

 **New Jersey  
Motor Vehicle Commission**

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

STATE OF NEW JERSEY

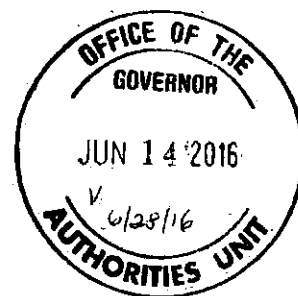
**Chris Christie**  
Governor

**Kim Guadagno**  
Lt. Governor

**Raymond P. Martinez**  
Chairman and Chief Administrator

June 14, 2016

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

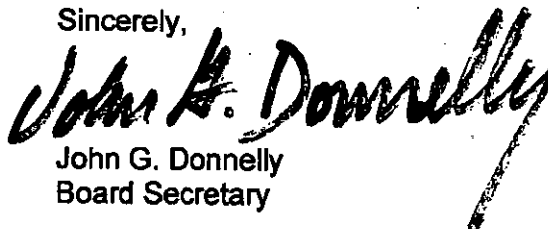


Dear Governor Christie:

In accordance with Section 17 of The Motor Vehicle Security and Customer Service Act of 2003, constituting Chapter 13 of the laws of 2003 of the State of New Jersey, as amended pursuant to P. L. 2007, Chapter 335 and pursuant to P. L. 2009, Chapter 298, I herein transmit the minutes of actions taken at the open session of the Regular Meeting of the New Jersey Motor Vehicle Commission Board at Floor 8E, Motor Vehicle Commission Headquarters, Tuesday, June 14, 2016.

Thank you.

Sincerely,

  
John G. Donnelly  
Board Secretary

Enclosure



**New Jersey  
Motor Vehicle Commission**

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

---

STATE OF NEW JERSEY

**Chris Christie**  
Governor

**Kim Guadagno**  
Lt. Governor

**Raymond P. Martinez**  
Chairman and Chief Administrator

June 14, 2016

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

Dear Governor Christie:

In accordance with Section 17 of The Motor Vehicle Security and Customer Service Act of 2003, constituting Chapter 13 of the laws of 2003 of the State of New Jersey, as amended pursuant to P. L. 2007, Chapter 335 and pursuant to P. L. 2009, Chapter 298, I herein transmit the minutes of actions taken at the open session of the Regular Meeting of the New Jersey Motor Vehicle Commission Board at Floor 8E, Motor Vehicle Commission Headquarters, Tuesday, June 14, 2016.

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 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Tuesday, June 14, 2016.

### **Present:**

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

Board Member Orcutt previously advised the Chairman that he would be unable to attend. Board Member Asante did not participate.

Governor's Authorities Unit Assistant Counsel Mary K. Maples and Deputy Attorney General Philip Espinosa participated by speakerphone.

Chairman Martinez convened the Open Session at 2:00 p.m. in accordance with the Open Public Meetings Act.

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

**Chairman's Report.** Chairman Martinez began by welcoming everyone to the summer season, and updated all attendees on these actions since the April 26 Board Meeting:

### **LONG LINES**

I know the MVC has been in the news over the past few weeks due to a high volume of customers in our agencies, especially during the end of the month expiration time. And we see that in our data as well. Since December 2015, all MVC agencies have seen an increase in volume and a decrease in those using our mail-in and online services. Customer service has always been and remains one of the MVC's core values and we are constantly in the process of identifying problems and seeking solutions for our customers. Here are just a few of the ways we have been – and continue to – mitigate these situations:

- We have increased the number of EDDL cameras in 10 of our busiest agencies.
- We update our website daily – sometimes hourly – to notify our customers as soon as possible if certain agencies are experiencing higher-than-usual volumes so they may seek another local agency or plan their visit for another day.
- Additional leased officers have been put on duty to help with line management to better control the business process flow.
- We are also embarking on a public awareness campaign to promote the convenient Skip the Trip mail-in license renewal process. Soon customers will find an easily-

identifiable colored envelope in their mailbox that permits license renewal with none of the waiting, for just the additional cost of a stamp.

- It's also worth noting that last year more than 1.5 million people entered an agency simply to renew their vehicle registration. That equals more than 250,000 hours of time spent on transactions that could have easily been completed on line with just a few clicks. So we are also beginning to advertise the 20-plus services citizens can complete online, from the comfort of their homes. This will be featured in digital, print, and radio ads, as well as through other strategic outreach operations.

- And I'd also like to remind you that we are still undergoing various agency renovation projects throughout the State that will improve, expand, and modernize some of our agencies over the next few months.

- Again, we are working tirelessly to exceed our customers' expectations and want nothing more than to be able to offer fast, efficient, and courteous service throughout our 39 agencies and our Trenton Office Complex.

### **JUSTDRIVE.COM RACE PARTNERSHIPS**

And even with all these projects underway, we have not lost sight of another mission of ours -- to put an end to texting and talking while driving. Our JustDrive.com campaign took us to Old Bridge Township Raceway Park in Englishtown last week to partner with another noble organization. A professional driver named Doug Herbert served as Grand Marshall of the NHRA Summer-nationals event and we were on site to support his B.R.A.K.E.S. program, which stands for "Be Responsible and Keep Everyone Safe." This is a thorough teen driving program inspired by the tragic loss of his two young sons in a car crash and we were proud to show our support and spread the message that driving is a privilege, one that can sometimes carry dangerous consequences. The MVC is also the official sponsor of what is now known as the JUSTDRIVE.com 125: NASCAR K&N Pro Series East race on September 17<sup>th</sup>. With all eyes on the cars, there is no better time to also focus people's attention on our important safety message. Put the phone down, and just drive.

### **BOAT SAFETY**

And while keeping our roads safe might be a more obvious mission, we also want to keep NJ residents safe on the water. In a few weeks I will be joining the State Police at Key Harbor Marina to promote proper boat licensure and safety certification -- just ahead of the Fourth of July holiday. So, since that is just around the corner, I'd like to extend my wishes for everyone here to have a happy holiday weekend -- and a safe one.

The following Agenda Items were presented for approval:

**Minutes: April 26, 2016.** This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the minutes of each MVC Board meeting, by approving the Minutes of the MVC Regular Board Meeting of April 26, 2016.

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

**1606-01: ELT 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 for the Electronic Lien Titling regulation. Rebecca Donington of the MVC Office of Regulatory and Legislative Affairs presented the Final Rule.

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

**1606-02: Waiver 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 for the Waiver regulation. Rebecca Donington of the MVC Office of Regulatory and Legislative Affairs presented the Final Rule.

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

**1606-03: Licensing Service and Boating Regulations.** 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 for the Licensing Service and Boating Regulations document scanning. Jeff Pistol of the MVC Office of Regulatory and Legislative Affairs presented the Final Rule.

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

**1606-04: Petition 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 for a Petition regulation. MVC Board Secretary Jack Donnelly presented the proposed new rule.

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

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

**A-846/S-1916** (Quijano D20; Wisniewski D19; Jimenez D32; Mukherji D33; Wimberly D35) to allow a person with an allergy to drugs or medications to voluntarily make a notation on a driver license. The Commission opposes this bill. This initiative is not consistent with the Commission's core mission and could open the door to additional functions that should not be MVC responsibilities. To allow for a notation on a driver's license would be a heavy lift for IT. It's not clear why identification of driver's allergy condition needs to be provided by MVC when there are already mechanisms in place to communicate with medical responders, such as necklaces, bracelets and tags. *On June 6, A-846 was reported out of committee, 2nd reading in Senate; Referred to Senate Budget and Appropriations Committee. On June 6, S-1916 was reported out of committee with committee amendments, 2nd reading in Senate; Referred to Senate Budget and Appropriations Committee.*

**A-1944/S-1228** (Coughlin D19; Schaer D36; Eustace D38; Downey D11; Benson D14; Wimberly D35; McKeon D27; Jasey D27; Chiaravalloti D32) to automatically register or update voter registration as part of a driver license application or renewal. The Commission opposes this bill, as each applicant is already given the opportunity to register to vote and sees no need to further expand this responsibility to automatic registration. This new process could lead to prolonged wait times for customers, burdening agency staff with new responsibilities by increasing the duration of individual transactions. Additionally, it will cost approximately \$10,000 to redesign the driver license application. It should be noted that earlier this year, the MVC upgraded the signature pads in all of its field agencies to display the prompt questions directly to the customer regarding their voter registration (and organ donation) wishes. This puts it squarely in the customer's hands, thus ensuring the accuracy of the information. The total cost of the project was \$909,000. *On May 23, A-1944 was reported out of committee, 2nd reading in Assembly. On June 9, S-1228 was reported out of committee with amendments, 2<sup>nd</sup> reading in Senate.*

**A-2696/S-1155** (Barnes, III D18) to regulate autocycles as motorcycles. This bill differs from last session's version by requiring the vehicles to be registered as motorcycles, but does not require the operator to possess a motorcycle endorsement. Staff reached out to bill sponsors and requested that the effective date be extended to give the Commission a year to create new regulations and amend existing ones, and allow for IT changes. *On March 14, S-1155 passed in Senate 36-0; received in Assembly and referred to Assembly Transportation and Independent Authorities Committee. On June 6, reported out of committee with MVC's requested amendment; 2<sup>nd</sup> reading in Assembly.*

**A-2789/S-1835** (Greenwald D6; Burzichelli D3; DeAngelo D14; Mukherji D33) to allow use of rear view backup camera and parking sensors during road test. The Commission opposes this bill. The law states that the purpose of the test is to ensure that drivers have the ability to operate a vehicle of the class designated safely with no technological assistance. Allowing this technology to aid drivers during the test offers a false sense of

security. Not every vehicle is equipped with a backup camera or parking sensors, and the vehicles that do contain the technology have the potential to malfunction. In those instances, the driver may not have the skill-set to control vehicles that are not equipped with these technologies and this could be dangerous to themselves, other drivers or pedestrians. Furthermore, driver re-exams are used to evaluate the impact of physical limitations due to stroke or other medical conditions. Allowing technological assistance would negate the purpose of this test and potentially put the driver, as well as others on the road, at risk. Staff reached out to the sponsors to express the Commission's concerns. *On February 22, reported out of committee, 2<sup>nd</sup> reading in Assembly. On March 14, passed Assembly 71-4-0. On June 9, reported from Senate committee; 2<sup>nd</sup> reading.*

**A-3546** (Webber R26) to create an exemption from certain MVC fees for prisoners of war. The Commission has no objection to this legislation. There are no programming/re-programming costs and the amount of potential customers who might take advantage of it is extremely small. *On June 6, reported out of committee, referred to Assembly Appropriations Committee.*

**A-3662** (Schaer D36; Caride D36; Vainieri Huttle D37; Mukherji D33; McKnight D31) to develop a carbon monoxide poisoning educational program for drivers. The Commission expressed concerns to the sponsor and requested amendments. This bill does not provide a funding mechanism, which would cause implementation to be a costly, arduous process. The driver manual and written exam were recently updated for distribution. By inserting more test questions on this topic, MVC would have to amend its existing contract with the vendor that creates the knowledge test, and translate the test into the various languages that MVC offers. The Commission should not be charged with creating and distributing a new brochure concerning the dangers of carbon monoxide poisoning, as it is a public health issue and outside the scope of the MVC's core mission. To distribute these brochures at Central Inspection Facilities and Private Inspection Facilities would be a heavy lift, due to the high number of private garages that are licensed to conduct inspections. This method of reaching the public would not reach every vehicle owner or operator due to inspection exemptions. Additionally, by requiring that brochures be provided with every new and renewed document at the agencies would be another burden on agency staff and may cause longer lines and wait times. The intent to provide "techniques for the safe operation and proper maintenance of a motor vehicle" is unclear as to whether it means general vehicle information or specifically related to carbon monoxide. This bill should be amended to remove MVC from the new brochure process. If the new brochure must be manufactured, the bill language in Section 4b should be amended to read that the chief administrator shall make the brochure available on its website. *On May 19, reported out of committee with technical committee amendments, 2<sup>nd</sup> reading in Assembly. On May 26, amended on Assembly floor to remove the requirement for MVC to distribute brochures with each agency transaction and vehicle inspection, and instead allows the Commission to make the brochure available on the website, as well as at agencies and inspection stations.*

