

 **New Jersey
Motor Vehicle Commission**

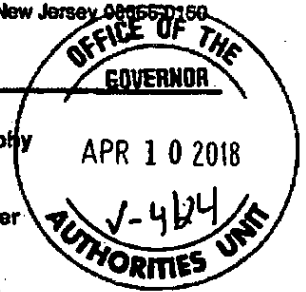
P.O. Box 160
Trenton, New Jersey 08646-0160

STATE OF NEW JERSEY

Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

B. Sue Fulton
Acting Chair and Chief Administrator



April 10, 2018

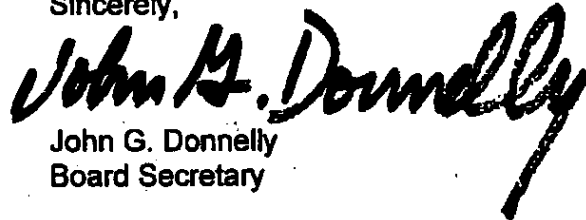
Honorable Philip D. Murphy
Governor, State of New Jersey
225 West State Street
Post Office Box 001
Trenton, NJ 08625-0001

Dear Governor Murphy:

In accordance with Section 17 of The Motor Vehicle Security and Customer Service Act of 2003, constituting Chapter 13 of the laws of 2003 of the State of New Jersey, as amended pursuant to P. L. 2007, Chapter 335 and pursuant to P. L. 2009, Chapter 298, I herein transmit the minutes of actions taken at the open session of the Annual Reorganization Meeting of the New Jersey Motor Vehicle Commission Board at Floor 8E, Motor Vehicle Commission Headquarters, Tuesday, April 10, 2018.

Thank you.

Sincerely,



John G. Donnelly
Board Secretary

Enclosure

 **New Jersey
Motor Vehicle Commission**

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

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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 Board Meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Tuesday, April 10, 2018.

Present:

B. Sue Fulton, Acting Chair
Stephen S. Scaturro, Public Board Member (by speakerphone)
Walter Orcutt, Public Board Member (by speakerphone)
Susan Pigula, Acting Transportation Commissioner Designee
James J. Fruscione, Acting State Treasurer Designee (by speakerphone)
Gary Poedubicky, Attorney General Designee

Laurette Asante previously advised the Acting Chair that she would not be able to participate.

Deputy Attorney General Philip Espinosa and Governor's Authorities Unit Assistant Counsel Craig Ambrose participated.

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

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

Chairman's Report

The Acting Chair then presented this report of key Commission activities since the February 15, 2018 Board Meeting:

Introduction

Good afternoon, everyone. Thank you for joining us for the second MVC Board meeting of 2018. Before we move on into the agenda, I'd like to take a moment to tell you a little bit about myself for those of you who haven't met me. I graduated from West Point in the first class to include women; was commissioned as an officer in the Army Signal Corps; served overseas as a platoon leader, staff officer, and company commander; and was honorably discharged at the rank of Captain, at the tender age of 27. Following my career in the Army, I spent about 25 years in the private sector, managing consumer brands like Cascade, Arm & Hammer, Coppertone, Afrin, Dr. Scholl's and Claritin. I was honored to be selected by Governor Murphy to lead the MVC, which is effectively the "face of state government."

At MVC, with more than 24 million customer transactions completed annually, we have the opportunity and responsibility to interact with more New Jerseyans than any other state agency. Our job is to keep New Jersey drivers safe, and to deliver excellent customer service. That's what we have to do each and every day. With an organization of about 2000 people, that takes leadership. It takes integrity. And it takes selfless service. My priority will always be to serve the people of New Jersey to the best of my ability; and to lead an organization that does the same.

South Plainfield Agency

Moving on, I am pleased to announce that we are on schedule to open our new South Plainfield agency next month, almost a year to the day since we closed the previous facility. While our staff in the surrounding agencies have done an excellent job handling the customer overflow, I am sure that residents throughout the area will be pleased with the opening of our new facility and the shorter lines that result.

