

 **New Jersey
Motor Vehicle Commission**

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

STATE OF NEW JERSEY

Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

B. Sue Fulton
Chair and Chief Administrator

February 14, 2019



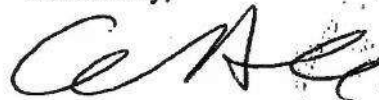
Honorable Philip D. Murphy
Governor, State of New Jersey
225 West State Street
Post Office Box 001
Trenton, NJ 08625-0001

Dear Governor Murphy:

In accordance with Section 17 of The Motor Vehicle Security and Customer Service Act of 2003, constituting Chapter 13 of the laws of 2003 of the State of New Jersey, as amended pursuant to P. L. 2007, Chapter 335 and pursuant to P. L. 2009, Chapter 298, I herein transmit the minutes of actions taken at the open session of the Regular Meeting of the New Jersey Motor Vehicle Commission Board at Floor 8E, Motor Vehicle Commission Headquarters, Thursday, February 14, 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 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 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.

**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, February 14, 2019

FINAL AGENDA

- **1 – CALL TO ORDER**
- **2 – OPEN PUBLIC MEETINGS ACT STATEMENT**
- **3 – PLEDGE OF ALLEGIANCE**
- **4 – APPROVAL OF AGENDA**
- **5 – CHAIR'S REPORT**
- **6 – APPROVAL OF MINUTES OF DECEMBER 11, 2018**
- **7 – APPROVAL OF ITEM 1902-01 – PROPOSED AMENDMENTS –
ENFORCEMENT SERVICE – DIESEL VEHICLE INSPECTION**
- **8 – APPROVAL OF ITEM 1902-02 – PROPOSED AMENDMENTS –
LICENSING SERVICE – DRIVER LICENSE AND REGISTRATION**
- **9 – APPROVAL OF ITEM 1902-03 – PROPOSED AMENDMENTS –
ZONE OF RATE FREEDOM REGULATIONS (ZORF)**
- **10 – LEGISLATIVE REPORT**
- **11 – PUBLIC COMMENTS**
- **12 – ADJOURNMENT**

Approval: Minutes of December 11, 2018

BENEFITS

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

PURPOSE

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

The December 11, 2018 Minutes were delivered on December 11, 2018 to the Governor, and became effective upon expiration of the ten day period on December 26, 2018.

ACTION

Approval of this item by the Board Members indicates acceptance of the December 11, 2018 Minutes.

FISCAL IMPACTS

None.

RESOLUTION

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

WHEREAS, pursuant to section 17 of The Motor Vehicle Security and Customer Service Act , P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, a true copy of the Minutes of the actions taken at the New Jersey Motor Vehicle Commission Board meeting of December 11, 2018 were delivered without delay to the Governor on December 11, 2018; and

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

WHEREAS, Minutes of the December 11, 2018 Board Meeting are effective as of December 26, 2018; and

NOW, THEREFORE, BE IT RESOLVED that the Minutes of actions taken at the December 11, 2018 New Jersey Motor Vehicle Commission Board meeting are hereby approved.

NEW JERSEY MOTOR VEHICLE COMMISSION

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

Present:

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

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

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

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

Chair's Report

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

Automatic Voter Registration

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

Spanish-Language Driver Manual

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

Delanco Grand Opening

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

REAL ID/SUP Training

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

TOMS RIVER MEASLES

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

Social Media/Military Observances

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

AAMVA VISIT

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

Mobile Units

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

JUSTDRIVE

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

Halloween

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

Retirements

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

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

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

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

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

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

The following Agenda Items were presented for approval:

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

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

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

1812-03: Abandoned Vehicles. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Reproposed New Rule concerning the r

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

1812-04: Seat Belts for School Buses. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including these amendments as to school buses. Richard DelMonaco of the MVC Office of Regulatory and Legal Affairs presented the Proposed Amendments. Director Poedubicky moved the resolution, Vice-Chair Pigula seconded it and it was unanimously adopted.

1812-05: IFTA/IRP Electronic Credentials. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including these proposed amendments for the International Fuel Tax Agreement (IFTA) and the International Registration Plan (IRP). Board Secretary Jack Donnelly presented the Proposed Amendments. Vice-Chair Pigula moved the resolution, Board Member Orcutt seconded it and it was unanimously adopted.

Legislative Report. A briefing was provided by Director Chris Hillmann, as follows:
 1) A3890 – *Imposes motor vehicle penalty points for violation of “move over law”;* requires MVC to conduct public awareness campaign. This bill is in Assembly Appropriations, and we’ve asked for an effective date change to allow MVC more time to comply. Current language: https://www.njleg.state.nj.us/2018/Bills/A4000/3890_R1.HTM

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

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

Public Comments:

No member of the public offered comments.

Board Secretary Comments:

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

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

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

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

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

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

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

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

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

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

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

Board Comments:

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

Adjournment:

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

ITEM 1902-01: ENFORCEMENT SERVICE – DIESEL VEHICLE INSPECTION

BENEFITS

The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created the New Jersey Motor Vehicle Commission (MVC), and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to MVC the duty to promulgate regulations affecting various programs, including these proposed amendments to the Enforcement Service regulations concerning the diesel vehicle inspection rules.

PURPOSE

This is a Proposed Amendment proposal. The MVC proposes to add Medium Duty Diesel Vehicles (MDDV) to the heavy duty diesel vehicles subject to MVC's roadside inspection program, so they will be inspected for visible smoke, the presence of emission control apparatus, and emission equipment tampering.

ACTION

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

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

FISCAL IMPACTS

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

RESOLUTION

WHEREAS, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 (the "Act"), as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to the Motor Vehicle Commission the duty to implement regulations affecting various programs, including this Proposed Amendments proposal concerning diesel vehicle inspection rules.

NOW, THEREFORE, BE IT RESOLVED that the Chair is authorized to file with the Office of Administrative Law a Notice of Proposal as part of the Commission's Enforcement Service regulations, in substantially the form as attached in **Exhibit A**.

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

Enforcement Service

Diesel Vehicle Inspection

Proposed Amendments: N.J.A.C. 13:20-7.3, 13:46.2, 13:46.3, 13:20-46.6

Authorized By: _____

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

Authority: N.J.S.A. 39:2-3, 39:2A-28, 39:8-40

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

Proposal Number: PRN 2019-

Submit comments by _____ to:

Kate Tasch, APO
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, NJ 08666-0162
or via e-mail to: rulecomments@mvc.nj.gov

The agency proposal follows:

SUMMARY

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

The Motor Vehicle Commission (MVC or Commission) proposes amendments to the diesel vehicle inspection rules. The proposed amendments would include diesel vehicles weighing over 8,500 pounds, commonly referred to as medium duty diesel vehicles, in the MVC's roadside inspection program.

Section 13:20-7.3, Inspection facilities, is amended to include diesel powered vehicles in the categories of vehicles inspected at State Specialty Inspection Facilities, to be inspected when the diesel vehicles over 8,500 pounds have failed a roadside inspection for tampering.

Section 13:20-46.1, Definitions, is amended to include a definition of diesel powered motor vehicles, which includes vehicles over 8,500 pounds that are designed or used for construction or farming purposes. Vehicles designed or used for construction do not include construction equipment, such as road-building machinery, backhoes, front end loaders, cranes, chippers/shredders, cement mixers, and others of this type that are not titled. Applicable farming vehicles are only those registered as farm trucks, which are vehicles engaged in the transportation of farm products or farm supplies produced or raised on the owner's farm.