**A-3695** (Lagana D38; Singleton D7; Wisniewski D19; DeCroce, B. R26) to regulate transportation network companies. The Commission opposes this legislation. A transportation network company (TNC) business model is and should be considered a "for-hire" company, and since municipalities currently regulate similar industries, such as taxicabs, it would be more appropriate if they also oversee TNCs. If the bill becomes law, the Commission will have to create an entirely new unit and hire additional staff to accommodate these responsibilities. Under the bill, MVC is charged with creating and managing a permitting process, designing and issuing decals, communicating with the TNC agents, and possibly investigating consumer complaints. At least eighteen months would be required to implement the aforementioned requirements. It is not known how many TNCs are currently operating in the State or how many more would apply to do so if this bill becomes law. Under this legislation, the MVC would need to establish requirements for each TNC to obtain a permit. This would require maintenance of documents and oversight of the renewal process, both of which would require costly programming changes to the COMP system. The bill does not mention where the fees collected would be allocated, but it should be used by the MVC to administer the program. Additionally, the TNC should be required to disclose the agent's information as part of the application process to eliminate having to initiate an administrative suspension process for failure to provide such information – this process is costly and resource draining. The bill gives the Commission discretion regarding the issuance of decals, but does not provide a funding source. There is a concern for the additional resources that would have to be allocated, especially since the amount of drivers is undetermined. It is also unclear if the MVC will be responsible for confirming whether drivers have undergone the background check and provided all of the necessary documentation in order to receive their decals. While the bill is specific with regards to certain areas of this proposed regulatory process, it creates ambiguity in the enforcement of the bill's provisions. The language instructs the MVC and the Division of Consumer Affairs to enter into a memorandum of understanding to effectuate which entity will handle the investigation into complaints, and promulgate rules and regulations for implementation of the entire bill. If this bill is signed into law, and it is determined that the MVC will be the entity responsible for issuing the permits, the MVC should only be responsible for the permitting process. The remainder of the enforcement issues are consumer- and driver-oriented, which are not in line with the MVC's core mission. Furthermore, there is no indication of whether a commercial driver license would be required. If so, additional requirements and testing would be needed, though it is not clear how many vehicles will be in this burgeoning category, nor how many drivers. If this bill is signed into law, the MVC should only be responsible for the permitting process. The rest of the bill is driver- or consumer-oriented, which is neither in line with the Commission's mission nor its core values. *On May 19, introduced and referred to Assembly Transportation and Independent Authorities Committee; reported out of committee with committee amendments, 2nd reading in Assembly.*

**S-1423** (Doherty R23; Pennacchio R26) to require MVC to issue exempt certificates for motor vehicles not required to be inspected. The Commission will oppose this legislation. Many of the vehicles that have been exempt since 2010 are already easy to identify,



either by how they look or how they are plated, such as: motorcycle, historic vehicles, collector vehicles, farm vehicles, trailers, mopeds. To eliminate confusion with the inspection changes, effective May 2016, the Commission has taken the appropriate proactive steps to inform the owners of these vehicles and law enforcement. MVC mails a notice to vehicle owners six to eight weeks before their vehicle would have been due for inspection and provides a card that contains the Vehicle Identification Number (VIN) and states "No Inspection Sticker Required," which must be kept in their vehicle. The card is to reduce the risk of fraud and to use as proof of exemption. A media advisory containing this information was issued to law enforcement, as well. Several concerns have been highlighted by the Inspections Unit, including the logistics of issuing the exempt certificates and the potential for fraudulent certificates. The MVC would have to unnecessarily expend additional money and resources to track the exempt vehicles, create a new document and issue them to customers. *On February 11, introduced and referred to Senate Transportation Committee. On May 2, reported out of committee, 2nd reading in Senate; referred to Senate Budget and Appropriations Committee.*

**S-1919** (Beach D6) to make consent to register with Selective Service a part of the driver license application process for males under age 26. The Commission will express its concerns regarding this bill. The Commission already transmits a report to the Selective Services System in a bulk data file bi-annually (sent in January and June) containing the name, address, sex and birth date of individuals. As the bill is currently written, the MVC would have to change its current driver license/non-driver ID application, which would require a significant amount of cost and effort, taking away from priority projects. Additionally, the bill does not provide for how to proceed should the applicant choose not to consent. If the sponsor amends the legislation to include females, this would be at least a medium IT effort. *On March 10, introduced and referred to Senate Military and Veterans' Affairs Committee. On May 5, the bill was held.*

Chairman Martinez thanked Laura for the presentation.

**Public Comments:**

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

Chairman Martinez thanked everyone for their participation today.

**Adjournment:**

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

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

**Commission Headquarters, 8<sup>th</sup> Floor East Wing  
225 East State Street, Trenton, New Jersey**

**2:00 p.m., Tuesday, June 14, 2016**

**Meeting to be conducted by speakerphone with the public at location noted above**

**FINAL AGENDA**

	<b><u>PAGE</u></b>
• 1 – CALL TO ORDER	7564
• 2 – OPEN PUBLIC MEETINGS ACT STATEMENT	7564
• 3 – PLEDGE OF ALLEGIANCE	7564
• 4 – APPROVAL OF AGENDA	7564
• 5 – CHAIRMAN'S REPORT	7564
• 6 – APPROVAL OF MINUTES OF APRIL 26, 2016	7572
• 7 – APPROVAL OF ITEM 1606-01 – FINAL ADOPTION – ELT REGULATION	7582
• 8 – APPROVAL OF ITEM 1606-02 – FINAL ADOPTION – WAIVER REGULATION	7587
• 9 – APPROVAL OF ITEM 1606-03 – FINAL ADOPTION – LICENSING SERVICE AND BOATING REGULATIONS	7592
• 10 – APPROVAL OF ITEM 1606-04 – PROPOSED NEW RULE – PETITION REGULATION	7663
• 11 – LEGISLATIVE REPORT	7672
• 12 – PUBLIC COMMENTS	7570
• ADJOURNMENT	7570

**Approval: Minutes of April 26, 2016**

### **BENEFITS**

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

### **PURPOSE**

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

The April 26, 2016 Minutes were delivered on April 26, 2016 to the Governor, and became effective upon expiration of the ten day period on May 10, 2016.

### **ACTION**

Approval of this item by the Board Members indicates acceptance of the April 26, 2016 Minutes.

### **FISCAL IMPACTS**

None.

**RESOLUTION**

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

**WHEREAS**, pursuant to section 17 of The Motor Vehicle Security and Customer Service Act , P.L. 2003, c.13, as the enabling statute that created MVC, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c.298, a true copy of the Minutes of the actions taken at the New Jersey Motor Vehicle Commission Board meeting of April 26, 2016 were delivered without delay to the Governor on April 26, 2016; and

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

**WHEREAS**, Minutes of the April 26, 2016 Board Meeting are effective as of May 10, 2016; and

**NOW, THEREFORE, BE IT RESOLVED** that the Minutes of actions taken at the April 26, 2016 New Jersey Motor Vehicle Commission Board meeting are hereby approved.

## **NEW JERSEY MOTOR VEHICLE COMMISSION**

Minutes by Board Secretary John G. Donnelly of actions taken at the Open Session of the Regular 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 26, 2016.

### **Present:**

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

Transportation Designee Miriam Weeks and Board Member Walter Orcutt had previously advised the Chairman that they would not be able to attend today's meeting.

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

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

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

### **Chairman's Report**

The Chairman then presented this report of key Commission activities since the February 11, 2016 Board Meeting:

#### **Budget FY17**

Good afternoon, everyone. I want to start off today's meeting by thanking my executive and senior staff whose hard work got us through another budget season. As you are aware, over these past few weeks I've had the pleasure of addressing the Assembly Budget Committee and the Senate Budget and Appropriations Committee regarding MVC's FY17 budgetary needs. And while these hearings are never a cake-walk, it would have been much more difficult had I not had such a dedicated workforce at my side.

#### **Toms River Employees**

And speaking of a strong work force, today I want to recognize two people who gave new meaning to the phrase several months ago. I want to talk about the diligence of an employee at our Toms River Agency who spotted fraudulent documents, and the fearless actions of the police officer who tried to stop a crime.

When Giomar Diaz tried to pass fake documents at our agency, Dary Suarez – a technician with a sharp eye who first joined the MVC back in October 2007 -- was quick to act. When Toms River Police Officer Daniel Brennan approached Mr. Diaz, he tried to flee the scene in a vehicle. This led to Officer Brennan being pinned between the door and the driver's seat of the suspect's car and subsequently being dragged approximately 25 yards before breaking free. Though he initially escaped arrest, Mr. Diaz was apprehended a few hours later and charged with multiple crimes including attempted murder, aggravated assault, and eluding police.

I'm honored to have Ms. Suarez and Officer Brennan joining us here today, along with Chief Mitch Little of the Toms River Police Department. In just a short while, I will be presenting both of them with a token of my sincere gratitude for their commitment to service and for their heroism.

#### Organ Donation

We also have a lot of other heroes in the room -- but it's a different kind of heroism. April is designated as National Donate Life Month. I am pleased to once again be able to say that the MVC is still the largest source of donor registrations in the State and this year we have set a new record.

According to the NJ Sharing Network, organ and tissue donation in the State of New Jersey reached a record high in 2015, increasing to 37%. The Motor Vehicle Commission's organ donor registry, as well as public education and strategic partnerships, have led this to be the largest number of registrants for this life saving endeavor. We offer a streamlined organ donation registry on our website... we include resources for would-be donors in all of our renewal notices... and promotional links appear on many of our other documents.

And to further expand these efforts, the MVC recently installed the Voter Registration/Organ Donor customer-facing signature pads in our agencies to display the prompt questions directly to the customer regarding their voter registration and organ donation wishes. This puts it right into the customer's hands ensuring correct, validated information, and that their intentions are accurately captured. As always, we will continue our efforts to promote organ donation and I encourage everyone in this room to consider this life saving gift.

#### Distracted Driving Month

Additionally, April is also recognized as Distracted Driving Awareness Month. Since February 2015, we have been consistently reminding motorists to put the phone down and "Just Drive" through our JUSTDRIVE.com campaign.

Just a few weeks ago, Deputy Chief Administrator Jeanne Ashmore attended a symposium in Cliffside Park, NJ with nearly 1,000 students and educators to pass this important message along to the next generation of drivers. And next month I will be at Delran High School in Burlington County visiting classrooms and relaying to the students the dangers of texting or talking on a cell phone while driving. No text message is ever important enough to cost someone their life.

And this message affects those on two-wheels, as well as four.

### Motorcycle Safety

Next month is Motorcycle Safety Awareness Month. This is when we like to remind all motorists to share the road with motorcycles. On May 16th, the Commission will be co-hosting a motorcycle safety rally at Monmouth University with our friends at the Brain Injury Alliance.

We are pleased to report that motorcycle fatalities in 2015 were the lowest that they have been since 1999, and we hope to see that trend continue.

### Inspections Update

And lastly, I'd like to emphasize some changes that have been in the news of late -- albeit not always accurately. We are currently overhauling our inspections program, which will both meet cost-saving needs and make the most out of advancing technologies.

The first step we are taking -- which becomes effective on May 1<sup>st</sup> -- will be to eliminate the previously mandated tailpipe emissions testing while maintaining the On-Board Diagnostics Testing (OBD) for vehicles manufactured in 1995 and earlier. That group only represents about 9% of the vehicles we currently inspect on an annual basis. That is about 3% of the vehicles registered in New Jersey and the failure rate for those inspections has held consistently at fewer than 15%, with some older vehicles as low as less than 4%. Again, that's somewhere between 85% and 96% of these older vehicles that pass this test.

With no more than 200,000 vehicles subject to tailpipe testing -- a figure that is diminishing at a rate of about 3,500 vehicles per month -- it does not make fiscal sense to mandate a program when the numbers simply aren't there to support it. And some of these vehicles that were previously tailpipe tested will now receive an OBD test.

Beginning this summer, those vehicles that fail inspection -- as well as commercial and Passenger Vehicle Transportation (PVT) vehicles -- will have to be re-inspected at a Private Inspection Facility (PIF).

We are in an era where we are able to easily and conveniently get sophisticated diagnostic technology into the hands of more than 1,200 private garages and inspection facilities throughout the State. That means ensuring cars are operating as cleanly and efficiently as possible.

And in the very near future, a new inspection program contract is set to be awarded and we will be sure -- as always -- to notify the public of any information that may affect them.

