

 **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

APR 14 2015

Veto date
4-28

April 14, 2015

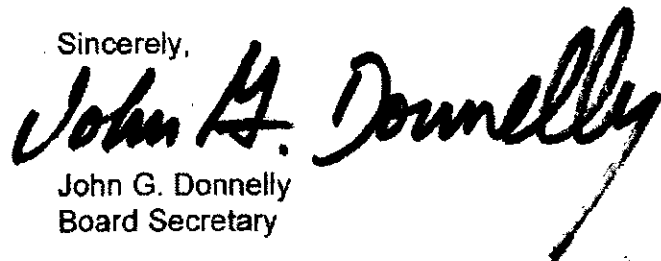
Honorable Chris Christie
Governor, State of New Jersey
State House
125 West State Street
Post Office Box 001
Trenton, NJ 08625-0001

Dear Governor Christie:

In accordance with Section 17 of The Motor Vehicle Security and Customer Service Act of 2003, constituting Chapter 13 of the laws of 2003 of the State of New Jersey, as amended pursuant to P. L. 2007, Chapter 335 and pursuant to P. L. 2009, Chapter 298, I herein transmit the minutes of actions taken at the open session of the Regular Meeting of the New Jersey Motor Vehicle Commission Board at Floor 9W, Motor Vehicle Commission Headquarters, Tuesday, April 14, 2015.

Thank you.

Sincerely,



John G. Donnelly
Board Secretary

Enclosure

STATE OF NEW JERSEY

Chris Christie
Governor

Kim Guadagno
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Chairman and Chief Administrator

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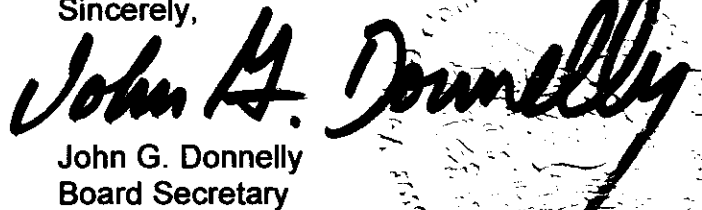
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Dear Governor Christie:

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Thank you.

Sincerely,


John G. Donnelly
Board Secretary



Enclosure

NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Board Secretary John G. Donnelly of actions taken at the Open Session of the Regular 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, April 14, 2015. The meeting was conducted as a teleconference.

Present:

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

Governor's Authorities Unit Assistant Counsel Tyler Yingling and Deputy Attorney General Philip Espinosa participated.

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, which had been amended on April 10, 2015 to add Item 1504-02, 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 February 10, 2015 Board Meeting:

Steve Scaturro

Good afternoon, everyone. We are conducting today's meeting via conference call, but I would nevertheless be remiss if I did not say how happy we all are that our Vice-Chair, Steve Scatturo, is back in the swing of things again and able to participate in today's meeting. Glad to have you back, Steve.

Budget

While I am not going to present a formal Chairman's Report today, I did want to briefly update you following our first appearance before the Legislature's two budget committees. On April 2, I joined Transportation Commissioner Jamie Fox and NJ Transit Director Ronnie Hakim before the Senate Budget and Appropriations Committee in presenting our budget request for Fiscal 2016. There were very good questions from all of the Senators present to DOT, NJ Transit and the MVC.

Chairman Sarlo raised the issue of the termination of our contract with Hewlett-Packard for the computer upgrade project we called MATRX. We anticipate there will be additional questions coming in the weeks ahead from the press who were in attendance as well as the Assembly Budget Committee, when I testify before them next month. Many of the Senators were very complimentary in their remarks about the MVC and our continued progress in improving customer service and increasing operating efficiency.

The following Agenda Items were presented for approval:

Minutes: February 10, 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 February 10, 2015.

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

1504-01: ZORF. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act that at section 98 assigns to MVC the duty to implement the Zone Of Rate Freedom (ZORF) law found at N.J.S.A. 48:4-2.20 to 2.25. Board Secretary Jack Donnelly presented the Final Rule.

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

1504-02: TEXTING. This item is to meet the statutory provision 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, including this proposed amendment regarding the prohibited use of a wireless telephone or electronic communication device by an operator of a moving vehicle. Sarah Miller of the Regulatory and Legislative Affairs Office presented the proposed amendment.

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

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

Signed by the Governor:

A-3216 (Greenwald D6/Eustace D38/Moriarty D4/Lampitt D6/McKeon D27/Turner D15) permits certain zero emission vehicle manufacturers to directly sell motor vehicles to consumers and requires them to operate service facilities. The law allows a manufacturer to directly buy from or sell to consumers a zero emission vehicle at a maximum of four locations in New Jersey. In addition, the bill requires a manufacturer to own or operate at least one retail facility in New Jersey for the servicing of its vehicles. This act was signed on March 18, 2015 and took effect immediately as P.L.2015, c.24. Very little operational impact on MVC, if any.