Section 13:20-46.3, Roadside inspections; scope; inspection procedures, is amended to include diesel powered motor vehicles in the roadside emissions inspection program.

Section 13:20-46.6, Civil Penalty; schedule, reduction of penalty, is amended to add diesel powered vehicles to heavy-duty diesel trucks and diesel buses, subjecting them to penalty if operated in violation of N.J.S.A.39:8-62. The section prescribes penalties for first and subsequent violations. The section provides for joint and several liability for owners and lessees as prescribed by N.J.S.A.39:8-63.

Section 13:20-46.6 is also amended to add a new paragraph to subject diesel powered vehicles to a re-inspection at a State Specialty Inspection Facility if any owner or lessee of such a vehicle disconnects, detaches or deactivates or in any way renders inoperable any element of the exhaust system.

The amendments make technical edits throughout, solely for style and clarity.

SOCIAL IMPACT

The proposed amendments are anticipated to have a positive social impact. Including additional diesel powered vehicles in the MVC's roadside inspection program should give the motoring public reassurance that diesel vehicles emitting smoke are being inspected.

ECONOMIC IMPACT

The economic impact on the Commission will consist of costs of the inspectors' time to inspect a new category of vehicles. Impact to the regulated category will be in the form of any penalties they will be subject to if violations are found.

FEDERAL STANDARDS

There are no Federal standards applicable to the proposed amendments, so no Federal standards analysis is required.

JOBS IMPACT

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

AGRICULTURE INDUSTRY

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

REGULATORY FLEXIBILITY ANALYSIS

The proposed amendments will not create additional recordkeeping requirements on businesses, some of which may be small businesses as defined by the Regulatory Flexibility Act, N.J.S.A.52:14B-16 et seq.

HOUSING AFFORDABILITY IMPACT ANALYSIS

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

SMART GROWTH DEVELOPMENT IMPACT ANALYSIS

It is not anticipated that the proposed amendments will have an impact on smart growth and there is an extreme unlikelihood that they would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey because they pertain to vehicle inspections.

RACIAL AND ETHNIC COMMUNITY CRIMINAL JUSTICE AND PUBLIC SAFETY IMPACT

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

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

SUBCHAPTER 7 Vehicle Inspection

13:20-7.3 Inspection facilities

- (a) (No change.)
- (b) State specialty inspection facilities shall perform inspections on motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37, motor vehicles that are operated by disabled persons and that have been modified at the direction of the New Jersey Department of Labor and Workforce Development, Division of Vocational Rehabilitation Services, so that such vehicles are fully controlled by specially designed mechanical devices for the disabled, reconstructed vehicles as defined in N.J.A.C. 13:20-44.2, salvage motor vehicles that are subject to inspection in accordance with N.J.A.C. 13:21-22, passenger vehicle transportation, collector vehicles, any motor vehicle that the Chief Administrator may require to be presented for inspection for auditing purposes, **any diesel powered motor vehicle as defined in N.J.A.C.13:20-46.1 that has failed roadside inspection for tampering**, and any motor vehicle that has failed inspection at an official inspection facility or a licensed private inspection facility that is presented for re-inspection by the owner or lessee thereof because he or she disputes the inspection failure.
- (c) - (e) (No change.)

SUBCHAPTER 46 Diesel Emission Inspection and Maintenance Program

13:20-46.1 Definitions

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

...

"Diesel powered motor vehicle" means a vehicle, whether registered in this State or elsewhere, that is self-propelled by a compression type of internal combustion engine using

diesel fuel and that (1) is designed or used for transporting persons or property on any public road, street or highway or any public or quasi-public property in this State, (2) is greater than 8,500 pounds gross vehicle weight, (3) is not a diesel bus or heavy duty diesel truck, and (4) is not a heavy duty diesel truck or other diesel powered motor vehicle owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization for first aid, emergency, ambulance, rescue, or fire-fighting purposes. Diesel powered motor vehicle shall also mean a vehicle that is designed or used for construction or farming purposes and is greater than 8,500 pounds gross vehicle weight, except that the Motor Vehicle Commission, in consultation with the Department of Environmental Protection, may exempt from the requirements of this chapter diesel powered motor vehicles that are registered as construction vehicles under Title 39 and 41 of the Revised Statutes or that are greater than 8,500 pounds gross vehicle weight and are designed or used for construction or farming purposes. Vehicles designed or used for construction do not include construction equipment, such as road-building machinery, backhoes, front end loaders, cranes, chippers/shredders, cement mixers, and others of this type that are not titled. Applicable farming vehicles are only those registered as farm trucks, which are vehicles engaged in the transportation of farm products or farm supplies produced or raised on the owner's farm.

...

"State Specialty Inspection Facility" means a test-only inspection facility that is operated by the Motor Vehicle Commission to inspect and re-inspect certain motor vehicles as defined in 13:20-7.3(d).

13:20-46.2 Diesel emission inspection requirements; exempt vehicles

(a) Except as otherwise provided in P.L. 1995, c.157 and in (b) below, heavy-duty diesel trucks, **diesel powered motor vehicles** and diesel buses (as defined in this subchapter) [which] that

are operated in New Jersey shall be subject to roadside diesel emission inspections in accordance with P.L. 1995, c.157, this subchapter and the applicable diesel emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14.

(b) (No change.)

13:20-46.3 Roadside inspections; scope; inspection procedures

(a)-(c) (No change.)

(d) The Commission shall conduct a roadside diesel emission inspection on those heavy-duty diesel trucks **and diesel powered motor vehicles** directed to the inspection area by the New Jersey State Police or other proper authority. Heavy-duty diesel trucks that are found to be in proper operating condition at a roadside diesel emission inspection shall retain the existing diesel emission inspection certificate of approval or new heavy-duty diesel truck inspection decal issued therefor, if any. If a heavy-duty diesel truck passes a roadside diesel emission inspection and such truck is due for inspection at a diesel emission inspection center pursuant to N.J.S.A. 39:8-60 et seq., within the two-month period following the calendar month of the roadside diesel emission inspection approval, such heavy-duty diesel truck may be issued a diesel emission inspection certificate of approval for the inspection cycle applicable to such truck.

(e) (No change.)

(f) The owner or lessee of a heavy-duty diesel truck, **diesel powered motor vehicle** or diesel bus registered in this State, which is subject to roadside diesel emission inspection pursuant to P.L. 1995, c.157 and fails to meet diesel emission inspection standards set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14, shall have the vehicle repaired, adjusted or corrected within 45 days in order to legally operate it in New Jersey.

(g) (No change.)

