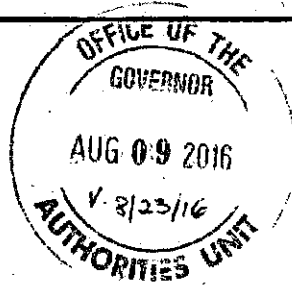


 **New Jersey
Motor Vehicle Commission**

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

August 9, 2016

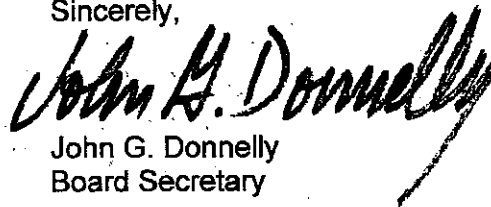
Honorable Chris Christie
Governor, State of New Jersey
State House
125 West State Street
Post Office Box 001
Trenton, NJ 08625-0001

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, August 9, 2016.

Thank you.

Sincerely,


John G. Donnelly
Board Secretary

Enclosure

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Motor Vehicle Commission**

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Thank you.

Sincerely,



John G. Donnelly
Board Secretary



Enclosure

NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Board Secretary John G. Donnelly of actions taken at the Open Session of the Regular Meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Tuesday, August 9, 2016.

Present:

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

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

Chairman Martinez convened the Open Session at 2:00 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. Chairman Martinez began by welcoming everyone to the summer season, and updated all attendees on these actions since the June 14 Board Meeting:

WELCOMING NEW STAFF

I want to start by officially welcoming to our Board two new members to our MVC family. Angela LaBelle has joined us as our new Deputy Administrator of Finance and Administration. Angela comes to us having served as the Director of Administration and Personnel in the Office of the Governor, and previously as the Chief of Staff for the Division of Criminal Justice. We are very happy to have her with us. I would like you to join me in welcoming Angela to the MVC.

I would also like to welcome Mary Smith, who is our new Director of the Division of Human Resources. She comes to us from the Department of Environmental Protection where she served as a Human Resource Manager since 2003. Mary will be tasked with keeping the MVC on the right path toward maintaining a sustainable workforce well into the future.

LONG LINES AND UPDATES

The MVC has continued to get media attention recently due to extraordinarily high volumes and computer downtimes in our agencies. I said it on NJ101.5 radio, and I will say it again here today – the long lines are not acceptable.

At our last meeting, I outlined several initiatives that the Commission is taking to remedy these issues including the promotion of our *Skip the Trip* mail-in driver's license renewal program, our online service offerings, and the technological upgrades we will be making in the next few months. These aren't going to be overnight remedies, but the wheels are in motion.

And today, I am here to tell you that our work continues. Though we have no control when statewide systems are down, we can help mitigate the long lines at our agencies.

We deployed additional staff to our heaviest volume agencies at the end of July to help expedite transactions for the number of people waiting in line. We have also increased the security presence at these higher volume sites to assist with crowd management. Additional I.T. resources were also on hand to monitor all systems.

We have also gone to extraordinary measures to let our customers know about the convenient renewal services -- among others -- that they can do from home. Many residents are still unaware how simple it is to renew their license or vehicle registration without ever setting foot in an agency.

We also are working on longer-term projects that will comprehensively overhaul our technology and business processes. Again, these are not overnight fixes, but our staff is working diligently each and every day to move the Commission forward. We are striving for better service, better processes, and better technology that will all help to create a better experience for our customers.

VETERANS DESIGNATION

A few weeks ago, the MVC joined a group of brave Korean War veterans in Atlantic City to announce the availability of a new permanent veterans designation for driver's licenses and non-driver IDs.

With this convenient single point of identification, veterans will now have easier access to services and discounts at businesses around the State. We are committed to recognizing our veterans and making life easier for them where we can, and the new veterans designation will serve as a symbol for those who have proudly served our country. It should also be noted that eligible veterans will be able to obtain a new license or non-driver ID free of charge at any MVC agency or by mail.

JUSTDRIVE.COM 125 AT NASCAR

And one more item I would like to mention. We are just about five weeks away from the JustDrive.com 125 NASCAR race down in Millville, New Jersey. Our JustDrive.com campaign, which highlights the consequences of talking and texting while driving, is sponsoring a large scale event that will reach the public in a very personal way. So if you

are a race fan, we hope to see you down there. And if you are not, please continue to help our efforts and spread the message that people need to put down the phone and Just Drive.

OFFICER JOSEPH YACENDA PRESENTATION

And now I have one more order of business. During our Board meeting today, we will be presenting Officer Joseph Yacenda, from the U.S. Citizenship and Immigration Services, with an official resolution and commemorative license plate. His support and customer service assistance to the Motor Vehicle Commission -- specifically with our S.A.V.E. system -- has been integral to our business process. He has gone above and beyond the call of duty and I am very pleased to be recognizing him today. I am also honored to have with us today the U.S.C.I.S.'s New Jersey Director, John Thompson.