Bills Sent to Governor's Desk:

A-3579 (Moriarty D4/Benson D14/O'Scanlon R13/Schepisi R39/Madden D4/Beach D6) limits access to data recorded by motor vehicle recording devices. Under the bill, only the owner of the motor vehicle that contains the recording device or the owner's representative may retrieve, obtain, or use data recorded, stored, or transmitted from the recording device, with certain exceptions. MVC has no objection to this bill, as it has been amended, and MVC's concerns have been resolved. *It passed the full Assembly (68-0-0), and passed the full Senate (39-0) but was sent back to the Assembly for concurrence with the amended bill. On 3/26/15 it passed the full Assembly (73-0-0).*

s-266 (Greenstein D14/Bucco R25/Benson D14/DeAngelo D14/Sumter D35/Wisniewski D19/Garcia D33) requires high school driver education course, certain new driver brochures, and driver's license written exam to include aggressive driving information. This bill requires that the curriculum for approved classroom driver education courses and the written exam given by the Commission to the parents and guardians of beginning drivers include information on the dangers of driving a vehicle in an aggressive manner. The bill specifies that driving a vehicle in an aggressive manner includes, but is not limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely. The Commission has expressed concerns to legislators and the Governor's Office regarding the impact on MVC resources and funding, since the bill does not provide a revenue source. *On 6/12/14 it passed the full Senate (38-0), and on 3/9/15 it passed the full Assembly (76-0-0).*

A-3905 (Coughlin D10/Eustace D38/Garcia D33) authorizes operators of motor vehicles to display electronic proof of insurance. This bill provides that an insurance identification card may be displayed or provided in either paper or electronic form. For the purposes of the bill, "electronic form" means the display of images on an electronic device, such as a cellular telephone, tablet or computer. This legislation has been amended to adopt suggestions from the MVC. These amendments give the Department of Banking and Insurance the responsibility of drafting regulations, in consultation with the MVC, and MVC has no objections as amended. *On 1/29/15 it passed the full Assembly (70-0-1), and on 3/16/15 it passed the full Senate (40-0).*

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

A-1368 (Stender D22/Caputo D28/Lagana D38/Benson D14) revises penalty provisions for certain drunk driving violations, including use of and applicable time periods covering driver's license suspensions and installations of ignition interlock devices on motor vehicles. This bill revises penalties for various drunk driving offenses. These revisions include mandating the installation of an ignition interlock device in the one or more motor vehicles owned, leased, or principally operated by the offender. The Commission has expressed concerns and has sought to amend the bill. The Governor conditionally vetoed the legislation and amended it to further strengthen current DUI laws. *On 6/26/14 it passed the full Assembly (46-15-14), then on 2/5/15 passed the full Senate (31-3), and on 3/23/15 it was conditionally vetoed and sent back to the Assembly with the Governor's recommendations.*

S-1946 (Sacco D32/Pennacchio R26) permits school district 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. This bill would permit school districts to request from the Motor Vehicle Commission a motor vehicle record including personal information for use in verifying a student's eligibility for enrollment in the school district. Under the provisions of the bill the Motor Vehicle Commission is authorized to disclose the information to the school district in accordance with section 2 of P.L. 1997, c.188 (C.39:2-3.4), which implemented the federal "Drivers' Privacy Protection Act of 1994," Pub.L. 103-322. The bill has been amended to adopt suggestions from the MVC. These amendments limit the information MVC is required to disclose to only the parent's or guardian's name and address. In addition, MVC will only have to disclose this information in the event of a dispute between a school district and the parents or guardians of a student. *On 6/26/14 it passed the full Senate (40-0), then on 11/13/14 it was amended on the Assembly Floor, and on 12/15/14 it passed the full Assembly (74-3-0) and was referred back to the Senate to concur with Assembly amendments.*

Chairman Martinez noted that MVC is very pleased at the signing of A-3216 regarding low emission vehicles by Governor Christie, and thanked Paul for the presentation.

Public Comments:

Freehold Driving School President Bill Helfrey requested driver testing be conducted at the MVC Freehold Agency until construction at the MVC Eatontown Agency concludes in August 2015. Chairman Martinez thanked President Helfrey for his suggestion and for the Freehold Driving School's services in New Jersey since 1968, and advised him that MVC would review relevant data and options and follow-up with him very shortly.

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 3:00 p.m.