13:20-46.6 Civil penalty schedule; reduction of penalty

- (a) The owner and the lessee, if any, of a heavy-duty diesel truck, **diesel powered motor vehicle** or diesel bus operated in violation of N.J.S.A. 39:8-62 shall be jointly and severally liable for a civil penalty. For a first violation, the owner or lessee shall pay a civil penalty of \$700.00, except as otherwise provided in this section. For a second or subsequent violation, the owner or lessee shall pay a civil penalty of \$1,300, except as otherwise provided in this section.
- (b) A second or subsequent violation is one which occurs within one year of the occurrence of a previous violation of N.J.S.A. 39:8-62 committed with respect to the same heavy-duty diesel truck, **diesel powered motor vehicle** or diesel bus. This one year period shall be determined without regard to the date of the hearing that adjudicated the violation and without regard to the identity of the defendant against whom it was adjudicated.
- (c) The complaint and summons alleging a violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck, **diesel powered motor vehicle** or diesel bus shall state whether the charges pertain to a first violation or to a second or subsequent violation, but if the complaint and summons fail to allege a second or subsequent violation, the civil penalty imposed shall be that for a first violation.
- (d) The penalty for a first violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck, **diesel powered motor vehicle** or diesel bus may be reduced to \$150.00 and the penalty for a second or subsequent violation may be reduced to \$500.00 if the defendant provides a certification of the smoke opacity-related repairs **or other non-tampering emission-related repairs** to the vehicle that is satisfactory to the court and in compliance with emission standards. The certification of compliance and repairs shall consist of the following:

1. The repair order indicating the emission-related repairs performed on the vehicle, identifying the vehicle by vehicle identification number and license plate number, and signed by the person who performed the emission-related repairs;

2. Invoices documenting the purchase of parts, if any, that were installed on the vehicle to effect the emission-related repairs; and

3. If a diesel emission inspection has been performed by a licensed diesel emission inspection center on the heavy-duty diesel truck or diesel bus subsequent to the emission-related repairs performed on the vehicle, the diesel vehicle inspection report issued by the licensed diesel emission inspection center identifying the vehicle by vehicle identification number and license plate number, and confirming that the vehicle has been brought into compliance with the diesel emission standards set forth in N.J.A.C. 7:27-14.6.

(e) (No change.)

(f) A defendant who is charged with a violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck, **diesel powered motor vehicle** or diesel bus and who is permitted to waive appearance and plead guilty by mail shall also be permitted to submit the certification of emission-related repairs and compliance with emission standards by mail. If the court deems the certification to be inadequate, it shall afford the defendant the option to withdraw the guilty plea.

(g) (No change.)

(h) The operator of a heavy-duty diesel truck, **diesel powered motor vehicle** or diesel bus as herein defined who fails to comply with any direction given by an enforcement officer or who refuses to submit or resists submitting a vehicle under the operator's control for roadside inspection, or who fails to comply with any other obligation imposed upon that person as part of the roadside diesel emission inspection program shall be jointly and severally liable with the owner and the lessee, if any, of the vehicle for a civil penalty of \$ 500.00; provided, however, that the New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel

bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(i) The owner and the lessee, if any, of a heavy-duty diesel truck or diesel bus subject to periodic inspection who fails to submit such vehicle for periodic inspection or who fails to effect repairs on a vehicle that has failed periodic inspection shall be liable for a civil penalty of \$ 500.00. The New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(j) The owner and the lessee, if any, of a heavy-duty diesel truck, **diesel powered motor vehicle** or diesel bus who disconnects, detaches, deactivates, or in any way renders inoperable or less effective an element of design or the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, except temporarily for the purpose of diagnosis, repair, replacement, or maintenance, shall be liable for a civil penalty of \$ 500.00. The New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(k) **The owner and the lessee, if any, of a diesel powered motor vehicle who disconnects, detaches, deactivates, or in any way renders inoperable or less effective an element of design or exhaust system, including the emission control apparatus and exhaust after treatment apparatus, except temporarily for the purpose of diagnosis, repair, replacement, or maintenance shall be subject to re-inspection at a State Specialty Inspection facility. The Chief Administrator may suspend the registration privileges of an owner or lessee for failure to re-inspect the failed vehicle within 45 days of the occurrence of the violation.**

ITEM 1902-02: LICENSING SERVICE – DRIVER LICENSE AND REGISTRATION**BENEFITS**

The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created the New Jersey Motor Vehicle Commission (MVC), and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to MVC the duty to promulgate regulations affecting various programs, including these proposed amendments to the Licensing Service regulations. These amendments concern license and registration renewals, duplicates, interim driver licenses and non-driver identification cards and restorations.

PURPOSE

The Commission proposes amendments to the rules at N.J.A.C. 13:21-9.5 through 9.17, to expand the options for customers to transact business with the Commission without the need to travel to an agency location to do so. Specifically, amendments are proposed to clarify rules regarding registration duplicates and renewals, which are already offered online, and to expand the online options to include eligible driver license and non-driver identification card duplicates and renewals.

ACTION

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

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

FISCAL IMPACTS

The Commission will incur minimal to moderate costs relative to the Commission's operating costs, in establishing and maintaining a system to accommodate the new online options. It is anticipated that such costs will be offset by a reduction in the number of written applications that will need to be manually processed because of the availability of online options. No impact is anticipated to the public. The Commission will also incur costs associated with the additional transactions in the form of payment of fees to the New Jersey Information Division of NICUSA, Inc. (NICUSA-NJ). NICUSA-NJ is New Jersey's electronic government partner that processes payments by customers through a secure payment gateway, including payments to the Commission for online transactions.

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 Amendments proposal concerning license and registration renewals, duplicates, interim driver licenses and non-driver identification cards and restorations.

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

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

LICENSING SERVICE

License and Registration Renewals, Duplicates, Interim Driver Licenses and Non-Driver Identification Cards and Restorations

Proposed Amendments: N.J.A.C. 13:21-9.5 through 9.17

Authorized By:

B. Sue Fulton, Chair
Motor Vehicle Commission

Authority: N.J.S.A. 39:2-3, 39:2-3.8, 39:2A-28, 39:3-4, and 39:3-31

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

Proposal Number: PRN 2019-____

Submit written comments by _____ to:

Kate Tasch, APO

Regulatory and Legislative Affairs

Motor Vehicle Commission

225 East State Street

PO Box 162

Trenton, New Jersey 08666-0162

Or via e-mail to rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

The Motor Vehicle Commission (Commission) proposes the following amendments to the rules at N.J.A.C. 13:21-9.5 through 9.17, expanding the options for customers to transact business with the Commission without the need to travel to an agency location to do so. Specifically, amendments are proposed to clarify rules regarding registration duplicates and renewals, which are already offered online, and to expand the online options to include driver license and non-driver identification card duplicates and renewals. Interim documents, which are defined in the proposed amendments, will be made available to applicants for use during the period between their application for new licenses, non-driver identification cards, or registration certificates, and their receipt thereof. The proposed amendments will provide additional convenience to New Jersey residents by offering these new credentials online, which in turn is expected to aid in the reduction of in-agency transactions and proportionally reduce foot traffic in the agency offices. N.J.S.A. 39:2-3.8, expressly authorizes the Commission to permit the submission of documents and information in electronic and digital form and to permit transactions between the Commission and its customers to be submitted through the Internet, notwithstanding any statutory, regulatory, or other requirement that applications be signed, certified, verified, or witnessed, or which otherwise explicitly or implicitly requires the preparation or submission of such documents on paper or in written form. N.J.S.A. 39:2-3.8 expressly provides that the Chief Administrator cannot mandate the use of either a digital or electronic submission by individuals, and the Commission is not eliminating paper submissions; rather it wishes to provide its customers with a broader range of options and greater convenience. The existing online registration renewal and

duplicate processes are clarified in the proposed amendments, and online options are expanded to include obtaining duplicates of and renewing driver licenses and non-driver identification cards online. These proposed amendments are intended to facilitate the implementation of these online services.

