

 **New Jersey  
Motor Vehicle Commission**

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

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STATE OF NEW JERSEY

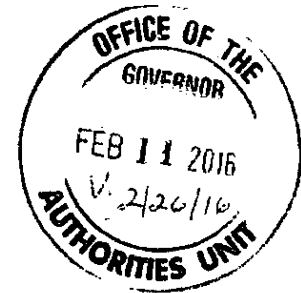
Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

Raymond P. Martinez  
Chairman and Chief Administrator

February 11, 2016

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



Dear Governor Christie:

In accordance with Section 17 of The Motor Vehicle Security and Customer Service Act of 2003, constituting Chapter 13 of the laws of 2003 of the State of New Jersey, as amended pursuant to P. L. 2007, Chapter 335 and pursuant to P. L. 2009, Chapter 298, I herein transmit the minutes of actions taken at the open session of the Annual Reorganization Meeting of the New Jersey Motor Vehicle Commission Board at Floor 8E, Motor Vehicle Commission Headquarters, Thursday, February 11, 2016.

Thank you.

Sincerely,

  
John G. Donnelly  
Board Secretary

Enclosure

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Thank you.

Sincerely,



John G. Donnelly  
Board Secretary



Enclosure

## NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Board Secretary John G. Donnelly of actions taken at the Open Session of the Annual Reorganization 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 11, 2016.

### **Present:**

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

Governor's Authorities Unit Assistant Counsel Lisa LeBoeuf and Deputy Attorney General Philip Espinosa attended.

Chairman Raymond P. Martinez convened the Open Session at 2:05 p.m. in accordance with the Open Public Meetings Act, and led the Pledge of Allegiance.

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

### **Chairman's Report**

The Chairman then presented this report of key Commission activities since the December 22, 2015 Board Meeting:

#### Ambitious 2016

Good afternoon, everyone. It's my pleasure to greet you formally for the first time in 2016. I hope you all enjoyed the holidays and I want to wish you a happy and healthy year ahead. I see a theme forming in my address to the Board today – public awareness.

#### JUSTDRIVE.COM

2015 was momentous for the MVC's efforts to help put an end to texting and talking behind the wheel. Exactly one year ago today, I stood alongside the Lt. Governor at the Randolph Motor Vehicle Agency to announce our JustDrive.com campaign.

I am pleased to advise you that there has been a 28 percent reduction of violations issued for this dangerous behavior. We have strong evidence to support that it is this public awareness campaign – as well as a growing social stigma, and the increased penalties – that is leading to safer roads in New Jersey.

Through traditional advertising, social media engagement, private and public partnerships, as well as the concerned efforts of our lawmakers, we have made incredible strides. But our mission is far from over. We will continue to spread the message throughout 2016 to our citizens. Don't talk. Don't text. Just Drive.

### GO RED FOR WOMEN

And as we continue our public awareness efforts, each February the MVC employees take part in the Go Red for Women campaign. Last month, the MVC was honored by the American Heart Association for its 2015 fundraising efforts, having collected \$2500 for the organization. We are hopeful that once all the figures from the TOC and our field sites have been totaled, this year's fundraising will exceed that amount. I would like to recognize and thank our employees for their dedication to this important cause.

### EMISSIONS RFP

Our existing vendor contract with the company who runs our daily vehicle inspection operations is set to expire in May 2016. Back at the end of December, the Division of Purchase and Property advertised a Request for Proposal to enhance our vehicle inspection/maintenance program. This is a part of our continued efforts to meet customer service needs AND align our organization with improving – and cost-saving – technology.

The changes in this contract will:

- 1) Eliminate mandated tailpipe emissions testing, but will maintain On-Board Diagnostics Testing (OBD)
- 2) Passenger vehicles model year prior to 1996 – and a handful of other vehicles – will be exempted from the vehicle inspection program
- 3) All vehicle re-inspections, as well as commercial and PVT vehicles will be directed to visit a Private Inspection Facility (PIF) for services
- 4) Mechanical inspections of any vehicle will no longer be conducted at a State centralized facility.

Now, although these changes won't take effect until AFTER the contract is awarded this summer, we are committed to notifying all of our stakeholders and customers in full detail prior to full implementation.

### PIVS (Public Information Video System) AND QUEUES

Also, here's another measure to keep our citizens informed. Last month three of our agencies were equipped with a video monitor and queuing system. This customer service initiative will help alleviate confusion, streamline the transaction process, as well as provide beneficial information to our customers while they wait. A pilot was launched yesterday at our Rahway Agency, and will be expanded in the very near future to our Bakers Basin and Edison agencies.

### SIGNATURE PADS

Another technological advancement in our agencies is the addition of a new signature pad system that will streamline the voter registration process. Now visitors will have the opportunity to register to vote at their fingertips while conducting their motor vehicle transactions. Currently, five (5) of our agencies are up and running - Freehold, Salem, Baker's Basin, Hazlet and Eatontown - and we will continue the rollout over the next few weeks. We hope that by mid-March every agency will be equipped with this customer-facing technology. This is just another shining example of how we can use our resources to make processes easier for our citizens.

### ONLINE TRANSACTION CAMPAIGN

And with these new changes coming to our agencies, we are taking this opportunity to remind our customers that the MVC offers 20+ services right at their fingertips. The "Go Online, Stay Out of Line" campaign will direct folks to our website where we have conveniently listed all of the available online transactions on one simple page. This will hopefully help keep our wait times down as our agency staff gets acclimated with the new transaction processes.

### PERSONNEL CHANGES

Last week, Selika Gore, our Deputy Administrator for Operations, left the MVC to accept a position as a Director of Field Operations with the Federal Motor Carrier Safety Administration. I am grateful for all of Selika's hard work and dedication and wish her well in her new position. We have divided the former Operations area into two separate areas: Business and Compliance, and Agency Services. I am pleased to announce that Donna Pennabere, formerly the Director of the Division of Compliance and Safety has been elevated to the position of Deputy Administrator of Business and Compliance. To expand on that, I am pleased to advise that Greg Focarino, formerly a Coordinator at our Wayne Agency, has been elevated to the position of Director of the Division of Compliance and Safety. Also, I am pleased to announce that Bob Grill, formerly the Director of the Division of Agency Services, has been elevated to the position of Deputy Administrator of Agency Services. Lastly, I am pleased to announce that Mairin Bellack, formerly the Deputy Director of our Communications Office has been elevated to the position of Director of Communications. Please join me in congratulating them.

### SECURITY

Our Security and IT offices continue, through our facial recognition software and other means, to catch people committing criminal fraud against MVC and others in our State. I am taking this moment to advise you of these critically important ongoing activities.

The following Agenda Items were presented for approval:

**Minutes: October 13, 2015.** This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the Minutes of each MVC Board Meeting, by approving the Minutes of the MVC Board Meeting of October 13, 2015.

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

**Minutes: December 22, 2015.** This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the Minutes of each MVC Board Meeting, by approving the Minutes of the MVC Board Meeting of December 22, 2015.

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

**1602-01: Vice-Chairman.** This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act that the MVC Board appoint a Vice-Chairman, by designating Stephen S. Scaturro to serve as Vice-Chairman of the New Jersey Motor Vehicle Commission Board through January 1, 2017. Mr. Scaturro is Director of Consumer Affairs for Ocean County.

Board Member Orcutt moved the resolution with appreciation for Mr. Scaturro's lengthy and valuable years of service, Director Poedubicky seconded it and, after the Chairman's recognition of Mr. Scaturro's unwavering dedication to the Commission, it was unanimously adopted.

**1602-02: Board Secretary.** This item is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act for a MVC Board Secretary "who need not be a Board Member," by appointing a current MVC employee, John G. Donnelly, Esq.

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

Mr. Donnelly thanked the Board members for the honor of being reappointed Secretary of the Board.

**1602-03: Identity Regulation.** This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Proposed Rule amending the regulations concerning the Licensing Service – Proof of Identity regulation. Jeff Pistol of the Office of Regulatory and Legislative Affairs presented the Proposed Rule.

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

**Legislative Report.** A briefing was provided by Legislative Liaison Laura Hahn, including:

**Bills Signed by the Governor**

**A-1455** (Diegnan D18) / **S-2011** (Madden D4)

**Requires that newly-manufactured school buses be equipped with sensors.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect July 18, 2016.  
**Chapter Law:** P.L.2015, c.266

**MVC Impact:** MVC has to provide consultation to the State Board of Education for their regulations. Inspections will check to ensure buses have sensors. The following Divisions will be impacted: Legal and Inspection Services.

**A-1466** (Diegnan D18)

**Allows for waiver of school bus requirements for mobility assistance vehicle technicians who transport students with medical needs to and from school.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect immediately.

**Chapter Law:** P.L. 2015, c.268

**MVC Impact:** This new law allows any board of education, governing body of a nonpublic school, or State agency to waive school bus operating requirements (including registration, equipment, inspection and maintenance) for any person certified as a mobility assistance vehicle technician (MAVT) who transports a student with medical needs to and from school. The following Divisions will be impacted: Inspection Services, Compliance and Safety, Customer Info and Advocacy, Legal, IT and Financial Management.

**A-3276** (Whelan D2/ Mazzeo D2)

**"Mainland Memoriam Act"; directs MVC to create graduated driver's license informational material to be distributed by motor vehicle dealers.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect on August 1, 2016.

**Chapter Law:** P.L. 2015, c.286

**MVC Impact:** The Commission has already created sufficient written materials on the GDL requirements, which are readily available for dealers who need them. The following Divisions will be impacted: Procurement and Communications.

**A-3395** (Wisniewski D19) / **S-2294** (Sacco D32)

**Allows insurer to obtain certificates of ownership or salvage certificates of title for motor vehicles under certain circumstances.**

**Effective Date:** This act was signed on January 14, 2016, and shall take effect August 1, 2016.

**Chapter Law:** P.L.2015, c.208

**MVC Impact:** MVC will determine whether the issuance of a certificate ownership or salvage title is appropriate or not. Upon proper application, MVC shall issue a salvage certificate of title or a junk title certificate in the name of the salvage processor, which shall extinguish any existing liens against the motor vehicle. The following Divisions will be impacted: Titling Unit, Agency Services.

**A-3927** (Andrzejczak D1) / **S-2820** (Van Drew D1)

**Requires drivers to slow down before passing slow moving vehicles; establishes Statewide educational campaign on rural roadway safety; updates agriculture-related motor vehicle laws to reflect current industry practices.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect on January 1, 2017.

**Chapter Law:** P.L. 2015, c.292

**MVC Impact:** The MVC has to establish and implement a slow-moving vehicle emblem system. Changes need to be made to rules/regulations regarding the expansion of vehicles that can be registered as a farm vehicle, the times of day that these vehicles can be operated, and the distance and speed that they can travel. MVC has to adopt rules/regulations for the registration of self-propelled sprayers. Additionally, the Commission has to work with the Division of Highway Traffic Safety to create a statewide educational campaign to promote roadway safety in rural areas. The following Divisions will be impacted: Agency Services, Procurement, IT, Legal, Financial Management, Communications, Compliance and Safety and Customer Information and Advocacy.