The following Agenda Items were presented for approval:

1608-01: Award to USCIS's Joseph Yacenda. 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 our law enforcement partners. The Board approved a resolution to recognize and thank U.S. Citizenship and Immigrations Services' (USCIS) Immigration Officer Joseph Yacenda, whose dedication to supporting MVC and his daily commitment to customer service in support of the State's security is of critical importance to MVC's work.

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

Chairman Martinez presented Mr. Yacenda with the framed resolution, and with an Award Plaque entitled "Law Enforcement Partner Award" that reads: "Presented to Joseph Yacenda for Exemplary Service to the Motor Vehicle Commission." Chairman Martinez and Mr. Yacenda were then joined by USCIS's New Jersey Director John Thompson for photographs.

Chairman Martinez then asked MVC Agency Services' Paul Wolleon and MVC Security, Investigations & Internal Audit's Frank VanWie to join him, and presented Mr. Yacenda with a commemorative shirt from Roosevelt Stadium in Jersey City, which served as the former DMV's office in the 1970's when Paul, Frank and Joe worked together for DMV.

1608-02: Fiscal Year 2017 Commission Budget. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act that provides at section 13b3 that the Board shall review and approve the annual budget as submitted by the Chairman and Chief Administrator. Director William Kelly of the MVC Division of Financial Management, presented the FY17 Budget in the amount of \$473.2 million.

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

1608-03: International Registration Plan. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act that assigns to MVC the duty to promulgate regulations affecting various programs, including these proposed amendments to remove the charter bus exemption in International Registration Plan (IRP) regulations. Board Secretary Jack Donnelly presented the proposed amendment for 2016.

Board Member Asante moved the resolution, Assistant Commissioner Case seconded it and it was unanimously adopted.

1608-04: Proof of Identity Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act that assigns to MVC the duty to promulgate regulations affecting various programs, including this Final Adoption of the amended regulations concerning proof of identity.

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

1608-05: Personalized Plate Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act that assigns to the MVC the duty to promulgate regulations affecting various programs, including this Final Adoption of regulations pertaining to personalized plates.

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

Minutes: June 14, 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 June 14, 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 June 2016 Motor Vehicle Commission (MVC) Board Meeting.

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

Both bills provide that the MVC would automatically register to vote any person who applies for a special learner's permit, examination permit, probationary driver's license,

basic driver's license, or non-driver identification card, or for renewal of any license or identification card, according to the permanent address provided by the applicant, unless the applicant specifically declines the automatic voter registration. The Chief Administrator of the MVC would forward the personal information required to register to vote to the Division of Elections in the Department of State in an electronic format. Submission of an application would serve as consent to be registered to vote at the permanent address provided by the applicant, unless the applicant specifically declines the automatic registration. As amended, the legislation requires the Chief Administrator to provide for a statement to be printed on the application for a special learner's permit, an examination permit, a provisional driver's license, a basic driver's license, or a non-driver identification card informing the applicant that by submitting the application, the applicant is consenting to register to vote and is legally permitted to vote. The legislation was amended to require the Chief Administrator to provide for a statement to be printed on the application for a license or identification card, which notifies applicants that victims of domestic violence or stalking may decline the automatic registration provided for in this bill and register to vote without disclosing their street address. The amendments also provide that a person who is not entitled to vote that becomes registered through the automatic registration provided for in the legislation will not be guilty of fraudulently voting or attempting to fraudulently vote so long as the person does not willfully vote or attempt to vote knowing he is not entitled to vote. The legislation was further amended to include an acknowledgement statement to be printed on the application for a special learner's permit, an examination permit, a probationary driver's license, a basic driver's license, and a non-driver identification card.

06/23/16 – A-1944 was amended on Senate floor, 2nd reading in Senate 26-0, S-1228 was amended on Senate floor, 2nd reading in Senate 23-3

06/27/16 – A-1944 was substituted for S-1228; Passed in Senate 22-16; Received in Assembly, 2nd reading in Assembly to concur with Senate amendments; Passed in Assembly and sent to Governor 54-24-0

A-2789/S-1835 (Greenwald D6; Burzichelli D3; DeAngelo D14; Mukherji D33 / Whelan D2; Bateman R16)

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

Both bills clarify that a probationary driver's license applicant is permitted to use a rear view backup camera when taking the road test administered by the Motor Vehicle Commission. In addition, the legislation clarifies that a license applicant may utilize a vehicle's parking sensors, which are designed to alert a driver to obstacles while parking. Because all new motor vehicles will be equipped with a backup camera and many vehicles are sold with a parking sensor option, it is the view of the sponsor that a person should be permitted to use this ubiquitous technology while taking a road test.