N.J.A.C. 13:21-9.5 is proposed for amendment to add definitions and amend existing definitions pertinent to the amended rules and the interim documents to be made available to online applicants. Specifically "applicant" is amended and expanded to include applicants for driver licenses and non-driver identification cards in addition to registrations; "interim driver license class D, E, F, G, boat" is amended and limited to D, E, F, G and boat as the classes of licenses for which the interim document will be offered; and "non-driver identification card receipt" is amended to reflect the new name for the interim non-driver identification document. New definitions are also proposed as follows: "interim commercial driver license class A, B, C" is added to define the interim document for the identified commercial driver licenses; "interim commercial learner permit" is added to define the interim document for commercial learner permits; "interim registration" is added to define the new document for interim registrations; and "personal information" and "vehicle" are amended for grammatical clarification only.

N.J.A.C. 13:21-9.6 is proposed for amendment to clarify which registrations are eligible for online transactions and which are not. Additionally, it delineates the information necessary for completion of online registration transactions. The limitation on the number of online duplicate registrations is clarified, additional classifications of registrations are identified as both eligible and ineligible for the online processes, and identification of documents and information required to complete online transactions are specified,

including a valid Social Security number, license plate number, email address and insurance information.

N.J.A.C. 13:21-9.7 is proposed for amendment to address the application for renewal or duplicate driver licenses online. Specifically, the proposal clarifies which driver licenses are eligible for online renewals and duplicates and which are not. Additionally, it delineates the information necessary for completion of online driver license transactions. In addition, it is made clear that the Commission may reject any application for a driver license transaction online, and require an appearance at an agency, if the Commission has information that the licensee has misrepresented eligibility in any manner. The option to obtain an online duplicate driver license is limited to one in a single day and two in a four-year cycle. In addition, the proposal clarifies that obtaining a duplicate driver license after a licensee's 21st birthday will not remove the vertical, probationary license details on the license, and will not upgrade the probationary license to a standard license.

N.J.A.C. 13:21-9.8 is proposed for amendment to address the application for renewal or duplicate non-driver identification cards online. Specifically, the proposal clarifies which non-driver identification cards are ineligible for online renewals and what information will be necessary to complete online non-driver identification card transactions. In addition, the proposal clarifies that the Commission may reject any application for a non-driver identification card transaction online, and require an appearance at an agency, if the Commission has information that the card-holder has misrepresented eligibility in any manner. As with driver licenses, the option to obtain an online duplicate non-driver identification card is limited to one in a single day and two in a four-year cycle.

N.J.A.C. 13:21-9.9 is a recodification of 13:21-9.7, with proposed amendments including that applicants for duplicate driver licenses and non-driver identification cards online must also certify or state that the original document they are seeking to replace has been destroyed, lost, or stolen.

N.J.A.C. 13:21-9.10 is a recodification of 13:21-9.8 without proposed amendment.

N.J.A.C. 13:21-9.11 is a recodification of 13:21-9.9, with proposed amendments to include registration duplicates and both renewals and duplicate driver licenses and non-driver identification cards to the transactions enumerated as requiring verification of a current mailing address.

N.J.A.C. 13:21-9.12 is a recodification of 13:21-9.10, with proposed amendments to include driver licenses and non-driver identification cards to the transactions enumerated as requiring disclosure of an applicant's full Social Security number for completion of a transaction. Disclosure of the applicant's social security number is required by N.J.A.C. 13:21-1.3.

N.J.A.C. 13:21-9.14 is a recodification of 13:21-9.11, with proposed amendments to include driver licenses and non-driver identification cards, and the proposal clarifies that an applicant who cannot or will not fully supply or who will not acknowledge or certify, when required, the accuracy of any information supplied, shall not be able to renew or obtain a duplicate online.

N.J.A.C. 13:21-9.15 is a recodification of 13:21-9.12, with proposed amendments that include clarification that an interim registration will be made available to applicants for renewals or duplicates of driver licenses and non-driver identification cards.

N.J.A.C. 13:21-9.16 is a recodification of 13:21-9.14, with the proposed amendment to include driver licenses and non-driver identification cards in the enumerated transactions subject to optional applicant surveys.

N.J.A.C. 13:21-9.17 is a recodification of 13:21-9.15 without proposed amendment.

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

Social Impact

The proposed amendments are beneficial to the public in that they expand the Commission's online services to include a wider range of options to customers who might prefer to obtain duplicates of or renew their eligible driver licenses and non-driver identification cards from the comfort of their own homes or elsewhere, without the necessity of visiting an agency to complete their transactions. The proposed interim documents are made available to the applicant for printing at the end of each renewal or duplicate transaction and provide the added benefit of immediate access to interim documents. It is expected that the implementation of these additional online options will decrease the foot traffic in the Commission's agency locations throughout the State, thereby also proportionately reducing the wait times experienced by customers at those agency locations. It is also anticipated that any associated costs to the Commission will be offset by the enhanced convenience offered to the public.

Economic Impact

The Commission will incur minimal to moderate costs relative to the Commission's operating costs, in establishing and maintaining a system to accommodate the new online options. It is anticipated that such costs will be offset by a reduction in the number of written applications that will need to be manually processed because of the availability of online options. To the degree that the changes reduce the need to drive to a Motor Vehicle Agency, it should save some members of the public the cost of gasoline and mileage on their cars.

The Commission will also incur costs associated with the additional transactions in the form of payment of fees to the New Jersey Information Division of NICUSA, Inc. (NICUSA-NJ). NICUSA-NJ is New Jersey's electronic government partner that processes payments by customers through a secure payment gateway, including payments to the Commission for online transactions. The new interim documents, which are made available to applicants to print at home should not have any significant economic impact on the Commission.

Federal Standards Statement

A Federal standards analysis is not required because the subject matter of the proposed amendments is authorized under State law and is not subject to Federal requirements or standards.

Jobs Impact

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

Agriculture Industry Impact

The Commission does not anticipate that these proposed amendments will have any agriculture industry impact in this State.

Regulatory Flexibility Statement

The proposed amendments do not impose reporting, recordkeeping or other compliance requirements on small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments only pertain to individuals, not small businesses. Therefore, a regulatory flexibility analysis is not required.

Housing Affordability Impact Analysis

The proposed amendments will not have any impact on affordable housing in New Jersey, and the proposed amendments will not evoke a change in the average costs associated with housing because the proposed amendments pertain solely to electronic registration, driver license and non-driver identification card duplicates and renewals and interim credentials.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on smart growth and will not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because

the proposed amendments pertain solely to electronic registration, driver license and non-driver identification card duplicates and renewals and interim credentials.

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 proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 9 LICENSE AND REGISTRATION RENEWALS, DUPLICATES,
INTERIM DRIVER LICENSES AND NON-DRIVER IDENTIFICATION CARDS AND
RESTORATIONS

13:21-9.5 Definitions

As used in N.J.A.C. 13:21-9.5 through 9.16, the following words and terms shall have the following meanings:

"Applicant" means an individual who chooses to renew or obtain a duplicate of a vehicle registration, **driver license, or non-driver identification card** online through the Internet.

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

"Individual" means a natural person.

"Interim commercial driver license class A, B, C" means an interim document issued by the Commission that allows the holder to operate a class A, B, or C commercial vehicle, as defined at N.J.A.C. 13:21-8.22(a), until the holder receives his or her permanent commercial driver license by mail or until the license expires, unless the holder's driving privileges are suspended, cancelled, or revoked. An interim commercial driver license class A, B, C shall not be valid for more than 30 days, unless extended by the Chief Administrator for good cause.

"Interim commercial learner permit" means an interim document issued by the Commission that allows the holder to operate as a commercial vehicle learner until the holder receives his or her permanent commercial learner permit by mail or until the card expires, and unless the holder's driving privileges are suspended, cancelled, or revoked. An interim commercial learner permit shall not be valid for more than 30 days, unless extended by the Chief Administrator for good cause.