**A-4323** (DeAngelo D14)

**Expands timeframe for renewal of driver's license, registration, and inspection by military personnel and immediate family members under certain circumstances.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect immediately.

**Chapter Law:** P.L. 2015, c.299

**MVC Impact:** MVC will allow an active duty member of any branch of the Armed Forces, and any person in the member's immediate family, to renew a driver's license, non-driver ID, or registration certificate, and have their vehicle inspected during the six months before the member's scheduled date of deployment out of state. Driver's licenses and non-driver IDs for these individuals will also be valid up to 90 days after the member returns from duty. The following Divisions will be impacted: Agency Services, IT and Customer Information and Advocacy.

**A-4387** (Coughlin D19) / **S-3016** (Vitale 19)

**Requires MVC to allow submission of "Next-of-Kin Registry" information by mail.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect on April 1, 2016.

**Chapter Law:** P.L. 2015, c.301

**MVC Impact:** MVC will allow individuals to submit or update Next-of-Kin emergency contacts either on the Commission's website or by mail. The Commission will provide paper applications at local agencies or through mailings. The following Divisions will be impacted: Agency Services, Agency Support Services, Communications and IT.

**A-4719** (Moriarty D4) / **S-3250** (Cruz-Perez D5)

**Extends use of stored driver's license picture for person undergoing chemotherapy or other treatment for certain medical illnesses.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect immediately.

**Chapter Law:** P.L. 2015, c.306

**MVC Impact:** MVC will extend a stored driver's license photo for customers who can prove they are going through medical treatment that causes temporary physical changes. The following Divisions will be impacted: Agency Services, IT, Financial Management, Legal; little to no impact to Procurement and Management Operation Services.

**S-2695** (Dancer R12 / Benson D14 / Kean R21 / Sacco D32)

**Requires MVC conduct study and make recommendations concerning electronic driver's licenses and mobile applications.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect immediately.

**Chapter Law:** P.L. 2015, c.239

**MVC Impact:** The Commission has to prepare and submit a report with recommendations on the feasibility of electronic driver's licenses, including the production of a mobile application, the way information is stored, and the fiscal impact. The Performance Management Office will be spearheading the Study.

Chairman Martinez thanked Laura for the presentation.

**Public Comments:**

Elizabeth Trinidad of Bridgeton NJ is an attorney as well as a member of the New Jersey Chapter of the American Immigration Lawyers Association. She stated that she intends to offer comments during the Public Comment period later this year on the proposed amendments to the Proof of Identity regulations on the agenda at today's MVC Board Meeting. Ms. Trinidad referenced work authorization cards, low income citizens, and economic impact on businesses.

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

**Adjournment:**

Since there were no further comments or business, a motion to adjourn was made by Board Member Asante and seconded by Director Fruscione and unanimously adopted at 3:00 p.m.

**NEW JERSEY MOTOR VEHICLE COMMISSION**  
**ANNUAL REORGANIZATION MEETING OF THE BOARD MEMBERS**

Commission Headquarters, 8<sup>th</sup> Floor East Wing

225 East State Street, Trenton, New Jersey

2:00 p.m., Thursday, February 11, 2016

**FINAL AGENDA**

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• 6 – APPROVAL OF MINUTES OF OCTOBER 13, 2015	7414
• 7 – APPROVAL OF MINUTES OF DECEMBER 22, 2015	7420
• 8 – APPROVAL OF ITEM 1602-01 – ELECTION OF VICE-CHAIRMAN	7428
• 9 – APPROVAL OF ITEM 1602-02 – ELECTION OF SECRETARY	7430
• 10 – APPROVAL OF ITEM 1602-03 – PROPOSED AMENDMENTS – LICENSING SERVICE – PROOF OF IDENTITY REGULATION	7432
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**Approval: Minutes of October 13, 2015**

**BENEFITS**

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

**PURPOSE**

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

The October 13, 2015 Minutes were delivered on October 13, 2015 to the Governor, and became effective upon expiration of the ten day period on October 27, 2015.

**ACTION**

Approval of this item by the Board Members indicates acceptance of the October 13, 2015 Minutes.

**FISCAL IMPACTS**

None.

**RESOLUTION**

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

**WHEREAS**, pursuant to section 17 of The Motor Vehicle Security and Customer Service Act , P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, a true copy of the Minutes of the actions taken at the New Jersey Motor Vehicle Commission Board meeting of October 13, 2015 were delivered without delay to the Governor on October 13, 2015; and

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

**WHEREAS**, Minutes of the October 13, 2015 Board Meeting are effective as of October 27, 2015; and

**NOW, THEREFORE, BE IT RESOLVED** that the Minutes of actions taken at the October 13, 2015 New Jersey Motor Vehicle Commission Board meeting are hereby approved.

## **NEW JERSEY MOTOR VEHICLE COMMISSION**

Minutes by Board Secretary John G. Donnelly of actions taken at the Open Session of the Regular Meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Tuesday, October 13, 2015.

### **Present:**

Raymond P. Martinez, Chairman  
Steve Scaturro, Vice-Chairman  
Scott Kisch, Public Board Member  
Walter Orcutt, Public Board Member (by speakerphone)  
Miriam Weeks, Transportation Commissioner Designee  
Gary Poedubicky, Attorney General Designee  
James Fruscione, State Treasurer Designee (by speakerphone)

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

Chairman Raymond P. Martinez convened the Open Session at 2:05 p.m. in accordance with the Open Public Meetings Act, and led the Pledge of Allegiance.

**Agenda Approval.** Vice-Chairman Scaturro moved to accept the proposed agenda, Director Weeks seconded the motion and it was unanimously adopted.

### **Chairman's Report**

The Chairman then presented this report of key Commission activities since the June 11, 2015 Board Meeting:

Good afternoon, everyone. As you can all tell the weather is certainly a lot different than when we last met in August, which means the fall is here. And when I think of the autumn season, I think of two things, the changing of the leaves... and football. And today I am going to talk about some of the changes taking place at the MVC, as well as how one of our most important initiatives is making its way onto the field.

### **CDLIS UPDATE**

Many states were scrambling through the end of September to bring their CDLIS processes into compliance with federal law. Well, I am proud to say that CDLIS 5.3.2 continues to move forward. Overall, the project is at 84% completion and 3 additional tasks were added to the project plan, which requires User Acceptance Testing (UAT). The Office of Information Technology (OIT) development is 100%. Our structure test commenced just last week and the external agency staff training has been completed. We also continue our outreach efforts to the commercial driving industry. Though this process has been very involved and not without its hurdles, these new changes will be

implemented to make sure that those behind the wheel of a commercial vehicle are fully-qualified, prepared, and medically fit to operate on our roadways.

### **EATONTOWN RIBBON CUTTING**

It's also important that from time to time, we evaluate ourselves to make sure that we are in compliance with our customers' expectations of service. In just a few weeks, we will be cutting the ribbon of our newly renovated Eatontown site. Recently:

- We have demolished the old road test field house and built a new road test field house
- We have put on a new roof, exterior siding and windows
- Our rest rooms were completely renovated
- We have improved technology including all new voice and data wiring, and a new security system
- And most importantly, the agency was laid out to better meet the needs of our customers

### **JUSTDRIVE.COM**

We are also taking our important message about the dangers of talking and texting while driving to the public this fall. We have partnered with the NY Giants, the NY Jets, as well as Rutgers University to promote JUSTDRIVE.com. Since the launch of this website and the increase in penalties in July 2014, there has been a 32% reduction in violations. It is evident that this messaging campaign works.

### **AAMVA MID-ATLANTA**

And to make sure we stay on top of what is going on in the motor vehicle industry outside of New Jersey, I, along with Deputy Chief Jeanne Ashmore, and Deputy Administrator of Operations Selika Gore, will be attending the 2015 Mid-Atlantic Regional AAMVA Administrators Meeting on October 14th and 15<sup>th</sup> in Alexandria, Virginia. This meeting will consist of AAMVA Motor Vehicle Administrators from Washington, D.C, Maryland, North Carolina, Pennsylvania, Virginia and, of course, New Jersey. We will be discussing recent accomplishments and planned initiatives from each jurisdiction to make sure states are doing all we can to service our customers more efficiently and conveniently.

### **CUSTOMER SERVICE**

I would like to commend all Commission employees for the work they do, and relate to members of the press and the public an example of the value of that work. The example involves drivers licenses; approximately 1.5 million drivers license pictures are taken securely by MVC each year. During the eight years that each person's drivers license picture is valid, the MVC is taking as many as 14 million drivers license pictures securely. Regarding recent press reports, many customers during the eight years that their picture is valid, encounter cancer and other serious issues, and when they return for the statutorily required new drivers license picture, Commission staff provide the compassion and excellent customer service for which MVC has become known.

**Minutes: August 11, 2015.** This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the Minutes of each MVC Board Meeting, by approving the Minutes of the MVC Board Meeting of August 11, 2015.

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

**1510-01: Texting Regulation.** This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act that at sections 4 and 40 assigns to MVC the duty to promulgate regulations affecting various programs. Sarah Miller of the Regulatory and Legislative Affairs Office presented the final rule.