03/14/16 – A-2789 passed in Assembly 71-4-0

06/27/16 – A-2789 was substituted for S-1835; Passed in Senate and sent to Governor 39-0

A-3662/S-2374 (Schaer D36; Caride D36; Vainieri Huttle D37; Mukherji D33; McKnight D31) "**Rosa-Bonilla Family Act**"; **concerns development of carbon monoxide poisoning educational program for drivers.**

Both bills require that the curriculum approved for classroom driver education courses include techniques for the safe operation and proper maintenance of a vehicle, including, but not limited to, safety tips to avoid carbon monoxide poisoning from motor vehicles. The informational brochure distributed by the New Jersey Motor Vehicle Commission (MVC) to the parents and guardians of new drivers is to include information on the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle. The MVC is required to include questions concerning these dangers and techniques as a part of the written examination required to obtain an examination permit, special learner's permit, and basic driver's license. The legislation further requires the Chief Administrator of the MVC, in consultation with the Commissioner of Health and the Director of the Division of Highway Traffic Safety, to include in the driver's manual information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle; and to develop an informational brochure with this information. The informational brochure is to be made available at every MVC agency and regional service center, official inspection facility, private inspection facility, and on the MVC's website.

05/26/16 – A-3662 was 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

06/16/16 – A-3662 passed in Assembly 77-0-0

07/14/16 – Both bills were reported out of committee, 2nd reading in Senate

S-727 (Cruz-Perez D5; Van Drew D1)

"New Jersey Open Data Initiative"; requires certain information be provided on Internet to public and State agencies.

The purpose of this legislation is to require that certain information generated by State departments and agencies be provided on the Internet to the public and other State departments and agencies. Specifically, it provides that a Chief Data Officer is to be appointed by the Chief Technology Officer, after consultation with the State Treasurer. The Chief Data Officer, in cooperation with the State Treasurer, is to be responsible for overseeing and implementing the open data website established by each agency. Each agency is to either provide datasets to the Chief Data Officer, in a format determined thereby, or create and maintain on the agency's website links to the datasets hosted by the agency. Agencies that choose to host their open datasets on their own websites are to provide links to the Chief Data Officer for publication thereof on the dedicated website maintained for that purpose by that officer. Each agency is to adopt policies that are consistent with the open data security and technical standards, policies, and practices

established by the Chief Data Officer that govern access to open data and datasets available on the open data website of the agency. In addition, each agency is to: create, maintain, and post on its open data website an inventory of all its open data and datasets pursuant to the standards and timetables established by the Chief Data Officer; include on the open data website appropriate explanations about the open data, its format, how often the open data and datasets are updated, and how notice regarding such updates can be obtained; and assist users to gain access to the open data and datasets of the agency through the deployment of online access tools, and the development and publication of application program interfaces. Each agency is to update the open data and datasets on the timetable and in the manner determined by the Chief Data Officer. Unless a fee is required by law, open datasets are to be provided to the public by an agency without cost to the public.

06/27/16 – Passed in Senate 30-9; Received in Assembly and referred to Assembly State and Local Government Committee

S-1155/A-2696 (Barnes D18 / Johnson D37)
Regulates autocycles as motorcycles.

As amended and reported, this bill permits licensed drivers to operate autocycles on New Jersey roads. An "autocycle" is defined 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. Under the legislation, an autocycle is required to be registered as a motorcycle; however, it does not require a person holding a basic driver's license to hold a motorcycle license or a motorcycle endorsement to operate an autocycle. Both bills prohibit a person from driving, operating, or riding as a passenger in an autocycle without: sitting on a seat; properly using a safety seat belt; and wearing a helmet unless the autocycle is completely enclosed. Both bills require that a person operating an autocycle be subject to existing insurance requirements for motor vehicles in this State, including liability insurance coverage, personal injury protection coverage, and uninsured motorist coverage. The legislation amends the definition of a motorcycle to include an autocycle. Thus, an autocycle is not required to undergo an enhanced safety inspection and display a corresponding inspection decal.

03/14/16 – S-1155 passed in Senate 36-0; received in Assembly and referred to Assembly Transportation and Independent Authorities Committee

06/06/16 – Both bills were reported out of committee with an amendment extending the effective date to six months after enactment, 2nd reading in Assembly

06/27/16 – S-1155 was amended on Assembly floor, 2nd reading in Assembly; Substituted for A-2696; Passed in Assembly 77-1-0; Received in Senate, 2nd reading in Senate to concur with Assembly amendments to prohibit an autocycle operator from permitting a child to be a passenger if the child would be required to be secured in a child passenger restraint system pursuant to State law; and also allows, but does not require, the New Jersey Motor Vehicle Commission to include information on autocycles in its driver's manual and on its website; Passed in Senate and sent to Governor 36-0

S-1585 (Rice D28; Ruiz D29)

Establishes program allowing certain applicants to perform community service in lieu of paying motor vehicle surcharges.