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

**Commission Headquarters, 9th Floor West Wing
225 East State Street, Trenton, New Jersey**

2:00 p.m., Tuesday, April 14, 2015

FINAL AGENDA

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• 1 – CALL TO ORDER	7116
• 2 – OPEN PUBLIC MEETINGS ACT STATEMENT	7116
• 3 – PLEDGE OF ALLEGIANCE	7116
• 4 – APPROVAL OF AGENDA	7116
• 5 – CHAIRMAN'S REPORT	7116
• 6 – APPROVAL OF MINUTES OF FEBRUARY 10, 2015	7121
• 7 – APPROVAL OF ITEM 1504-01 – FINAL FOR ADOPTION – ZONE OF RATE FREEDOM 2015 REGULATION	7129
• 8 – APPROVAL OF ITEM 1504-02 – PROPOSED FOR AMENDMENT – TEXTING WHILE DRIVING REGULATION	7132
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Approval: Minutes of February 10, 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 February 10, 2015 Minutes were delivered on February 10, 2015 to the Governor, and became effective upon expiration of the ten day period on February 26, 2015.

ACTION

Approval of this item by the Board Members indicates acceptance of the February 10, 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 February 10, 2015 were delivered without delay to the Governor on February 10, 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 February 10, 2015 Board Meeting are effective as of February 26, 2015; and

NOW, THEREFORE, BE IT RESOLVED that the Minutes of actions taken at the February 10, 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 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 Tuesday, February 10, 2015.

Present:

Raymond P. Martinez, Chairman
Laurette Asante, Public Board Member
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

Vice-Chairman Steve Scaturro previously had advised the Chairman that he would not be able to attend.

Governor's Authorities Unit Assistant Counsel Tyler Yingling and Deputy Attorney General Keith Ronan 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 11, 2014 Board Meeting:

Ambitious 2015

Good afternoon, everyone. I know this may seem a little late, but I'd like to wish everyone a happy new year. 2015 is going to be a very ambitious year for the MVC and I look forward to sharing many new initiatives and improvements with you as the year goes on. Now you might notice that our vice-chair Steve Scatturo is not with us here today. Steve is currently dealing with some health issues, so please join me in wishing him well as he recuperates.

Welcome Legislative Liaison

Before we begin our official agenda, I want to formally welcome our new Legislative Liaison, Paul Rozenberg. Paul comes to us after working as an aide to Governor Christie in the Office of Community and Constituent Relations, where he oversaw many issues related to the Commission -- as well as our partners at the Department of Transportation,

and Turnpike Authority, among others. He will be overseeing our Office of Intergovernmental Relations. We look forward to having him on the team.

Veterans Designation

And speaking of legislative matters, on March 1st, a new law will be implemented that allows veterans to request that their former military status be indicated on their driver's license. This law also allows for the designation on non-driver ID cards. Governor Christie signed this law in September of 2013 as a show of support and acknowledgment of New Jersey citizens who have proudly served our country. I would like to extend my thanks to the project sponsor, Patti Perez, the project manager, Gina Sine, and the members of their team, for their outstanding work on this initiative.

National Wear Red Day

I also want to acknowledge that February 6th marked the recognition of National Wear Red Day. This annual campaign led by the American Heart Association puts the importance of heart health – especially in women – right in front of our eyes. Heart disease and stroke kill an estimated 1 in 3 women, and yet it is preventable in 80% of the cases. I want to extend my gratitude to our staff from the Office of Employee Development and the Division of Human Resources for organizing a campaign that exceeded their fundraising goal. Their efforts brought in over \$1000 that was donated to the American Heart Association. Not only that, they helped rally our staff in the Trenton Office Complex – as well as throughout our agencies – to show their support for this great cause.

JUSTDRIVE.com

At our last meeting, I had the pleasure of telling you about another great cause. The Motor Vehicle Commission is about to embark on a legislatively-mandated public awareness effort to help put an end to talking and texting behind the wheel. Tomorrow, we will be holding a press event in Randolph to kickoff our JUSTDRIVE.com campaign. Not only have we created billboards, print ads, digital media, but we have two components that we are extremely proud of. The first is a highly-interactive website that showcases the dangers and penalties for talking and texting while driving. It also provides an outlet for New Jersey citizens to share their own stories and tell us about their personal experiences. The second is our television commercial that hits home a message that while we love staying connected, when we are behind the wheel, put the phone down. I'd like to take a moment to share this commercial with you here today. (The film was then shown.) You know, five seconds is the average time your eyes are off the road while texting. That's enough time to cover the length of a football field blindfolded. It is an epidemic. We are not simply trying to get a message out. Our mission is to change behavior. This is not your typical campaign and we are very proud of being able to share this powerful message on such a large stage. You will see this spot during many of your favorite programs, on channels such as A&E, AMC, VH1, Bravo, the Discovery Channel, and more.

And now on with the rest of the agenda...

The following Agenda Items were presented for approval:

Minutes: December 11, 2014. 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 11, 2014.

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

1502-01: 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, 2016. 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.

1502-02: 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.

