage, and uninsured motorist coverage. The legislation amends the definition of a motorcycle to include an autocycle. Thus, an autocycle is not required to undergo an enhanced safety inspection and display a corresponding inspection decal.

03/14/16 – S-1155 passed in Senate 36-0; received in Assembly and referred to Assembly Transportation and Independent Authorities Committee

06/06/16 – Both bills were reported out of committee with an amendment extending the effective date to six months after enactment, 2nd reading in Assembly

06/27/16 – S-1155 was amended on Assembly floor, 2nd reading in Assembly; Substituted for A-2696; Passed in Assembly 77-1-0; Received in Senate, 2nd reading in Senate to concur with Assembly amendments to prohibit an autocycle operator from permitting a child to be a passenger if the child would be required to be secured in a child passenger restraint system pursuant to State law; and also allows, but does not require, the New Jersey Motor Vehicle Commission to include information on autocycles in its driver's manual and on its website; Passed in Senate and sent to Governor 36-0

S-1585 (Rice D28; Ruiz D29)

Establishes program allowing certain applicants to perform community service in lieu of paying motor vehicle surcharges.

Under the bill, the program is to be administered by the Commissioner of Labor and Workforce Development. The commissioner is to coordinate with the Chief Administrator of the Motor Vehicle Commission to waive certain motor vehicle surcharges imposed on applicants who complete a community service project in participating counties and municipalities. To be eligible to participate in the program, the bill requires an applicant to demonstrate to the commissioner that he or she: (1) is unemployed; (2) has been assessed and is unable to pay certain motor vehicle surcharges; and (3) is enrolled in a job training or education program or is in the process of applying for a commercial driver license or endorsement. The bill requires the commissioner to notify the Chief administrator upon an applicant's entry into the program. The Chief administrator is, in turn, required to reinstate an applicant's driving privilege upon commencement of a community service project if the driving privilege of the applicant has been suspended for failure to pay a surcharge. The bill provides that if an applicant fails to complete a community service project, the applicant's total outstanding motor vehicle surcharges and any interest accrued become due immediately. In addition, the applicant's driving privilege is to be suspended until the applicant satisfies the outstanding surcharge assessment. The bill permits the governing body of any county or municipality to apply to the commissioner to participate in the program. Under the bill, an application for participation in the program is required to be made in accordance with procedures and on forms prescribed by the commissioner and to indicate the eligible projects for which volunteer labor is requested. Eligible community service projects include improvements to county and municipal buildings, grounds, roads, streams, and other county or municipal property. The bill provides that volunteer labor used by a municipality or county is not to displace or remove from employment any paid public or private employee or in any way reduce the workforce within a county or municipality. The bill further provides that a qualifying applicant is not to be denied participation in the program due to a lack of volunteer labor projects. After a person has completed a community service project under the program, the bill requires the Chief administrator to waive all surcharges and interest levied for accumulated motor vehicle points, those levied for unsafe driving convictions, and those levied for motor vehicle violations or convictions for which points are not assessed. The bill prohibits any driver whose outstanding surcharges include levies imposed for a drunk driving conviction or refusal to submit to a blood alcohol content test from participating in the program.

06/27/16 – Passed in Senate 26-11-0; Received in Assembly and referred to Assembly Law and Public Safety Committee

S2186 (Scutari D22; Sacco D32)

Prohibits State from disclosing New Jersey driver's license holders' personal information to other states seeking to issue speed camera or red light camera citations.

This bill prohibits the New Jersey Motor Vehicle Commission or any other State agency from disclosing the personal information of New Jersey drivers to another state or interstate motor vehicle network for the purpose of allowing the other state to impose or collect a fine resulting from an alleged motor vehicle violation committed in that state and captured by a traffic control signal monitoring system or a speed control device. The bill defines "personal information" to mean any information that identifies an individual, which information may include an individual's photograph, social security number, driver identification number, name, address, or telephone number and a "traffic control signal monitoring system" as an integrated system or device utilizing a camera, or a multiple camera system, and vehicle sensors that is capable of automatically producing a recorded image of an alleged violation that shows a motor vehicle unlawfully entering and continuing through an intersection controlled by a traffic control signal and a portion of the motor vehicle sufficient to clearly identify the motor vehicle.