"Interim driver license class D, E, F, G, boat" means an interim [or temporary] document issued by the Commission that [, which] allows the holder to operate a class D, E, F and G [non-commercial] vehicle or a boat, as defined at N.J.A.C. 13:21-8.22(a), until the holder receives his or her permanent driver license by mail or until the card expires, and

unless the holder's [driving] **operating** privileges are suspended, cancelled, or revoked. An interim driver license **class D, E, F, G, boat** shall not be valid for more than 30 days[.], **unless extended by the Chief Administrator for good cause.**

"Interim registration" means an interim document issued by the Commission that shall serve as valid proof of vehicle registration only, until the holder receives his or her permanent registration by mail or until the document expires. An interim registration shall not be valid for more than 30 days.

"[Interim n]Non-driver identification card **receipt**" means a[n interim or temporary] document **indicating payment for a renewal or duplicate non-driver identification card** issued by the Commission.[, which the holder may use for identification purposes until the holder receives his or her permanent non-driver identification card by mail or until t]The [card] **receipt is valid until the expiration date** [expires and] unless the holder's right to a[n] **non-driver** identification card is suspended, cancelled, or revoked. A[n interim n] **non-driver identification card receipt** shall not be valid for more than 30 days, **unless extended by the Chief Administrator for good cause.**

"Personal information" means information that identifies an individual, including an individual's photograph,[;] Social Security number,[;] driver identification number,[;] name,[;] address other than the five-digit zip code,[;] telephone number,[;] and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status.

"Registration" means a vehicle registration certificate.

"Transaction" means an authorized and completed electronic or digital exchange conducted between an individual and the Commission by use of a point-and-click menu through a web browser online over the Internet, for purposes of renewing or obtaining a duplicate of the registration of a vehicle.

"Vehicle" means a private passenger automobile[s], motorcycle[s], private utility trailer[s], house-type semi-trailer[s], house-type trailer[s], and non-commercial vessel[s].

13:21-9.6 Application for renewal or duplicate of vehicle registration in electronic or digital form, eligibility

(a) An application for renewal of a vehicle registration or duplicate of a vehicle registration may be submitted to, and processed by, the Commission in electronic or digital form through the use of a point-and-click menu through a web browser over the Internet, but only in the manner specifically provided for in N.J.A.C. 13:21-9.5 through 9.[16]17, and authorized by N.J.S.A. 39:2-3.8.

(b) Application for registration renewal or a registration duplicate must be made in the manner and form provided by the Commission and accompanied by the applicable fee.

(c) **Only the primary owner of the vehicle can obtain an online duplicate registration, and only four family duplicates and five duplicates per transaction will be issued.** A registration holder is only eligible to obtain a duplicate of their registration by online, electronic, and/or digital means if:

1. The original registration certificate was destroyed, lost, or stolen, and in conjunction therewith, the holder provides a certification in his or her application stating that his or her original was destroyed, lost, or stolen; or

2. The holder of an original registration certificate requires a duplicate registration certificate for use by members of his or her family, and in conjunction therewith, the holder presents a statement to the Commission to the effect that he or she requires a duplicate registration certificate for use by members of his or her family.

(d) The following registrations are eligible for online, electronic, and/or digital registration duplicates:

1. Passenger vehicle registrations;
2. Boat registrations;
3. Motorcycle **and autocycle** registrations; and
4. Trailers under 55,000 pounds.

(e) The following registrations are ineligible for online, electronic, and/or digital duplicate registrations:

1. Leased vehicles;
2. [Cancelled registrations;
- 3.] Surrendered registration[s] **plates**;
- [4.]**3.** Expired registrations;
- [5.]**4.** Suspended registrations;
- [6.]**5.** Registrations where [license]**registration** plates are marked as lost or stolen;
- [7.]**6.** Commercial registrations; [and]
- [8.]**7.** No-fee plate registrations[.];

8. Registrations on which an address change has been made within 14 business days before or after the date of the duplicate registration transaction; and

9. Registrations in the name of deceased persons.

(f) The following information is required to complete an online duplicate registration transaction:

1. A valid Social Security number;

2. A valid license plate number;

3. A valid electronic mail address; and

4. Valid insurance information for the vehicle, including the name of the insurance company and policy number.

([f]g) The Commission may reject any application for the renewal or a duplicate of a registration, and may require a personal appearance at an agency, if the Commission has information that the registration holder has misrepresented eligibility for registration in any manner.

13:21-9.7 Application for renewal or duplicate of driver license in electronic or digital form, eligibility

(a) An application for renewal or a duplicate of a driver license may be submitted to, and processed by, the Commission in electronic or digital form through the use of a point-and-click menu through a web browser over the Internet, but only in the manner specifically provided for in N.J.A.C. 13:21-9.5 through 9.17, and authorized by N.J.S.A. 39:2-3.8. A licensee is prohibited from making an online address change for 30 calendar days from the date of an online license renewal. An

applicant for an online duplicate driver license must certify that the original driver license for which a replacement is sought, has been destroyed, lost or stolen.

(b) Application for renewal or a duplicate of a driver license must be made in the manner and form provided by the Commission and accompanied by the applicable fee.

(c) The following driver licenses are eligible for online, electronic, and/or digital renewal:

1. A basic and probationary driver license;
2. A motorcycle license;
3. A moped license;
4. A boat license; and
5. A REAL ID driver license within the classes set forth above.

(d) The following driver licenses are ineligible for online, electronic, and/or digital renewal:

1. An examination permit, special learner permit, commercial learner permit, and graduated driver license;
2. A commercial driver license classifications A, B and C;
3. An agricultural license;
4. A temporary license;
5. Any license on which an address has been changed within the last 30 calendar days;

6. A suspended driver license;
7. A standard driver license that has been expired for more than three years or an expired REAL ID driver license;
8. A cancelled driver license;
9. A driver license where the licensee has died since the issuance of the original license;
10. A driver license with a temporary visa restriction;
11. A driver license where the licensee has an ignition interlock requirement;
12. A driver license that is not within three months of the expiration date; and
13. A driver license where the record does not contain a valid Social Security number.

(e) In addition to (d), a licensee is ineligible for online, electronic, and/or digital renewal in the following circumstances:

1. A licensee has a driver license or non-driver identification card from any other state, province, territory or country;
2. A licensee's driving privilege is suspended in any other state, province, territory or country; or
3. A licensee is over six months behind in child support and/or court ordered health care payments, is subject to a child support warrant, or is in violation of a subpoena relating to a paternity or child support action.

(f) The following information is required to complete an online driver license renewal transaction:

1. A renewal form received by the licensee by mail;
2. A valid Social Security number;
3. A valid driver license number; and
4. A valid electronic mail address.

(g) The following driver licenses are eligible for an online, electronic, and/or digital duplicate:

1. A commercial driver license classifications A, B and C;
2. A basic and probationary driver license;
3. A motorcycle license;
4. A moped license;
5. An agricultural license;
6. A boat license; and
7. A REAL ID driver license within the classes set forth above.

(h) The following driver licenses are ineligible for an online, electronic, and/or digital duplicate:

1. An examination permit, special learner permit and commercial learner permit;
2. Any license on which an address has been changed within the last 30 calendar days;

3. A suspended driver license;
4. A standard driver license that has been expired for more than three years or an expired REAL ID license;
5. A cancelled driver license;
6. A driver license where the licensee has died since the issuance of the original license;
7. A driver license with a temporary visa restriction;
8. A driver license where the licensee has an ignition interlock requirement;
9. A driver license where the record does not reflect a valid facial recognition status; and
10. A driver license that is more than 90 days prior to expiration.