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

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

1502-03: IFTA 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 Rule amending the regulations concerning the International Fuel Tax Agreement (IFTA) by which member jurisdictions track commercial vehicle trips particularly as to motor fuel use. Jack Donnelly, Board Secretary, presented the Final Rule.

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

1502-04: Advertising 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 Rule concerning the MVC's authority to contract for the sale of advertising. Bob Weinstein of the Regulatory and Legislative Affairs Office presented the Final Rule.

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

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

Signed by the Governor:

A-1993Aca (Watson Coleman D15/Tucker D28)/ **S-2280Sca** (Turner D15) authorizes the creation of a special Alpha Kappa Alpha license plate. The law includes MVC and Legislative leadership's 14 amendments that ensure MVC financial and operational needs are addressed. This act was signed on January 9, 2015, and took effect immediately, although it will remain inoperable until the first day of the seventh month following the date in which all of the requirements of the bill have been met.

Bills Sent to Governor's Desk:

A-1368AcsAca (Stender D22/Caputo D28/Lagana D38/Benson D14)/**S-385ScsSca** (Scutari D22/Whelan D2) revises penalties for various drunk driving offenses. These revisions include mandating the installation of an ignition interlock device in the one or more motor vehicles owned, leased, or principally operated by the offender. The Commission has expressed concerns. *It passed the full Assembly (46-15-14), and passed the full Senate (31-4) on 2/5/15.*

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

S-1946ScaAa (Sacco D32/Pennacchio R26)/**A-3441AcaAa** (Jimenez D32/Prieto D32/Sumter D35/Pintor Marin D29) would permit school districts to request from the Motor Vehicle Commission a motor vehicle record including personal information for use in verifying a student's eligibility for enrollment in the school district. Under the provisions of the bill the Motor Vehicle Commission is authorized to disclose the information to the school district in accordance with section 2 of P.L.1997, c.188 (C.39:2-3.4), which implemented the federal "Drivers' Privacy Protection Act of 1994," Pub.L.103-322. The bill has been amended to adopt suggestions from the MVC. These amendments limit the information MVC is required to disclose to only the parent's or guardian's name and address. In addition, MVC will only have to disclose this information in the event of a dispute between a school district and the parents or guardians of a student. *It passed the full Senate (40-0), passed the full Assembly (74-3-0) and was referred back to the Senate to concur with Assembly amendments.*

A-3905AcaAa (Coughlin D10/Eustace D38/Garcia D33)/**S-2680** (Gill D34) provides that an insurance identification card may be displayed or provided in either paper or electronic form. Under current law, an operator of a motor vehicle who is asked to provide proof of insurance may display to a police officer or judge only an insurance identification card in traditional, paper form. For the purposes of the bill, "electronic form" means the display of images on an electronic device, such as a cellular telephone, tablet or computer. This legislation has been amended to adopt suggestions from the MVC. These amendments give the Department of Banking and Insurance the responsibility of drafting regulations, in consultation with the MVC. *It passed the full Assembly (70-0-1), and was referred to the Senate Commerce Committee.*

Implementation Update:

Indication of veteran status on driver's licenses and identification cards issued by MVC- (P.L. 2013, c. 165): Implementation meetings are ongoing. It is anticipated that this initiative will be rolled out by March 1, 2015.

Creation of a special Omega Psi Phi license plate – (P.L.2013, c.273): A

Memorandum of Understanding has been approved by executive staff and has been sent to the fraternity for review and approval. Electronic plate samples have been created and approved by Omega Psi Phi. IT/OIT have provided a timeline to update our COMP system to allow for future transactions to be followed by in-house testing, and Financial Management has created the Oracle accounts in preparation of the new plate transactions. The Commission still needs the 500 applications and checks from Omega Psi Phi.

Increases fine and imposes license suspension for talking or texting on hand-held device while driving – (P.L.2013, c.70): In December, Chief Administrator Martinez announced a public awareness campaign for talking or texting while driving. This campaign will go live this month. In addition, a form of notice to be sent to repeat offenders is being finalized.

Authorizes special Alpha Kappa Alpha license plate – (P.L. 2014, c.90): The Commission is waiting for the initial \$25,000 from AKA to begin the process.

Chairman Martinez thanked Paul for the presentation.

Public Comments:

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

Board Member Walter Orcutt then noted that Chairman Martinez was nominated by Governor Christie to lead the Motor Vehicle Commission five years ago this month. He also recounted the significant accomplishments and record of success of MVC with the Chairman's leadership. All assembled then joined together in a lengthy round of applause. Chairman Martinez thanked everyone and stated that he looks forward to the Board and staff continuing their efforts with him to provide excellence in motor vehicle services.

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.

ITEM 1504-01: ZONE OF RATE FREEDOM (Z.O.R.F.) REGULATION**BENEFITS**

The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at section 98 assigns to MVC the duty to implement the Zone Of Rate Freedom (ZORF) law found at N.J.S.A. 48:4-2.20 to 2.25. In 1995, the New Jersey Department of Transportation (NJDOT) had assigned this duty to the former Division of Motor Vehicles (DMV) when DMV was transferred to NJDOT, and MVC has inherited it.