06/23/16 – Passed in Senate 38-0

S-2364 (Oroho R25) Establishes pilot program appointing third party vendors to administer commercial driver license testing.

Under the program, the Chief Administrator is required to appoint three private third party vendors to administer the knowledge and skills tests for commercial driver licenses or endorsements. A vendor is to be located in the northern, central, and southern regions of the State. In implementing the pilot program, the bill requires the Chief Administrator to develop procedures to identify, and compile a list of, eligible third party vendors to provide testing. The Chief Administrator is also required to establish guidelines necessary to establish and oversee the administration of commercial motor vehicle driver testing by private third party vendors. The bill requires the three vendors chosen to participate in the program to be fully operational and to be administering the knowledge and skills tests within 90 days of the bill's effective date. Within nine months of the bill's effective date, the Chief Administrator is required to submit to the Governor and the Legislature an evaluation of the pilot program with recommendations that will facilitate the permanent use of third party vendors. This bill amends current law to require the Chief Administrator to contract with third party vendors and requires the appointment of third party vendors to be based on the evaluation of the pilot program and the recommendations submitted to the Governor by the Chief Administrator. The bill removes the Chief Administrator's discretion to terminate third party testing at any time.

07/14/16 – Reported out of committee, 2nd reading in Senate

S-2462/A-374 (Sacco D32; Cruz-Perez D5 / Auth R39; Prieto D32; Schepisi R39) Prohibits MVC from imposing duplicate license or identification card fee and digitized picture fee if duplicate is requested to reflect change in organ donor status.

As amended and reported, these bills prohibit the MVC from imposing duplicate identification card fees and replacement driver's license fees, including the digitized picture fee, if a person requests the duplicate identification card or replacement driver's

license solely for the purpose of reflecting that the person has become an organ donor. Currently, the cost of having a duplicate identification card or replacement driver's license issued is \$11, including the digitized picture fee. The legislation was amended to require that in order for a person to receive a replacement driver's license or duplicate identification card under the provisions of the bill, the person is required to first surrender the person's current driver's license or identification card to the MVC.

07/14/16 – Both bills were reported out of committee with amendments clarifying that in order to receive the duplicate document, the individual must surrender his or her current document; 2nd reading in Senate; Referred to Senate Budget and Appropriations.

Chairman Martinez thanked Laura for the presentation.

Public Comments:

No members of the public sought to make a public comment.

Chairman Martinez thanked everyone for their participation today.

Adjournment:

Since there were no further comments or business, a motion to adjourn was made by Director Poedubicky and seconded by Board Member Orcutt and unanimously adopted at 2:55 p.m.



New Jersey Motor Vehicle Commission

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

STATE OF NEW JERSEY

To: Raymond P. Martinez, Chairman
CC: MVC Board Members
From: Laura Hahn, Legislative Liaison
Date: October 7, 2016
Re: Legislative Report

Chris Christie
Governor
Kim Guadagno
Lt. Governor
Raymond P. Martinez
Chairman and Chief Administrator

This Legislative Report provides a summary of legislative activity since the August 2016 Motor Vehicle Commission (MVC) Board meeting.

Bills Signed by the Governor

S-1155 (Diegnan D18; Barnes, III D18; Johnson D37)
Regulates autocycles as motorcycles.

Effective Date: This act was signed on August 31, 2016, and shall take effect immediately, except that the provision requiring an autocycle to be registered as a motorcycle will remain inoperative for six months following the date of the bill's enactment (February 28, 2017).