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

**Legislative Report.** A briefing was provided by Legislative Liaison Paul Rozenberg, including:

**Bills Sent to Governor's Desk:**

**A-4613** (Prieto D32/Greenwald D6/Moriarty D4/Coughlin D19/Sumter D35/Mosquera D4/Schaer D36/DeAngelo D14/Gill D34/Rice D28/Sweeney D3/Weinberg D37) establishes "The Democracy Act" to allow early voting, online voter registration, automatic voter registration, and pre-registration of 17-year-olds. The Commission has expressed concerns to Counsel's Office regarding the automatic voter registration provisions of A-4613. In Section 31 of the bill, we would be required to send over to State electronic records of all driver license/ID card applicants who are eligible to vote. In addition, MVC will not be allowed to submit information of people who are deemed to be ineligible to vote. This puts the onus of determining a person's qualifications to vote on the Commission. *On June 25, it passed the full Assembly (45-31-3), and on June 29 it passed the full Senate and was sent to the Governor's Desk (24-16).*

**Bills Near the Governor's Desk (Passed one House of the Legislature and reported from committee in second House):**

**A-387** (Tucker D28/Giblin D34/Wilson D5/Webber R26) makes consent to register with Selective Service part of driver's license application process for males under age 26. This bill requires every male United States citizen or immigrant under age 26 who applies for a special learner's permit, an examination permit, a provisional driver's license, a basic driver's license, or a nondriver identification card, or for renewal of a license or identification card, to consent to his registration for the draft in compliance with the requirements of the Military Selective Service Act. Submission of an application to the MVC would serve as an indication that the applicant has already registered with the Selective Service or that he is authorizing the Chief Administrator to forward to the

Selective Service the necessary information for registration. The Commission has no objection to this bill. It has been amended to address MVC's concerns by removing the requirement of electronic submission of information to the Selective Service System. *On March 9, it passed the full Assembly (75-0-0). On May 11, it was reported out of the Senate Law and Public Safety Committee and is currently in its 2<sup>nd</sup> reading in the Senate.*

**A-1466** (Dieghan D18/O'Donnell D31/Mainor D31/Garcia D33) allows for waiver of school bus requirements for mobility assistance vehicle technicians who transport students with medical needs to and from school. This bill allows any board of education, governing body of a nonpublic school, or State agency to waive school bus operating requirements for any person certified as a mobility assistance vehicle technician (MAVT) who transports a student with medical needs to and from school. The Commission has expressed concerns regarding this bill. School bus vehicles and drivers are subject to rigorous federal and state regulation since the safety of children is involved. MVC already has the ability to issue dual use inspection stickers so mobility assistance vehicles can be used as school transportation. In addition, bus drivers undergo certain procedures to get their endorsement, such as background checks, something that MAVTs do not have to do. *On December 18, 2014, it passed the full Assembly (74-0-0). On August 13, 2015, it was amended on the Senate floor and was sent back for a 2<sup>nd</sup> reading. On September 24, 2015, it passed the full Senate and was sent back to the Assembly for consideration (38-0).*

**Public Comments:**

Elizabeth Trinidad of Bridgeton NJ is an attorney as well as a member of the New Jersey Chapter of the American Immigration Lawyers Association. She requests that Commission employees review Association materials that will help them become even more familiar with issues encountered by foreign-born individuals when seeking a drivers license, and she offered to send those materials to the Commission.

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

**Adjournment:**

Since there were no further comments or business, a motion to adjourn was made by Board Member Kisch and seconded by Director Fruscione and unanimously adopted at 2:45 p.m.

**Approval: Minutes of December 22, 2015**

### **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 22, 2015 Minutes were delivered on December 22, 2015 to the Governor, and became effective upon expiration of the ten day period on January 7, 2016.

### **ACTION**

Approval of this item by the Board Members indicates acceptance of the December 22, 2015 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 22, 2015 were delivered without delay to the Governor on December 22, 2015; 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 22, 2015 Board Meeting are effective as of January 7, 2016; and

**NOW, THEREFORE, BE IT RESOLVED** that the Minutes of actions taken at the December 22, 2015 New Jersey Motor Vehicle Commission Board meeting are hereby approved.

## **NEW JERSEY MOTOR VEHICLE COMMISSION**

Minutes by Board Secretary John G. Donnelly of actions taken at the Open Session of the Regular Meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 9W, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Tuesday, December 22, 2015.

### **Present:**

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

### **Not Present:**

Miriam Weeks, Transportation Commissioner Designee, previously had advised Chairman Martinez that she would not be able to attend this meeting.

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

Chairman Raymond P. Martinez convened the Open Session at 2:05 p.m. in accordance with the Open Public Meetings Act, and led the Pledge of Allegiance.

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

### **Chairman's Report**

The Chairman noted that the Legislature's post-election Lame Duck Session that often consists of fast-moving legislation is underway, and advised the Board that MVC will be raising concerns with particular bills, as appropriate. Also, in response to Vice-Chairman Scaturro's holiday wishes and congratulations on a successful year for MVC, the Chairman expressed his appreciation on behalf of all of MVC for the Board's support.

The following Agenda Items were presented for approval:

**1512-01: 2016 MVC Board 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.

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

**1512-02: Personalized Plate Regulation.** This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this proposed amendment of the personalized plate regulation. Sarah Miller of the Regulatory and Legislative Affairs Office presented the regulation. Chairman Martinez noted that while he was New York State's Motor Vehicles Commissioner, he found occasional customer requests for inappropriate license plates to be an issue in that jurisdiction, as well.

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

**1512-03: Emission Regulation.** This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this proposed amendment and new rule relative to the emission regulation. Kate Tasch, Deputy Administrator of Legal & Legislative Affairs, presented the regulation. Chairman Martinez noted the broad-based effect of this regulation in meeting federal and state requirements, and emphasized the Commission's efforts to minimize customer impact and cost while helping the environment.

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

**Legislative Report.** A briefing was provided by MVC's new Legislative Liaison Laura Hahn, including:

**Bills Signed by the Governor**

**A-1662** (Johnson D37) to authorize the court to order the deletion, sealing, labeling, or correction of certain personal information in government records involving certain victims of identity theft. The Commission supports this bill, as the bill supports and strengthens the process of expungement that MVC currently has in place for victims of identity theft. This bill was signed by the Governor on 11/9/15 as P.L.2015, c126.

**A-4361** (Johnson D37) to revise the definition of all-terrain vehicles (ATV). This bill will have minimal impact on MVC. It corrects an inconsistency in the definition of dirt bike in different statutes. Under current laws, ATVs are a type of vehicle possessing between three and six rubber tires and powered by a gasoline engine not exceeding a certain cubic centimeter size. The bill amends existing definitions to provide that ATVs are a type of vehicle possessing between three and six non-highway tires, and removes any reference to being powered by a gasoline engine of a certain size. Golf carts are excluded from the definition of an ATV in both current law and the bill. This bill was signed by the Governor on 11/9/15 as P.L.2015, c.155.

**S-1946** (Sacco D32) to permit school districts to request and receive from MVC name and address of student's parent or guardian to verify student's eligibility for enrollment in school district. The Commission originally had concerns with this bill, but was able to amend the legislation to only require that the MVC disclose a name and address. With that change, the Commission has no objection to this legislation. This bill was signed by the Governor on 12/2/15 as P.L.2015, c.161.

**Bills Sent to the Governor's Desk**

**A-3395** (Wisniewski D19) / **S-2294** (Sacco D32) to allow insurers to obtain certificates of ownership or salvage certificates of title for motor vehicles under certain circumstances. The Commission originally had concerns regarding this legislation, but was able to amend the bill, in agreement with the Office of the Counsel to the Governor and the Department of Banking and Insurance, to give the Commission the authority to determine the appropriateness of the issuance of regular and salvage titles, and extend the amount of time to determine a vehicle as abandoned. With that change, the Commission has no objection to this legislation. On 12/17/15, S-2994 was substituted by A-3395, which passed both Houses and was sent to the Governor.

**Bills Near the Governor's Desk** *(Passed one House of the Legislature and reported from committee in second House).*

**A-1315** (Quijano D20) / **S-2197** (Beach D6) to allow a person with allergy to drugs or medications to voluntarily make notation on driver's license. The Commission will oppose this bill. There are already mechanisms in place to communicate with medical responders that the person has a penicillin allergy or is allergic to any other drug or medication such as necklaces, bracelets and tags. It's not clear why identification of driver's allergy condition needs to be provided by MVC. This initiative is not consistent with the Commission's core mission and could open the door to additional functions that should not be MVC responsibilities. On 6/16/14, A-1315 passed the Assembly unanimously. On 11/9/15, both bills were referred to the Senate Budget and Appropriations Committee. On 12/21/15, the bills were reported from Committee and are ready for a vote by the full Senate.

**A-3927** (Andrzejczak D1) / **S-2820** (Van Drew D1) to require drivers to slow down before passing slow moving vehicles; establishes Statewide educational campaign on rural roadway safety; updates agriculture-related motor vehicle laws to reflect current industry practices. The Commission will oppose this legislation. The expansion of the types of vehicles that qualify for farmer license plates will lead to time consuming and costly programming changes. Additionally, the requirement a slow-moving vehicle emblem be designed is unnecessary considering one already exists, and it will cost the Commission a considerable amount to conduct a public awareness campaign. The promulgation of new regulations will also prove time consuming. There is potential for lost revenue, seeing as there is no revenue source in the bill. Furthermore, the Commission does not agree with the existing provision of prorating the registration fee, as this is not currently done for other vehicles. Staff is working with the Governor's Counsel's Office on amendments. On 3/9/15, A-3927 passed the Assembly unanimously. On 12/10/15, both bills were released from the Senate Transportation Committee and were referred to the Senate Budget and Appropriations Committee.

**A-1455** (Diegnan D18) / **S-2011** (Madden D4) to require that newly-manufactured school buses be equipped with sensors. The Commission has no objection to this bill. MVC would only have to provide consultations to the State Board of Education when they issue their regulations. On 12/3/15, A-1455 passed unanimously in the Assembly. On 12/7/15, both bills were referred to the Senate Budget and Appropriations Committee. On 12/21/15, the bills were reported from Committee and are ready for a vote by the full Senate.

**A-4515** (Johnson D37) / **S-3007** (Barnes D18) to allow motorists to register three-wheel autocycles as automobiles. The MVC has no objection to this bill. The MVC will have the power to promulgate rules and regulations as necessary. On 11/9/15, S-3007 was reported out of the Senate Transportation Committee and is on 2<sup>nd</sup> Reading in the Senate. On 12/3/15, A-4515 was amended on the Floor of the Assembly and is on 2<sup>nd</sup> Reading in the Assembly.

**A-1466** (Diegnan D18) to allow for waiver of school bus requirements for mobility assistance vehicle technicians who transport students with medical needs to and from school. The Commission has concerns regarding this legislation. Currently, only vehicles subject to a School Bus Inspection performed by MVC Bus Inspectors will be verified that they comply with Federal Law and State regulations. The MVC is capable of inspecting these vehicles for "dual use" and issuing inspection stickers for both the use for which they were originally intended and use as a school vehicle. On 12/18/14, A-1466 passed the Assembly unanimously. On 9/24/15, A-1466 was amended and passed the Senate unanimously. On 11/9/15, the bill is on 2<sup>nd</sup> Reading in the Assembly to concur with Senate amendments which provide that the check of the records of a certified mobility assistance vehicle technician for alcohol and drug-related motor vehicle violations required under the bill will be a check for any such violation. The bill in its original form provides for a check of such violations that occurred in the performance of a transportation contract.

**A-2338** (McGuckin R10) / **S-503** (Holzapfel R10) to permit municipalities and school districts to contract for video monitoring systems to assist in enforcing law against unlawfully passing a school bus. The Commission has no objection to this bill. There are already five points assessed for passing a school bus, so there are no significant programming challenges. On 6/29/15, S-503 passed the Senate (35-4). On 11/9/15, both bills were referred to the Assembly Education Committee.