PURPOSE

This is a Final Rule. The effect of this Final Rule for ZORF for 2015 is to fulfill the statutory requirement that MVC set a percentage limit or "Zone" within which private bus companies are *free* to adjust their *rates* (or fares or charges) for in-state bus routes. Under P.L. 1983, c.517, private bus companies are free to make these adjustments. Of over 100 such companies, typically up to five exercise that freedom annually and notify MVC, which confirms any adjustment is within the ZORF Zone. The MVC Commission Members previously approved the final adoption for the 2014 rates of 10% increase and 10% decrease at their October 2014 meeting. Note that this Final Rule for 2015 has a 10% increase and 10% decrease.

ACTION

Approval of this item will authorize the Chairman to file the ZORF Regulation with the Office of Administrative Law (OAL) as a Final Rule for 2015. The rule states in relevant part:

"16:53d-1.1 General Provisions.

Any regular route autobus carrier operating within the State which seeks to revise its rates, fares or charges in effect as of the time of the promulgation of this rule shall not be required to conform with N.J.A.C. 16:51-3.10...provided the increase or decrease in the rate, fare or charge, or the aggregate of increases and decreases in any single rate, fare or charge is not more than the maximum percentage increase (10 percent for 2015) or decrease (10 percent for 2015), upgraded to the nearest \$.05."

FISCAL IMPACTS

MVC does not receive any proceeds from any rate, fare or charge adjustments. It is fulfilling a duty assigned to DMV in 1995. For illustrative purposes, a 10% increase on a \$1.65 fare would result in a \$.17 fare adjustment to \$1.85, and a 10% decrease on a \$1.25 fare would result in a \$.15 fare adjustment to \$1.10.

RESOLUTION

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

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

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

NOW, THEREFORE BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law this Final Rule of the Zone of Rate Freedom regulation for 2015, in substantially the form as attached in **Exhibit A**.

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

REGULATORY AFFAIRS (COMMERCIAL PASSENGER TRANSPORTATION)

Zone of Rate Freedom

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

Proposed: December 1, 2014 at 46 N.J.R. 2334 (a)

Adopted: April 14, 2015 by the Motor Vehicle Commission,

Raymond P. Martinez, Chairman

Filed: April ____, 2015 as R. 2015, d. , **without change.**

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

Effective Date: April ____, 2015

Expiration Date: September 21, 2017

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

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

ITEM 1504-02: TEXTING REGULATIONS**BENEFITS**

The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created the New Jersey Motor Vehicle Commission (MVC), and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to MVC the duty to promulgate regulations affecting various programs, including this proposed amendment regarding the prohibited use of a wireless telephone or electronic communication device by an operator of a moving vehicle.

PURPOSE

This is a proposed amendment of N.J.A.C. 13:19-10.1 in order to conform with the amended N.J.S.A. 39:4-97.3 (pursuant to P.L. 2013, c. 70) to mandate, among other changes, that three penalty points be assessed to an individual's driving record for third or subsequent violations of that statute.

ACTION

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

FISCAL IMPACTS

None.

RESOLUTION

WHEREAS, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13 (the "Act"), as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to the Motor Vehicle Commission the duty to implement regulations affecting various programs, including this proposed amendment regarding the prohibited use of a wireless telephone or electronic communication device by an operator of a moving vehicle;

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law a notice of this proposed amendment regarding the prohibited use of a wireless telephone or electronic communication device by an operator of a moving vehicle, in substantially the form as attached in **Exhibit A.**

MOTOR VEHICLE COMMISSION

EXHIBIT A

**Chapter 19. Compliance and Safety
Subchapter 10. Point System and Driving During Suspension
Penalties for Prohibited Use of Hand-held
Wireless Telephone and Electronic Communication Devices While Driving**

Proposed Amendment: N.J.A.C. 13:19-10.1

Authorized By: Motor Vehicle Commission, Raymond P. Martinez, Chair

Authority: N.J.S.A. 39:4-97.3, 39:5-30.5

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

Proposal Number: PRN 2015-

Submit comments to:

Kate Tasch
Administrative Practice Officer
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, NJ 08666-0162

The agency proposal follows:

Summary

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

Effective July 1, 2014, the Legislature amended N.J.S.A. 39:4-97.3 (pursuant to P.L. 2013, c. 70) to mandate, among other changes, that three penalty points be assessed

Economic Impact

The economic impact of the amended rule is anticipated to be insignificant because the proposed amendment simply pertains to assessed motor vehicle points for a person convicted of a third or subsequent violation of prohibited use of a wireless telephone or electronic communication device by an operator of a moving vehicle.