Chapter Law: P.L.2016, c.35

MVC Impact: MVC should review the current process for titling and registering autocycles and decide if changes need to be made in order to comply with the new law. This may require the creation of a new registration code and a decision on the type of license plates that would be issued to autocycle owners. Agency Services staff would then need to be educated on how to process these transactions. MVC shall adopt rules and regulations, as are necessary to implement Section 2 of the law, which states that an autocycle shall be registered as a motorcycle, an operator of the autocycle does not need to possess a motorcycle endorsement, and several safety precautions. MVC may also wish to include information in the driver manual and on the website, as is suggested, but not required in the language.

A-2789/S-1835 (Greenwald D6; Burzichelli D3; DeAngelo D14; Mukherji D33; Whelan D2; Bateman R16)

Allows use of rear view backup camera and parking sensors during road test.

Effective Date: This act was signed on August 31, 2016, and shall take effect immediately.

Chapter Law: P.L.2016, c.41

Summary of MVC Impact: MVC agency staff and road test examiners will need to be notified that vehicles with backup cameras and parking sensors are allowed to be used for the road test. The MVC website and manual will need to be updated, as both currently state that these new vehicles will not be allowed unless the technology is disabled. Driving schools and high school driver's education programs should be notified of this change.

Recent Action on Bills of Note

A-597 (Lagana D38; Gusciora D15; Webber R26; Mukherji D33; Holley D20; Benson D14; Danielsen D17; Wimberly D35; Downey D11)

Establishes crimes of operating school bus with suspended or revoked driving privileges and being involved in accident causing bodily injury; permanently prohibits passenger and school bus CDL endorsements for persons convicted of those crimes.

The bill provides that a person who knowingly operates a school bus transporting one or more students while that person's driving privileges have been suspended or revoked is guilty of a crime of the fourth degree. A crime of the fourth degree is ordinarily punishable by a term of imprisonment of up to 18 months or a fine of up to \$10,000, or both.

The bill further provides that a person, knowingly operating a school bus while that person's driving privileges have been suspended or revoked, who is involved in an accident resulting in bodily injury to another person is guilty of a crime of the third degree. A crime of the third degree is ordinarily punishable by a term of imprisonment of three to five years or a fine of up to \$15,000, or both.

The bill requires the Chief Administrator of the Motor Vehicle Commission to revoke for life the passenger and school bus endorsements on the commercial driver's license of a person convicted of either offense. Finally, the bill specifies that a person convicted of either offense is permanently disqualified from employment as a school bus driver.

01/27/16 – Introduced and referred to Assembly Education Committee

09/19/16 – Reported out of committee, 2nd reading in Assembly

09/29/16 – Passed in Assembly 72-0-0

A-1257 (Caride D36; Jimenez D32; Mukherji D33; Holley D20; Benson D14)

Requires school bus transporting students using wheelchairs to be equipped with four-point securement system; requires school bus operator to secure students using wheelchairs

This bill requires school buses that provide transportation for students using wheelchairs to be equipped with a four-point securement system for each student using a wheelchair on the school bus. A four-point securement system is defined as a complete four-point system that includes four wheelchair restraints to secure a wheelchair to the vehicle floor; a lap and shoulder belt that integrates to the rear wheelchair restraints; and floor anchorages installed in the vehicle floor. Under the bill, students using wheelchairs are required to be secured using the four-point securement system at all times while the bus is in operation.

01/27/16 – Introduced and referred to Assembly Education Committee

09/19/16 – Reported out of committee, referred to Assembly Appropriations Committee

A-1944 (Coughlin D19; Schaer D36; Eustace D38; Downey D11; Benson D14; Wimberly D35; McKeon D27; Jasey D27; Chiaravalloti D31; Vitale D19; Gill D34)

Automatically registers or updates voter registration as part of driver's license application or renewal.