Today, we will vote to approve the final adoption of the regulation to implement these inspection program changes.

Thank you.

The following Agenda Items were presented for approval:

**1604-01: Awards to Officer Daniel Brennan and MVC Tech Dary Suarez.** 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 New Jersey's police officers and MVC staff at MVC agencies. The Board approved a resolution to recognize and thank Toms River NJ Police Officer Daniel Brennan, who demonstrated exemplary valor and selfless actions in defense of the State's security at the MVC Agency in Toms River on Tuesday, December 8, 2015 while investigating document fraud.

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

Chairman Martinez presented Officer Brennan with the framed resolution, and with the first-ever Award Plaque entitled "Law Enforcement Partner Award" that reads: "Presented to Officer Daniel Brennan for Exemplary Service to the Motor Vehicle Commission." Chairman Martinez and Officer Brennan were then joined by Toms River Police Chief Mitchell Little for photographs.

Chairman Martinez then asked MVC Tech Dary I. Suarez of the MVC Toms River Agency to join him, and presented her with the first-ever Award Plaque entitled "Security Standards Award" that reads: "Presented to Dary Suarez for Exemplary Service to the Motor Vehicle Commission." Ms. Suarez expertly recognized that paperwork presented to her by a member of the public was fraudulent and alerted Officer Brennan. The Chairman and Ms. Suarez were photographed with Police Chief Little and Officer Brennan, with acknowledgements for their daily efforts and those of their coworkers that keep us safe.

**1604-02: Motor Vehicle Dealers Regulation.** This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this proposed amendment relative to the Motor Vehicle Dealers regulation. Sarah Miller of the Office of Regulatory and Legislative Affairs, presented the regulation.

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

Chairman Martinez noted that Ms. Miller had recently accepted a position with the New Jersey Division of Criminal Justice, and thanked her for her exemplary work while at the Commission.



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

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

**1604-04: Emission Regulation.** This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate rules for the proper functioning of the Commission, including this Final Adoption and New Rule relative to the emission regulation. Rebecca Donington of the Office of Regulatory and Legislative Affairs, presented the regulation with no substantive changes. Chairman Martinez noted this regulation meets federal and state requirements, and emphasized the Commission's efforts to minimize customer impact and cost while helping the environment.

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

**Minutes: February 11, 2016.** This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the Minutes of each MVC Board Meeting, by approving the Minutes of the MVC Board Meeting of February 11, 2016.

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

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

**A-374** (Auth R39, Prieto D32, Schepisi R39) **Prohibits MVC from imposing duplicate license or identification card fee and digitized picture fee if duplicate is requested to reflect change in organ donor status.** The Commission takes no position officially on this bill; however, staff has expressed concerns to Governor's Counsel Office regarding the financial impact and the precedents that would potentially be created.

**02/08/16:** Bill was released from the Assembly Transportation and Independent Authorities Committee.

**02/18/16:** A-374 was passed by the Assembly unanimously.

**S-737** (Beach D6) **Permits installation of GPS navigation devices which do not obstruct a motor vehicle operator's vision.** The Commission has no objection, as MVC's amendments in previous years have been incorporated and Administrative Code already permits a vehicle to be equipped with a GPS, provided that it does not obstruct the view of the driver.

**02/29/16:** Bill was released from the Senate Transportation Committee.

**03/14/16:** S-737 was passed by the Senate unanimously.

**A-846** (Quijano D20, Wisniewski D19, Jimenez D32)

**Allows a person with an allergy to drugs or medications to voluntarily make a notation on his/her driver's license.** The Commission opposes this bill. This initiative is not consistent with the Commission's core mission and could open the door to additional functions that should not be MVC responsibilities. It's not clear why identification of driver's allergy condition needs to be provided by MVC when there are already mechanisms in place to communicate with medical responders, such as necklaces, bracelets and tags.

*02/08/16: Bill released from Asb. Transportation and Independent Authorities Committee.*

*02/18/16: A-846 was passed by the Assembly unanimously.*

**A-2107** (Mukherji D33) **Exempts the homeless from a fee for a non-driver**

**identification card.** The Commission has expressed concerns to the Governor's Office and the bill sponsor, and asked for amendments to this legislation. As currently drafted, the bill does not specify whether the Six Point verification would be needed to obtain the non-driver identification card. Additionally, waiving the fee based on individualized economic circumstances would create a precedent that could have negative fiscal repercussions on the Commission. The amendments change the language from requiring a fee waiver to permitting a fee waiver, add a section for the MVC to promulgate rules or regulations, and extend the effective date to provide enough time for implementation.

*03/07/16: Bill was released from the Assembly Human Services Committee.*

*04/04/16: Bill was released from the Assembly Appropriations Committee.*

*04/07/16: A-2107 was passed unanimously by the Assembly without MVC amendments.*

**A-2324** (Vainieri Huttle D37, Mukherji D33, Holley D20) **Authorizes special "We Support the Arts" license plates with proceeds to the New Jersey State Council on the Arts.** The Commission has expressed concerns to Governor's Counsel's Office and is working on amendments.

*02/22/16: Bill was released from the Assembly Tourism and Gaming committee and is now on second reading in the Assembly.*

**A-2789** (Greenwald D6, Burzichelli D3, DeAngelo D14, Mukherji D33) **Allows the use of a rear view backup camera and parking sensors during road test.** The Commission opposes this bill. The law states that the purpose of the test is to ensure that drivers have the ability to operate a vehicle of the class designated safely with no technological assistance. Allowing this technology to aid drivers during the test offers a false sense of security. Not every vehicle is equipped with a backup camera or parking sensors, and the vehicles that do contain the technology have the potential to malfunction. In those instances, the driver may not have the skill-set to control vehicles that are not equipped with these technologies and this could be dangerous to themselves, other drivers or pedestrians. Furthermore, driver re-exams are used to evaluate the impact of physical limitations due to stroke or other medical conditions. Allowing technological assistance would negate the purpose of this test and potentially put the driver, as well as others on the road, at risk. With approval from the Governor's Office, staff sent a letter to the sponsors, expressing these concerns.

*02/22/16: Bill was released from the Assembly Law and Public Safety Committee.*

*03/14/16: A-2789 was passed by the Assembly (71-4-0) without MVC amendments.*

**S-1155 (Barnes D18) Regulates autocycles as motorcycles.** This bill defines autocycles as a three-wheeled motorcycle designed to be controlled with a steering wheel and pedals in which the operator and passenger may ride in a completely or partially enclosed seating area that is equipped with a roll cage or roll hoops, safety seat belts for each occupant, and anti-lock brakes. The Commission reached out to the Governor's Office to seek amendment. Per Governor's Office approval, the MVC reached out to the sponsors, requesting an amendment to extend the effective date to one year in order to create new regulations and amend existing ones, as well as allow for IT changes. The legislative offices said they will allow the bill to move forward; however, the Senator and Assemblyman will review the MVC's request and make any amendments when the legislation is scheduled for the Asm. Transportation Committee.

*02/29/16: Bill was released from the Senate Transportation Committee.*

*03/14/16: S-1155 was passed by the Senate unanimously.*

**S-1403 (Weinberg D37, Whelan D2) Requires the Secretary of State to establish a secure Internet website for online voter registration and authorizes the use of digitized signatures from the New Jersey Motor Vehicle Commission's database.** The Commission defers to the Secretary of State (Division of Elections), but has asked the Governor's Office about extending the effective date to one year, in order to allow enough time for IT changes and to work with the Secretary of State's Office.

*03/14/16: Bill was released from the Senate State Government, Wagering, Tourism, and Historic Preservation Committee.*

**S-1585 (Rice D28) Establishes a program allowing certain applicants to perform community service in lieu of paying motor vehicle surcharges.** The "Motor Vehicle Surcharge Community Service Program," would be established in and administered by the Department of Labor and Workforce Development. S-1585 directs the Commissioner to coordinate with the Chief Administrator of the Motor Vehicle Commission to waive certain motor vehicle surcharges imposed on applicants who complete a community service project in participating counties and municipalities. The Commission opposes this bill as it would allow participants to forego paying surcharges, whether they owe \$200 or over \$20,000. Financial Management estimates that MVC would potentially lose \$2,600,000 in revenue in the first year and \$5,200,000 in subsequent years. System changes would have to occur to allow Labor to interface with MVC, in addition to reprogramming Driver History and STARS. It is also unclear whether this bill affects restoration fees.

*03/10/16: Bill was released from the Senate Law and Public Safety Committee with amendments, clarifying that an applicant who completes a community service project is required to receive a certification from the commissioner.*

Chairman Martinez thanked Laura for the presentation.

**Public Comments:**

No member of the public offered comments.

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

**Adjournment:**

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

**ITEM 1606-01: ELECTRONIC LIEN AND TITLING 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 recording of vehicle liens that would allow the limited use of electronic titles, including the notation of the creation and satisfaction of security interests.

**PURPOSE**

This is a Final Adoption. It amends the ELT regulation for which the MVC Board gave approval as a proposed rule in June 2015. The amendments are:

- a) 13:21-3.6 regards certain standards applicable only to Certificates of Origin to be required for Electronic Titles; these requirements will not be applicable for Electronic Titles and in light of that the Commission is proposing to remove the requirement from the regulation;
- b) 13:21-3.7 is proposed for amendment to add greater clarity to the add lien notification process, and;
- c) 13:21-3.9 is proposed for amendment to add greater clarity and consistency to the perfection of a security interest on an electronic title.

**ACTION**

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

**FISCAL IMPACTS**

No new fee is imposed, and no existing fee is increased. As this is a program that Providers may join voluntarily, they will incur cost for their hardware and software systems to transmit lien information and related data to, and from, the Commission.

**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 regarding the issuance of electronic titles as well as electronic recording, satisfaction and assignment of security interests;

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman is authorized to file with the Office of Administrative Law a notice of this Final Adoption regarding electronic lien and titling, in substantially the form as attached in **Exhibit A**.

**TRANSPORTATION**

**EXHIBIT A**

**MOTOR VEHICLE COMMISSION**

**Electronic Lien and Titling Program**

**Adopted Amendments:** N.J.A.C. 13:21-3

**Proposed:** August 3 at 47 N.J.R. 1902(a)

**Adopted:** date by

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

**Filed:** date as R. 2015 d. \_\_\_\_, with no changes (see N.J.A.C. 1:30-6.3)

Authority: N.J.S.A. 39:2-3.3 et seq., 39:2-3.8, and 39:10-1 et seq.

**Effective Date:** date

**Expiration Date:** date

**Summary of agency initiated changes:**

No changes are being initiated upon adoption.

**Summary of public comments and agency responses:**

The written comments received by the Motor Vehicle Commission (hereinafter referred to alternatively as "the Commission") regarding its August 3, 2015 notice of proposal at 47 N.J.R.8(1) are available for inspection at the Office of the Chief Administrator, Regulatory and Legislative Affairs, Motor Vehicle Commission, 225 East State Street, 9<sup>th</sup> Floor, Trenton, New Jersey.

The Motor Vehicle Commission received the following written comments from Dealertrack Technologies (DT) regarding the changes proposed to N.J.A.C. 13:21-3.7.

**Comment #1:** The proposed wording implies that if the lien isn't filed electronically, an ELT-participating lienholder would not receive an electronic title. Likewise, the proposed wording "through an electronic lien function" doesn't seem to support the paper submission of a lien by a non-ELT participating dealer or lender.

**Answer #1:** There are currently three methods by which a lien can be added to a vehicle: 1. The Dealer Services Program, 2. The Dealer Online Services Program, and 3. At an MVC Agency. The Electronic Lien and Titling (ELT) Program will not change the methods by which a lien can be added; therefore paper submissions to add liens will still be accepted at motor vehicle agencies. Regardless of which method is used to add a lien to a title, if the subject lien holder is an ELT participant, the entity will receive an electronic title.

**Comment #2:** Will ELT-participating lenders be able to add their own liens through the "add lien function"?

**Answer #2:** No. All liens will need to be added through one of the three current methods: 1. The Dealer Services Program, 2. The Dealer Online Services Program, and 3. At an MVC Agency. In the future, the MVC may add other methods to electronically add a lien.

#### **Federal Standards Statement**

No comparable Federal law or regulation exists, therefore, a Federal standards analysis is not applicable to this rulemaking.