Jobs Impact

The proposed amendment will have no impact on jobs because the amended rule simply pertains to assessed motor vehicle points for a person convicted of a third or subsequent violation of prohibited use of a wireless telephone or electronic communication device by an operator of a moving vehicle.

Federal Standards Statement

The Code of Federal Regulations (CFR) was amended in 2010 to prohibit texting while driving in commercial vehicles and prescribe appropriate penalties for violating that rule. See 49 C.F.R. 392.80 and 49 C.F.R. 391.15(e), respectively. However, the CFR does not address texting for non-commercial drivers. Thus, no comparable Federal law or regulation exists, therefore a Federal standards analysis is not applicable to this rulemaking.

Agriculture Industry Impact Statement

The proposed amendment will have no impact on the agriculture industry because the amended rule simply pertains to assessed motor vehicle points for a person convicted of a third or subsequent violation of prohibited use of a wireless telephone or electronic communication device by an operator of a moving vehicle.

Regulatory Flexibility Analysis

The proposed amendment will have no impact on small businesses because the amended rule simply pertains to assessed motor vehicle points for a person convicted of a third or subsequent violation of prohibited use of a wireless telephone or electronic communication device by an operator of a moving vehicle. Thus, a regulatory flexibility analysis is not required because the proposal does not impose reporting, recordkeeping or other compliance requirements on small businesses.

Housing Affordability Impact

The proposed amendment will have no impact on housing affordability because the amended rule simply pertains to assessed motor vehicle points for a person convicted of a third or subsequent violation of prohibited use of a wireless telephone or electronic communication device by an operator of a moving vehicle.

Smart Growth Development Impact

The proposed amendment will have no impact on smart growth development because the amended rule simply pertains to assessed motor vehicle points for a

person convicted of a third or subsequent violation of prohibited use of a wireless telephone or electronic communication device by an operator of a moving vehicle.

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

13:19-10.1 Point Assessment

(a) Any person who is convicted of any of the following offenses, including offenses committed while operating a motorized bicycle, shall be assessed points for each conviction in accordance with the following schedule:

Section Number	Offense	Points
1. N.J.S.A. 27:23-29	Moving against traffic--New Jersey Turnpike, Garden State Parkway, and Atlantic City Expressway	2
2. N.J.S.A. 27:23-29	Improper passing--New Jersey Turnpike, Garden State Parkway, and Atlantic City Expressway	4
3. N.J.S.A. 27:23-29	Unlawful use of median strip--New Jersey Turnpike, Garden State Parkway, and Atlantic City Expressway	2
4. N.J.S.A. 39:3-20	Operating constructor vehicle in excess of 45 mph	3
5. N.J.S.A. 39:4-14.3	Operating motorized bicycle on a restricted highway	2
6. N.J.S.A. 39:4-14.3d	More than one person on a motorized bicycle	2
7. N.J.S.A. 39:4-35	Failure to yield to pedestrian in crosswalk	2
8. N.J.S.A. 39:4-36	Failure to yield to pedestrian in crosswalk; Passing a vehicle yielding to pedestrian in crosswalk	2
9. N.J.S.A. 39:4-41	Driving through safety zone	2
10. N.J.S.A. 39:4-52 and 39:5C-1	Racing on highway	5
11. N.J.S.A. 39:4-55	Improper action or omission on	2

		grades and curves	
12.	N.J.S.A. 39:4-57	Failure to observe direction of officer	2
13.	N.J.S.A. 39:4-66	Failure to stop vehicle before crossing sidewalk	2
14.	N.J.S.A. 39:4-66.1	Failure to yield to pedestrians or vehicles while entering or leaving highway	2
15.	N.J.S.A. 39:4-66.2	Operating a motor vehicle on public or private property to avoid a traffic control signal or sign	2
16.	N.J.S.A. 39:4-71	Operating a motor vehicle on a sidewalk	2
17.	N.J.S.A. 39:4-80	Failure to obey direction of officer	2
18.	N.J.S.A. 39:4-81	Failure to observe traffic signals	2
19.	N.J.S.A. 39:4-82	Failure to keep right	2
20.	N.J.S.A. 39:4-82.1	Improper operating of vehicle on divided highway or divider	2
21.	N.J.S.A. 39:4-83	Failure to keep right at intersection	2
22.	N.J.S.A. 39:4-84	Failure to pass right of vehicle proceeding in opposite direction	5
23.	N.J.S.A. 39:4-85	Improper passing on right or off roadway	4
24.	N.J.S.A. 39:4-85.1	Wrong way on a one-way street	2
25.	N.J.S.A. 39:4-86	Improper passing in no passing zone	4
26.	N.J.S.A. 39:4-87	Failure to yield to overtaking vehicle	2
27.	N.J.S.A. 39:4-88	Failure to observe traffic lanes	2
28.	N.J.S.A. 39:4-89	Tailgating	5
29.	N.J.S.A. 39:4-90	Failure to yield at intersection	2
30.	N.J.S.A. 39:4-90.1	Failure to use proper entrances to limited access highways	2
31.	N.J.S.A. 39:4-91 and 39:4-92	Failure to yield to emergency vehicles	2
32.	N.J.S.A. 39:4-96	Reckless driving	5
33.	N.J.S.A. 39:4-97	Careless driving	2
34.	N.J.S.A. 39:4-97a	Destruction of agricultural or recreational property	2
35.	N.J.S.A. 39:4-97.1	Slow speed blocking traffic	2
36.	N.J.S.A. 39:4-97.2	Driving in an unsafe manner (points only assessed for the third or subsequent violation when that violation occurs within five years of the most recent prior offense)	4