Under the bill, the program is to be administered by the Commissioner of Labor and Workforce Development. The commissioner is 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. To be eligible to participate in the program, the bill requires an applicant to demonstrate to the commissioner that he or she: (1) is unemployed; (2) has been assessed and is unable to pay certain motor vehicle surcharges; and (3) is enrolled in a job training or education program or is in the process of applying for a commercial driver license or endorsement. The bill requires the commissioner to notify the Chief administrator upon an applicant's entry into the program. The Chief administrator is, in turn, required to reinstate an applicant's driving privilege upon commencement of a community service project if the driving privilege of the applicant has been suspended for failure to pay a surcharge. The bill provides that if an applicant fails to complete a community service project, the applicant's total outstanding motor vehicle surcharges and any interest accrued become due immediately. In addition, the applicant's driving privilege is to be suspended until the applicant satisfies the outstanding surcharge assessment. The bill permits the governing body of any county or municipality to apply to the commissioner to participate in the program. Under the bill, an application for participation in the program is required to be made in accordance with procedures and on forms prescribed by the commissioner and to indicate the eligible projects for which volunteer labor is requested. Eligible community service projects include improvements to county and municipal buildings, grounds, roads, streams, and other county or municipal property. The bill provides that volunteer labor used by a municipality or county is not to displace or remove from employment any paid public or private employee or in any way reduce the workforce within a county or municipality. The bill further provides that a qualifying applicant is not to be denied participation in the program due to a lack of volunteer labor projects. After a person has completed a community service project under the program, the bill requires the Chief administrator to waive all surcharges and interest levied for accumulated motor vehicle points, those levied for unsafe driving convictions, and those levied for motor vehicle violations or convictions for which points are not assessed. The bill prohibits any driver whose outstanding surcharges include levies imposed for a drunk driving conviction or refusal to submit to a blood alcohol content test from participating in the program.

06/27/16 – Passed in Senate 26-11-0; Received in Assembly and referred to Assembly Law and Public Safety Committee

S2186 (Scutari D22; Sacco D32)

Prohibits State from disclosing New Jersey driver's license holders' personal information to other states seeking to issue speed camera or red light camera citations.

This bill prohibits the New Jersey Motor Vehicle Commission or any other State agency from disclosing the personal information of New Jersey drivers to another state or interstate motor vehicle network for the purpose of allowing the other state to impose or collect a fine resulting from an alleged motor vehicle violation committed in that state and captured by a traffic control signal monitoring system or a speed control device. The bill defines "personal information" to mean any information that identifies an individual, which information may include an individual's photograph, social security number, driver identification number, name, address, or telephone number and a "traffic control signal monitoring system" as an integrated system or device utilizing a camera, or a multiple camera system, and vehicle sensors that is capable of automatically producing a recorded image of an alleged violation that shows a motor vehicle unlawfully entering and continuing through an intersection controlled by a traffic control signal and a portion of the motor vehicle sufficient to clearly identify the motor vehicle.

06/23/16 – Passed in Senate 38-0

S-2364 (Oroho R25) Establishes pilot program appointing third party vendors to administer commercial driver license testing.

Under the program, the Chief Administrator is required to appoint three private third party vendors to administer the knowledge and skills tests for commercial driver licenses or endorsements. A vendor is to be located in the northern, central, and southern regions of the State. In implementing the pilot program, the bill requires the Chief Administrator to develop procedures to identify, and compile a list of, eligible third party vendors to provide testing. The Chief Administrator is also required to establish guidelines necessary to establish and oversee the administration of commercial motor vehicle driver testing by private third party vendors. The bill requires the three vendors chosen to participate in the program to be fully operational and to be administering the knowledge and skills tests within 90 days of the bill's effective date. Within nine months of the bill's effective date, the Chief Administrator is required to submit to the Governor and the Legislature an evaluation of the pilot program with recommendations that will facilitate the permanent use of third party vendors. This bill amends current law to require the Chief Administrator to contract with third party vendors and requires the appointment of third party vendors to be based on the evaluation of the pilot program and the recommendations submitted to the Governor by the Chief Administrator. The bill removes the Chief Administrator's discretion to terminate third party testing at any time.

07/14/16 – Reported out of committee, 2nd reading in Senate

S-2462/A-374 (Sacco D32; Cruz-Perez D5 / 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.