**Full text of the adoption follows:**

**ITEM 1606-02: WAIVER 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 new rule to allow any person or entity to seek a waiver from any of the Commission's regulations or part thereof upon a good faith showing of hardship in complying with the regulation.

**PURPOSE**

This is a Final Adoption. The effect of this item is to create a new rule at N.J.A.C. 13:18-11.9 to implement paragraph 1(c) of Governor Christie's Executive Order No. 2 ("Executive Order") in order to provide that a person or entity may submit a written request specifying the rule or part thereof for which the waiver is requested.

**ACTION**

Approval of this item will authorize the Chairman to file the Waiver regulation 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 to allow any person or entity to seek a waiver from any of the Commission's regulations or part thereof upon a good faith showing of hardship in complying with the regulation;

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

**TRANSPORTATION**

**EXHIBIT A**

**MOTOR VEHICLE COMMISSION**

**Executive and Administrative Service**

**Waiver from Rules**

**Adopted New Rules: N.J.A.C. 13:18-11.9**

**Proposed: October 5, 2015 at 47 N.J.R. 2426(a)**

**Adopted: April 12, 2016 by:**

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

**Filed:** as R. 2016 d. \_\_\_\_, with no changes

**Authority:** N.J.S.A. 39:2A-21

**Effective Date:** ,2016

**Expiration Date:** ,2023

**Summary of Public Comments and Agency Responses:**

The written comment received by the Motor Vehicle Commission (hereinafter "the Commission") regarding its October 5, 2015 notice of proposal at 47 N.J.R. 2426(a) is available for inspection at the Office of the Chief Administrator, Regulatory and Legislative Affairs, Motor Vehicle Commission, 225 East State Street, 9<sup>th</sup> Floor, Trenton, New Jersey.

The Motor Vehicle Commission received the following written comment from Barbara Sachau regarding the proposed new rule N.J.A.C. 13:18-11.9.

**Comment:** Ms. Sachau submitted her comment via email. The majority of the comment was illegible. To the extent that the email was legible, Ms. Sachau states that implementation of the waiver provision proposed in the new rules could lead to corruption and political favoritism without public knowledge.

**Answer:** The Commission disagrees that the Commission's implementation of a waiver process would lead to corruption and political favoritism. In drafting the proposed new rules, the Commission took great efforts to ensure that any waiver request must be duly supported by documentation justifying a waiver, that an applicant for a waiver submit an alternative proposal to ensure the safety and welfare of the public, and that an applicant submit any other documentation the chief administrator determines necessary for evaluation of the request. The Commission would retain the waiver application, and all applications would be subject to review upon proper request under the Open Public Records Act, N.J.S.A. 47:1A-1.1, et seq., subject to the limitations set forth in the act. Thus, the Commission, in considering any waiver request, must ensure that the waiver is properly reviewed and that there is documentation supporting the Commission's denial or approval of the waiver request. Additionally, the proposed new rules provide that the chief administrator shall not grant a waiver "where to do so would be contrary to or inconsistent with Federal laws, the Motor Vehicle Commission's enabling statutes, rules, and mission, or if the waiver would jeopardize public safety or welfare." The Commission is, therefore, confident that there are sufficient safeguards in place to prevent the improper granting of a waiver application.

**Federal Standards Statement**

A Federal standards analysis is not required because there are no Federal standards applicable to the adopted new rule.

**ITEM 1606-03: LICENSING SERVICE REGULATION**

**BENEFITS**

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

**PURPOSE**

This is a Final Adoption. The effect of this item is to amend regulations regarding Licensing Service document scanning.

**ACTION**

Approval of this item will authorize the Chairman 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 regulations concerning Licensing Service document scanning;

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman is authorized to file with the Office of Administrative Law a notice of the Final Adoption pertaining to Licensing Service document scanning regulations, in substantially the form as attached in Exhibit A.



**TRANSPORTATION**

**EXHIBIT A**

**MOTOR VEHICLE COMMISSION**

**Licensing Service and Boating Regulations**

**Adopted Amendments: N.J.A.C. 13:21-8.2 and 13:82-8.20**

Proposed: October 5, 2015 at 47 N.J.R. 2428(a).

Adopted: \_\_\_\_\_, 2016, by the Motor Vehicle Commission, Raymond P. Martinez, Chairman and Chief Administrator

Filed: \_\_\_\_\_, 2016 as \_\_\_\_\_ with changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 12:7-72, 12:7-85, 39:2A-2.j, 39:3-4, 39:3-9c, 39:3-10, and 39:3-10f.

Effective Date:

Expiration Date:

**Summary of Public Comments and Agency Responses:**

Comments were received from the following people.

1. Ronald K. Chen, Co-Dean of the Rutgers Law School representing the Rutgers Law School Constitutional Rights Clinic and Edward Barocas of the American Civil Liberties Union of New Jersey
2. Stephen G. Carellas, P.E., Director of Government and Public Affairs, New Jersey Chapter of the National Motorists Association

3. Ondra Mayfield
4. Barbara Sachau
5. David Donsky
6. Ernest Matthews
7. Paul Meyers
8. Peter Wolanin
9. Daniel Clarkin
10. Pat Lawson
11. Christopher Marx
12. Dorothy Schwartz
13. Alexander Soloner
14. Paul Kayne
15. Chris Riley
16. Pat Dingleberry
17. Nancy Block
18. Michael Colonna
19. Nancy Murray
20. Abbe Dolobowsky
21. Denise DeLeo
22. Steven Kostis
23. Barbara Webster
24. Stephen H. Levy
25. Alan Gross

26. Robert Gordon
27. Barbara Reed
28. Joanne Winters
29. Kristin Collins
30. George Misoyianis
31. David Kerr
32. Denise McDermott
33. Frank Hershkowitz
34. Elizabeth Burke
35. Russell Miller
36. Joel McGreen
37. Catherine DeFoney
38. Christopher Barnes
39. Roger Znyski
40. Linda Williams
41. Larry Bogert
42. David Lawrence
43. Virginia Rietz
44. Judi Nichols
45. Robert Parsons
46. Cynthia Price
47. William Deakin
48. Elsa Clemens-LeBlanc

- 49. Joseph Neglia
  - 50. Marsha Weisfeld
  - 51. Richard Wilson
  - 52. Joan Stein
  - 53. Carole Wiley
  - 54. Robert Rudolph
  - 55. Michael Barnes
  - 56. Steven Mondel
  - 57. Kathleen Heim
  - 58. Daniel Loew
  - 59. Stephen Hoelle
  - 60. Bruce Powers
  - 61. Morris Davis
  - 62. Dan O'Leary
  - 63. Marc Beebe
  - 64. Allison Peltzman
- 

65. Paul Ira Nadler

66. Greg Z.

67. Lauren Stewart

68. John Monchak

69. Keith Erickson

70. Alvaro Navas

71. Kyle San Giovanni

72. Marion Lindner

73. Barbara Tanner

74. Frank Carlini

75. Suzanne Censier

76. Ruth Friedberg

77. Dinean Robinson

78. Eileen McNamara

79. Edith Cheney

80. Debra Schreiber

81. Ray Sutera

82. Pauline Caulk

83. Michael Stollo

84. Phil Lipari

85. Dana Leva

86. Robert Dawe

87. Cate Litvack

88. Linda Hardy

89. Andrew Verderame

90. James Seward

91. George Demetrios

92. Rita Raftery

93. Paula Ramos

94. Karolyn Johnson

95. Bob Rusk

96. Timothy Beitel

97. Stacey Dunleavy

98. Constantine Tsonopoulos

- 99. Norman Fisher
- 100. Kathleen Galligan
- 101. Harvey Cohen
- 102. Robert Nolan
- 103. Joanne Grossi
- 104. Jay Gartman
- 105. Lorraine Brabham
- 106. Eileen Wierzbicki
- 107. Juan Viera
- 108. John Buggy
- 109. Clayton Cowan
- 110. Thomas Bow
- 111. Linda Blatnik
- 112. Francisco Gonzalez
- 113. Jane Randall

- 114. Eric Bloch
- 115. Andrew Kafel
- 116. William Deegan
- 117. Sheila Mazar
- 118. All Rights Reserved Danial Lopez
- 119. Mika Braakman
- 120. Karen Ross
- 121. Toulal Halperin
- 122. Oluremi Esuruoso
- 123. Joseph Dunphy
- 124. Janet Bender
- 125. Helen McCahill
- 126. Pearl L. Waxman
- 127. Mary Ann Ruggiero
- 128. Harry Tuber



- 129. Susan Freedman
- 130. John Ruhl
- 131. Kelly Roach
- 132. Pam Lynn
- 133. Marion Barnes
- 134. Franklyn Perez
- 135. Donna Quay
- 136. Carole Renee Hasz
- 137. Paul Netusil
- 138. Margo Saltzman
- 139. Linda Rubiano
- 140. Erol Gulistan, Esq.
- 141. Wayne Goldsboro
- 142. Jennifer Gorgo
- 143. Jeffrey Farenbach-Brateman

- 144. Sunita Khosla
- 145. Rosemarie Ciccarello
- 146. Kendra Pendolino
- 147. Michael T. Beache, IV
- 148. Matthew Lauro
- 149. Carrie Faraone
- 150. Arthur Lisciandro
- 151. Deborah Fitzgerald
- 152. Robert Flynn
- 153. James Pritchett
- 154. John McGlaughlin, Ph.D.
- 155. Joe Detaranto
- 156. Jack Hoffman
- 157. Carol Grobels
- 158. Mark Scheingold

- 159. Thomas Koven
- 160. Adam Jones
- 161. Georgianna Cook
- 162. Susan Blackburn
- 163. Lewis Maltby
- 164. Richard Danek
- 165. Edith Neimark
- 166. Miranda Spencer
- 167. Susan Farro
- 168. G. Yuzawa
- 169. Jennifer Richter
- 170. Charles Davis
- 171. Merelyn Dolins
- 172. William R. Fox
- 173. Robert Findlay

- 174. Susan Hussein
- 175. Ron Bagden
- 176. Vivienne Gilroy
- 177. Steven Fenster
- 178. Joseph Czubowicz
- 179. John Lynn
- 180. Ken Fleming
- 181. Louise Bartholomew
- 182. Richard Caccamo
- 183. Jeff Pierce
- 184. Michael Bieber
- 185. Daniël Cribari
- 186. Lynne Lieberman
- 187. Sara Hunsicker
- 188. Joseph Matthias

- 189. Douglas Overtoom
- 190. Melissa Gray
- 191. Robert and Rosalie Murray
- 192. Nat Arkin
- 193. Robert Mitchell
- 194. Addam Reynolds
- 195. Rosemarie Ceaser
- 196. Anne Shuff
- 197. Christopher Wolf
- 198. S. Flint
- 199. Leo Brown
- 200. Rilwan Salaam
- 201. Robert Esbrandt
- 202. Marian Campisi
- 203. Sharon Callahan

- 204. Jason Bright
- 205. Gerald O'Sullivan
- 206. Mr. and Mrs. Bruce Revesz
- 207. Jim Wickersty
- 208. Ian Liberty
- 209. Edward Norkus
- 210. Suzanne Burke
- 211. William Wetzel
- 212. Robert Rudolph
- 213. Charlize Katzenbach
- 214. Mithra Busler
- 215. Eugene Pumphrey
- 216. Jason Eldredge
- 217. Richard Rutkowski
- 218. Neil Wise

- 219. Mary Day
- 220. Herb Bernstein
- 221. Arden Epstein
- 222. Michael Southwell
- 223. Donald Elliker
- 224. Jeff Nach
- 225. Michael Voellmecke
- 226. Alina Mattie
- 227. Friend of ACLU Unknown
- 228. Steve Ramshur
- 229. Dr. Peter Geidel
- 230. P. Scoville
- 231. Burma Stokes
- 232. Christopher Waid
- 233. Lex Medved

- 234. Janice Todd
- 235. Robbie Singh
- 236. Ann Sandritter
- 237. Ray Perez
- 238. Abraham Eastwood
- 239. A. Kasbarian
- 240. Martin Cohen
- 241. Karen Lears
- 242. Eugene Gorrin
- 243. Morgan MacKenzie
- 244. Dan Puma
- 245. MichaelAnn Knotts
- 246. Qazafi Memon
- 247. Jessica Coco
- 248. Carl Reiners