**A-4387** (Coughlin D19) / **S-3016** (Vitale 19) to require MVC to allow submission of "Next-of-Kin Registry" information upon issuance of permit, driver's license, or identification card. The Commission expressed its concerns about this bill to Counsel's Office. Customers already have the ability to update emergency contact information online on MVC's website. This bill would allow the Next of Kin Registry to be updated in the agencies when a customer gets a new or renewed license or ID. This would require IT to allocate scarce resources away from current projects, cost MVC an indeterminate amount of money and could lead to increased waiting times at the agencies. If necessary, though, an alternative path could potentially be created by creating a paper form and having mailed directly to TOC, rather than the agencies. On 6/25/15, A-4387 passed the Assembly (72-0-5). On 11/9/15, both bills were released from the Senate Transportation Committee and were referred to the Senate Budget and Appropriations Committee.

**S-129** (Bateman R16) to clarify when penalty points are to be assessed for convictions of driving in an unsafe manner. The Commission supports this bill as amended. This bill revises the manner in which motor vehicle penalty points are imposed for operating a motor vehicle in an unsafe manner. The bill modifies the current penalty structure to prescribe that: upon a third conviction for unsafe operation of a vehicle, penalty points are to be assessed only if that third offense occurred within five years of the second conviction of unsafe driving; and, upon a fourth or subsequent conviction, penalty points are to be assessed only if the offense occurred within five years of the immediately preceding conviction for unsafe driving. The bill further provides that the fine for a fourth or subsequent conviction is \$500. Currently, the fine for fourth and subsequent convictions ranges from \$200 to \$500. On 6/29/15, S-129 passed the Senate unanimously. On 11/09/15, S-129 was referred to the Assembly Law and Public Safety Committee.

**Recent Action on Bills of Note**

**A-4719** (Moriarty D4) / **S-3250** (Cruz-Perez D5) to extend the use of stored driver's license picture for person undergoing chemotherapy or other treatment for certain medical illnesses. The Commission will oppose this bill. For security purposes, the MVC statutes and system only allow for a maximum of 8 years for usage of the same photo. If the driver license or non-driver ID photo extends past the 8 years, it would not be considered REAL ID compliant under Federal standards. Additionally, this change would require medium to large system changes and cost between \$150,000 to \$250,000. Furthermore, the Commission has concerns that drivers may look for an additional one year extension if they feel they have not fully returned to their previous appearance, and anticipates drivers looking for an additional extension after the one year. This would result in the same situation for customers as exists today. MVC staff submitted amendments to the Governor's Counsel's Office that would give the Chief Administrator the authority to create a policy that is compliant with State and Federal law. On 11/16/15, both bills were introduced. On 12/14/15, A-4719 was released from the Assembly Transportation and Independent Authorities Committee with technical amendments. On 12/17/15, A-4719 passed the Assembly unanimously.

**A-4304** (Mainor D31) / **S-2828** (Rice D28) to establish a program allowing certain applicants to perform community service in lieu of paying motor vehicle surcharges. The Commission will oppose this bill. The bill would allow participants to forego paying surcharges, whether they owe \$200 or over \$20,000. Financial Management estimates that MVC would potentially lose \$2,600,000 in revenue in the first year and \$5,200,000 in subsequent years. System changes would have to occur to allow Labor to interface with MVC, in addition to reprogramming Driver History and STARS. It is also unclear whether this bill affects restoration fees. On 11/09/15, S-2828 was reported out of the Senate Budget and Appropriations Committee with amendments which permit individuals who are assessed motor vehicle surcharges for unsafe driving convictions to participate in the program, and authorize the Chief Administrator to waive surcharges and interest levied for those convictions upon completion of a community service project. On 12/17/15, S-2828 passed the Senate (32-7).

**A-4425** (Quijano D20) / **S-2925** (Vitale D19) to establish a driver license for New Jersey residents who cannot prove lawful presence in the United States. Consistent with the statement released by the Governor on 11/16/15, the MVC opposes this bill. Costs are expected to be substantial in IT for modifying driver licenses and Communications for the large public education campaign that will be required. In addition, current law mandates that an applicant provide satisfactory proof of lawful presence in the United States; amendments to this law would be necessary to avoid a conflict of laws. Finally, given that this is a very hot political issue right now, there would be significant public outcry towards MVC if driver licenses were given to undocumented immigrants. On 11/16/15, A-4425 was released from the Assembly Homeland Security and State Preparedness Committee on a party line vote.

**A-4570** (Spencer D29) / **S-2622** (Turner D15) to establish a restricted use driver license endorsement to a basic driver's license for drivers whose licenses have been suspended or revoked for certain motor vehicle offenses. The MVC has concerns with this bill. A restricted use license would require extensive changes to the Comprehensive and Agency Licensing programs and would be a heavy lift for the MVC's IT Division. In addition, there are a number of questions that this bill raises, such as the consequences of receiving a point-carrying violation while having this license or whether this applies to people whose license is suspended due to violations not stemming from a failure to pay surcharges or accumulation of points. Finally, the MVC should be given the power to promulgate regulations and rules to enforce the bill. On 11/09/15, A-4570 was released from the Assembly Law and Public Safety Committee on a party line vote after being amended to clarify that a person whose outstanding surcharges resulted from a drunk driving conviction or refusal to submit to a blood alcohol content test would not be eligible for a driver's license endorsement. The amended bill was referred to the Assembly Appropriations Committee. On 11/16/15, S-2622 was released from the Senate Law and Public Safety Committee on a party line vote after being amended to be identical to A-4570 (Spencer D29) by denying a restricted use driver's license to any person who failed to pay a surcharge for a DUI.

**Public Comments:**

While six members of the public reported to Floor 9W of the Motor Vehicle Commission Headquarters as notified, no members of the public sought to make a public comment.

Chair Martinez thanked the Board Members, staff and public for their participation today and noted that Board Meetings are an important means of assuring the public that MVC is working to be responsive to their needs.

**Adjournment:**

Since there were no further comments or business, a motion to adjourn was made by Board Member Kisch and seconded by Director Fruscione and unanimously adopted at 2:45 p.m.

**ITEM 1602-01: DESIGNATION OF VICE-CHAIRMAN**

**BENEFITS**

The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 ("The Act"), is the enabling statute that created MVC, as amended by P.L. 2007, c. 335 and by P. L. 2009, Chapter 298, and, pursuant to section 14 the Vice-Chair shall be elected annually by a majority of the full membership of the Board from among its Members. The Vice-Chair holds office until January 1st of the next year, as stated in Article II, Section 5 of the MVC Board Bylaws.

**PURPOSE**

The effect of this item is to fulfill the statutory and Bylaw requirements of the annual designation of the Vice-Chair of MVC.

**ACTION**

Approval of this item will designate Stephen S. Scaturro to serve as Vice-Chairman of the New Jersey Motor Vehicle Commission Board until January 1, 2017.

**FISCAL IMPACTS**

None.

**RESOLUTION**

**WHEREAS**, section 14 of the Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 ("The Act"), as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, Chapter 298, requires the annual designation by the New Jersey Motor Vehicle Commission Board of a Vice-Chair; and

**WHEREAS**, Article II, Section 5 of the MVC Board Bylaws also provides that the Vice-Chair be designated annually;

**NOW, THEREFORE, BE IT RESOLVED** that Stephen S. Scaturro is designated as Vice-Chairman of the New Jersey Motor Vehicle Commission Board to serve a term through January 1, 2017.

**ITEM 1602-02: DESIGNATION OF SECRETARY****BENEFITS**

The New Jersey Motor Vehicle Commission (MVC) Board is governed by its statutes, regulations and Bylaws. The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 ("The Act"), as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, Chapter 298, at Section 12b provides that the Board may elect a Secretary "who need not be" a Board Member.

The Secretary shall keep the minutes of each Board meeting, ensure the minutes reflect those Board Members who are in attendance, provide a true copy of the minutes without delay to the Governor's Office, be the custodian of the records and seal of the Board, permit the inspection, examination, and copying of Board records in accordance with N.J.S.A. 47:1A-1 et seq., and perform such other duties as may be assigned to him by the Chairman and Members of the Board, as stated in Article II, Section 6 of the MVC Bylaws.

**PURPOSE**

The effect of this item is to fulfill the statutory and Bylaw authorization for the designation of the Secretary.

**ACTION**

Approval of this item will designate John G. Donnelly, a full time employee of the MVC, to serve as Secretary of the New Jersey Motor Vehicle Commission Board until the next ensuing Annual Reorganization Meeting of the MVC.

**FISCAL IMPACTS**

None.

**RESOLUTION**

**WHEREAS**, section 12b of the Motor Vehicle Security and Customer Service Act, P.L. 2003, c. 13 ("The Act"), as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, Chapter 298, authorizes the annual designation by the New Jersey Motor Vehicle Commission Board of a Secretary "who need not be" a Board Member; and

**WHEREAS**, Article II, Section 6 of the MVC Bylaws provides for the election of a Secretary;

**NOW, THEREFORE, BE IT RESOLVED** that John G. Donnelly, a full time employee of the MVC, is designated as Secretary of the New Jersey Motor Vehicle Commission Board to serve a term until the Annual Reorganization Meeting of the MVC Board next ensuing.

**ITEM 1602-03: PROOF OF IDENTITY REGULATION****BENEFITS**

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

**PURPOSE**

This is a Proposed Amendment. The effect of this item is to amend regulations regarding proof of identity.

**ACTION**

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

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

**FISCAL IMPACTS**

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

**RESOLUTION**

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

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman is authorized to file with the Office of Administrative Law a notice of the proposed amendments of regulations concerning proof of identity, in substantially the form as attached in Exhibit A.

**TRANSPORTATION**

**EXHIBIT A**

**MOTOR VEHICLE COMMISSION**

**Licensing Service- Proof of Identity**

Proposed Amendments: N.J.A.C. 13:21-1.3, 8.1, 8.2

Authorized By: Motor Vehicle Commission Board, Raymond P. Martinez, Chairman

Authority: N.J.S.A. 39:2A-2j, 39:3-4, 39:3-5, 39:3-9c, 39:3-10, 39:3-10f, 39:3-10f3

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

Proposal Number: PRN 2016

Submit comments by , 2016 to:

Kate Tasch, Esq.

Regulatory and Legislative Affairs

Motor Vehicle Commission

225 East State Street

PO Box 160

Trenton, NJ 08666-0160

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

The agency proposal follows:

**Summary**

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

The Motor Vehicle Commission (Commission or MVC), having been formed by the legislature through the "Motor Vehicle Security and Customer Service Act,"

N.J.S.A.39:2A-2, was found by the legislature in that Act to have failed security systems, contributing to a growing national problem of identity theft that costs the State and the nation millions of dollars each week. The legislature found that in the past, fraud and corruption could not be dealt with due to inadequate funding, training, security, internal controls and oversight. The legislature found that the MVC must improve its security system and equipment, and its fraud detection, training and monitoring so that fraudulent driver licenses such as those used in the furtherance of terroristic activities will be eliminated. Internal audits and controls and investigations were found to be needed to detect patterns of fraud, theft, corruption, identity theft and mismanagement in the issuance of driver licenses, registrations and titles because Commission documents must be more resistant to compromise. It had been found that criminals used counterfeit passports, Social Security cards, county identification cards, pay stubs and W-2 forms to obtain fraudulent driver licenses and non-driver identification cards in furtherance of identity-theft schemes. N.J.S.A.39:2A-2(i). The legislature clearly stated at N.J.S.A.39:2A-2(j) that proper identification must be required at all phases of the licensing and driver testing process to assure that only those persons qualified to legally obtain licenses do so.