Immaculate Heart Academy/Share the Keys/JustDrive.com

Given that April is Distracted Driving Awareness month, I want to take a moment to highlight the good work that the MVC is doing year-round to reduce this dangerous behavior. On March 27, I visited Immaculate Heart Academy in Bergen County along with New Jersey Manufacturers Insurance (NJM) to congratulate the students there on winning a NJM-sponsored statewide safe driving competition. In return for collecting the most safe-driving pledges, in total, of any schools in the state, they were awarded \$2,500 to support their driver education program. Additionally, all of the students received a gift bag with JustDrive.com promotional items. Thanks to our partnership with NJM's *Share the Keys* initiative, we have been able to introduce the JustDrive.com curriculum to every high school in the state. We hope to continue to build on the success of this program, which aims to involve parents in helping their children develop safe driving habits. In addition to my visit to the Immaculate Heart Academy, I will be speaking at the Rebecka Vereva Foundation's annual Education Symposium in Cliffside Park later this month. Because of this Foundation, thousands of students and educators have had the opportunity to learn about the dangers of distracted and aggressive driving, and I look forward to the opportunity to do my part to prevent the tragic loss of life due to reckless behavior behind the wheel.

JustDrive.com 125

And one more item I would like to mention - I am excited to announce that the MVC will once again be sponsoring the third annual JustDrive.com 125 NASCAR race down in Millville, New Jersey. This year's race will be taking place on Saturday, June 16, and will enable our JustDrive.com campaign, which highlights the consequences of talking and texting while driving, to reach approximately 10,000 race fans. So if you are a race fan, we hope to see you down there as a volunteer. And if you are not, please continue to help our efforts and spread the message that people need to put down the phone and Just Drive.

New Regulations

Before we move on to the agenda, I'd like to take a minute to highlight an important regulatory change we're putting into effect to help customers with limited English-language proficiency. As a result of our actions today, we will ensure that every New Jersey resident is able to request a translator when taking the written driving exam and the road test. This change will ensure that the MVC is in compliance with federal standards and that our services are accessible to all New Jerseyans.

Retirement

Finally, I would like to take a moment to recognize the exemplary service of Jeanne Ashmore, whose last day with the Commission will be April 30th. Jeanne has been an integral part of this organization since her appointment as Deputy Chief Administrator in 2014, and she was instrumental in advancing many of our priorities and initiatives. Jeanne, on behalf of the MVC Board, as well as the Commission, thank you for all of your hard work and dedication over the past three years and best of luck in your retirement. You will certainly be missed.

The following Agenda Items were presented for approval:

Minutes: February 15, 2018. This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the Minutes of each MVC Board Meeting, by approving the Minutes of the MVC Board Meeting of February 15, 2018.

Director Poedubicky moved the resolution, Manager Pigula seconded it and it was unanimously adopted.

1804-01: Vice-Chair. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act that MVC Board appoint a Vice-Chair, by designating Susan Pigula, the Board Designee from the New Jersey Department of Transportation, to serve as Vice-Chair of the New Jersey Motor Vehicle Commission Board through January 1, 2019.

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

1804-02: 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.

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

1804-03: Interpreters 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 Final Adoption of the Interpreters regulation. Kate Tasch of the Regulatory and Legislative Affairs Office presented the regulation.

Manager Pigula moved the resolution, Board Member Scaturro seconded it and it was unanimously adopted.

1804-04: Emergency Vehicles 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 Final Adoption of the Emergency Vehicles regulation. Richard DeIMonaco of the Regulatory and Legislative Affairs Office presented the regulation.

Director Poedubicky moved the resolution, Director Fruscione seconded it and it was unanimously adopted.

1804-05: Title to Vehicles Abandoned on State Property Regulation. This regulation was tabled in order that the Administrative Practice Officer (APO) Kate Tasch may review a Comment that was timely-submitted by Anthony E. Bush, Esq., of Eckerts Seamans. Mr. Bush today audibly voiced his concern from the audience that his timely-submitted Comment was not included in the Final Adoption of this regulation, apparently due to an inadvertent omission by the APO, as submitted for the Board's consideration today.