- 249. Thomas Hessman
- 250. Emilia Colon
- 251. Rob Jenkins
- 252. Liz Krum
- 253. Dina Willner
- 254. Matthew Hill
- 255. Robert MacFarlane
- 256. Terry Haus
- 257. Kathleen Campbell
- 258. Daniel Kurz
- 259. Huey Alcaro
- 260. Margaret McGrath
- 261. Steven Fenichel, MD
- 262. Mary Martin
- 263. Caren McNair

- 264. Ron Robinson
- 265. Mike Matcho
- 266. Steven Mattan
- 267. Tanvir Shahid
- 268. Indira Prabakaran
- 269. Stanley Gellert
- 270. C. Reed Chapman
- 271. Javier Esteva
- 272. Glenn Vincent
- 273. Nicholas Dollak
- 274. Sandra Riddick
- 275. Michelle Mahoney
- 276. Sharon Christenson
- 277. Matthew LaBoda
- 278. Anthony Turco

279. Charles Pinderhughes

280. David Rubin

281. Charles Bittner

282. Mary Shannon

283. Marilyn Crawford

284. Michael Ruderman

285. Miles Reader

286. Susan Marcantonio

287. Joey Wicks

288. Mary Lufen

289. Nick Berezansky

290. Karen Andersen

291. Victoria Mack

292. Catherine Hunt

293. Carole Botticelli

- 294. Herman Gomez
- 295. Mary and Rev. Robert Reader
- 296. Paul Cavanaugh
- 297. Steven Bazzone
- 298. Amy Jarozynski
- 299. Don Smith
- 300. Stanley Goodman
- 301. Laura Dickey
- 302. Elizabeth Topolski
- 303. MaryAnn Hearn
- 304. Roberta Cohen
- 305. David Kaplan
- 306. Judy Fairless
- 307. Christine Neill
- 308. Ed Chapman

- 309. Ferne Founds
- 310. Mary Derengowski
- 311. William Patton
- 312. John Betz
- 313. Sharon Rothe
- 314. Anthony Odonnell
- 315. Joe Sergeant
- 316. Janine ACLU Supporter Williams
- 317. Suzanne F.
- 318. Dianne Kidwell
- 319. Donald Hanek
- 320. Barbara Joels
- 321. Elaine Rose
- 322. Linda Barmore
- 323. June Lopez Saunders

324. Keith Havens

325. Riley Hansom

326. Denis Zafiroopoulos

327. Robert Wissel

328. Joan Belluardo

329. Susan Liebler

330. William Van Bel

331. John Ward

332. Patrick Jordan

333. Syed Ahmed

334. Dennis Nicholson

335. Emily Hall

336. Steven Tucci

337. Mary La Mura

338. Daniel Falkowitz

- 339. Nicole Falkowitz
- 340. Julius Gyurkovic
- 341. Donald Laface
- 342. Selma Wilson
- 343. Allison Kalman
- 344. Eugene Lieber
- 345. Doris Eaton
- 346. Jim LaRegina
- 347. Mike Richter
- 348. Jessica Dunlap
- 349. Margaret M. Burns
- 350. Ann OFlanagan
- 351. Trevor Shaw
- 352. Sandra Lowy
- 353. Doug Meyer

- 354. Helen Sena
- 355. Barbara Schlesinger
- 356. Susan and Bruce Clark
- 357. Thomas Woods
- 358. Raul Cintra-Leite
- 359. Sylvia Alles
- 360. Edwin Acevedo
- 361. James J. Fields
- 362. Daniel Jeffrey
- 363. Irwin Schpok
- 364. Andrew Zielinski
- 365. Saad Zafar
- 366. Steven Boss
- 367. Daniel Tumpson
- 368. Chandos Caldwell



- 369. Ursula Blanik
- 370. Margaret Eberbach
- 371. R S Baker
- 372. Frank Deale
- 373. Greg and Karen Federico
- 374. Gunta Alexander
- 375. John JOHNSON
- 376. Nadine JOHNSON
- 377. Kelly Dabrowski
- 378. Sharon King
- 379. Rita Kotak
- 380. Linda Devries
- 381. Andrew Weinberger, MD
- 382. Scott Taylor
- 383. Diane Fisher

- 384. Stephanie Schultz
- 385. JoAnne Olsyn
- 386. Joseph Rosenstein
- 387. Richard Caulk
- 388. Michael Grayovski
- 389. Collin Johnson
- 390. Diane Hoffman
- 391. Donald Hallcom
- 392. Danny M.
- 393. Dimitri De Valroger
- 394. Thomas Wagner
- 395. William Kennard
- 396. Keith Gargano
- 397. Lynda Armona
- 398. Shirley Bensetler

- 399. Rita Sheehan
- 400. Richard Sroczynski
- 401. Kevin Dail
- 402. Jan Pustizzi
- 403. Charlotte Zacker
- 404. Chuck Graver
- 405. Jennifer Talarico
- 406. Judith Weiss
- 407. Robert Candefmo
- 408. Jonathan Allen
- 409. John Lynch
- 410. Hope Jenkins
- 411. Holly Frey
- 412. Arthur Gilbrech
- 413. Arthur Stoppe

414. Ted Pletenik

415. Carl Oerke, Jr.

416. Howard Mead

417. Jasper Dionisio

418. Rebecca Canright

419. William Spillane

420. John Keane

421. John Cicchine

422. James Barry

423. Weldon Monsport

424. Jeanne Rinehart

425. Lara Negami

426. Matthew Zarandi

427. Eileen Stec

428. Jose Rosario

429. John Niedziejko

430. Hattie Heavner

431. Steve Gaissert

432. Nano Mardones

433. Anne Horrocks

434. Carol Woodruff

435. Lisa Hamlett

436. Raven Haber

437. Julia Rubin

438. Sanjeev Rao

439. Mary Lou Horrocks

440. Dorothy Holtzman

441. Mark Elman

442. Jessica Lederman

443. Linda McKillip

- 444. Bert Morris
- 445. Thomas Whitaker, Jr.
- 446. David Schulte
- 447. Frank Brincka
- 448. Richard Karpen
- 449. Stephen DiSalvo
- 450. Carroll Arkema
- 451. Marion Sennon-Grant
- 452. Rachel Herman
- 453. Christine Koehler
- 454. Diana Crowder
- 455. Kevin Pannuzzo
- 456. Joseph Taureck
- 457. Denise Summer
- 458. Charles Collins, 3<sup>rd</sup>

- 459. Gerald Dalzell
- 460. Paul Dlugos
- 461. Joseph G. Flatley
- 462. Lawrence Hill Jr.
- 463. Harriet Jernquist
- 464. Moira Goldberg
- 465. Daniel Gonzalez
- 466. Beth Herbert
- 467. D W
- 468. Bernard Tilson
- 469. Brian Fletcher
- 470. Salman Shaikh
- 471. Thomas Tonon
- 472. Vernon Griffin
- 473. Howard Weiss

- 474. Barbara Collins
- 475. Nikki Adams
- 476. Jennie Sabato
- 477. Florence Baranek
- 478. Anna Kumor
- 479. David Mesinoff
- 480. Ed Chapman
- 481. Elyse Stewart
- 482. Evelyn Gomez
- 483. James Wheatcroft
- 484. Christiane Ludescher-Furth
- 485. Laureana Organ
- 486. Donald Eilenberger
- 487. Stuart Way
- 488. Susan Hurwitz



- 489. Theodore Minucci
- 490. Debbie Schepis
- 491. Lawrence Jones
- 492. Lascinda Goetchius
- 493. Mark Lewellen-Biddle
- 494. Wayne Harrigan
- 495. Mary O'Donnel
- 496. Ed Hayden
- 497. Daniel Zimmerman
- 498. Lawrence Marcus
- 499. Daniel Faraldo
- 500. Maria Ortiz Myers
- 501. Noemi Saed
- 502. Damian Velez
- 503. Ermal Lamcaj

504. Carol Greenberg

505. L J Grobelny

506. Gary Shugarts

507. Sarah Mercuri

508. Blanca Kopacz

509. Judy Lubliner

510. Bruce Johnson

511. Andrzej Kuhl

512. Clifford Weiss

513. John Organo

514. Lou Matlack

515. Barbara Trought

516. Anneliese Lipinski

517. Patrick Mills

518. Kevin Guan

- 519. Georgette Murray
- 520. Tom Conklin
- 521. James Johnson
- 522. Melanie Long
- 523. Elaine Fitzpatrick
- 524. Earline Fair-Edwards
- 525. Marilyn Wechselblatt
- 526. Michael Walker
- 527. Dyann Haywood
- 528. G. Barry
- 529. George Gavaras
- 530. K. Levinson
- 531. Juan Fernandez
- 532. Nancy Macaulay
- 533. Harriet Bernstein

534. Alexis Langelotti

535. Robert Gordon

536. Art Rosenberg

537. Waheed Khalid

538. John Kohms

539. Lory Lazarus

540. Susan Freeman

541. Gary De Santis

542. David Bowers

543. Mary Anne Borge

544. Victor Sytzko

545. George Hamlin

546. William Newman

547. Darrell Dove

548. S A

- 549. Cheryl Dzubak
- 550. Marie Curtis
- 551. Anand Sarwate
- 552. Lisa Lynch
- 553. Karen Snow
- 554. Susan Ndiaye
- 555. Nadaline Dworkin
- 556. Wilbert Wheeler
- 557. John Shipley
- 558. Judith Schachter
- 559. R. Barnhardt
- 560. Michael Odell
- 561. Holly McDonald
- 562. Henry Marzuchowski
- 563. Robert Jackson

- 564. Sharon Mulvihill
- 565. Paul Riley
- 566. Jae Yun
- 567. Myron Rosenberg
- 568. Jean Kuhn
- 569. Jacqueline McClellan
- 570. Joseph Szewczuk
- 571. Nancy Booth
- 572. Ryan Snyder
- 573. Karl Riemann
- 574. Ruth Kram
- 575. Jeffrey Chilelli
- 576. Candace Kautzer
- 577. Calvin Burrell
- 578. Jeffrey Peck

- 579. Bonnie Bayardi
- 580. Susan Brennan
- 581. David Samuels
- 582. Elliott Lieb
- 583. Danielle Brooks
- 584. Ward Dill
- 585. Mary Kushner
- 586. Philip Mackey
- 587. Louis C. Harris, Jr.
- 588. Mike Kelly
- 589. Millicent Sims
- 590. Barry Sussman
- 591. Wendy Flanagan
- 592. Diana Brodscholl
- 593. Jenise Reedus

- 594. Mohammad Dadani
- 595. Ryan Ramdass
- 596. Barbara Holm
- 597. Jennifer Fleisher
- 598. Sandra Lowy
- 599. Gene Steiker
- 600. Brian Kelly
- 601. Anne G. Stires
- 602. Charles Bernstein
- 603. Carmen Mosca
- 604. Daniel Pendolino
- 605. Mike Albar
- 606. Tim Hagan
- 607. Jiles Ship
- 608. Edward Fisher



- 609. Janice Victor
- 610. Andrea Long
- 611. Louise Usechak
- 612. Carolyn Baldacchini
- 613. Anna Pulgiano
- 614. Leslie Jenkins
- 615. Freda Devonshire
- 616. Richard Greenwood
- 617. Carmine DiLeo
- 618. Dr. Lucille Becker
- 619. Catherine Hunt
- 620. Kristina Wetter
- 621. Nichole Jackson
- 622. Howard L. Vance
- 623. Richard Taylor

- 624. Kimberly Shaub
- 625. Hugh Williams
- 626. Kevin Waldrip
- 627. Enid Rosenblatt
- 628. Denise Lytle
- 629. Marylee Smyth
- 630. Giancarlo Tello
- 631. Ann Cahill-Makowsky
- 632. Harriet Grose
- 633. Scott McCarthy
- 634. Tony Salzarulo
- 635. Erich Schmidt
- 636. Martha Rohr
- 637. Tom Marx
- 638. Peter Osborn

- 639. Michael Vernam
- 640. Nicole Scott-Harris
- 641. Vincent H. Fedor, (R)(ASRT)(ARRT)
- 642. Shawn Stewart
- 643. Susan Blubaugh
- 644. Eugene Drayton
- 645. Ted Davis
- 646. Sharon Callahan
- 647. Ellen-Cathryn Nash
- 648. Christopher Kent
- 649. Carol Emmens
- 650. Matthew A. Shubitz
- 651. Mark DePalma
- 652. Wendy Lewis
- 653. Kim Otto