(i) In addition to (h), a licensee is ineligible to obtain an online, electronic, and/or digital duplicate in the following circumstances:

1. A licensee has a driver license or non-driver identification card from any other state, province, territory or country;
2. A licensee's driving privilege is suspended in any other state, province, territory or country; or
3. A licensee is over six months behind in child support and/or court ordered health care payments, is subject to a child support warrant, or is in violation of a subpoena relating to a paternity or child support action.

(j) The following information is required to complete an online duplicate transaction:

- 1. A valid Social Security number;**
- 2. A valid driver license number; and**
- 3. A valid electronic mail address.**

(k) The Commission may reject any application for the renewal or a duplicate of a driver license, and may require a personal appearance at an agency, if the Commission has information that the licensee has misrepresented eligibility for a driver license in any manner. A licensee may only apply for one online duplicate transaction in a single day, and only two online duplicate driver licenses per single four-year cycle will be issued. Address changes shall be prohibited for 14 days after an online duplicate driver license transaction. Obtaining a duplicate driver license after a licensee's 21st birthday will not remove the vertical, probationary license details on the license, and will not upgrade the probationary license to a standard license.

13:21-9.8 Application for renewal or duplicate of non-driver identification card in electronic or digital form, eligibility

(a) An application for renewal or duplicate of a non-driver identification card may be submitted to, and processed by, the Commission in electronic or digital form through the use of a point-and-click menu through a web browser over the Internet, but only in the manner specifically provided for in N.J.A.C. 13:21-9.5 through 9.17, and authorized by N.J.S.A. 39:2-3.8. An applicant is prohibited from making an

online address change for 30 calendar days after the date of an online non-driver identification card renewal or duplicate. An applicant for an online duplicate non-driver identification card must certify that the original non-driver identification card for which a replacement is sought has been destroyed, lost or stolen.

(b) Application for renewal or a duplicate of a non-driver identification card must be made in the manner and form provided by the Commission and accompanied by the applicable fee.

(c) The following non-driver identification cards are ineligible for online, electronic, and/or digital renewal:

1. A non-driver identification card receipt;
2. A non-driver identification card scheduled for suspension;
3. A standard non-driver identification card that has been expired for more than three years or an expired REAL ID non-driver identification card;
4. A non-driver identification card where the card holder has died since the issuance of the original non-driver identification card;
5. A non-driver identification card with a temporary visa restriction;
6. A non-driver identification card that is not within three months of the expiration date;
7. A non-driver identification card where the record does not contain a valid facial recognition status; and

8. A non-driver identification card where the record does not contain a valid Social Security number.

(d) The following information is required to complete an online non-driver identification card renewal transaction:

- 1. A renewal form received by the card-holder by mail;**
- 2. A valid Social Security number; and**
- 3. A valid electronic mail address.**

(e) The following non-driver identification cards are ineligible for online, electronic, and/or digital duplicates:

- 1. A non-driver identification card receipt;**
- 2. A non-driver identification card scheduled for suspension;**
- 3. A standard non-driver identification card that has been expired for more than three years or an expired REAL ID non-driver identification card;**
- 4. A cancelled non-driver identification card;**
- 5. A non-driver identification card where the card-holder has died since the issuance of the original non-driver identification card;**
- 6. A non-driver identification card with a temporary visa restriction;**
- 7. A non-driver identification card that is not within three months of the expiration date;**
- 8. A non-driver identification card where the record does not reflect a valid facial recognition status; and**

9. A non-driver identification card where the record does not contain a valid Social Security number.

(f) The following information is required to complete an online non-driver identification card duplicate transaction:

1. A valid Social Security number; and

2. A valid electronic mail address.

(g) The Commission may reject any application for the renewal or a duplicate of a non-driver identification card, and may require a personal appearance at an agency, if the Commission has information that the applicant has misrepresented eligibility for a non-driver identification card in any manner. An applicant for a duplicate or renewal of a non-driver identification card is prohibited from making an online address change for 30 calendar days before the date of an online renewal or duplicate. Address changes shall be prohibited for 14 days after an online duplicate non-driver identification card transaction. Only one online duplicate transaction may be completed by an applicant in a single day, and only two online duplicate non-driver identification cards per a single four-year cycle will be issued.

13:21-[9.7]9.9 Content of application; signature; false entry

(a) An applicant shall supply all information requested by the Commission during the electronic renewal and duplicate process. As authorized by N.J.S.A. 39:2-3.8, the signature of an applicant shall be deemed affixed to all information submitted electronically. In addition, upon application for a duplicate registration, **driver license or non-driver identification card**, the applicant must certify that the original document they

are seeking to replace has been destroyed, lost, or stolen, or alternately that the holder requires a duplicate registration certificate for use by members of his or her family.

(b) The system utilized by the Commission shall include adequate provision for verification, certification, witnessing or other formal requirements that must be met with respect to documents or other information permitted by the Chief Administrator to be submitted in electronic or digital form. The system utilized by the Commission shall also include safeguards deemed necessary by the Chief Administrator to protect the privacy and prevent the improper access to and disclosure of any personal information that may be transmitted in an electronic or digital form or processed electronically.

(c) An applicant is subject to punishment, in accordance with N.J.S.A. 2C:28-7 and/or 39:3-37, for knowingly making a false entry in the record, or otherwise supplying false or misleading information.

(d) The electronic or digital application for a duplicate registration, **driver license or non-driver identification card, and renewal of a registration, driver license or non-driver identification card**, shall require online authentication and shall also include, at a minimum, the following:

1. A certification that the original duplicate vehicle registration, **driver license or non-driver identification card** has been destroyed, lost, or stolen, or **in the case of a duplicate registration, as applicable**, a statement to the Commission that the registration holder requires a duplicate registration certificate for use by members of his or her family; and
2. The applicant's certification that the statements made in the application are correct.

13:21-[9.8]9.10 Identification of insurance carrier and policy number

An applicant shall verify or provide the name of the applicant's current vehicle insurance carrier and the full policy number of the vehicle insurance policy as part of the registration renewal or duplicate process.

13:21-[9.9]9.11 Verification of current mailing address

An applicant who chooses to renew **and/or obtain a duplicate** vehicle registration, **driver license or non-driver identification card** [or obtain a duplicate registration] electronically through the [i]Internet shall verify or provide the applicant's address as part of the registration, renewal **and/or duplicate application** process.

13:21-[9.10]9.12

Submission of [s]Social [s]Security number

An applicant shall enter the applicant's full Social Security number as part of the registration, **driver license and non-driver identification card** renewal **and/or duplicate application** process. Disclosure of the applicant's Social Security number is mandatory under N.J.A.C. 13:21-1.3 [and may be used only for the purposes contained in N.J.A.C. 13:21-1.4.]

13:21-[9.11]9.14 Inability or refusal to provide all information requested

An applicant who cannot or will not fully provide required information or an applicant who will not acknowledge or certify, when required, the accuracy of information provided, shall not be able to renew or obtain duplicates of his or her vehicle registration, **driver license or non-driver identification card** through the [i]Internet.