Based on the legislature's findings, the Commission was formed with the purposes of identifying and regulating drivers and motor vehicles to deter unlawful and unsafe acts, among other things. It is charged with addressing the multitude of functions assigned to it while curtailing fraudulent and criminal activities that present threats to the State's security system. The amendments to N.J.A.C.13:21-1.3, 13:21-

8.1, 13:21-8.2, 13:82-8.1 and 13:82-8.20 are in furtherance and in compliance with the purposes and authority of the Commission.

Of prime importance is the Federal government's REAL ID Act, which can be found at 6 CFR Part 37. REAL ID compliant documents will be required to access commercial aircraft and certain Federal facilities for official purposes and New Jersey is allowing special learner permit, examination permit, driver license, commercial driver license, and non-driver identification card applicants to choose whether they wish to obtain a REAL ID or non-REAL ID document. If an applicant chooses to obtain a REAL ID document, that applicant will have to satisfy all of the requirements that are applicable to REAL ID documents. Conversely, if an applicant chooses to obtain a non-REAL ID document, that applicant will be required to satisfy all of the requirements that are applicable to non-REAL ID documents.

Persons who can satisfy current six-point ID system verification requirements will be able to satisfy the proposed non-REAL ID document verification requirements. Only minor changes are being proposed for persons who seek to obtain or renew non-REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards.

More substantial changes are being proposed for persons who seek to obtain REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards. The changes are designed to satisfy the Federal government's REAL ID mandates.

N.J.A.C.13:21-1.3, Mandatory disclosure of Social Security number, is proposed for amendment. It is being separated into two subsections. Subsection (a) will apply to non-REAL ID special learner permits, examination permits, driver licenses, and commercial driver licenses. Only technical amendments are proposed for subsection (a). Proposed new subsection (b) will apply to REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards. The proposed amendment would clarify that an applicant for a REAL ID special learner permit, examination permit, driver license, commercial driver license or non-driver identification card must produce his or her Social Security card or other acceptable document as listed in N.J.A.C.13:21-8.2A to show proof of Social Security number.

The MVC has statutory authority to require applicants to provide Social Security numbers; the legislature has stated that identification must be required at all phases of the licensing and driver testing process to assure that only those persons qualified to legally obtain licenses do so. N.J.S.A. 39:2A-2(j). The Commission also is charged with improving the safety and security of the State's motor vehicle licensing and registration, and as such is authorized to match motor vehicle records with Social Security records to verify Social Security numbers in the motor vehicle database. N.J.S.A.39:2A-29(m). The MVC regulations also require each applicant to disclose his or her Social Security number upon the application form furnished by the MVC, and unless the applicant discloses his or her Social Security number, the MVC will not issue a license. The Commission is charged with implementing additional proofs of identity verification for a non-driver identification card, driver license, permits and registration. N.J.S.A.39:2A-

29(h). This proposal contains amendments to strengthen and clarify that N.J.A.C.13:21-1.3(b) requires the presentation of a Social Security card or other document listed in N.J.A.C.13:21-8.2 to show proof of Social Security number for REAL ID compliant special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards. This change is required by the United States Department of Homeland Security as part of the REAL ID requirements, see specifically, 6 CFR § 37.11(e).

N.J.A.C. 13:21-8.1, Definitions, is proposed for amendment to add the terms "digitized driver license," "non-driver digitized identification card," and "principal residence."

N.J.A.C. 13:21-8.2, Non-REAL ID age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law; proof of address, is proposed for amendment. It will contain the requirements that an applicant needs to satisfy in order to obtain a non-REAL ID special learner permit, examination permit, driver license, commercial driver license, or a non-driver identification card. The proposed amendments to the rule are in furtherance of N.J.S.A.39:3-10, requiring satisfactory proof of identity and age, and satisfactory proof that the applicant's presence in the United States is authorized under Federal law.

N.J.A.C. 13:21-8.2A, REAL ID Age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law; proof of address, is a proposed new subchapter. It will contain the requirements that an applicant needs to satisfy in order to obtain a REAL ID special learner permit,

examination permit, driver license, commercial driver license, or non-driver identification card. The proposed new subchapter is designed to satisfy the Federal REAL ID requirements. Proposed new subchapter N.J.A.C. 13:21-8.2A is identical to N.J.A.C. 13:21-8.2 except for the changes indicated herein.

The Commission is continually making efforts to improve the safety and security of the State's motor vehicle licensing, non-driver identification, registration, titling, and inspection system, which in turn will help fight terrorism and reduce fraud. The Commission is charged by statute at N.J.S.A. 39:2A-29 to do so by making technological improvements, acquiring the ability to access State vital statistics data to immediately update driver's license information, implementing additional proofs of identity verification for applicants seeking to obtain non-driver identification cards, driver's licenses, permits and registrations.

A non-REAL ID document will indicate that it is not acceptable for official purposes as determined by the Federal government. A REAL ID document will indicate that it is acceptable for official purposes as determined by the Federal government.

In addition to the existing practice to refuse a permit or driver license, which is already listed in the rule, the Commission will refuse to issue a non-driver identification card, if the Commission has reasonable cause to believe that a document is altered, false, or otherwise invalid. This applies to both REAL ID and non-REAL ID documents; it also reflects current Commission practice.

The proposed amendments add civil union certificate to the list of documents that currently includes civil marriage certificate, divorce decree or court order that can be

used to establish evidence of a different name than the name recorded on the documents submitted to the Commission to satisfy the six-point identification system. This proposed amendment applies to both non-REAL ID and REAL ID documents and reflects existing Commission practice.

The proposed amendments would require each applicant for a REAL ID driver license, commercial driver license, special learner permit, examination permit, or non-driver identification card to furnish acceptable proof of the applicant's Social Security number. Acceptable proof is: a Social Security card with Social Security Administration (SSA) verification; a W-2 form issued within the past year; a pay stub with the applicant's name and Social Security number; an SSA-1099 form issued within the past year; or a non-SSA 1099 form issued within the past year.

The proposed amendments clarify that the identity of the applicant shall be deemed to be the name recorded on the document submitted to the Commission unless evidence of a different name is established by the submission of a civil marriage or civil union certificate, divorce decree, or court order.

United States and United States Territory birth certificates are four point primary documents. The proposed amendments would also allow certified copies of United States and United States Territories birth certificates that are filed with the state office of vital statistics or equivalent agency in the individual's state of birth to also be used as four point primary documents for both REAL ID and non-REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards. This comports with current agency practice.

United States adoption papers will no longer be four point primary documents under the proposed amendments for REAL ID driver licenses, commercial driver licenses, special learner permits, examination permits, and non-driver identification cards because they are not included in the United States Department of Homeland Security's REAL ID list of acceptable source documents. United States adoption papers will now be three point secondary documents for REAL ID documents. They will continue to be four point primary documents for non-REAL ID permits, licenses, and non-driver identification cards.

Valid United States military photo identification cards will no longer be four point primary documents under the proposed amendments for REAL ID driver licenses, commercial driver licenses, special learner permits, examination permits, and non-driver identification cards because they are not included in the United States Department of Homeland Security's REAL ID list of acceptable documents. Valid United States military photo identification cards will now be three point secondary documents for REAL ID documents. They will continue to be four point primary documents for non-REAL ID permits, licenses, and non-driver identification cards.

New Jersey Driver Licenses and United States passports are currently acceptable documents in the six point system if they are current or have been expired less than three years. Under the proposed amendments, only unexpired New Jersey driver licenses and United States passports will be accepted for REAL ID driver licenses, commercial driver licenses, special learner permits, examination permits, and non-driver identification cards. No change will occur for non-REAL ID permits, licenses, and non-driver identification cards.

The Commission currently accepts Form N-550, N-570, and N-578 Certificates of Naturalization as four point primary documents for United States citizens. The Commission will continue its current practice for non-REAL ID permits, licenses, and non-driver identification cards. For REAL ID permits, licenses, and non-driver identification cards, the Commission will only accept Form N-550 and N-570 Certificates of Naturalization as four point primary documents for United States citizens because those are the only two forms authorized by 6 CFR § 37.05(b)(1)(vii).

The Commission currently accepts Form N-560, N-561, and N-645 Certificates of Citizenship as four point primary documents for United States citizens. The Commission will continue its current practice for non-REAL ID permits, licenses, and non-driver identification cards. For REAL ID permits, licenses, and non-driver identification cards, the Commission will only accept Form N-560 and N-561 Certificates of Naturalization as four point primary documents for United States citizens because those are the only two forms authorized by 6 CFR § 37.05(b)(1)(viii).

Under the proposed amendments, unexpired foreign passports with United States Citizenship and Immigration Service (USCIS) verification and with valid record of arrival/departure (Form I-94) or valid I-551 stamp in passport will continue to be four point primary documents for non-REAL ID permits, licenses, and non-driver identification cards. However, only unexpired foreign passports with USCIS verification and with valid record of arrival/departure (Form I-94) will be four point primary documents for REAL ID permits, licenses, and non-driver identification cards because 6 CFR § 37.05(b)(1)(vi) only references Form I-94; it does not reference a valid I-551 stamp.

At the present time, when an applicant presents a current photo employment authorization card (Form I-688 or I-766) as a primary document, they must also present a valid Social Security card. Together, the two documents equal a four point primary document, three points for the employment authorization card and one point for the Social Security card. This requirement will continue for non-REAL ID permits, licenses, and non-driver identification cards. However, under the proposed amendments, for REAL ID permits, licenses, and non-driver identification cards, a current photo employment authorization card will be accepted independently as a three point primary document.

Under the proposed amendments, New Jersey driver licenses, non-driver identification cards, special learner permits with digital images, examination permits with digital images and probationary licenses with digital images will only be accepted as four point primary documents for REAL ID driver licenses, special learner permits, examination permits, commercial driver licenses, and non-driver identification cards if they are issued on or after the effective date of these amendments. That will assure that these documents were issued under the requirements in this proposed administrative rulemaking. They will be accepted as four point secondary documents for non-United States citizens only for REAL ID documents. Current photo driver licenses of any state of the United States, including New Jersey and the District of Columbia, that were issued prior to the effective date of these amendments, will be one point secondary documents. No change will occur for non-REAL ID permits, licenses, and non-driver identification cards.

Current photo driver licenses of any state of the United States or the District of Columbia that meet the United States Department of Homeland Security's REAL ID standards will now be included as four point primary documents under these proposed amendments for REAL ID driver licenses, special learner permits, examination permits, commercial driver licenses, and non-driver identification cards. No change will occur for non-REAL ID permits, licenses, and non-driver identification cards.