As amended and reported, these bills prohibit the MVC from imposing duplicate identification card fees and replacement driver's license fees, including the digitized picture fee, if a person requests the duplicate identification card or replacement driver's

license solely for the purpose of reflecting that the person has become an organ donor. Currently, the cost of having a duplicate identification card or replacement driver's license issued is \$11, including the digitized picture fee. The legislation was amended to require that in order for a person to receive a replacement driver's license or duplicate identification card under the provisions of the bill, the person is required to first surrender the person's current driver's license or identification card to the MVC.

07/14/16 – Both bills were reported out of committee with amendments clarifying that in order to receive the duplicate document, the individual must surrender his or her current document; 2nd reading in Senate; Referred to Senate Budget and Appropriations.

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 Orcutt and unanimously adopted at 2:55 p.m.

NEW JERSEY MOTOR VEHICLE COMMISSION
REGULAR MEETING OF THE BOARD MEMBERS
Commission Headquarters, 8th Floor East Wing
225 East State Street, Trenton, New Jersey

2:00 p.m., Tuesday, August 9, 2016

FINAL AGENDA

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• 1 – CALL TO ORDER	7677
• 2 – OPEN PUBLIC MEETINGS ACT STATEMENT	7677
• 3 – PLEDGE OF ALLEGIANCE	7677
• 4 – APPROVAL OF AGENDA	7677
• 5 – CHAIRMAN'S REPORT	7677
• 6 – APPROVAL OF ITEM 1608-01 – RESOLUTION IN HONOR OF IMMIGRATION OFFICER JOSEPH YACENDA FOR HIS DEDICATION TO SECURITY AND CUSTOMER SERVICE	7688
• 7 – APPROVAL OF ITEM 1608-02 – FY2017 COMMISSION BUDGET	7690
• 8 – APPROVAL OF ITEM 1608-03 – PROPOSED AMENDMENT – INTERNATIONAL REGISTRATION PLAN (IRP) REGULATION	7693
• 9 – APPROVAL OF ITEM 1608-04 – PROPOSED AMENDMENT AND NEW RULE – REVISED PROOF OF IDENTITY REGULATION	7706
• 10 – APPROVAL OF ITEM 1608-05 – FINAL ADOPTION – PERSONALIZED PLATE REGULATION	7712
• 11 – APPROVAL OF MINUTES OF JUNE 14, 2016	7715
• 12 – LEGISLATIVE REPORT	7724
• 13 – PUBLIC COMMENTS	7686
• 14 – ADJOURNMENT	7686

ITEM 1608-01: Resolution in Honor of Immigration Officer Joseph Yacenda**BENEFITS:**

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, requires at Section 2 that MVC inform our customers of the work of MVC, which includes dedicated service by our federal law enforcement partners in providing program support and customer service via the federal Systematic Alien Verification for Entitlements (SAVE) system.

PURPOSE:

SAVE provides a fast, secure and efficient verification service for federal, state and local benefit-granting agencies to verify a benefit applicant's immigration status or naturalized/derived citizenship. SAVE is administered by the U.S. Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security (DHS), and is dedicated to providing program support and customer service to participating agencies, which includes MVC.

USCIS Immigration Officer Joseph Yacenda regularly assists MVC. Every week, MVC receives SAVE computer responses advising that additional verification of an MVC customer must be initiated. Even after MVC personnel have followed all the additional protocols necessary to seek additional information from the customer and the SAVE computer, sometimes the answers required to categorically approve or deny MVC transactions are hard to come by, leaving MVC and sometimes several customers per day in limbo. SIIA and AO then call Mr. Yacenda to supplement what is available through SAVE with updated information that he may access from a variety of federal databases.

Mr. Yacenda is one of MVC's most active Law Enforcement Partners concerning any investigative matters pertaining to immigration issues. Mr. Yacenda is considered integral to MVC's security efforts, and is knowledgeable, accessible, responsive, and is an utmost professional in his dealings with MVC.

ACTION:

Approval of the attached resolution to honor and thank Immigration Officer Joseph Yacenda for his dedication in providing program support and customer service to MVC with the SAVE system.

FISCAL IMPACT:

None.

RESOLUTION

WHEREAS, United States Citizenship and Immigration Services' Immigration Officer Joseph Yacenda helps keep secure the Motor Vehicle Commission (MVC) through his dedication to security and customer service with the federal Systematic Alien Verification for Entitlements (SAVE) system; and

WHEREAS, SAVE provides a fast, secure and efficient verification service for federal, state and local benefit-granting agencies to verify a benefit applicant's immigration status or naturalized/derived citizenship; and

WHEREAS, SAVE is administered by the U.S. Citizenship and Immigration Services (USCIS), a component of the Department of Homeland Security (DHS), and is dedicated to providing program support and customer service to participating agencies, which includes MVC; and