13:21-[9.12]9.15 [Automatic e]Extension of prior registration for timely renewal [by mail or] through the [i]Internet; interim duplicate registration; and interim driver license and non-driver identification card **receipt**

(a) An applicant who has accurately and timely completed a registration renewal process through the Internet, but who does not receive a renewed registration document from the Commission before the date on which the applicant's prior registration document expires, shall be [automatically granted an extension of the prior registration document] **issued an interim registration** by the Chief Administrator, in accordance with the provisions of N.J.S.A. 39:3-4 and 39:2-3. The [automatic extension of the prior registration document] **interim registration** shall [terminate] **expire** upon receipt by the applicant of the renewed registration document or the passage of **30 days** [three weeks] from the original expiration date, whichever is earlier, unless the Chief Administrator expressly determines otherwise.

(b) [An individual who has accurately and timely completed a registration renewal process by mail, but who does not receive a renewed registration document from the Commission before the date on which the individual's prior registration document expires, shall be automatically granted an extension of the prior registration document by the Chief Administrator, in accordance with the provisions of N.J.S.A. 39:3-4 and 39:2-3. The automatic extension of the prior registration document shall terminate upon receipt by the individual of the renewed registration document or the passage of three weeks from the original expiration date, whichever is earlier, unless the Chief Administrator expressly determines otherwise. (c)] Upon successful completion of an online duplicate registration transaction, a[n] **printable receipt and** interim [duplicate] registration will be made

available to the applicant[,] and will also be sent to the applicant by encrypted **electronic mail**. [which may be printed by the applicant.] The **receipt and interim registration** is valid for [14] **30** days from the date of the online electronic transaction and shall contain, at a minimum, an expiration date, [along with the applicable vehicle information] **the owner's name and co-owner's name, if applicable, an address, the year, type and make of the vehicle, the vehicle identification number, the vehicle registration plate number, and the date, time and confirmation number of the transaction.** The receipt and interim registration is valid as proof of vehicle registration only, and it expires on the date shown on the document, unless extended. The receipt and interim registration shall not be used to transfer vehicle ownership or to request a duplicate certificate of ownership.

(c) Upon successful completion of an online renewal of a driver license, a printable interim driver license will be made available to the licensee, and will also be sent to the licensee by encrypted electronic mail. The interim driver license is valid for **30** calendar days from the date of the online electronic transaction. The interim license shall contain, at a minimum, issuance and expiration dates, transaction identification and type, the licensee's full name, address, date of birth, and driver license number and class, endorsements and restrictions, organ donor status if the licensee is an organ donor, a signature line for the licensee to sign the interim license, and a barcode. An interim driver license cannot be used for identification purposes. The printable interim driver license must be signed and carried with the driver's most recent driver license issued by the Commission, unless the printable interim driver license is marked "initial" or "duplicate". An interim driver license

shall serve as documentation of interim driving privileges. A licensee is permitted to drive a motor vehicle of the class for which he or she is licensed, when the interim license is in his or her possession and unexpired.

(d) Upon successful completion of an online renewal of a non-driver identification card, a printable non-driver identification card receipt will be made available to the applicant and will also be sent to the applicant by encrypted electronic mail. A non-driver identification card receipt may not be used for identification purposes. The non-driver identification card receipt shall contain, at a minimum, the card-holder's full name, address, date of birth, and identification card number, transaction identification, and organ donor status if the card-holder is an organ donor.

(e) Upon successful completion of an online duplicate driver license transaction, a printable interim driver license for class D, E, F, G and boat licenses, or a printable interim commercial driver license for class A, B, and C licenses, will be made available to the applicant, and will also be sent to the applicant by encrypted electronic mail. The printable interim driver license or interim commercial driver license is valid for 30 days from the date of the online electronic transaction and shall contain, at a minimum, a barcode with an expiration date, the transaction identification and type, a signature line for the driver where the driver must sign, the applicant's license class, the applicant's full name and driver license number, the applicant's date of birth and mailing address, the date of issuance, any applicable endorsements and restrictions, and applicant's organ donor status if applicant is an organ donor. An interim driver license and interim commercial driver license cannot be used for identification purposes. The printable interim

driver license or interim commercial driver license must be signed and carried with the driver's most recent driver license issued by the Commission, unless the printable interim driver license or interim commercial driver license is marked "initial" or "duplicate". An interim driver license and interim commercial driver license shall serve as documentation of interim driving privileges. A licensee is permitted to drive a motor vehicle of the class for which he or she is licensed, when the interim driver license or interim commercial driver license is in his or her possession and unexpired.

(f) Upon successful completion of an online duplicate non-driver identification card transaction, a printable non-driver identification card receipt will be made available to the applicant, and will also be sent to the applicant by encrypted electronic mail. The non-driver identification card receipt may not be used for identification purposes. The non-driver identification card receipt shall contain the transaction identification, the applicant's full name, address, date of birth, identification number, and applicant's organ donor status if the applicant is an organ donor.

[(d) If the Commission determines that central issuance of driver licenses and non-driver identification cards shall be expanded in the State of New Jersey, an interim driver license or interim non-driver identification card may be issued by the Commission at such time that an applicant has met all the requirements for the issuance of a driver license or a non-driver identification card in accordance with N.J.S.A. 39:3-10 et seq., and 39:3-29.2 et seq., and N.J.A.C. 13:21-8. The interim driver license shall permit the applicant, while the interim driver license is in his or her possession, to drive a motor vehicle. The interim

driver license shall indicate the class of license granted and any endorsements granted. No interim driver license shall be issued for a commercial driver license or a commercial license permit. The Commission may issue an interim driver license or interim non-driver identification card, which shall be valid for a period of time not to exceed 30 days. The interim driver license or interim non-driver identification card shall become invalid when:

1. The replacement driver license or non-driver identification card is received in the mail;
2. Driving privileges or rights to a non-driver identification card are suspended, cancelled, or revoked; or
3. The interim driver license or interim non-driver identification card expires, if not already invalidated pursuant to (d)1 and 2 above.]

13:21-[9.14]9.16 Applicant survey

The Commission may, either directly or through a consultant or a contractor, survey applicants to ascertain from them their opinions, observations, or recommendations regarding the process of renewing or duplicating registrations, **driver licenses and non-driver identification cards** through the Internet. Although these surveys will be conducted in conjunction with actual transactions, an applicant need not participate in the survey in order to conduct the transaction. Participation in such a survey will be solely at the option of an applicant, and survey results shall contain no personal information, unless expressly authorized by the applicant.

3:21-[9.15]9.17 Non-waiver of privacy protections

The protections from unauthorized access to or disclosure of personal information specified in N.J.A.C. 13:21-9.5 through 9.16 are not intended to be construed so as to waive, qualify, limit or otherwise restrict any other protections arising out of any law, rule or regulation that are available to any individual renewing or duplicating a vehicle registration or renewing or duplicating a driver license or non-driver identification card.

ITEM 1902-03: ZONE OF RATE FREEDOM (ZORF) 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, 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. 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 continued it.

PURPOSE

The effect of this proposed rule for ZORF for 2019 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. The authority for private bus companies to make these adjustments is found at P.L. 1983, c.517. Of over 100 such companies, typically up to five exercise that freedom annually and notify MVC, which confirms any adjustment is within the ZORF. The attached proposal for 2019 has a 10% increase and 10% decrease zone.

ACTION

Approval of this item will authorize the Chair to file the 2019 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 2019) or decrease (10 percent for 2019), upgraded to the nearest \$.05."