The proposed amendments update the term "alien registration card" which is the former official name of the document to "permanent resident card," which is the current official name of the document. This change affects REAL ID and non-REAL ID driver licenses, special learner permits, examination permits, commercial driver licenses, and non-driver identification cards.

The existing rule requires applicants to present an acceptable proof of address. The proposed amendments would require applicants for REAL ID driver licenses, permits, and non-driver identification cards to present two acceptable proofs of principal residence. This is a REAL ID requirement. Applicants for Non-REAL ID driver licenses, permits, and non-driver identification cards still only need one proof of principal residence; for non-REAL ID applicants; it is just a change in nomenclature from acceptable proof of address to one proof of principal residence.

Applicants for REAL ID driver licenses, special learner permits, examination permits, commercial driver licenses, and non-driver identification cards will no longer be able to use high school or college report cards or transcripts from within the past two years as proof of address but applicants for non-REAL ID driver licenses, special

learner permits, examination permits, commercial driver licenses, and non-driver identification cards will still be able to use the report cards and transcripts as proof of address.

The existing rule lists first class mail from any government agency within six months as an acceptable proof of address document. The proposed amendments would specifically indicate that this includes a Commission-issued driver license renewal form. This formalizes a longstanding Commission administrative practice of accepting the renewal form as a proof of address. This applies to REAL ID and non-REAL ID applicants.

The proposed amendments incorporate the statutory requirements in N.J.S.A. 39:3-9b that victims of domestic violence and other specified crimes and those the Chief Administrator determines to have good cause may use as a mailing address on documents a post office box, an address other than the applicant's address or other contact point as acceptable proof of principal residence. This applies to REAL ID and non-REAL ID applicants.

Another REAL ID requirement, to require applicants to present for inspection acceptable proof of Social Security documents, is included in the proposed amendments for REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses and non-driver identification cards. Acceptable proof of Social Security documents are: a Social Security card with Social Security Administration (SSA) verification; a W-2 form issued within the past year; a pay stub with the applicant's name and Social Security number; an SSA-1099 form issued within

the past year; or a non-SSA form issued within the past year. This change does not apply to non-REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards.

The Commission proposes to amend N.J.A.C. 13:21-8.2(f) for non-REAL ID driver licenses and permits so that it no longer indicates that the Chief Administrator shall suspend or revoke the driver license or permit of any person from a foreign country upon expiration of the license or permit holder's lawful presence in the United States unless it is demonstrated that the person's continued presence in the United States is authorized under Federal law. That language does not represent the Commission's current practice. The new language is that the Commission shall set the expiration date of the permit or license at a date based on the date that the person's documents authorizing them to be legally present in the United States expire. The new language shall also apply to REAL ID driver licenses and permits.

REAL ID requires the capturing of an applicant's photo by state motor vehicle authorities once the state motor vehicle authority receives an application from an applicant for a special learner permit with photo, examination permit with photo, driver license, commercial driver license, or non-driver identification card. The Commission proposes to also capture the photo of each applicant for a non-REAL ID special learner permit with photo, examination permit with photo, driver license, commercial driver license, or non-driver identification card. The Commission's experience has shown that, in many instances, individuals with fraudulent intent have left Motor Vehicle Commission agencies once they noticed that their documents were being scrutinized a little more carefully. Some of these individuals could have gone to other Motor Vehicle

Commission agencies to attempt to get documents. The Commission will already be retaining copies of the documents that are submitted with the application. Requiring each applicant to be photographed by the Commission's facial recognition imaging system will further reduce the chances of an applicant establishing two driving records and two identities.

#### Social Impact

The proposed amendments will have beneficial social impacts upon the public. Efforts to improve the integrity and security of State-issued driver licenses and non-driver identification cards will help fight identity theft and terrorism, and reduce fraud.

The amendments will allow those issued REAL ID driver licenses, commercial driver licenses, special learner permits, examination permits, or non-driver identification cards after the effective date of the amended rule to board commercial aircraft or enter federal buildings or other facilities using their licenses, permits, or identification cards.

The addresses of the principal residence of victims of crimes of domestic violence and others who are currently statutorily authorized under N.J.S.A.39:3-9b to use an alternate address will continue to be protected by the Commission from disclosure.

Having a secure database and being able to trace the origins of the information relied on by the Commission personnel who issued the initial or renewed Commission documents is beneficial because permits, licenses, and non-driver identification cards issued by motor vehicle authorities have become gold standard identification documents which are used to access many other privileges and benefits and to obtain other documents, including credit cards and bank accounts. It also assures that the Commission knows who it is issuing documents to, who is driving motor vehicles on the public roads and highways, who is incurring violations on the public roads and highways, whose license privileges it is suspending, etcetera. It also protects legitimate Commission customers who are the recipients and holders of Commission issued documents such as permits, licenses, and non-driver identification cards from identity theft.

#### Economic Impact

The proposed amendments will have no economic impact. These amendments are not changing the cost for driver licenses, commercial driver licenses, special learner permits, examination permits, or non-driver identification cards.

#### Federal Standards Analysis

Federal regulation (6 CFR Part 37) sets minimum standards for driver licenses and non-driver identification cards to make them acceptable by Federal agencies for official purposes. The proposed REAL ID document rules contained in this proposal are

designed to ensure that New Jersey's proposed REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards will be in compliance with the Federal REAL ID requirements.

Federal law (42 U.S.C. § 405(c)(2)(C)) specifically permits the respective states to utilize Social Security numbers in the administration of driver license or motor vehicle registration laws.

Federal REAL ID regulation (6 C.F.R. § 37.11) requires individuals who apply for REAL ID driver licenses and non-driver identification cards to present their Social Security cards or, if the Social Security card is not available, to submit a W-2 form, an SSA-1099 form, or a pay stub with the applicant's name and Social Security number on it. Also, pursuant to 6 C.F.R. § 37.11, State motor vehicle authorities are required to "subject each person applying for a REAL ID driver license or identification card =

The proposed amendments do not cause the rules to, or amend any rule that does, exceed Federal standards or requirements.

#### Jobs Impact

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

#### Agricultural Industry Impact

The proposed amendments will not have an impact on the agricultural industry.

### Regulatory Flexibility Analysis

The proposed amendments would not affect small businesses as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

### Housing Affordability Impact Analysis

The proposed amendments will have no impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules pertain to driver licensing and identification.

### Smart Growth Development Impact Analysis

The proposed amendments will not have an impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain to documents required for driver licensing and identification.

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

## SUBCHAPTER 1. GENERAL PROVISIONS

### 13:21-1.3 Mandatory disclosure of Social Security number

#### (a) **Non-REAL ID driver licenses and non-driver identification cards**

1. An applicant for any **Non-REAL ID** special learner[s] permit, examination permit, driver license, commercial driver license or any endorsement thereto or registration shall disclose his or her Social Security number upon the application form furnished by the Chief Administrator of the Motor Vehicle Commission.
2. A special learner[s] permit, examination permit, driver license, commercial driver license or any endorsement thereto or registration shall not be issued unless the applicant therefor discloses his or her Social Security number upon the application form.
3. This section shall not apply to persons who are exempt from applying for a Social Security number.

**(b) REAL ID driver licenses and non-driver identification cards**

1. An applicant for any **REAL ID** special learner permit, examination permit, driver license, commercial driver license or any endorsement thereto, non-driver identification card or registration shall disclose his or her Social Security number upon the application form furnished and present his or her Social Security card or other acceptable documentation as listed in N.J.A.C.13:21-8.2A, that bears his or her Social Security number, as approved by the Chief Administrator of the Motor Vehicle Commission.
2. A **REAL ID** special learner permit, examination permit, driver license, commercial driver license or any endorsement thereto, or non-driver identification card shall not be issued unless the applicant therefor discloses his

or her Social Security number upon the application form and presents his or her Social Security card or other acceptable documentation as listed in N.J.A.C.13:21-8.2A, that bears his or her Social Security number, as approved by the Chief Administrator of the Motor Vehicle Commission.

3. This section shall not apply to persons who are exempt from applying for a Social Security number.

#### SUBCHAPTER 8. DRIVER LICENSES

##### 13:21-8.1 Definitions

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

"Applicant" means every person who has made application for a driver license as provided in N.J.S.A. 39:3-10 or who has complied with the provisions of N.J.S.A. 39:3-11.1, 39:3-13, or 39:3-13.1 et seq.

"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).

"Examinations" means a test or series of tests designed to check the applicant's visual acuity, color perception, knowledge of laws and safe operation of motor vehicles administered by the Commission.

**"Non-driver identification card" means a non-driver identification card with a digital image of the person to whom it is issued.**

"Permit" means a special learner[s] permit, examination permit or any written instrument issued under the provisions of N.J.S.A. 39:3-13 or 39:3-13.1 et seq.

**"Principal Residence" means the applicant's primary place of residence, expressed as a street address.**

"Road test" means that portion of the driver license examination wherein the applicant for a New Jersey basic driver[s] license or motorcycle license demonstrates his or her ability to exercise safe and reasonable control in the operation of a motor vehicle of the type or general class of vehicles for which the license he or she has applied for would be valid.

"United States" means any state, territory or possession of the United States and the District of Columbia, including the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa and Guam.

§ 13:21-8.2 **Non-REAL ID** [A]age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law; proof of address

**(a) A non-REAL ID document (special learner permit, examination permit, driver license, commercial driver license, or non-driver identification card) will indicate that it is not acceptable for official purposes as determined by the Federal government. New Jersey allows each applicant to choose whether to**

apply for a non-REAL ID document (requirements are listed in this subchapter) or REAL ID document (requirements are listed in N.J.A.C. 13:21-8.2A).

[(a)] (b) Each applicant for a license, permit or non-driver identification card shall be required to furnish to the Commission, upon request, proof of identity and date of birth and proof that the applicant's presence in the United States is authorized under Federal law. Such proof may be established by submission of the original or certified (by the issuing authority) copy of the primary and/or secondary documents which are listed in [(b)] (c) below as follows:

1. - 5. (No change.)

6. The Commission [is required by law (N.J.S.A. 39:3-10) to] **shall** refuse to grant any permit or license or **non-driver identification card** if the Commission has reasonable cause to believe that a document is altered, false or otherwise invalid.

7. An applicant who is not a United States citizen must **also** submit proof of continued legal presence in the United States **evidenced by a document listed in (b)1.ii below or by a document issued by the United States Department of Homeland Security or another Federal agency that establishes the applicant's legal right to be in the United States as of the time the proof is presented.**

8. For persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity or date of birth, Commission authorized personnel may review, approve or accept [other] documentation that proves the applicant's identity and date of birth, and that the applicant's presence in the United States is authorized under Federal law.

9. The identity of the applicant shall be deemed to be the name recorded on the document(s) submitted to the Commission pursuant to this section unless evidence of a different name is established by the submission of a civil marriage or civil union certificate, divorce decree or order of court.