Vice-Chair Pigula moved the motion to table, Board Member Scaturro seconded it and it was unanimously adopted.

1804-06: Compliance and Safety Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Final Adoption of the Compliance and Safety regulation. JoAnne Sutkin of the Regulatory and Legislative Affairs Office presented the regulation.

Manager Pigula moved the resolution, Board Member Scaturro seconded it and it was unanimously adopted.

Legislative Report. A briefing was provided by Board Secretary Jack Donnelly, who also is temporarily serving as Legislative Liaison, including a summary of legislative activity since the February 2018 Motor Vehicle Commission Board meeting.

Acting Chair Fulton thanked Jack for the presentation.

Public Comments:

No member of the public offered comments.

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

Adjournment:

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

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

**Commission Headquarters, 8th Floor East Wing
225 East State Street, Trenton, New Jersey
2:00 p.m., Tuesday, April 10, 2018**

FINAL AGENDA

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• 2 – OPEN PUBLIC MEETINGS ACT STATEMENT	8326
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• 8 – APPROVAL OF ITEM 1804-02 – ELECTION OF SECRETARY	8340
• 9 – APPROVAL OF ITEM 1804-03 – FINAL ADOPTION – N.J.A.C. 13:21 INTERPRETERS REGULATION	8342
• 10 – APPROVAL OF ITEM 1804-04 – FINAL ADOPTION – N.J.A.C. 13:24 EMERGENCY VEHICLES	8346
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Approval: Minutes of February 15, 2018

BENEFITS

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

PURPOSE

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

The February 15, 2018 Minutes were delivered on February 15, 2018 to the Governor, and became effective upon expiration of the ten day period on March 2, 2018.

ACTION

Approval of this item by the Board Members indicates acceptance of the February 15, 2018 Minutes.

FISCAL IMPACTS

None.

RESOLUTION

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

WHEREAS, pursuant to section 17 of The Motor Vehicle Security and Customer Service Act , P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, a true copy of the Minutes of the actions taken at the New Jersey Motor Vehicle Commission Board meeting of February 15, 2018 were delivered without delay to the Governor on February 15, 2018; and

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

WHEREAS, Minutes of the February 15, 2018 Board Meeting are effective as of March 2, 2018; and

NOW, THEREFORE, BE IT RESOLVED that the Minutes of actions taken at the February 15, 2018 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 Board meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Thursday, February 15, 2018.

Present:

Jeanne D. Ashmore, Acting Chair
Stephen S. Scaturro, Public Board Member (by speakerphone)
Susan Pigula, Acting Transportation Commissioner Designee
Brian Francz, Acting State Treasurer Designee (by speakerphone)
Gary Poedubicky, Attorney General Designee

Walter Orcutt and Laurette Asante previously advised the Acting Chair that they would not be able to participate.

Deputy Attorney General Philip Espinosa and Governor's Authorities Unit Assistant Counsel Craig Ambrose participated.

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

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

Chairman's Report

The Acting Chair then presented this report of key Commission activities since the December 7, 2017 Board Meeting:

Skip the Trip/Online Services

I would like to start by taking a moment to highlight the continuing success of our Skip the Trip campaign. As of February 2nd, approximately 2.2 million residents have taken advantage of this convenient option to renew their driver license through the mail. That means 2.2 million fewer transactions are conducted in our agencies, saving countless hours for our customers and staff. In addition to Skip the Trip, we are seeing that customers are taking advantage of our convenient online services in increasing numbers. In 2017, we processed more than 1.8 million transactions through njmvc.gov – an increase of 7.3% from the previous year. Approximately 1.6 million of these were simple registration renewals. We hope to continue building on this success in the coming months.