WHEREAS, MVC weekly receives SAVE responses to require additional verification of an MVC customer for which MVC initiates protocols to procure further information from the MVC customer and SAVE; and

WHEREAS, USCIS Immigration Officer Joseph Yacenda regularly assists MVC to understand thoroughly SAVE details and to categorically approve or deny MVC transactions based upon those details; and

WHEREAS, Mr. Yacenda is one of MVC's most active Law Enforcement Partners concerning any investigative matters pertaining to immigration issues; and

WHEREAS, Mr. Yacenda is considered integral to MVC's security efforts, and is knowledgeable, accessible, responsive, and is an utmost professional in his dealings with MVC; and

NOW, THEREFORE, BE IT RESOLVED, that the Commission expresses its appreciation and thanks to United States Citizenship and Immigration Services' Immigration Officer Joseph Yacenda for his dedication to providing program support and customer service to the Motor Vehicle Commission and the State of New Jersey, and wishes him many more years of continued association with the Motor Vehicle Commission; and

BE IT FURTHER RESOLVED, that this resolution be spread in full upon the minutes of the meeting of the Commission held on the ninth day of August, two thousand and sixteen, and that a copy thereof signed by the Chairman and Board Members be presented with appreciation to Immigration Officer Joseph Yacenda.

ITEM 1608-02 FISCAL YEAR 2017 ANNUAL BUDGET

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 13b3 that the Board shall review and approve the annual budget as submitted by the Chairman and Chief Administrator.

PURPOSE

The effect of this item is to fulfill the statutory requirement that the Board review and approve an annual budget and ensure that projected revenues and service charges are sufficient to adequately fund MVC both in the short and long-term. Governor Chris Christie has signed into law the Fiscal Year 2017 Annual Budget for the State of New Jersey, and the appropriation for the MVC, as reflected in the submitted annual budget, is contained in it.

ACTION

Approval of this item will set the MVC's Fiscal Year 2017 Annual Budget at \$473.2 million for implementation by the Chairman and Chief Administrator consistent with the Motor Vehicle Security and Customer Service Act, P.L. 2003, c. 13, as amended by P.L. 2007, c. 335 and by P. L. 2009, c. 298.

FISCAL IMPACTS

The budget is consistent with the Motor Vehicle Security and Customer Service Act.

RESOLUTION

WHEREAS, 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, directs at section 13b3 that the Motor Vehicle Commission Board shall review and approve the annual budget as submitted by the Chairman and Chief Administrator; and

WHEREAS, Governor Chris Christie has signed into law the Fiscal Year 2017 Annual Budget for the State of New Jersey, including the appropriation for the Motor Vehicle Commission that is contained therein; and

WHEREAS, the Fiscal Year 2017 Annual Budget for the Motor Vehicle Commission incorporates the final Fiscal Year 2016 individual line items, and the Fiscal Year 2017 Annual Budget individual line items may be adjusted as deemed necessary by the Chairman and Chief Administrator in furtherance of the purposes of the Motor Vehicle Commission and in a manner consistent with the Fiscal Year 2017 Annual Budget for the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED that the Chairman and Chief Administrator is authorized to expend, in the normal course of business, the funds necessary to meet the Motor Vehicle Commission's obligations, essentially in accordance with this Fiscal Year 2017 Annual Budget until the adoption and approval of the Fiscal Year 2018 Annual Budget; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that there is adopted the final Fiscal Year 2016 individual line items and the Fiscal Year 2017 Annual Budget for the Motor Vehicle Commission in the amount of \$473.2 million as in the attached Exhibit A.

FY 2017 BUDGET

(Dollars in 000's)