[9]10. The Commission reserves the right to make changes to the list of acceptable documents found in (b) below. Such changes will be posted on the Motor Vehicle Commission's website, [www.njmvc.gov](http://www.njmvc.gov), and will be available at all motor vehicle agencies.

(b) The following are acceptable documents:

1. Primary documents:

i. A United States citizen must submit at least one document from the following list:

## Document

## Value

United States or United States Territory birth certificate or certified copy with a State Office of Vital Statistics or equivalent agency in the individual's state of birth 4

United States Department of State birth certificate (Form FS-545 or DS-1350) 4

United States Department of State Consular Report of Birth Abroad (Form FS-240) 4

United States adoption papers 4

United States passport (current or expired less than three years) 4

New Jersey digitized driver license (current or expired less than three years) 4

Valid New Jersey non-driver digitized identification card 4

Valid United States military photo identification card 4

Certificate of Naturalization (Form N-550, N-570 or N-578) 4

Certificate of Citizenship (Form N-560, N-561 or N-645) 4

Special learner's permit with digitized image 4

Examination permit with digitized image 4

[Provisional] Probationary license with digitized image 4

ii. A person who is not a United States citizen must submit at least one document from the following list to establish lawful presence in the United States:

Document	Value
Current [Alien Registration] <b>Permanent Resident</b> Card (Form I-551) with expiration date	
and with United States Citizenship and Immigration Services (USCIS) verification 4	
Foreign passports with USCIS verification and with valid record of arrival/departure (Form I-94) or valid I-551 stamp in passport 4	
Refugee Travel Document (Form I-571) 4	
United States Re-entry Permit (Form I-327) 4	
Valid I-94 stamped "Refugee," "Parolee," "Asylee" or "Notice of Action" (Form I-797 approved petition) by USCIS 4	
Valid I-94 with attached photo stamped "Processed for I-551 . . ." by USCIS 4	
Current photo employment authorization card (Form I-688B or I-766) (must be presented with a valid Social Security card) 3	
Current [Alien Registration] <b>Permanent Resident</b> Card (Form I-551) without expiration date and with USCIS verification 2	
Photo Temporary Resident Card (Form I-688) 2	

2. Secondary documents:

i. United States citizens and persons who are not United States citizens must submit at least one document from the list below.

Document	Value
Valid New Jersey digitized driver license (a secondary document for non-United States citizens only)	4
Special learner's permit with digitized image (a secondary document for non-United States citizens only)	4
Examination permit with digitized image (a secondary document for non-United States citizens only)	4
[Provisional] Probationary license with digitized image (a secondary document for non-United States citizens only)	4
Legal name change court order signed by a judge or court clerk	3

Civil marriage or civil union certificate or divorce decree 3  
 Current United States military dependent card 3  
 United States military photo retiree card 3  
 New Jersey firearm purchaser card 3  
 Valid United States government employee driver license 2  
 Valid United States government employee photo identification card 2  
 United States military discharge papers (DD214) 2  
 Federal Aviation Administration pilot license 2  
 United States school photo identification card with transcript or  
 school records 2  
 United States college photo identification card with transcript 2  
 Current New Jersey non-digitized photo driver license 1  
 Current photo driver license of any other state of the United  
 States including the District of Columbia 1  
 State professional license 1  
 New Jersey public assistance card with photo 1  
 Social Security card with Social Security Administration (SSA)  
 verification 1  
 High school diploma or GED (general equivalency diploma) 1  
 Bank statement/record (cannot be submitted in conjunction with ATM  
 card) 1  
 ATM (automated teller machine) card with preprinted name and  
 applicant's signature (cannot be submitted in conjunction with bank  
 statement) 1  
 Current health insurance card or current prescription card 1

Current employee identification card accompanied by a printed pay

stub 1

Property tax statement, bill or receipt issued by a New Jersey

municipality 1

High school certificate (written test waiver) 1

Veteran's Administration universal access photo identification

card

1

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(c) Each applicant must present for inspection an acceptable proof of address document which may be, but is not limited to, the following:

1. A utility or credit card bill displaying applicant's name at current address, issued within last 90 days;

2. A property tax bill, statement or receipt within last year;

3. Any letter or correspondence (including tax bills) received from the Federal Internal Revenue Service or any state tax office within the past year;

4. A high school or college report card or transcript within past two years (must contain address);

5. An original lease or rental agreement with the name of the applicant listed as the lessee or renter;

6. First class mail from any government agency within six months, **including a Commission-issued driver license renewal form;**

7. A checking or savings account statement (bank or credit union) **issued within last 60 days;** or

8. A certification, verifying the address of an applicant under 18 years of age who does not have his or her own proof of address verification, from a parent or guardian.

**(d) Pursuant to N.J.S.A. 39:3-9b, victims of domestic violence and other specified crime, and those the Chief Administrator determines to have good cause may show a mailing address on documents in this list as a post office box, an address other than the applicant's address, or other contact point as acceptable proof of principal residence.**

[(d) The identity of the applicant shall be deemed to be the name recorded on the document(s) submitted to the Commission pursuant to this section unless evidence of a different name is established by the submission of a civil marriage certificate, divorce decree or order of court.]

(e) Any person from a foreign country who is in New Jersey for a period of one year or less may operate a motor vehicle in this State if he or she is the holder of a current driver's license in good standing from the country in which he or she resides provided that such license authorizes operation of the class of vehicle to be operated in this State. The Chief Administrator may deny, suspend or revoke the driving privilege conferred by this subsection for violation of any of the provisions of Title 39 of the Revised Statutes or on other reasonable grounds upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19-1.

(f) Any person from a foreign country who is in New Jersey for a period of one year or less and who would be entitled to operate a motor vehicle in this State pursuant to (e) above but for the fact that he or she is not the holder of a driver[s] license from the country in which he or she resides shall be eligible to make application for a New Jersey driver[s] license or permit. [The Chief Administrator shall suspend or revoke any driver's license or permit issued pursuant to this subsection upon expiration of the license or permit holder's lawful presence in the United States unless it is demonstrated that the person's continued presence in the United States is authorized under Federal

law.] If a New Jersey driver license or permit is issued, the Commission shall fix the expiration date at a date based on the period in which the person is authorized to be present in the United States under federal immigration laws. The Commission may renew the driver license or permit only if it is demonstrated that the person's continued presence in the United States is authorized under Federal law.

(g) The Commission shall not issue a driver's license or permit to a person who is entitled to operate a motor vehicle in this State pursuant to (e) above or who is entitled to operate a motor vehicle in this State under a reciprocity privilege granted by any law, unless said reciprocity privilege is revoked or terminated by the establishment of residence in this State and the surrender of said person's current out-of-State driver's license to the Commission upon issuance of a New Jersey driver[s] license.

(h) The Commission shall take a photo of each applicant for a new or renewed non-REAL ID compliant special learner permit with photo, examination permit with photo, driver license, commercial driver license, or non-driver identification card upon submission of the application.

**13:21-8.2A REAL ID document age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law; proof of address**

**(a) A REAL ID document (special learner permit, examination permit, driver license, commercial driver license, or non-driver identification card) will indicate that it is acceptable for official purposes as determined by the Federal government. New Jersey allows each applicant to choose whether to apply for a REAL ID document (requirements are listed in this subchapter) or a non-REAL ID document (requirements are listed in N.J.A.C. 13:21-8.2).**

**(b) Each applicant for a REAL ID compliant special learner permit, examination permit, digitized driver license, commercial driver license, or non-driver identification card shall be required to furnish to the Commission proof of identity, principal residence, date of birth, and proof that the applicant's presence in the United States is authorized under Federal law. Such proof may be established by submission of the original or certified (by the issuing authority) copy of the primary and/or secondary documents that are listed in (b) below, as follows:**

- 1. Each applicant must produce documents which total at least six points.**
- 2. Each applicant must present at least one primary document.**
- 3. Each applicant must present at least one secondary document.**
- 4. An applicant shall not submit more than two documents with a point value of one.**

5. If discrepancies exist within or between documents submitted by an applicant, the Commission may require that the applicant submit additional documentation.

6. The Commission shall refuse to grant any permit or license or non-driver identification card if the Commission has reasonable cause to believe that a document is altered, false or otherwise invalid.

7. An applicant who is not a United States citizen must also submit proof of continued legal presence in the United States evidenced by a document listed in (b)1.ii below or by a document issued by the United States Department of Homeland Security or another Federal agency that establishes the applicant's legal right to be in the United States as of the time the proof is presented.

8. For persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity or date of birth, Commission authorized personnel may review, approve or accept alternate documentation that proves the applicant's identity, or date of birth, or that the applicant's presence in the United States is authorized under Federal law.

9. The identity of the applicant shall be deemed to be the name recorded on the document(s) submitted to the Commission pursuant to this section unless evidence of a different name is established by the submission of a civil marriage or civil union certificate, divorce decree or order of court.

10. The Commission reserves the right to make changes to the list of acceptable documents found in (b), below. Such changes will be posted on the Motor Vehicle Commission's website, www.njmvc.gov, and will be available at all motor vehicle agencies.

(c) The following are acceptable documents:

1. Primary documents:

i. A United States citizen must submit at least one document from the following list:

Document

Value

United States or United States Territory birth certificate or certified copy filed with a State Office of Vital Statistics or equivalent agency in the individual's State of birth 4

United States Department of State birth certificate (Form FS-545

or DS-1350) 4

United States Department of State Consular Report of Birth Abroad

(Form FS-240) 4

Unexpired United States passport 4

Unexpired New Jersey digitized driver license issued on or after (the effective date of these amendments) 4

Valid New Jersey non-driver digitized identification card issued on or after (the effective date of these amendments) 4

Certificate of Naturalization (Form N-550 or N-570) 4

Certificate of Citizenship (Form N-560 or N-561) 4

Unexpired special learner permit with digital image issued on or after (the effective date of these amendments) 4

Unexpired examination permit with digital image issued on or after (the effective date of these amendments) 4

Probationary license with digital image issued on or after (the effective date of these amendments) 4

Current photo driver license of any other state of the United States including the District of Columbia that meets the requirements of 6 C.F.R. 37.1 et seq., as may be amended 4

ii. A person who is not a United States citizen must submit at least one document from the following list to establish lawful presence in the United States:

Document

Value

**Current Permanent Resident Card (Form I-551) with expiration date and with United States Citizenship and Immigration Services (USCIS) verification 4**

**Unexpired foreign passport with USCIS verification and with valid record of arrival/departure (Form I-94) 4**

**Refugee Travel Document (Form I-571) 4**

**United States Re-entry Permit (Form I-327) 4**

**Valid I-94 stamped "Refugee," "Parolee," "Asylee" or "Notice of Action" (Form I-797 approved petition) by USCIS 4**

**Valid I-94 with attached photo stamped "Processed for I-551 ... " by USCIS 4**

**Current photo employment authorization card (Form I-688B or I-766), 3**

**Current Permanent Resident Card (Form I-551) without expiration date and with USCIS verification 2**

**Photo Temporary Resident Card (Form I-688) 2**

**2. Secondary documents:**

**i. United States citizens and persons who are not United States citizens must submit at least one document from the list below.**