MVC Board Chair and Chief Administrator Sue Fulton has adopted a policy that proposed rules are to be provided by the New Jersey Motor Vehicle Commission as a courtesy to inform the public about pending rules. This version is not the official text of the proposal and may differ from the official published text. The official text of the proposal is published in the New Jersey Register. 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 statutory duty. 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 rounded to the nearest \$.05 as permitted.

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, assigns to the Motor Vehicle Commission the duty to implement the Zone Of Rate Freedom (ZORF) 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) 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 Chair is authorized to file with the Office of Administrative Law a notice of the proposal of the Zone of Rate Freedom regulation for 2019, in substantially the form as attached in **Exhibit A**.

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

REGULATORY AFFAIRS (COMMERCIAL PASSENGER TRANSPORTATION)

Zone of Rate Freedom

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

Authorized By:

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

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

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

Proposal Number:

Submit written comments by _____, 2019 to:

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

The agency proposal follows:

Summary

The Motor Vehicle Commission (hereinafter "the Commission") proposes to amend the provisions of N.J.A.C. 16:53D, Zone of Rate Freedom.

The Commission is statutorily obligated to establish for each calendar year a Zone of Rate Freedom (ZORF) for regular route private autobus carriers providing service within the State. See N.J.S.A. 48:4-2.21, as amended by P.L. 2003, c. 13, s.98. See also N.J.S.A. 48:4-2.20 through 2.25. The ZORF is the maximum permitted percentage increase adjustment and the maximum permitted percentage decrease adjustment that a private autobus carrier may make to its rate, fare or charge for intrastate regular route service without first having to petition the Commission for approval. The maximum ZORF percentage amounts for increases and decreases take into account the varying fares currently charged by intrastate regular route private autobus operators. In accordance with N.J.S.A. 48:4-2.21, relevant factors that must be considered by the Commission in setting the ZORF percentages include, but are not limited to, the availability of alternative means of transportation; fluctuations in operational bus costs; and rates, fares, and charges existing in the bus industry and in other related transportation services, as well as the interests of the users of bus service in this State.

As long as the autobus carrier's fare adjustments remain within the designated ZORF percentage range, the carrier need only give notice to the Commission and the bus-riding public of the rate, fare, or charge adjustment. However, should a regular route private autobus carrier need a percentage fare

adjustment greater than that allowed by the ZORF, the carrier will be required to comply with the petitioning procedures set forth in N.J.S.A. 48:2-21 and 48:2-21.1.

The ZORF percentage limitations set forth in N.J.A.C. 16:53D-1.1 apply only to regular route private autobus carriers. N.J.S.A. 48:4-2.25 authorizes the Commission to exempt rates, fares and charges for regular route in the nature of special (casino bus operations), charter, and special autobus operations from this regulation, so long as carriers engaged in such operations file annual tariffs with the Commission.

N.J.A.C. 16:53D-1.1 consists of general provisions and standards that regular route private autobus carriers must follow, and specifies the maximum ZORF percentages for rate, fare, or charge increases and decreases for the calendar year and exempts student, senior, transfer, interline and other unique rates, fares or charges for a regular route from the requirements of this chapter provided they remain less than the current or adjusted regular route fare applicable to the route.

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

Social Impact

The proposed amendments have a positive social impact in that they enable private autobus carriers to increase or decrease regular route fares marginally within established limits without having to undertake costly and time-consuming

formal administrative proceedings. Since the ZORF fare adjustment mechanism allows autobus carriers to effectuate minor changes to their regular route fares without the necessity of making a complex, formal tariff filing with the Commission, the ZORF fare adjustment procedures result in cost and time savings for both the regulated industry and the Commission. The ZORF-controlled fare increases also encourage autobus carriers to invest in new buses and in the servicing and maintenance of their existing fleet of buses, while at the same time protecting the public from unreasonable fare increases. The ZORF percentage limit for fare decreases discourages predatory fare-reducing tactics designed to reduce or eliminate competition. In sum, the ZORF fare adjustment mechanism has a positive impact upon the autobus industry and the Commission while also benefiting the public interest.

Economic Impact

The proposed amendments offer privately owned autobus companies a measure of flexibility in effectuating marginal adjustments to their regular route fares. Such companies can avoid the rate increase petition process set forth in N.J.S.A. 48:2-21 and 48:2-21.1, which is costly and time consuming, provided the fare adjustment that is sought remains within the percentage limits set forth in the ZORF rules. Although the ZORF provides a mechanism for regular route private autobus carriers to increase rates, fares, or charges, any adverse impact of such fare increases upon the public will be mitigated by the percentage limitations set forth in N.J.A.C. 16:53D-1.1. The ZORF percentage limitations are intended to

ensure that only reasonable rate, fare, or charge increases will occur. The exemption of charter, casino, and special bus operations from the ZORF rules will have no adverse economic impact on the public because the competitive nature of these markets due in large part to their elastic demand, protects consumers from unreasonable rate, fare, or charge adjustments.

Federal Standards Statement

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

Jobs Impact

Although the ZORF rules could theoretically have an impact upon the jobs of private autobus carrier employees and the bus-riding public, no specific number of jobs generated or lost as a result of these rules can be calculated. With limits on fare increases, private autobus carriers could conceivably adjust their employee levels to address financial constraints. Similarly, the ability of commuters to travel to their job sites could be affected by any changes made by such autobus carriers in bus routes or service to certain areas caused by shifts in employee staffing levels. However, it should be noted that rate change protection for both autobus carriers and commuters exists in other statutes and regulations that govern rate changes outside the ZORF limits.

(a) Any regular route autobus carrier operating within the State, which carrier 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, Tariff filings that do not propose increases in charges to customers, or N.J.A.C. 16:51-3.11, Tariff petitions that propose increases in charges to customers, 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 [2018] **2019**) or decrease (10 percent for [2018] **2019**), upgraded to the nearest \$.05.

1. For illustrative purposes, the following chart sets forth the [2018] **2019** percentage maximum for increases to particular rates, fares or charges and the resultant amount as upgraded to the nearest \$.05:

<u>Present Fare</u>	<u>Percent of Increase</u>	<u>Increase Upgraded</u> <u>To Nearest \$.05</u>
\$ 2.00 or less	10.0%	\$.20
\$ 2.05-\$ 2.50	10.0%	\$.25
\$ 2.55 upward	10.0%	\$.30+

2. For illustrative purposes, the following chart sets forth the [2018] **2019** percentage maximum for decreases to particular rates, fares or charges and the resultant amount as upgraded to the nearest \$.05:

<u>Present Fare</u>	<u>Percent of</u>	<u>Decrease Upgraded</u>
	<u>Decrease</u>	<u>To Nearest \$.05</u>
\$.50 or less	10%	\$.05
\$.55 to \$ 1.00	10%	\$.10
\$ 1.05 upward	10%	\$.15+

3. Except as may be provided in the Certificate of Public Convenience and Necessity, changes to student, senior, transfer, interline and other unique rates, fares or charges for a regular route shall not be subject to the requirements of this chapter, provided they remain less than the current or adjusted regular route fare applicable to the route.



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

STATE OF NEW JERSEY

Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

B. Sue Fulton
Chair and Chief Administrator

To: Sue Fulton, Chair and Chief Administrator

CC: MVC Board Members

From: Chris Hillmann, Director
Legislative Affairs

Date: February 14, 2019

Re: Legislative Report

This Legislative Report provides a summary of key legislative activity being tracked by the Motor Vehicle Commission (MVC) since the December 11, 2018 MVC Board meeting.

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.