	FY 2016 Budget	FY 2017 Budget
RESOURCES		
MVC Base Budget	\$ 202,015	\$ 204,468
Digital Driver License (\$6)	\$ 14,743	\$ 13,560
Security Surcharge (\$7)	\$ 43,274	\$ 44,039
MVC Dedicated Service Charges	\$ 104,493	\$ 108,852
Market Transition Facility	\$ 1,500	\$ 1,500
Commercial Vehicle Enforcement Fund	\$ 14,150	\$ 14,431
Dedicated Revenues	\$ 23,978	\$ 26,400
OMB Approved Net Transfers	\$ 7,475	\$ 7,600
¹ Re-appropriation	\$ 62,702	\$ 79,451
Total MVC Operating Resources	\$ 474,330	\$ 500,301
EXPENDITURES		
Salaries	\$ 107,090	\$ 103,210
Fringe Benefits	\$ 49,101	\$ 55,812
Overtime	\$ 1,620	\$ 1,700
Total Salaries	\$ 157,811	\$ 160,722
Materials and Supplies	\$ 14,283	\$ 15,778
Services Other Than Personal	\$ 50,368	\$ 45,828
Inspection Contract	\$ 41,076	\$ 31,445
Capital Program Services & Other Service Projects		
Newark A & E	\$ 1,426	\$ 1,426
Delanco A & E (increase delayed to FY17)	\$ 1,209	\$ 96
Business Continuity Plan (revised for FY17)	\$ 2,473	\$ 696
CDLIS Modernization	\$ 1,838	\$ 120
Image Capture System	\$ 1,843	
Queuing System	\$ 1,000	
Vehicle Information Database + Rental for FY17	\$ 3,500	\$ 4,651
4 IT Projects		\$ 10,894
OIT Coding of Servers		\$ 1,500
Phone System Upgrade (consulting/software)		\$ 1,260
Windows 10 Upgrade		\$ 3,000
FootPrints		\$ 1,500
Turnstiles (design, mgt, permits)		\$ 43
Maintenance and Fixed Charges	\$ 6,651	\$ 6,806
Claims and Indirect	\$ 507	\$ 507
Additions, Improvements, Equipment	\$ 6,882	\$ 4,512
² Capital Program Assets & Other Asset Projects		
Eatontown Renovation (increased delayed to FY17)		\$ 399
Mobile Agency (RV & Equipment)	\$ 898	\$ 1,792
Phone System Upgrade (hardware)		\$ 540
Turnstiles		\$ 308
Site Construction	\$ 12,000	
CDLIS Modernization (hardware)	\$ 1,197	
EDDL Signature Pads (Motor Voter/Organ Donor)	\$ 900	
Facility Upgrades	\$ 803	
Image Capture System	\$ 1,120	
Queuing	\$ 750	
Security Cameras (TOC/garage)	\$ 185	\$ 135
Commercial Vehicle Enforcement	\$ 7,635	\$ 5,219
Dedicated Expenditures	\$ 32,355	\$ 35,732
General Account Services	\$ 108,800	\$ 138,374
Total MVC Operating Expenditures	\$ 457,510	\$ 473,283
Projected Balance Surplus/(Deficit)	\$ 16,820	\$ 27,018

¹Re-appropriation may be modified for revenue and/or expenditure adjustments. Expenditure reductions may be due to delays with projects.

²The Wayne project utilizes bond fund monies to cover the entire \$15.879 million cost of the construction project; \$819,800 expended + \$15,059,198 (pre)/encumbered.

ITEM 1608-03: INTERNATIONAL REGISTRATION PLAN 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 these proposed amendments to remove the charter bus exemption in International Registration Plan (IRP) regulations.

PURPOSE

This is a Proposed Rule. The effect of this item is to amend N.J.A.C. 13:18-2.1 to delete the definition of "Chartered party" and deletes the phrase "buses used in transportation of chartered parties" in the two places it appears, and to amend N.J.A.C. 13:18-2.2 to delete charter buses from the list of vehicles exempt from IRP. This action is consistent with a September 2014 vote of the members of IRP, of which MVC is a member pursuant to N.J.S.A. 39:3-6.12. MVC is required by N.J.S.A. 39:3-6.12(b) to "adopt rules and regulations to implement" the IRP rules.

These Proposed Rules will reduce the regulatory burden for charter bus companies, who will no longer have to declare in advance the jurisdictions in which they expect to travel. They will now be authorized in all jurisdictions.

ACTION

Approval of this item will authorize the Chairman to file the IRP regulations with the Office of Administrative Law (OAL) as a Proposed 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 these proposed amendments to remove the charter bus exemption in International Registration Plan (IRP) regulations.

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law a notice of the proposed amendments pertaining to the charter bus exemption in International Registration Plan (IRP) regulations, in substantially the form as attached in Exhibit A.

MOTOR VEHICLE COMMISSION

EXHIBIT A

EXECUTIVE AND ADMINISTRATIVE SERVICE (INTERNATIONAL REGISTRATION PLAN)

Proposed amendments: N.J.A.C. 13:18-2.1 and N.J.A.C. 13:18-2.2

Authorized By _____

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

Authority: N.J.S.A. 39:3-1 *et seq.*, N.J.S.A. 39:3-6.12, N.J.S.A. 48:4-3, and N.J.S.A. 39:2A-1 *et seq.*

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

Proposal Number: PRN-

Submit comments by _____ to:

Kate Tasch, APO
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

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 exempted 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 amendments to the provisions of N.J.A.C. 13:18-2.1 and 2.2, Executive and Administrative Service - International Registration Plan, in accordance with N.J.S.A. 52:14B-5.1 and the "sunset" and other provisions of Executive Order No. 66 (1978). The Commission has reviewed these rules pursuant to the Executive Order and has found them to be necessary and required for the purpose for which they were promulgated. However, amendments will remove the charter bus exemption of IRP.