- 654. Gurdeep Malik
- 655. Sharon J
- 656. Walter Tulys
- 657. Samantha Feuss
- 658. Stephen A. Bullock
- 659. John Reilly
- 660. Claxton Crowder
- 661. Julia Burzynski
- 662. Karen Breny
- 663. Fred Holden
- 664. Ruth Steinberg
- 665. Stuart Weinstock
- 666. Susan Hanlon
- 667. Stephen A. Bullock
- 668. Ed Vant

- 669. Sara Lerner
- 670. Rob Pastorio-Newman
- 671. Susan Hanlon
- 672. Stephen A. Bullock
- 673. Ed Vant
- 674. Sara Lerner
- 675. Rob Pastorio-Newman
- 676. Deborah Howlett
- 677. ME Tango
- 678. Thomas Lamanna
- 679. Michelle Bobrow
- 680. Kathleen Maher
- 681. Jeffrey Matchen
- 682. Kathleen Stacy

- 683. Eugene Provost
- 684. Colin Campbell
- 685. Lisa Stanford
- 686. Michael Arentoft
- 687. Donna Mirabella
- 688. Gary Montross
- 689. Denise Kobylarz
- 690. Barbara Skinner
- 691. David Simen
- 692. Leslie Kappes
- 693. Robert Ullman
- 694. Daniel Heyman
- 695. Elizabeth Barwell
- 696. Duanne Small
- 697. Sandeep Bhatt

- 698. M. Simmons
- 699. Charles Gear
- 700. Angela Lundgren
- 701. Robert Post
- 702. Norma Rosenbloom
- 703. Hilary Malyon
- 704. Morris Roth
- 705. Corinne Rodriguez
- 706. Justin Stone
- 707. Randall Potts
- 708. Debra Gemind

COMMENT: Why does the New Jersey Motor Vehicle Commission (MVC) need to retain copies of documents instead of just examining or inspecting them once the identity of the individual has been confirmed by an authorized MVC official? (1 - 2, 5 - 708).

RESPONSE: As a result of concerns that were raised through public comments, the MVC will only be scanning the applications and documents of applicants who are applying for REAL ID compliant driver licenses and non-driver identification cards. For non-REAL ID compliant driver license, non-driver identification card applicants and stand-alone boat license applicants, only the applications will be imaged and retained, which is the current practice, and is done pursuant to N.J.S.A.39:3-28.

Reasons for retaining copies of documents instead of just examining or inspecting them are:

(a). The Federal REAL ID Act requires the retention of source documents that are submitted to a motor vehicle authority to prove the identity of a person who is applying for a REAL ID compliant driver license or non-driver identification card.

(b). For security reasons - If there is ever an allegation that a catastrophic event occurred because the MVC issued a particular driver license or non-driver identification card that it should not have issued, the MVC would have copies of the documents that the MVC relied on when it issued the particular driver license or non-driver identification card.

(c) For customer service reasons – scanned images of documents can be checked when a customer needs a duplicate driver license or non-driver identification card.

(d) For auditing reasons – auditors can check to see whether employees are following the law, regulations, and procedures when issuing driver licenses or non-driver identification to customers.



COMMENT: Why should customers' personal information be retained to catch employee misconduct? (1, 5 - 708).

RESPONSE: Scanning identification documents that are submitted when customers apply for REAL ID compliant driver licenses or non-driver identification cards helps to prevent both employee and customer misconduct. If a customer submits insufficient or altered or false or counterfeit documentation and an employee processes the transaction and issues a driver license or non-driver identification card, the only way to prove it is for the Commission to retain copies of the documents submitted. Once the Commission publicizes and implements the practice of scanning documents submitted to obtain REAL ID compliant driver licenses and non-driver identification cards, knowing that the Commission implements this practice should serve as a deterrent for both employees and customers. State regulations require image processing systems to create and retain a record of the location, date, operator and equipment involved in the production of all images it copies or produces. Further, imaging systems are required to create and maintain logs of all system and file access and activities, and requires that only authorized persons have access to logs and other documentation of security subsystems and procedures.

COMMENT: In 2011, six MVC employees faced criminal charges for selling fake driver licenses, and at least one was sentenced to jail. Giving MVC employees access to more of the public's data seems like a route for more identity theft and fraud, not less. (1 - 2, 4 - 708).

RESPONSE: While the comment is inaccurate in its statement that the charged employees were selling fake driver licenses, the Commission's Security, Investigation, and Internal Audit Division routinely monitors and observes the work of the MVC employees and works with law enforcement to, among other things, alert them of instances where MVC employees misuse personal information of MVC customers. So, in many instances, it is the MVC that uncovers this type of employee misconduct on its own. This monitoring will continue with the scanning of documents.

COMMENT: What protections will be put in place to safeguard personal information? (1 - 708).

RESPONSE: The MVC uses the latest encryption software in compliance with standards to protect personal information. Only MVC employees who have undergone background and fingerprint checks have access to personal information. A State regulation (N.J.A.C. 15:3-4.8(f)) requires image processing systems to create and retain a record of the location, date, operator and equipment involved in the production of all images it copies or produces. Further, imaging systems are required to create and maintain logs of all system and file access and activities, and requires that only authorized persons have access to logs and other documentation of security subsystems and procedures.

COMMENT: More public outreach and public notice should occur before this proposal is implemented. (2 and 3).

RESPONSE: The Commission held a public meeting to authorize publication of this regulatory proposal. The Commission also transmitted this regulatory proposal to the Office of Administrative Law (OAL) for publication in the New Jersey Register. The

Commission will be holding a public meeting to adopt this regulatory proposal and it will be transmitting the adoption to the OAL for publication in the New Jersey Register. The MVC also plans to create a public information campaign prior to implementation.

COMMENT: If a customer does not want a "gold standard" of identification, can the customer opt for a bronze standard if the customer is more interested in protecting his/her privacy than being able to access high security areas? (3).

RESPONSE: The Commission has listened to this customer's concerns. Customers will have a choice between obtaining a REAL ID compliant driver license or non-driver identification card (the "gold standard"), for which documents will be scanned, and a non-REAL ID compliant driver license or non-driver identification card (the "bronze standard"), for which documents submitted will not be scanned, (which we would consider more of a "silver standard" once REAL ID documents are available).

COMMENT: What is the procedure for opting out of having one's document's scanned and stored? (3).

RESPONSE: Applicants can opt for a non-REAL ID compliant driver license or non-driver identification card. As a result of public comments received, only the applications for non-REAL ID compliant driver licenses and non-driver identification cards will be scanned; other source documents will not be scanned as a requirement for issuance of non-REAL ID compliant driver licenses and non-driver identification cards.

COMMENT: Where will the data be stored? (3).

RESPONSE: The data will be stored on servers at a New Jersey Department of the Treasury's data center.

COMMENT: How is the data safer than the data that was stolen from major corporate and Federal government agencies such as the CIA and the FBI and the OPM? (1, 3, 54, 61, 423, 683, and 697).

RESPONSE: The MVC does not know what security protocols were in place at the CIA and the FBI when the data was stolen.

COMMENT: Is the MVC a monopoly or can customers do business elsewhere? (3)

RESPONSE: The MVC is a government agency and is the only source for the issuance of driver licenses and "non-driver identification cards" in New Jersey.

COMMENT: What new training and security will be required of Commission employees and vendors who have access to this personal information data? (3)

RESPONSE: No new training and security requirements are anticipated for employees. All Commission employees are already required to take "Securing the Human," which trains them on how to keep personally identifiable information secure. Employees are also required to undergo background checks, and are guided by the Driver Privacy Protection Act.

COMMENT: The economic impact section says there will not be any additional cost to the consumer, what about the cost of allowing one's personal data to be so vulnerable? (3)

RESPONSE: The cost of vulnerability to individuals' stored data, wherever personal data is stored, is not quantifiable, but could be substantial. That is why the Commission is making every effort to protect the security of all sensitive data in its custody.

COMMENT: What is the substantial and legitimate need to retain copies of personal documents which can contain extremely sensitive personal information once the original documents have been inspected and the identity of the individual established by an authorized MVC official? (1 – 2, 5 – 708).

RESPONSE: The Federal REAL ID Act requires the retention of source documents that are submitted to a motor vehicle authority to prove the identity of a person who is applying for a REAL ID compliant driver license or non-driver identification card.

Situations such as 9/11 showed a need for the ability for the Commission to refer back and see what documents were submitted by whom to obtain a particular driver license or non-driver identification card.

COMMENT: Even if there were a legitimate need to retain copies of individual source documents, the proposed regulations (despite the cross-reference to the DORES statutes and retention schedules) do not provide for adequate safeguards to protect the security, confidentiality, and integrity of the personally identifiable information collected, stored, and maintained by the MVC; safeguards that would guard against unauthorized disclosure. Nor does the reference to DORES retention schedules give adequate guidance on how long the documents will be retained. (1).

RESPONSE: The Commission, like any other organization that works with personally identifiable information, is always looking to strengthen the way it handles, stores, and secures such information. Our aim is to be the leading or model motor vehicle authority in the United States with regard to safety and security in the way we handle the information that is entrusted to us. Our Commission works with our vendor, Morpho

Trust , and the OIT to maintain the integrity of our database. We use the latest encryption software to comply with standards to protect personally identifiable information. DORES schedules provide retention requirements that govern state documents. DORES, the OIT and the MVC will be working together to protect the security, confidentiality, and integrity of the personally identifiable information collected, stored, and maintained by the MVC. MVC employees are required to abide by the New Jersey Driver Privacy Protection Act (DPPA), which can be found at N.J.S.A. 39:2-3.3 to 39:2-3.7.

COMMENT: The existing photo database resolves most issues associated with the MVC's license processing and auditing. (2).

RESPONSE: The photo database is a tremendous asset and it does resolve many license processing and auditing issues. However, the photos need to be cross-referenced with the documents so that the photos can be identified. To fully and properly identify an individual, one needs to have the individual's photo and documents.

COMMENT: External security systems do more for ensuring security and public safety than a driver's license will. (2).

RESPONSE: Both external security systems and driver licenses are important for ensuring security and public safety. Driver licenses and non-driver identification cards have become extremely important identification documents that are relied on by many entities. Accordingly, although we utilize external security systems extensively, we also must be particularly concerned about the accuracy, integrity, and security of every facet of the processing and issuance of driver license and non-driver identification cards

because they are documents that are issued by us and we need to ensure the integrity of those documents.

COMMENT: After documents are submitted, a picture is taken once, and the driver license or non-driver identification document is issued, why does one need to bring their documents back to the MVC each time they renew their driver license or non-driver identification document? (4).

RESPONSE: The Commission needs to, at the very least, continue requiring the presentation of six points of identification until it can scan all submitted documents. Once the Commission has gone through a complete cycle of scanning documents when issuing driver licenses and non-driver identification cards, it can then reevaluate whether it needs to repeat the process on every renewal or not.

COMMENT: Why do you want to do this when you want to give driver licenses to illegal immigrants that don't have these items. I do not want you to have copies of my personal private papers. We have one of the most secure driver licenses now leave it alone. (4 and 705).

RESPONSE: The MVC requires applicants to provide proof of legal presence in the United States in order to obtain a driver license or a non-driver identification card. Scanning identification documents that are submitted when customers apply for driver licenses or non-driver identification helps to prevent both employee and customer misconduct. If a customer submits insufficient or altered or false or counterfeit documentation and an employee processes the transaction and issues a driver license or non-driver identification card, the only way to prove it is for the Commission to retain

copies of the documents submitted. Once the Commission publicizes and implements the practice of scanning documents submitted to obtain driver licenses and non-driver identification cards, knowing that the Commission implements this practice should serve as a deterrent for both employees and customers. State regulations require image processing systems to create and retain a record of the location, date, operator and equipment involved in the production of all images it copies or produces. Further, imaging systems are required to create and maintain logs of all system and file access and activities, and requires that only authorized persons have access to logs and other documentation of security subsystems and procedures.

**Summary of Agency-Initiated Changes:**

The Commission replaced the word "documents" with "images" for clarity, and replaced the reference to the Division of Revenue and Enterprise Services standards with the statutory and regulatory citations, for clarity. These changes are not substantial changes, as defined by N.J.A.C. 1:30-6.3.