Mobile Agency

As our Skip the Trip program and online services continue to grow in popularity, we are also seeing continued success with the roll out of our mobile agencies. They are currently being used in Middlesex County at the Edison Agency and also in Union County at the Rahway Agency to help offset increased demand due to the closure of the South Plainfield Agency. In the future, the mobile units also can be deployed statewide to meet the needs of underserved communities, senior centers and any location impacted by natural disasters where the immediate replacement of identification documents might be needed. Additionally, these mobile units can also be used, on a scheduled basis, to process transactions at universities, office campuses, government centers and shopping areas or any location where a substantial amount of transactions can be anticipated.

JustDrive Campaign

With so much going on, the MVC continues to make strides in our efforts to combat distracted driving. I would like to share with you some statistics reflecting the growing reach of our JustDrive.com campaign. As of January, our JustDrive Facebook page had nearly 26,000 followers. We have created approximately half a million "impressions," to date meaning people who viewed our page, liked a post or interacted with us in another way. On any given day, our content reaches approximately 15,000 users. Combined with our other online presence, our billboards and advertisements throughout the state, and our partnerships with the NFL, the NHL, NASCAR, the MLB and others, we continue to see a reduction in the amount of tickets issued for driving while using a handheld device. According to the NJ State Police, these citations decreased by 8% between December 2016 and December 2017. While we are proud of these numbers, we cannot become complacent in combating this dangerous behavior.

New Regulations

Before we move on to the agenda, I'd like to take a minute to highlight an important regulatory change we're putting into effect to keep our youngest and most vulnerable residents safe. In 2016, the Governor signed a piece of legislation known as "Abigail's Law," which compels the MVC to enact regulations requiring newly manufactured school buses to come equipped with front and rear motion sensors. The law is named for a two year old girl who was tragically struck and killed when she ran out in front of a school bus whose driver was unable to see her. It is our sincere hope that these regulations will help to ensure that no other New Jersey family has to endure this type of tragedy.

IDEC

In keeping with our mission of safety, during this meeting I will be acknowledging MVC employee Carlton Williams, who was chosen by the American Association of Motor Vehicle Administrators' International Driver Examiner Certification (IDEC) Board as New Jersey's IDEC Examiner of the Year for 2017.

The following Agenda Items were presented for approval:

PRESENTATION: Recognition of MVC Safety Specialist Carlton E. Williams. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act ("Act"), P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, at Section 2 that MVC inform our customers of the work of MVC, which includes distinguished and invaluable service provided by MVC staff, including Mr. Carlton E. Williams, an MVC Safety Specialist 2, who is the International Driver Examiner Certification (IDEC) Examiner of the Year.

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

Acting Chair Ashmore invited Mr. Williams to the front of the Board room, and explained to the audience that: the IDEC Board and the American Association of Motor Vehicle Administrators (AAMVA) recognizes outstanding examiners through the IDEC Examiner of the Year award; that each member jurisdiction nominates one examiner for outstanding performance as a driver's license examiner; and, that examiners are selected for their excellence in adhering to the principles and recommended practices of driver examining and for their high level of conduct in their profession.

Acting Chair Ashmore then presented Mr. Williams with IDEC's "Examiner of the Year" certificate, a congratulatory letter from AAMVA, and the IDEC shirt with the words "Examiner of the Year" sewn onto the front.

Acting Chair Ashmore then mentioned a few of Mr. Williams' career highlights. He started his career at MVC as a Safety Specialist Trainee in 1985, administering road tests for auto, motorcycle and commercial vehicles. He has also worked for the Division of Inspection Services in the Mobile and Bus Units, performing inspections and audits on commercial truck and buses, ensuring all federal and state regulations, policies and procedures were enforced.

The Acting Chair and Mr. Williams were then photographed with the MVC Board Members, who also offered their acknowledgements to Mr. Williams for his daily efforts that keep us safe.

Minutes: December 7, 2017. 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 7, 2017.

Director Poedubicky moved the resolution, Manager Pigula seconded it and it was unanimously adopted.

1802-01: Abigail's Law 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 New Rule to implement inspections of school bus sensors. Board Secretary Jack Donnelly presented the regulation.