**Document**

**Value**

**Valid New Jersey digitized driver license issued on or after (the effective date of these amendments) (a secondary document for non-United States citizens only)**

**4**

**Unexpired special learner permit with digital image issued on or after (the effective date of these amendments) (a secondary document for non-United States citizens only) 4**

**Unexpired examination permit with digital image issued on or after (the effective date of these amendments) (a secondary document for non-United States citizens only) 4**

**Valid Probationary license with digital image issued on or after (the effective date of these amendments) (a secondary document for non-United States citizens only) 4**

**Legal name change court order signed by a judge or court clerk 3**

**Civil marriage or civil union certificate or divorce decree 3**

**United States adoption papers 3**

**Current United States military photo identification card 3**

**Current United States military dependent card 3**

**United States military photo retiree card 3**

**New Jersey firearm purchaser card 3**

**Valid United States government employee driver license 2**

**Valid United States government employee photo identification card 2**

**United States military discharge papers (DD214) 2**

**Federal Aviation Administration pilot license 2**

**United States school photo identification card with transcript or school records 2**

**United States college photo identification card with transcript 2**

**Current photo driver license of any state of the United States including New Jersey and the District of Columbia (issued prior to the effective date of these amendments) 1**

**State professional license 1**

**New Jersey public assistance card with photo 1**

**Social Security card with Social Security Administration (SSA) verification 1**

**High school diploma or GED (general equivalency diploma) 1**

**Bank statement/record (cannot be submitted in conjunction with ATM card) 1**

**ATM (automated teller machine) card with preprinted name and applicant's signature (cannot be submitted in conjunction with bank statement) 1**

**Current health insurance card or current prescription card 1**

**Current employee identification card accompanied by a printed pay stub 1**

**Property tax statement, bill or receipt issued by a New Jersey municipality 1**

**High school certificate (written test waiver) 1**

**Veteran's Administration universal access photo identification card 1**

**(d) Each applicant must present for inspection two acceptable proof of principal residence documents, which may be, but are not limited to, the following:**

- 1. A utility or credit card bill displaying applicant's name at current address, issued within last 90 days;**
- 2. A property tax bill, statement or receipt within last year;**
- 3. Any letter or correspondence (including tax bills) received from the Federal Internal Revenue Service or any state tax office within the past year;**
- 4. An original lease or rental agreement with the name of the applicant listed as the lessee or renter;**
- 5. First class mail from any government agency within six months, including a Commission-issued driver license renewal form;**
- 6. A checking or savings account statement (bank or credit union) issued within last 60 days; or**

**7. A certification, verifying the address of an applicant under 18 years of age who does not have his or her own proof of address verification, from a parent or guardian.**

**(d) Pursuant to N.J.S.A.39:3-9b, victims of domestic violence and other specified crimes and those the Chief Administrator determines to have good cause may show a mailing address on documents in this list as a post office box, an address other than the applicant's address, or other contact point as acceptable proof of principal residence .**

**(e) Each applicant must present for inspection acceptable proof of Social Security number documentation, which shall be :**

**Social Security card ;**

**W-2 form issued within the past year;**

**Pay stub with applicant's name and Social Security number;**

**SSA-1099 form issued within the past year; or**

**Non-SSA 1099 form issued within the past year.**

**The Social Security number on the document presented will be verified through the Social Security Online Verification system.**

**(f) Any person from a foreign country who is in New Jersey for a period of one year or less may operate a motor vehicle in this State if he or she is the**

holder of a current driver license in good standing from the country in which he or she resides provided that such license authorizes operation of the class of vehicle to be operated in this State. The Chief Administrator may deny, suspend or revoke the driving privilege conferred by this subsection for violation of any of the provisions of Title 39 of the Revised Statutes or on other reasonable grounds upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19-1.

(g) Any person from a foreign country who is in New Jersey for a period of one year or less and who would be entitled to operate a motor vehicle in this State pursuant to (f) above but for the fact that he or she is not the holder of a driver license from the country in which he or she resides shall be eligible to make application for a New Jersey driver license or permit. If a New Jersey driver license or permit is issued, the Commission shall fix the expiration date at a date based on the period in which the person is authorized to be present in the United States under federal immigration laws. The Commission may renew the driver license or permit only if it is demonstrated that the person's continued presence in the United States is authorized under Federal law.

(h) The Commission shall not issue a driver license or permit to a person who is entitled to operate a motor vehicle in this State pursuant to (f) above or who is entitled to operate a motor vehicle in this State under a reciprocity privilege granted by any law, unless said reciprocity privilege is revoked or

terminated by the establishment of residence in this State and the surrender of said person's current out-of-State driver license to the Commission upon issuance of a New Jersey driver license.

(i) The Commission shall take a photo of each applicant for a new or renewed REAL ID compliant special learner permit with photo, examination permit with photo, driver license, commercial driver license, or non-driver identification card upon submission of the application.

**DRAFT**



# New Jersey Motor Vehicle Commission

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

STATE OF NEW JERSEY

Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

Raymond P. Martinez  
Chairman and Chief Administrator

To: Raymond P. Martinez, Chairman  
CC: MVC Board Members  
From: Laura Hahn, Legislative Liaison  
Date: February 11, 2016  
Re: Legislative Report

This Legislative Report provides a summary of legislative activity since the December 2015 Motor Vehicle Commission (MVC) Board meeting.

### Bills Signed by the Governor

**A-1455** (Diegnan D18) / **S-2011** (Madden D4)  
**Requires that newly-manufactured school buses be equipped with sensors.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect July 18, 2016.

**Chapter Law:** P.L.2015, c.266

**MVC Impact:** MVC has to provide consultation to the State Board of Education for their regulations. Inspections will check to ensure buses have sensors. The following Divisions will be impacted: Legal and Inspection Services.

**A-1466** (Diegnan D18)  
**Allows for waiver of school bus requirements for mobility assistance vehicle technicians who transport students with medical needs to and from school.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect immediately.

**Chapter Law:** P.L. 2015, c.268

**MVC Impact:** This new law allows any board of education, governing body of a nonpublic school, or State agency to waive school bus operating requirements (including registration, equipment, inspection and maintenance) for any person certified as a mobility assistance vehicle technician (MAVT) who transports a student with medical needs to and from school. The following Divisions will be impacted: Inspection Services, Compliance and Safety, Customer Info and Advocacy, Legal, IT and Financial Management.

**A-3276** (Whelan D2/ Mazzeo D2)

**"Mainland Memoriam Act"; directs MVC to create graduated driver's license informational material to be distributed by motor vehicle dealers.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect on August 1, 2016.

**Chapter Law:** P.L. 2015, c.286

**MVC Impact:** The Commission has already created sufficient written materials on the GDL requirements, which are readily available for dealers who need them. The following Divisions will be impacted: Procurement and Communications.

**A-3395** (Wisniewski D19) / **S-2294** (Sacco D32)

**Allows insurer to obtain certificates of ownership or salvage certificates of title for motor vehicles under certain circumstances.**

**Effective Date:** This act was signed on January 14, 2016, and shall take effect August 1, 2016.

**Chapter Law:** P.L.2015, c.208

**MVC Impact:** MVC will determine whether the issuance of a certificate ownership or salvage title is appropriate or not. Upon proper application, MVC shall issue a salvage certificate of title or a junk title certificate in the name of the salvage processor, which shall extinguish any existing liens against the motor vehicle. The following Divisions will be impacted: Titling Unit, Agency Services.

**A-3927** (Andrzejczak D1) / **S-2820** (Van Drew D1)

**Requires drivers to slow down before passing slow moving vehicles; establishes Statewide educational campaign on rural roadway safety; updates agriculture-related motor vehicle laws to reflect current industry practices.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect on January 1, 2017.

**Chapter Law:** P.L. 2015, c.292

**MVC Impact:** The MVC has to establish and implement a slow-moving vehicle emblem system. Changes need to be made to rules/regulations regarding the expansion of vehicles that can be registered as a farm vehicle, the times of day that these vehicles can be operated, and the distance and speed that they can travel. MVC has to adopt rules/regulations for the registration of self-propelled sprayers. Additionally, the Commission has to work with the Division of Highway Traffic Safety to create a statewide educational campaign to promote roadway safety in rural areas. The following Divisions will be impacted: Agency Services, Procurement, IT, Legal, Financial Management, Communications, Compliance and Safety and Customer Information and Advocacy.

**A-4323** (DeAngelo D14)

**Expands timeframe for renewal of driver's license, registration, and inspection by military personnel and immediate family members under certain circumstances.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect immediately.

**Chapter Law:** P.L. 2015, c.299

**MVC Impact:** MVC will allow an active duty member of any branch of the Armed Forces, and any person in the member's immediate family, to renew a driver's license, non-driver ID, or registration certificate, and have their vehicle inspected during the six months before the member's scheduled date of deployment out of state. Driver's licenses and non-driver IDs for these individuals will also be valid up to 90 days after the member returns from duty. The following Divisions will be impacted: Agency Services, IT and Customer Information and Advocacy.

**A-4387** (Coughlin D19) / **S-3016** (Vitale 19)

**Requires MVC to allow submission of "Next-of-Kin Registry" information by mail.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect on April 1, 2016.

**Chapter Law:** P.L. 2015, c.301

**MVC Impact:** MVC will allow individuals to submit or update Next-of-Kin emergency contacts either on the Commission's website or by mail. The Commission will provide paper applications at local agencies or through mailings. The following Divisions will be impacted: Agency Services, Agency Support Services, Communications and IT.

**A-4719** (Moriarty D4) / **S-3250** (Cruz-Perez D5)

**Extends use of stored driver's license picture for person undergoing chemotherapy or other treatment for certain medical illnesses.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect immediately.

**Chapter Law:** P.L. 2015, c.306

**MVC Impact:** MVC will extend a stored driver's license photo for customers who can prove they are going through medical treatment that causes temporary physical changes. The following Divisions will be impacted: Agency Services, IT, Financial Management, Legal; little to no impact to Procurement and Management Operation Services.

**S-2695** (Dancer R12 / Benson D14 / Kean R21 / Sacco D32)

**Requires MVC conduct study and make recommendations concerning electronic driver's licenses and mobile applications.**

**Effective Date:** This act was signed on January 19, 2016, and shall take effect immediately.

**Chapter Law:** P.L. 2015, c.239

**MVC Impact:** The Commission has to prepare and submit a report with recommendations on the feasibility of electronic driver's licenses, including the production of a mobile application, the way information is stored, and the fiscal impact. The Performance Management Office will be spearheading the Study.