The Commission has determined that it will offer both REAL ID compliant and non-REAL ID compliant driver licenses and non-driver identification cards. See 48 N.J.R. 569(a); however, based on public comments received, the Commission has further determined that it will only scan the documents that are submitted by applicants for REAL ID compliant driver licenses and non-driver identification documents. It will not scan the documents that are submitted by applicants for non-REAL ID compliant driver licenses, non-driver identification cards, or stand-alone boat licenses. The Commission will, however, continue its existing practice of scanning all driver license,



non-driver identification card, and stand-alone boat license applications as required by N.J.S.A.39:3-28.

### Federal Standards Statement

The proposed amendments do not cause the rules to, or amend any rule that does, exceed Federal standards or requirements. The proposed amendments meet Federal document retention standards for application, declaration, and source documents. Federal law specifically permits the respective states to utilize Social Security numbers and to retain applications, declarations, and documents required by the Commission's six-point identification system in the administration of driver license or motor vehicle registration laws. See 6 CFR 37.31 and 42.

Full text of the adopted rule follows (additions to the proposal are indicated in boldface with asterisks **\*thus\***; deletions are indicated in brackets with asterisks **\*[thus]\***):

13:21-8.2 Age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law; proof of address

(a) Each applicant for a license, permit or non-driver identification card shall be required to furnish to the Commission, upon request, proof of identity and date of birth and proof that the applicant's presence in the United States is authorized under Federal law. Such proof may be established by submission of the original or certified (by

the issuing authority) copy of the primary and/or secondary documents that are listed in (b) below as follows:

1 – 8 (No change from proposal.)

9. Commission staff members are authorized to scan all applications\*, declarations, and documents\* presented or accepted toward satisfying document requirements. All scanned \*[documents]\* **\*images\*** will be retained electronically in accordance with \*[Division of Revenue and Enterprise Services (DORES) statutes and retention schedules]\* **\*N.J.S.A. 47:3-15, et seq., N.J.A.C. 15:3-2.1 – 2.7, and N.J.A.C. 15:3-4.1 – 4.11\***.

10. (No change in text.)

13:82-8.20 Operator license; proof of age and identity; expiration

(a) Each applicant for a boat operator license shall, upon request, furnish proof of identity and date of birth and proof that the applicant's presence in the United States is authorized under Federal law. Such proof may be established by submission of the original or certified (by the issuing authority) copy of the primary and/or secondary documents that are listed in (b) below as follows:

1 – 8. (No change from proposal.)

9. Commission staff members are authorized to scan all applications\*, declarations, and documents\* presented or accepted toward satisfying document requirements. All scanned \*[documents]\* **\*images\*** will be retained electronically in accordance with \*[Division of Revenue and Enterprise Services (DORES) statutes and

retention schedules]\* \*N.J.S.A. 47:3-15, et seq., N.J.A.C. 15:3-2.1 – 2.7, and N.J.A.C. 15:3-4.1 – 4.11\*.

10. (No change in text.)

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

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

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

1. Each applicant must produce documents which total at least six points.

- 2. Each applicant must present at least one primary document.**
- 3. Each applicant must present at least one secondary document.**
- 4. An applicant shall not submit more than two documents with a point value of one.**
- 5. If discrepancies exist within or between documents submitted by an applicant, the Commission may require that the applicant submit additional documentation.**
- 6. The Commission shall refuse to grant any permit or license or non-driver identification card if the Commission has reasonable cause to believe that a document is altered, false or otherwise invalid.**
- 7. An applicant who is not a United States citizen must also submit proof of continued legal presence in the United States evidenced by a document listed in (b)1.ii below or by a document issued by the United States Department of Homeland Security or another Federal agency that establishes the applicant's legal right to be in the United States as of the time the proof is presented.**
- 8. For persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity or date of birth, Commission authorized personnel may review, approve or accept alternate documentation that proves the applicant's identity, or date of birth, or that the applicant's presence in the United States is authorized under Federal law.**
- 9. Commission staff members are authorized to scan all applications, declarations, and documents presented or accepted toward satisfying document**

requirements. All scanned images will be retained electronically in accordance with N.J.S.A. 47:3-15, et seq., N.J.A.C. 15:3-2.1 – 2.7, and N.J.A.C. 15:3-4.1 – 4.11.

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

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

(c) The following are acceptable documents:

1. Primary documents:

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

Document

Value

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

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

United States Department of State Consular Report of Birth Abroad

(Form FS-240) 4

Unexpired United States passport 4

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

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

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

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

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

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

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

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

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

**Document**

**Value**

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

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

Refugee Travel Document (Form I-571) 4

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

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

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

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

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

Photo Temporary Resident Card (Form I-688) 2

**2. Secondary documents:**

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

**Document**

**Value**

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

**4**

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

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

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

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

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

**United States adoption papers 3**

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

**Current United States military dependent card 3**

**United States military photo retiree card 3**

**New Jersey firearm purchaser card 3**



- Valid United States government employee driver license 2**
- Valid United States government employee photo identification card 2**
- United States military discharge papers (DD214) 2**
- Federal Aviation Administration pilot license 2**
- United States school photo identification card with transcript or school records 2**
- United States college photo identification card with transcript 2**
- Current photo driver license of any state of the United States including New Jersey and the District of Columbia (issued prior to the effective date of these amendments) 1**
- State professional license 1**
- New Jersey public assistance card with photo 1**
- Social Security card with Social Security Administration (SSA) verification 1**
- High school diploma or GED (general equivalency diploma) 1**
- Bank statement/record (cannot be submitted in conjunction with ATM card) 1**
- ATM (automated teller machine) card with preprinted name and applicant's signature (cannot be submitted in conjunction with bank statement) 1**
- Current health insurance card or current prescription card 1**
- Current employee identification card accompanied by a printed pay stub 1**

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

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

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

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

- 1. A utility or credit card bill displaying applicant's name at current address, issued within last 90 days;**
- 2. A property tax bill, statement or receipt within last year;**
- 3. Any letter or correspondence (including tax bills) received from the Federal Internal Revenue Service or any state tax office within the past year;**
- 4. An original lease or rental agreement with the name of the applicant listed as the lessee or renter;**
- 5. First class mail from any government agency within six months, including a Commission-issued driver license renewal form;**
- 6. A checking or savings account statement (bank or credit union) issued within last 60 days; or**
- 7. A certification, verifying the address of an applicant under 18 years of age who does not have his or her own proof of address verification, from a parent or guardian.**

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

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

**Social Security card ;**

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

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

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

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

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

**(g) Any person from a foreign country who is in New Jersey for a period of one year or less may operate a motor vehicle in this State if he or she is the holder of a current driver license in good standing from the country in which he or she resides provided that such license authorizes operation of the class of vehicle to be operated in this State. The Chief Administrator may deny, suspend or revoke the driving privilege conferred by this subsection for violation of any of the provisions of Title 39 of the Revised Statutes or on other reasonable grounds**

upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19-1.

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

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

(j) The Commission shall take a photo of each applicant for a new or renewed REAL ID compliant special learner permit with photo, examination

**permit with photo, driver license, commercial driver license, or non-driver identification card upon submission of the application.\***

**ITEM 1606-04: PETITION 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 new rule to allow any person or entity to petition the Commission to adopt a new rule or amend or repeal an existing rule.

**PURPOSE**

This is a Proposed New Rule. The effect of this item is to propose a new rule at N.J.A.C. 13:18-4, *et seq.* to implement procedures and Commission actions in response to a petition for a new rule or amendment or repeal of an existing rule consistent with rules of the Office of Administrative Law at N.J.A.C. 1:30-4.

**ACTION**

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

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

**FISCAL IMPACTS**

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

**RESOLUTION**

**WHEREAS**, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c. 13 (the "Act"), as the enabling statute that created the Motor Vehicle Commission, and as amended by P.L. 2007, c. 335 and by P. L. 2009, c. 298, at sections 4 and 40 assigns to the Motor Vehicle Commission the duty to implement regulations affecting various programs, including this proposed new rule to allow any person or entity to petition the Commission to adopt a new rule or amend or repeal an existing rule;

**NOW, THEREFORE, BE IT RESOLVED** that the Chairman is authorized to file with the Office of Administrative Law a notice of this proposed new rule regarding Petitions, in substantially the form as attached in **Exhibit A**.

**MOTOR VEHICLE COMMISSION**

**EXHIBIT A**

**EXECUTIVE AND ADMINISTRATIVE SERVICE**

Proposed new rules: N.J.A.C. 13:18-4, *et seq.*

Authorized By \_\_\_\_\_

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

Authority: N.J.S.A. 39:2A-1 *et seq.*, and N.J.S.A. 52:14B-1 *et seq.*

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

Proposal Number: PRN-

Submit comments by \_\_\_\_\_ to:

Kate Tasch  
Administrative Practice Officer  
Regulatory and Legislative Affairs  
Motor Vehicle Commission  
225 East State Street  
PO Box 162  
Trenton, NJ 08666-0162  
or via e-mail to [rulecomments@mvc.nj.gov](mailto:rulecomments@mvc.nj.gov)



The agency proposal follows:

**SUMMARY**

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

The Motor Vehicle Commission (hereinafter the "Commission" or the "MVC") proposes these new rules at N.J.A.C. 13:18-4.1 to 4.3, Executive and Administrative Service to provide guidance to any persons who are interested in petitioning the Commission to adopt a new rule or amend or repeal an existing rule.

The following summarizes proposed amendments by subchapter:

N.J.A.C. 13:18-4.1 is proposed to explain that a person may petition the Commission to adopt a new rule or amend or repeal an existing rule and provide the appropriate procedure for submitting a petition to the Commission.

N.J.A.C. 13:18-4.2 is proposed to provide the procedure for a response from the Commission regarding a petition.

N.J.A.C. 13:18-4.3 is proposed to provide for a mechanism to address the petition in the event the Commission does not respond to the petition.

**SOCIAL IMPACT**

The proposed new rules in this chapter will have a positive social impact. The purpose of these proposed new rules is to ensure that an interested person may petition the Commission to adopt a new rule or amend or repeal an existing rule.

**ECONOMIC IMPACT**

The economic impact on the Commission is negligible, as the proposed new rules provide a concise and easy manner by which a person may petition to adopt a new rule or amend or repeal an existing rule or part thereof.

**FEDERAL STANDARDS STATEMENT**

There are no Federal standards applicable to the subject matter of the proposed regulations.

**JOBS IMPACT**

The proposed new rules allow any person to seek a change to any of the Commission's regulations or part thereof upon submittal of a petition, and this ease of submitting a petition is not expected to have an effect on job creation.

**AGRICULTURE INDUSTRY IMPACT**

The proposed new rules do not have any impact on the agriculture industry in this State.

**REGULATORY FLEXIBILITY ANALYSIS**

The proposed new rules do not contain any new reporting or recordkeeping requirements on any person, and therefore do not have any impact on any small businesses, as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16, et seq. The proposed new rules do not require small businesses to engage additional professional services, nor necessitate any capital or annual expenditures for compliance. The Commission has given careful consideration to these matters and has determined that the proposed new rules offer a concise and easy process for submitting a petition to the Commission.

**HOUSING AFFORDABILITY IMPACT ANALYSIS**

The proposed new rules will have no impact on housing affordability and there is an extreme unlikelihood that it will evoke a change in the average costs associated with housing because the rules pertain to petitions to change any of the Commission's regulations or part thereof.

**SMART GROWTH IMPACT ANALYSIS**

It is not anticipated that the proposed new rules will have an impact on smart growth or the implementation of the State Development and Redevelopment Plan in New Jersey.

**Full text of the agency's proposed new rules:**

**N.J.A.C 13:18-4.1 Rulemaking petition procedures**

(a) An interested person may petition the Motor Vehicle Commission ("Commission") to adopt a new rule or amend or repeal an existing rule.

(b) Each petition must be in writing, signed by the petitioner, and state clearly and concisely:

1. The full name and address of the petitioner;
2. The substance or nature of the rulemaking that is requested;
3. The problem or purpose that is the subject of the request;
4. The petitioner's interest in the request, including any relevant organization affiliation or economic interest;
5. The statutory authority under which the Commission may take the requested action;
6. Existing Federal or State statutes and rules that the petitioner believes may be pertinent to the request;
7. If amendment or repeal is sought, citation of the rule for which the petition is made, using N.J.A.C. references, where applicable;
8. The petition may include the text of the proposed new rule, amended rule, or repealed rule.