This bill requires the New Jersey Motor Vehicle Commission (MVC) to automatically register to vote or automatically update a person's voter registration as part of the process of applying for or renewing a driver's license. The bill provides that the MVC would automatically register to vote any person who applies for a special learner's permit, examination permit, probationary driver's license, basic driver's license, or non-driver identification card, or for renewal of any license or identification card, according to the permanent address provided by the applicant, unless the applicant specifically declines the automatic voter registration.

The chief administrator of the MVC would forward the personal information required to register to vote to the Division of Elections in the Department of State in an electronic format. Submission of an application would serve as consent to be registered to vote at the permanent address provided by the applicant, unless the applicant specifically declines the automatic registration.

As amended, the bill requires the chief administrator to provide for a statement to be printed on the application for a special learner's permit, an examination permit, a provisional driver's license, a basic driver's license, or a non-driver identification card informing the applicant that by submitting the application, the applicant is consenting to register to vote and is legally permitted to vote. A separate statement must be printed on the application, in bold-faced capital letters, notifying the applicant that victims of domestic violence or stalking may decline the automatic voter registration and register to vote without disclosing the applicant's street address.

Additional amendments provide that a person who is not entitled to vote that becomes registered through the automatic registration provided for in the bill will not be guilty of fraudulently voting or attempting to fraudulently vote so long as the person does not willfully vote or attempt to vote knowing they are not entitled to vote.

06/27/16 – Substituted for S-1228 (2R); Passed in Senate 22-16; Received in Assembly, 2nd reading in Assembly to concur with Senate amendments; Passed in Assembly and sent to Governor 54-24-0

08/19/16 – Governor conditionally vetoed

09/15/16 – Legislature attempted and failed to override Governor's veto

A-2053 (Gusciora D15, Wimberly D35)

Establishes that payment plan for motor vehicle surcharges is mandatory upon request; extends payment period.

This bill requires the Motor Vehicle Commission (MVC) to enter into a monthly installment plan for the payment of motor vehicle surcharges upon the written request of a driver with outstanding surcharges, and extends the time period currently allowed for making monthly installment payments.

This bill provides that, upon the written request of a driver, the MVC is required to authorize the payment of motor vehicle surcharges on a monthly basis. The bill prohibits the MVC from denying any request to enter into a monthly installment plan.

In addition, the bill extends the time period for monthly installment payments. Under the bill, a driver is authorized to pay assessments on an installment basis for a period not to exceed four years for assessments under \$2,300, or not exceeding six years for assessments of \$2,300 or more.

02/08/16 – Reported out of committee, referred to Senate Budget and Appropriations Committee

10/06/16 – Reported out of committee, referred to Assembly Appropriations Committee

A-3335/S-1585 (Sumter D35; Pintor Marin D29 / Rice D28; Ruiz 29)

Establishes program allowing certain applicants to perform community service in lieu of paying motor vehicle surcharges.

This bill establishes a "Motor Vehicle Surcharge Community Service Program," which is to be administered by the Commissioner of Labor and Workforce Development. The purpose of the program is to allow a person who is unemployed but has enrolled in an education or job training program to perform community service in lieu of paying motor vehicle surcharges. The bill requires the commissioner to coordinate with the Chief Administrator of the Motor Vehicle Commission (MVC) to waive motor vehicle surcharges imposed on applicants who complete a community service project in participating counties and municipalities.

In order to be eligible to participate in the program, an applicant is required to demonstrate that he or she is unemployed, has been assessed and is unable to pay a motor vehicle surcharge or surcharges, and is enrolled in a job training or education program. The process of applying for a commercial driver license or endorsement constitutes job training under the bill. If the driving privilege of an applicant has been suspended for failure to pay surcharges, the chief administrator is required to reinstate the applicant's driving privilege when the applicant commences the community services program. If an applicant fails to complete a community service project, the applicant's total outstanding motor vehicle surcharges and any interest accrued become due immediately. In addition, the applicant's driving privilege is to be suspended until the applicant satisfies the outstanding surcharge assessment.