37.	N.J.S.A. 39:4-97.3	Prohibited use of wireless telephone or electronic communication device while driving, third or subsequent violation (No points will be assessed for the third violation if it occurs more than 10 years after the second violation)	3
[37]	38. N.J.S.A. 39:4-98 and 39:4-99	Exceeding maximum speed 1-14 mph over limit	2
		Exceeding maximum speed 15-29 mph over limit	4
		Exceeding maximum speed 30 mph or more over limit	5
[38]	39. N.J.S.A. 39:4-105	Failure to stop for traffic light	2
[39]	40. N.J.S.A. 39:4-115	Improper turn at traffic light	3
[40]	41. N.J.S.A. 39:4-119	Failure to stop at flashing red signal	2
[41]	42. N.J.S.A. 39:4-122	Failure to stop for police whistle	2
[42]	43. N.J.S.A. 39:4-123	Improper right or left turn	3
[43]	44. N.J.S.A. 39:4-124	Improper turn from approved turning course	3
[44]	45. N.J.S.A. 39:4-125	Improper "U" turn	3
[45]	46. N.J.S.A. 39:4-126	Failure to give proper signal	2
[46]	47. N.J.S.A. 39:4-127	Improper backing or turning in street	2
[47]	48. N.J.S.A. 39:4-127.1	Improper crossing of railroad grade crossing	2
[48]	49. N.J.S.A. 39:4-127.2	Improper crossing of bridge	2
[49]	50. N.J.S.A. 39:4-128	Improper crossing of railroad grade crossing by certain vehicles	2
[50]	51. N.J.S.A. 39:4-128.1	Improper passing of school bus	5
[51]	52. N.J.S.A. 39:4-128.4	Improper passing of a frozen dessert truck	4
[52]	53. N.J.S.A. 39:4-129	Leaving the scene of an accident	
		No personal injury	2
		Personal injury	8
[53]	54. N.J.S.A. 39:4-144	Failure to observe "stop" or "yield" signs	2
[54]	55. N.J.S.A. 39:5D-4	Moving violation Out-of-State	2

(b) The treatment of a violation under the "step down" sentencing provision in N.J.S.A. 39:4-97.3 is solely for the purposes of calculating penalties at sentencing for (1) a second time offender whose first violation occurred more than 10 years

prior to the second offense, and (2) a third time offender whose second violation occurred more than 10 years prior to the third offense. Penalties for an offense committed under N.J.S.A. 39:4-97.3 will be assessed based on the total number of N.J.S.A. 39:4-97.3 violations for which an individual has been convicted. In cases where a third time offender's second offense occurred more than 10 years prior to the third offense, no motor vehicle points shall be assessed. Third offender status will apply where fewer than 10 years have elapsed between the second and third offenses, even if more than 10 years have elapsed between the first and second offenses. Points shall be assessed for all convictions subsequent to the third conviction even if the individual previously benefited from the limited step down provision for a previous conviction.



New Jersey Motor Vehicle Commission

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

STATE OF NEW JERSEY

To: Raymond P. Martinez, Chairman
 CC: MVC Board Members
 From: Paul Rozenberg, Legislative Liaison
 Date: April 14, 2015
 Re: Legislative Report

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Raymond P. Martinez
Chairman and Chief Administrator

This Legislative Report provides a summary of legislative activity since the February 2015 Motor Vehicle Commission (MVC) Board meeting. The report also describes any new developments on enacted legislation for which the MVC has implementation responsibilities.

Signed by the Governor:

A-3216 (Greenwald D6/Eustace D38/Moriarty D4/Lampitt D6/McKeon D27/Turner D15)
Permits certain zero emission vehicle manufacturers to directly sell motor vehicles to consumers and requires them to operate service facilities.

This bill allows a manufacturer to directly buy from or sell to consumers a zero emission vehicle at a maximum of four locations in New Jersey. In addition, the bill requires a manufacturer to own or operate at least one retail facility in New Jersey for the servicing of its vehicles.