Director Poedubicky moved the resolution, Deputy Director Francz seconded it and it was unanimously adopted.

Legislative Report. A briefing was provided by Board Secretary Jack Donnelly on behalf of the Intergovernmental Relations Office, including a summary of legislative activity since the December 2017 Motor Vehicle Commission (MVC) Board meeting.

Acting Chair Ashmore thanked Jack for the presentation.

Public Comments:

No member of the public offered comments.

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

Adjournment:

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

ITEM 1804-01: DESIGNATION OF VICE-CHAIR**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 the designee (Susan Pigula) of the Acting Commissioner of the New Jersey Department of Transportation (DOT), Diane Gutierrez-Scaccetti, an Ex-Officio Member of the Board of the New Jersey Motor Vehicle Commission, to serve as Vice-Chair of the New Jersey Motor Vehicle Commission Board until January 1, 2019.

N.J.S.A. 39:2A-12(a)(1) requires the Commissioner of Transportation to serve as an *ex officio* member of the MVC Board, and N.J.S.A. 39:2A-12(c) permits *ex officio* members to have a designee.

By letter dated January 31, 2018, Acting Commissioner Gutierrez-Scaccetti's designee is DOT's Susan Pigula.

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 (MVC) 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; and

WHEREAS, N.J.S.A. 39:2A-12(a)(1) requires the Commissioner of Transportation to serve as an *ex officio* member of the MVC Board; and

WHEREAS, N.J.S.A. 39:2A-12(c) permits *ex officio* members to have a designee from their department to the MVC Board; and

WHEREAS, by letter dated January 31, 2018, the Acting Commissioner of the New Jersey Department of Transportation (DOT), Diane Gutierrez-Scaccetti, has named Susan Pigula as her designee to the MVC Board;

NOW, THEREFORE, BE IT RESOLVED that Susan Pigula is designated as Vice-Chair of the New Jersey Motor Vehicle Commission Board to serve a term through January 1, 2019.

ITEM 1804-02: 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, an attorney in his 35th year of State service and a full time employee (and Board Secretary) of the MVC since 2003, 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, an attorney in his 35th year of State service and a full time employee (and Board Secretary) of the MVC since 2003, 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 1804-03: LICENSING SERVICE – INTERPRETERS 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 this Final Adoption of the Licensing Service regulations concerning the use of an interpreter for the written knowledge test and the road test.

PURPOSE

This is a Final Adoption. The effect of this item is to amend the Licensing Service regulations concerning the use of an interpreter for the written knowledge test and the road test.

ACTION

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

FISCAL IMPACTS

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

RESOLUTION

WHEREAS, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 (the "Act"), as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to the Motor Vehicle Commission the duty to implement regulations affecting various programs, including this Final Adoption of the Licensing Service regulations concerning the use of an interpreter for the written knowledge test and the road test;

NOW, THEREFORE, BE IT RESOLVED that the Chair is authorized to file with the Office of Administrative Law a notice of the Final Adoption of Licensing Service regulations concerning the use of an interpreter for the written knowledge test and the road test, in substantially the form as attached in **Exhibit A**.

MOTOR VEHICLE COMMISSION

LICENSING SERVICE

Driver Examinations, Interpreter and Translator Services

Adopted Amendments: N.J.A.C. 13:21-7.3, 8.7, 8.8, and 8.15

Proposed: December 4, 2017 at 49 N.J.R. 3663(a).

Adopted: by the Motor Vehicle Commission,

B. Sue Fulton, Acting Chair and Chief Administrator

Filed: , 2018 as R. 2018 d. , **without change**

Authority: N.J.S.A. 39:2A-28, 39:3-10

Effective Date:

Expiration Date: December 4, 2020

Summary of Public Comment and Agency Response:

The Motor Vehicle Commission ("MVC") received one written comment regarding its December 4, 2017 proposal at 49 N.J.R. 3663(a), which is available for inspection at the Office of the acting Chief Administrator, Regulatory and Legislative Affairs, Motor Vehicle Commission, 225 East State Street, 9th Floor, Trenton, New Jersey.