The governing body of any county or municipality may apply to the Department of Labor and Workforce Development to participate in the program. The eligible community service projects are to include, but not be limited to, improvements to county and municipal buildings, grounds, roads, streams, and other county or municipal property. The volunteer labor used by a municipality or county would not displace or remove from employment any paid public or private employee or in any way reduce the workforce within a county or municipality. The bill further provides that a qualifying applicant would not be denied participation in the program due to a lack of volunteer labor projects.

After a person has completed a community service project under the program, the bill requires the chief administrator to waive all surcharges and interest levied for accumulated motor vehicle points and those levied for motor vehicle violations or convictions for which points are not assessed.

The bill provides that any driver whose outstanding surcharges include levies imposed for a drunk driving conviction or refusal to submit to a blood alcohol content test are not eligible to participate in this program.

06/27/16 – Passed in Senate 26-11-0; Received in Assembly and referred to Assembly Law and Public Safety Committee

10/06/16 – Reported out of committee; referred to Assembly Appropriations Committee

A-3955/S-727 (Barclay D5; Wimberly D35; Holley D29 / Cruz-Perez D5; Van Drew D1)
"New Jersey Open Data Initiative" to require certain information be provided on Internet to public and State agencies.

The purpose of this bill, designated as the "New Jersey Open Data Initiative," is to require that certain information generated by State departments and agencies be provided on the Internet to the public and other State departments and agencies. After consultation with the State Treasurer, the Chief Technology Officer is required to appoint a Chief Data Officer who would be responsible for creating a unique, dedicated open data website and overseeing any additional or existing open data websites maintained by an agency. The bill defines an "agency" as any of the principal departments of the Executive Branch, including the Department of the Treasury, and any division, office, board, bureau, commission, authority or entity therein or allocated thereto to comply with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution.

The bill requires the Chief Data Officer, with the cooperation of the State Treasurer, to create, maintain, and update a unique, dedicated website that either provides datasets maintained and provided by agencies or searchable links to datasets hosted by agency websites. The bill also requires that the Chief Data Officer monitor agency websites to make certain they follow the policies and procedures established by the Chief Data Officer pursuant to this bill.

Each agency is to either provide datasets to the Chief Data Officer, in a format determined thereby, or create and maintain on the agency's website links to the datasets hosted by the agency. Agencies that choose to host their open datasets on their own websites are to provide links to the Chief Data Officer for publication thereof on the dedicated website maintained for that purpose by that officer. As amended, the bill provides for the uniform

treatment of all agencies, in that all of the obligations and protections applicable to an agency that chooses to maintain its own website shall also apply to agencies that choose to send data to the Chief Data Officer for inclusion on the unique, dedicated open data website.

The bill requires each agency to adopt policies that are consistent with the open data security and technical standards, policies, and practices established by the Chief Data Officer that govern access to open data and datasets available on the open data website of the agency. In addition, each agency must create an inventory of all its open data and datasets, provide explanations about the open data, its format, how often the open data and datasets are updated, and how notice regarding such updates can be obtained, and assist users seeking to gain access to the open data and datasets of the agency through the deployment of online access tools, and the development and publication of application program interfaces.

Each agency is to update the open data and datasets on the timetable and in the manner determined by the Chief Data Officer. Unless a fee is required by law, open datasets are to be provided to the public by an agency without cost to the public. All open data and datasets are to be consistent with applicable law, including P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act, and other State and federal laws related to information security and privacy. The open data and datasets made available by an agency on its open data website cannot include data that is not subject to public disclosure under such laws. Open data and datasets made available by an agency on its open data website, unless subject to a disclosed legal restriction, would be treated as license-free, subject to reuse, and not subject to copyright restrictions.

Unless specifically prohibited by a contract, open data and datasets containing data created or maintained by a contractor under contract to, or licensed from, an agency are to be made available on the open data website of the agency or another agency. Each such contract would be subject to the provisions of this bill and any applicable federal and State law, including but not limited to, P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open public records act.