(c) The petition shall be submitted to:

Administrative Practice Officer

Regulatory and Legislative Affairs

Motor Vehicle Commission

225 East State Street

PO Box 162

Trenton, NJ 08666-0162

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

(d) Any document submitted to the Commission which is not in substantial compliance with N.J.A.C. 13:18-4.1(a)-(c) shall not be deemed to be a petition for rulemaking requiring further agency action pursuant to this subchapter, the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1.30 et seq.

(e) Within 15 days of receipt of a petition submitted in substantial compliance with N.J.A.C. 13:18-4.1(a)-(c), the Commission will file a notice of petition with the Office of Administrative Law for publication in the New Jersey Register. The notice of petition will include:

1. The name of the petitioner;
2. The substance or nature of the rulemaking action which is requested;
3. The problem or purpose which is the subject of the request; and
4. The date the petition was received.

(f) The Commission will make available on its website at [www.njmvc.gov](http://www.njmvc.gov) all petitions for rulemaking received and all notices of action filed with the Office of Administrative Law, pursuant to N.J.A.C. 1:30-4.1(d).

#### N.J.A.C 13:18-4.2 Commission response to petition

(a) Within 60 days of receipt of a rulemaking petition, the Commission shall either:

1. Deny the petition, in which case the agency shall provide a written statement of its reasons to the petitioner, and include such reasons in its notice of action;
2. Grant the petition and initiate a rulemaking proceeding within 90 days of the granting of the petition; or
3. Refer the matter for further deliberations, the nature of which shall be specified to the petitioner and in the notice of action and which shall conclude within 90 days of such referral. Upon conclusion of such further deliberations, the Commission shall either deny the petition or grant the petition and initiate a rulemaking proceeding within 90 days. The Commission shall mail the results of these further deliberations to the petitioner and submit the results to the Office of Administrative Law for publication in the New Jersey Register.

(b) A specific period of more than 90 days for further deliberations under (a)3 above and/or to initiate a rulemaking proceeding under (a)2 or 3 above may be agreed upon, in writing, by the petitioner and the agency. An agreement to extend either period, or both periods, shall constitute an action on the petition subject to the notice requirements of (d) below.

(c) Within 60 days of receiving the petition, the Commission shall mail to the petitioner, and file with the Office of Administrative Law for publication in the New Jersey Register, a notice of action on the petition which shall include:

1. The name of the petitioner;
2. The Register citation for the notice of petition;
3. The signature of the Commission's Chief Administrator, signifying that the petition was duly considered pursuant to law;
4. The nature or substance of the Commission action upon the petition; and
5. A brief statement of reasons for the Commission action.

#### N.J.A.C 13:18-4.3 Failure to respond to petition

If the Commission fails to act in accordance with the time frames set forth in N.J.A.C. 13:18-4.2(a), the petitioner may request, in writing, a public hearing on the petition by submitting a request to the Director of the Office of Administrative Law pursuant to N.J.A.C.1:30-4.3.



# New Jersey Motor Vehicle Commission

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

STATE OF NEW JERSEY

To: Raymond P. Martinez, Chairman  
CC: MVC Board Members  
From: Laura Hahn, Legislative Liaison  
Date: June 14, 2016  
Re: Legislative Report

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

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

**A-846/S-1916** (Quijano D20; Wisniewski D19; Jimenez D32; Mukherji D33; Wimberly D35)  
**Allows person with allergy to drugs or medications to voluntarily make notation on drivers license.**

The Commission opposes this bill. This initiative is not consistent with the Commission's core mission and could open the door to additional functions that should not be MVC responsibilities. To allow for a notation on a driver's license would be a heavy lift for IT. It's not clear why identification of driver's allergy condition needs to be provided by MVC when there are already mechanisms in place to communicate with medical responders, such as necklaces, bracelets and tags.

*06/06/16 A-846 – Reported out of committee, 2nd reading in Senate; Referred to Senate Budget and Appropriations Committee*

*06/06/16 S-1916 – Reported out of committee with committee amendments, 2nd reading in Senate; Referred to Senate Budget and Appropriations Committee*

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

The Commission opposes this bill, as each applicant is already given the opportunity to register to vote and sees no need to further expand this responsibility to automatic registration. This new process could lead to prolonged wait times for customers, burdening agency staff with new responsibilities by increasing the duration of individual transactions. Additionally, it will cost approximately \$10,000 to redesign the driver license application.

It should be noted that earlier this year, the MVC upgraded the signature pads in all of its field agencies to display the prompt questions directly to the customer regarding their voter registration (and organ donation) wishes. This puts it squarely in the customer's hands, thus ensuring the accuracy of the information. The total cost of the project was \$909,000.

*05/23/16 – Reported out of committee, 2nd reading in Assembly*

*06/09/16 – Scheduled for the Senate State Government, Wagering, Tourism and Historic Preservation Committee*

**A-2696/S-1155** (Barnes, III D18)

**Regulates autocycles as motorcycles.**

This bill differs from last session's version by requiring the vehicles to be registered as motorcycles, but does not require the operator to possess a motorcycle endorsement. Staff reached out to bill sponsors and requested that the effective date be extended to give the Commission a year to create new regulations and amend existing ones, and allow for IT changes.

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

*06/06/16 – Reported out of committee with MVC's requested amendment, 2nd reading in Assembly*

**A-2789/S-1835** (Greenwald D6; Burzichelli D3; DeAngelo D14; Mukherji D33)

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

The Commission opposes this bill. The law states that the purpose of the test is to ensure that drivers have the ability to operate a vehicle of the class designated safely with no technological assistance. Allowing this technology to aid drivers during the test offers a false sense of security. Not every vehicle is equipped with a backup camera or parking sensors, and the vehicles that do contain the technology have the potential to malfunction. In those instances, the driver may not have the skill-set to control vehicles that are not equipped with these technologies and this could be dangerous to themselves, other drivers or pedestrians.

Furthermore, driver re-exams are used to evaluate the impact of physical limitations due to stroke or other medical conditions. Allowing technological assistance would negate the purpose of this test and potentially put the driver, as well as others on the road, at risk. Staff reached out to the sponsors to express the Commission's concerns.

*02/22/16 – Reported out of committee, 2nd reading in Assembly*

*03/14/16 – Passed in Assembly 71-4-0*

*06/09/16 – Scheduled for the Senate Law and Public Safety Committee*



**A-3546** (Webber R26)**Creates exemption from certain MVC fees for prisoners of war.**

The Commission has no objection to this legislation. There are no programming/re-programming costs and the amount of potential customers who might take advantage of it is extremely small.

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

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

The Commission expressed concerns to the sponsor and requested amendments. This bill does not provide a funding mechanism, which would cause implementation to be a costly, arduous process. The driver manual and written exam were recently updated for distribution. By inserting more test questions on this topic, MVC would have to amend its existing contract with the vendor that creates the knowledge test, and translate the test into the various languages that MVC offers.

The Commission should not be charged with creating and distributing a new brochure concerning the dangers of carbon monoxide poisoning, as it is a public health issue and outside the scope of the MVC's core mission. To distribute these brochures at Central Inspection Facilities and Private Inspection Facilities would be a heavy lift, due to the high number of private garages that are licensed to conduct inspections. This method of reaching the public would not reach every vehicle owner or operator due to inspection exemptions. Additionally, by requiring that brochures be provided with every new and renewed document at the agencies would be another burden on agency staff and may cause longer lines and wait times.

The intent to provide "techniques for the safe operation and proper maintenance of a motor vehicle" is unclear as to whether it means general vehicle information or specifically related to carbon monoxide.

This bill should be amended to remove MVC from the new brochure process. If the new brochure must be manufactured, the bill language in Section 4b should be amended to read that the chief administrator shall make the brochure available on its website.

*05/19/16 – Reported out of committee with technical committee amendments, 2nd reading in Assembly*

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

**A-3695** (Lagana D38; Singleton D7; Wisniewski D19; DeCroce, B. R26)  
**Regulates transportation network companies.**

The Commission opposes this legislation. A transportation network company (TNC) business model is and should be considered a "for-hire" company, and since municipalities currently regulate similar industries, such as taxicabs, it would be more appropriate if they also oversee TNCs.

If the bill becomes law, the Commission will have to create an entirely new unit and hire additional staff to accommodate these responsibilities. Under the bill, MVC is charged with creating and managing a permitting process, designing and issuing decals, communicating with the TNC agents, and possibly investigating consumer complaints. At least eighteen months would be required to implement the aforementioned requirements.

It is not known how many TNCs are currently operating in the State or how many more would apply to do so if this bill becomes law. Under this legislation, the MVC would need to establish requirements for each TNC to obtain a permit. This would require maintenance of documents and oversight of the renewal process, both of which would require costly programming changes to the COMP system. The bill does not mention where the fees collected would be allocated, but it should be used by the MVC to administer the program. Additionally, the TNC should be required to disclose the agent's information as part of the application process to eliminate having to initiate an administrative suspension process for failure to provide such information – this process is costly and resource draining.

The bill gives the Commission discretion regarding the issuance of decals, but does not provide a funding source. There is a concern for the additional resources that would have to be allocated, especially since the amount of drivers is undetermined. It is also unclear if the MVC will be responsible for confirming whether drivers have undergone the background check and provided all of the necessary documentation in order to receive their decals. While the bill is specific with regards to certain areas of this proposed regulatory process, it creates ambiguity in the enforcement of the bill's provisions. The language instructs the MVC and the Division of Consumer Affairs to enter into a memorandum of understanding to effectuate which entity will handle the investigation into complaints, and promulgate rules and regulations for implementation of the entire bill. If this bill is signed into law, and it is determined that the MVC will be the entity responsible for issuing the permits, the MVC should only be responsible for the permitting process. The remainder of the enforcement issues are consumer- and driver-oriented, which are not in line with the MVC's core mission.

Furthermore, there is no indication of whether a commercial driver license would be required. If so, additional requirements and testing would be needed, though it is not clear how many vehicles will be in this burgeoning category, nor how many drivers.

If this bill is signed into law, the MVC should only be responsible for the permitting process. The rest of the bill is driver- or consumer-oriented, which is neither in line with the Commission's mission nor its core values.

*05/19/16 – Introduced and referred to Assembly Transportation and Independent Authorities Committee; reported out of committee with committee amendments, 2nd reading in Assembly.*

**S-1423** (Doherty R23; Pennacchio R26)

**Requires Motor Vehicle Commission to issue exempt certificates for motor vehicles not required to be inspected.**

The Commission will oppose this legislation. Many of the vehicles that have been exempt since 2010 are already easy to identify, either by how they look or how they are plated, such as: motorcycle, historic vehicles, collector vehicles, farm vehicles, trailers, mopeds. To eliminate confusion with the inspection changes, effective May 2016, the Commission has taken the appropriate proactive steps to inform the owners of these vehicles and law enforcement. MVC mails a notice to vehicle owners six to eight weeks before their vehicle would have been due for inspection and provides a card that contains the Vehicle Identification Number (VIN) and states "No Inspection Sticker Required," which must be kept in their vehicle. The card is to reduce the risk of fraud and to use as proof of exemption. A media advisory containing this information was issued to law enforcement, as well.

Several concerns have been highlighted by the Inspections Unit, including the logistics of issuing the exempt certificates and the potential for fraudulent certificates. The MVC would have to unnecessarily expend additional money and resources to track the exempt vehicles, create a new document and issue them to customers.

*02/11/16 – Introduced and referred to Senate Transportation Committee*

*05/02/16 – Reported out of committee, 2nd reading in Senate; referred to Senate Budget and Appropriations Committee*

**S-1919** (Beach D6)

**Makes consent to register with Selective Service part of driver's license application process for males under age 26.**

The Commission will express its concerns regarding this bill. The Commission already transmits a report to the Selective Services System in a bulk data file bi-annually (sent in January and June) containing the name, address, sex and birth date of individuals. As the bill is currently written, the MVC would have to change its current driver license/non-driver ID application, which would require a significant amount of cost and effort, taking away from priority projects. Additionally, the bill does not provide for how to proceed should the applicant choose not to consent.

If the sponsor amends the legislation to include females, this would be at least a medium IT effort.

*03/10/16 – Introduced and referred to Senate Military and Veterans' Affairs Committee*

*05/05/16 – Bill was held*