The submitted comment from Jean Publiee is summarized below and followed by the Commission's response thereto.

1. **COMMENT:** The commenter stated that limited English proficient applicants, as opposed to general New Jersey taxpayers, should bear the cost of the interpreter if assistance is needed. In addition, the commenter stated that there is a serious safety risk when a driver, who cannot read or write English, cannot understand the road signs. The commenter also stated that deaf or hard of hearing drivers are a danger on the roads.

The commenter disagrees with N.J.A.C. 13:21-8.15(c), which allows an approved interpreter to provide instructions immediately before and immediately after the road test for a deaf or hard of hearing or limited English proficient applicant, stating that this subsection allows assistance for certain immigrants only.

RESPONSE: The proposed amendments are subject to Title VI of the Civil Rights Act of 1964, 42 U.S.C. s 2000d et seq., which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance, as well as corresponding regulations at 28 C.F.R. s 42.101 et seq. Similarly, the proposed amendments are also subject to Title II of the Americans with Disabilities Act, 42 U.S.C. 126, s. 12101 et seq., which applies to State and local government bodies, and protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities.

Federal Standards Statement

The adopted amendments are subject to but do not exceed Federal requirements or standards. As amended, the proposed rule is subject to Title II of the Americans with Disabilities Act, 42 U.S.C. 126, s. 12101 et seq., which applies to State and local government bodies, and protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities. Similarly, it is subject to Title VI of the Civil Rights Act of 1964, 42 U.S.C. s 2000d et seq., which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance, as well as corresponding regulations at 28 C.F.R. s 42.101 et seq. The adopted amendments will provide for better access to interpreters for deaf or hard of hearing and limited English proficient applicants; the adopted amendments provide that the Commission will secure an interpreter for deaf or hard of hearing or limited English proficient applicants and translators for those with limited English proficiency.

Full text of the amended rules follows:

ITEM 1804-04: EMERGENCY VEHICLES 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 this Final Adoption of N.J.A.C. 13:24 Equipment for Emergency Vehicles and Other Specified Vehicles regulations.

PURPOSE

This is a Final Adoption. The effect of this item is to promulgate the Equipment for Emergency Vehicles and Other Specified Vehicles regulations.

ACTION

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

FISCAL IMPACTS

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

RESOLUTION

WHEREAS, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 (the "Act"), as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to the Motor Vehicle Commission the duty to implement regulations affecting various programs, including this Final Adoption of the Equipment for Emergency Vehicles and Other Specified Vehicles regulations;

NOW, THEREFORE, BE IT RESOLVED that the Chair is authorized to file with the Office of Administrative Law a notice of the Final Adoption of the Equipment for Emergency Vehicles and Other Specified Vehicles regulations, in substantially the form as attached in **Exhibit A**.

MOTOR VEHICLE COMMISSION

Notice of Readoption

Equipment for Emergency Vehicles and Other Specified Vehicles

Readoption: N.J.A.C. 13:24

Authority: N.J.S.A. 39:1-1, 39:2-3, 39:3-43, 39:3-50, 39:3-54, 39:3-54.7 et seq., and 39:3-69.

Authorized By: _____

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

Effective Date:

New Expiration Date:

Take notice that pursuant to the provisions of N.J.S.A. 52:14B-5.1(b), the rules at N.J.A.C. 13:24 are scheduled to expire on June 24, 2018. The purpose of these rules is to promote highway safety by setting forth the permitted uses of emergency warning lights or sirens on various motor vehicles specified in the rules, and establishing the permit application procedure in those instances in which a permit for such lights or sirens is required. The Motor Vehicle Commission has reviewed these rules and has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1c(1), these rules are readopted and shall continue in effect for a seven-year period.