06/20/16 – Introduced and referred to Assembly State and Local Government Committee

09/19/16 – Reported out of committee with committee amendments, 2nd reading in Assembly

S-2350/A-2107 (Ruiz D29; Madden D4 / Mukherji D33; Holley D20; Gusciora D15)
Exempts homeless from fee for non-driver identification cards.

This bill allows homeless people to obtain, duplicate, or renew a non-driver identification card without paying fees to the Motor Vehicle Commission (MVC). For the fee to be waived, the bill requires a homeless person to submit proof of temporary residence through a social worker or the coordinator of an emergency shelter for the homeless where the person is temporarily residing.

As amended, the bill would make the waiver of fees permissive, rather than mandatory, subject to rules and regulations promulgated by the Chief Administrator of the Motor Vehicle Commission. The amendments also delay the effective date to the first day of the seventh month next following the date of enactment.

04/07/16 – Passed in Assembly 71-0-0

09/08/16 – Reported out of committee with committee amendments, 2nd reading in Senate

S-2364 (Oroho R24; Stack D33)

Establishes pilot program appointing third party vendors to administer commercial driver license testing.

The bill establishes the Commercial Driver License Testing Pilot Program within the commission, and directs the chief administrator to implement the program. Under the program, the chief administrator is required to appoint three private third party vendors to administer the knowledge and skills tests for commercial driver licenses or endorsements. Of the three selected, one each is to be located in the northern, central, and southern regions of the State.

In implementing the program, the bill requires the chief administrator to develop procedures to identify, and compile a list of, eligible third party vendors to provide testing. The chief administrator also is required to establish guidelines necessary to establish and oversee the administration of commercial motor vehicle driver testing by private third party vendors, and take any other action necessary to implement the bill.

The bill requires the three vendors appointed to participate in the program to be fully operational and to be administering the knowledge and skills tests within 90 days of enactment. Within nine months of enactment, the chief administrator must submit to the Governor and the Legislature an evaluation of the program with recommendations that will facilitate the permanent use of third party vendors.

In addition, the bill amends the "New Jersey Commercial Driver License Act" to require the chief administrator, by contract, by appointment, or by licensing, to authorize a third party to administer the knowledge or skills test for a commercial driver license or endorsement, within one year of enactment. The bill requires the appointment of a third party to be based on the evaluation of the pilot program and the recommendations submitted to the Governor by the chief administrator. The bill removes the chief administrator's discretion to terminate third party testing at any time.

The "New Jersey Commercial Driver License Act" currently authorizes the chief administrator to appoint a third party to administer the knowledge or skills test for a commercial driver license or endorsement. However, the authorization is permissive, and third parties are not currently utilized for commercial testing purposes.

06/16/16 – Introduced and referred to Senate Transportation Committee

07/14/16 – Reported out of committee, Referred to Senate Budget and Appropriations Committee

09/26/16 – Reported out of committee, 2nd reading in Senate

S-2378/A-3829 (Van Drew D1 / Houghtaling D11; Downey D11; Andrzejczak D1; DeAngelo D14)

Permits issuance of motorcycle endorsement to certain out-of-State military personnel.

This bill would allow out-of-State members of the military, spouses of the members, and their dependents, to receive a motorcycle endorsement for their valid New Jersey driver's license while serving in another state without returning to New Jersey to retake a written or road test, or to complete another motorcycle safety course.

The chief administrator would be required to issue the endorsement by mail if the person provides documentation of the completion of a basic motorcycle rider course similar to the one required by State law and approved by the armed services of the United States or another state. The person also would be required to provide documentation of their assignment outside of the State.

06/02/16 – *Introduced and referred to Assembly Military and Veterans' Affairs Committee*

09/19/16 – *Reported out of committee, referred to Assembly Appropriations Committee*

09/29/16 – *Reported out of committee, referred to Senate Budget and Appropriations Committee*