Effective Date: This act was signed on March 18, 2015 and shall take effect immediately.

Chapter Law: P.L.2015, c.24

MVC Impact: Very little operational impact, if any.

Bills Sent to Governor's Desk:

A-3579 (Moriarty D4/Benson D14/O'Scanlon R13/Schepisi R39/Madden D4/Beach D6)
Limits access to data recorded by motor vehicle recording devices.

Under the bill, only the owner of the motor vehicle that contains the recording device or the owner's representative may retrieve, obtain, or use data recorded, stored, or transmitted from the recording device, with certain exceptions. The Commission has no objection to this bill. It has been amended, and MVC's concerns have been resolved.

12/18/14: A-3579 passed the full Assembly (68-0-0)

03/16/15: A-3579 passed the full Senate (39-0) and was sent back to the Assembly for concurrence with the amended bill.

03/26/15: A-3579 passed the full Assembly (73-0-0) and has been sent to the Governor's desk.

MVC Position: No Objection As Amended

S-266 (Greenstein D14/Bucco R25/Benson D14/DeAngelo D14/Sumter D35/Wisniewski D19/Garcia D33)

Requires high school driver education course, certain new driver brochures, and driver's license written exam to include aggressive driving information.

This bill requires that the curriculum for approved classroom driver education courses and the written exam given by the Commission to the parents and guardians of beginning drivers include information on the dangers of driving a vehicle in an aggressive manner. The bill specifies that driving a vehicle in an aggressive manner includes, but is not limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely. The Commission has expressed concerns to legislators and the Governor's Office regarding the impact on MVC resources and funding, since the bill does not provide a revenue source.

06/12/14: S-266 passed the full Senate (38-0).

03/09/15: S-266 passed the full Assembly (76-0-0) and has been sent to the Governor's desk.

MVC Position: Express Concerns

A-3905 (Coughlin D10/Eustace D38/Garcia D33)

Authorizes operators of motor vehicles to display electronic proof of insurance.

This bill provides that an insurance identification card may be displayed or provided in either paper or electronic form. For the purposes of the bill, "electronic form" means the display of images on an electronic device, such as a cellular telephone, tablet or computer.

This legislation has been amended to adopt suggestions from the MVC. These amendments give the Department of Banking and Insurance the responsibility of drafting regulations, in consultation with the MVC.

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06/12/14: S-266 passed the full Senate (38-0).

03/09/15: S-266 passed the full Assembly (76-0-0) and has been sent to the Governor's desk.

MVC Position: Express Concerns

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This legislation has been amended to adopt suggestions from the MVC. These amendments give the Department of Banking and Insurance the responsibility of drafting regulations, in consultation with the MVC.

- *01/29/15: A-3905 passed the full Assembly (70-0-1).*
- *03/16/15: A-3905 passed the full Senate (40-0) and has been sent to the Governor's desk.*

MVC Position: No objection as amended.

Bills Near the Governor's Desk

(Passed one House of the Legislature and reported from committee in second House):

A-1368 (Stender D22/Caputo D28/Lagana D38/Benson D14)

Revises penalty provisions for certain drunk driving violations, including use of and applicable time periods covering driver's license suspensions and installations of ignition interlock devices on motor vehicles.

This bill revises penalties for various drunk driving offenses. These revisions include mandating the installation of an ignition interlock device in the one or more motor vehicles owned, leased, or principally operated by the offender. The Commission has expressed concerns and has sought to amend the bill. The Governor conditionally vetoed the legislation and amended it to further strengthen current DUI laws.

06/26/14: A-1368 passed the full Assembly (46-15-14)

02/05/15: A-1368 passed the full Senate (31-3) and has been sent to the Governor's desk.

03/23/15: A-1368 was conditionally vetoed and sent back to the Assembly with the Governor's recommendations.

S-1946 (Sacco D32/Pennacchio R26)

Permits school district 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.

This bill would permit school districts to request from the Motor Vehicle Commission a motor vehicle record including personal information for use in verifying a student's eligibility for enrollment in the school district. Under the provisions of the bill the Motor Vehicle Commission is authorized to disclose the information to the school district in accordance with section 2 of P.L.1997, c.188 (C.39:2-3.4), which implemented the federal "Drivers' Privacy Protection Act of 1994," Pub.L.103-322.

The bill has been amended to adopt suggestions from the MVC. These amendments limit the information MVC is required to disclose to only the parent's or guardian's name and address. In addition, MVC will only have to disclose this information in the event of a dispute between a school district and the parents or guardians of a student.

- *06/26/14: S-1946 passed the full Senate (40-0).*
- *11/13/14: S-1946 amended on the Assembly Floor.*
- *12/15/14: S-1946 passed the full Assembly (74-3-0) and was referred back to the Senate to concur with Assembly amendments.*

MVC Position: No Objection As Amended.