ITEM 1804-05: LICENSING SERVICE – ABANDONED VEHICLES

BENEFITS

The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created the New Jersey Motor Vehicle Commission (MVC), and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to MVC the duty to promulgate regulations affecting various programs, including this Final Adoption concerning the Licensing Service's rule for titles for abandoned vehicles on private property.

PURPOSE

This is a Final Adoption. The effect of this item is to promulgate a new rule as part of the Commission's Licensing Service regulations.

ACTION

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

FISCAL IMPACTS

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

RESOLUTION

WHEREAS, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 (the "Act"), as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to the Motor Vehicle Commission the duty to implement regulations affecting various programs, including this Final Adoption concerning the Licensing Service's rule for titles for abandoned vehicles on private property;

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

TRANSPORTATION

MOTOR VEHICLE COMMISSION

Licensing Service - Title to Vehicles Abandoned On Private Property

Adopted New Rules: N.J.A.C. 13:21-11.1 to -11.9

Proposed: October 1, 2017 at 49 N.J.R. 3350 (a)

Adopted: _____ by the Motor Vehicle Commission,

B. Sue Fulton, Acting Chair and Chief Administrator

Filed: May , 2018 as R.2018 d. , **without change.**

Authority: N.J.S.A. 39:2A-21, 39:2A-28, 39:4-56.6, 39:10-4

Effective Date: _____, 2018

Expiration Date: December 4, 2020

Summary of Public Comments and Agency Responses:

No comments were received.

Federal Standards Statement

The adopted new rules have no comparable Federal standard that can be applied; therefore, a Federal standard analysis is not required for this rulemaking.

Full text of the adopted new rules follows:

ITEM 1804-06: COMPLIANCE AND SAFETY REGULATION

BENEFITS

The Motor Vehicle Security and Customer Service Act (the "Act"), P.L. 2003, c.13, as the enabling statute that created the New Jersey Motor Vehicle Commission (MVC), and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to MVC the duty to promulgate regulations affecting various programs, including this Final Adoption of the Compliance and Safety regulation.

PURPOSE

This is a Final Adoption, pertaining to driver qualification, administrative hearing procedures, cardiovascular disorders, convulsive seizures, installation and use of ignition interlock devices, reciprocity, out-of-state motor vehicle convictions, and driver license suspension.

ACTION

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

FISCAL IMPACTS

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

RESOLUTION

WHEREAS, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 (the "Act"), as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to the Motor Vehicle Commission the duty to implement regulations affecting various programs, including this Final Adoption of the Compliance and Safety regulation;

NOW, THEREFORE, BE IT RESOLVED that the Chair is authorized to file with the Office of Administrative Law a notice of this Final Adoption of the rule regarding the Compliance and Safety regulation, in substantially the form as attached in **Exhibit A**.

MOTOR VEHICLE COMMISSION

Compliance and Safety

Readoption with Amendments: N.J.A.C. 13:19-1 through 13:19-9 and 13:19-11

Proposed: December 2, 2017, at 49 N.J.R. 3659(a).

Adopted: by the Motor Vehicle Commission,

B. Sue Fulton, Acting Chair and Chief Administrator

Filed: , 2018 as R.2002 d. , **without change**

Authority: N.J.S.A. 17:29A-35, 39:2-3, 39:2A-28, 39:3-10, 39:3-10.4, 39:4-50.16 et seq.,
39:5D-4, and 39:5F-1 et seq.

Effective Date: Readoption:
Amendments:

Expiration Date:

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Analysis Statement

In compliance with Executive Order No. 27 (1994), Requirement for Statement Concerning Federal Standards in State Agency Rulemaking, notice is hereby given that the rules proposed for readoption pertaining to the installation of an ignition interlock device meet but do not exceed federal standards.

Specifically, N.J.A.C. 13:19-6.3 adopts and incorporates by reference the NHTSA Model Specifications for the use of BAIDS, thereby meeting but not exceeding the Federal standards.

A Federal standards analysis is not required for the remainder of the rules proposed for readoption with amendment or the other proposed amendments because the subject matter of those rules is governed by State law and is not subject to any Federal requirements or standards.

Full text of the adopted amendments and adopted new rule follows:



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

STATE OF NEW JERSEY

Philip D. Murphy
Governor

To: B. Sue Fulton, Acting Chair and Chief Administrator

Sheila Y. Oliver
Lt. Governor

CC: MVC Board Members

B. Sue Fulton
Acting Chair and Chief Administrator

From: Jack Donnelly, On Behalf of IGR

Date: April 10, 2018

Re: Legislative Report

This Legislative Report provides a summary of legislative activity since the February 2018 Motor Vehicle Commission (MVC) Board meeting.

Senate Judiciary Committee, April 5, 2018.

The Committee approved the Governor's Nomination of B. Sue Fulton to be Chair and Chief Administrator of the Motor Vehicle Commission.

Recent Action on Bills of Note

S-1335 (Pennacchio R26) – Authorizes EMT/paramedic certification cards as 2 points of ID for driver licenses. Of note: i) MVC uses authority granted to it by N.J.S.A. 39:3-10 to determine who is a "proper person" to be granted a driver license; ii) that authority ensures that a comprehensive list of acceptable identity documents is promulgated under N.J.A.C. 13:21-8.2 and 8.2A, and is used by applicants to prove their identity; iii) this bill would statutorily impede MVC from assessing changing risks and threats in coordination with its law enforcement partners; iv) according to the Department of Health (DOH), the process of obtaining an EMT/Paramedic certification card allows for the individual to create their own profile online in order to register for the exam, and most times, the person already needs to have a driver license or ID in order to take the exam; v) because the individual does not have to provide DOH with any other identifying information, the MVC is concerned about accepting this document as a two-point document; and vi) the two-point documents that are currently accepted include a federal, state or local government employee license or photo ID – all of which require other types of documentation before issuance. **03/26/18** – *Approved by the Senate with a vote of 38-0.*

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S-1338 (Gordon D38) – Requires MVC to check Social Security Administration records and mark deceased individuals in the MVC database once per month. Of note: MVC currently receives Social Security Administration (SSA) Death Master File record updates, but the SSA records are not compatible with MVC's database and we have been looking at other resource options to better update driver records; e.g., the SSA does not always enter an individual's middle initial on the record, and when the MVC receives those records, the database may have more than one match of the same name, requiring staff to manually determine the correct individual. **03/12/18** - *Reported out of committee, second reading in Senate.*

A-268/S-469 (Kean, S./Egan/Holley/Singer) – This bill authorizes issuance of special support recovery license plates. Of note: i) implementing this legislation could delay New Jersey from becoming REAL ID compliant, as all MVC's IT resources are currently focused on implementation of REAL ID standards in order to allow for constituents to have adequate time to become REAL ID compliant before the Federal deadline, and; ii) the amount of license plate bills that have been moving through the legislative process would result in a burden to implement multiple new license plates simultaneously. **03/26/18** - *Reported out of committee, second reading in Senate, referred to Senate Budget.*

S-481 and 651 SCS (Vitale/Beach) – This bill requires the MVC to automatically register or update a person's voter registration as part of the process of applying for or renewing a driver's license. Currently, MVC offers voter registration with a customer's approval on both the Driver License application and the Non-Driver ID application. S-481 & 651 SCS would require MVC to also offer voter registration with the Special Permit application and the Exam Permit application; further, it would require MVC also to offer voter registration for any renewal of such applications. MVC supported two amendments: i) to temporarily exempt by-mail renewal (known as "Skip the Trip") until MVC can process such renewals online; the Chief Administrator will inform the Governor and Legislature every six months regarding the progress being made to offer renewals online, and; ii) allow MVC to provide various required statements in electronic form rather than hard copy print. [NOTE: A-2014 (Coughlin) is the companion bill, for which similar amendments are anticipated.] *S-481 and 651 SCS reported out of committee on March 26, second reading in Senate, referred to Senate Budget, which then reported it out of committee on April 5, 2018.*