N.J.A.C. 13:18-2.1 is a list of definitions and N.J.A.C. 13:18-2.2 is a list of exemptions that would be amended in order to remove the charter buses exemption from the International Registration Plan (IRP). This change is consistent with a September 2014 vote of the members of IRP, of which MVC is a member pursuant to N.J.S.A. 39:3-6.12. MVC is required by N.J.S.A. 39:3-6.12(b) to "adopt rules and regulations to implement" the IRP rules.

The following summarizes proposed amendments by subchapter:

N.J.A.C. 13:18-2.1 is proposed for amendment to delete the definition of "Chartered party" and deletes the phrase "buses used in transportation of chartered parties" in the two places it appears.

N.J.A.C. 13:18-2.2 is proposed for amendment to delete charter buses from the list of vehicles exempt from the International Registration Plan.

SOCIAL IMPACT

The proposed amendments in this chapter will have a positive social impact. The purpose of these proposed amendments is to ensure the safety of the charter buses. IRP registration includes participation in the Federal Motor Carrier Safety Administration's webservice known as PRISM (Performance and Registration Information Systems Management), which prevents or suspends the IRP registration of unsafe carriers.

In addition, IRP allows charter buses to be automatically registered for all states. One of the main reasons charter buses have always been exempt from IRP (unlike line run carriers which must be IRP registered) is the unpredictability of the charter and tour business where operators do not know a year in advance what jurisdictions they must declare for listing on the cab card. This was one of the charter bus industry's main concerns when IRP first proposed to eliminate the charter bus exemption in 2011. Since then IRP has addressed this concern by introducing a "full reciprocity plan" or FRP

under which carriers will no longer have to declare in advance the jurisdictions they will travel to, as cab cards will list all jurisdictions. Under FRP, which is effective as of January 1, 2015, carriers do not have to add a particular jurisdiction to their cab card in the middle of the year or have to purchase a trip permit.

ECONOMIC IMPACT

The economic impact on the Commission consists of the costs of oversight of vehicle registrations, which will not be affected by eliminating in these proposed amendments the IRP exemption for charter buses, as charter buses already register their vehicles with the Commission. The registration fees for charter bus operators are not changed by these amendments. Further, while fees in N.J.S.A. 39:3-19 may be set by the MVC Board via regulations per N.J.S.A. 39:2A-36.1 (P.L. 2007,c.335), no such regulations or amendments are proposed herein.

FEDERAL STANDARDS ANALYSIS

There are no Federal standards applicable to the subject matter of N.J.A.C. 13:18-2.12 or 2.13.

JOBS IMPACT

The proposed amendments are anticipated to result in automatic registration in all states, without the administrative inconvenience of adding new registrations when a charter involves travel to a new state, and this ease of registration and travel could potentially lead to the creation of new jobs.

AGRICULTURE INDUSTRY

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

REGULATORY FLEXIBILITY ANALYSIS

The proposed amendments continue reporting and recordkeeping requirements on motor carriers, some of which may be defined as small businesses, as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16, et. seq. The recordkeeping requirements pertain to the annual registration of each charter bus, which is currently required irrespective of these proposed amendments. The proposed amendments do not require small businesses to engage additional professional services. The proposed amendments do not necessitate significant capital and annual expenditures for compliance by small businesses. These requirements are intended to ensure that motor carriers entering the State are recorded for purposes of ensuring law enforcement have a record of their travel within all jurisdictions of the IRP. There is no differentiation in compliance based on business size. The Commission has given careful consideration to these matters and has determined that the proposed amendments must be applied to all charter buses who are not otherwise registered as part of IRP.

HOUSING AFFORDABILITY IMPACT

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

SMART GROWTH IMPACT

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

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

N.J.A.C. 13:18-2.1 Definitions

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

"Allocated vehicle" means a vehicle to which a particular jurisdiction's base registration plate or apportioned registration plate is attached upon payment of the jurisdiction's full base registration fee. A portion of each fleet of one-way vehicles is "allocated" to each jurisdiction into or through which the fleet travels. (Each vehicle of the fleet need not enter every jurisdiction.)

"Apportioned fleet" means one or more vehicles identified as a fleet (except recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, [buses used in transportation of chartered parties,] and government-owned vehicles) used in two or more member jurisdictions that allocate or apportionally register vehicles used for the transportation of persons for-hire or designed, used or maintained primarily for the transportation of property, and each vehicle: is a power unit having a gross vehicle weight in excess of 26,000 pounds; or is a power unit having three or more axles, regardless of weight; or is used in combination when the weight of such combination exceeds 26,000 pounds gross weight. Vehicles or combinations thereof having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles may be apportionally registered at the option of the registrant.

"Apportioned vehicle" means any vehicle used or intended for use in two or more member jurisdictions that register vehicles, which is designed, used, or maintained for transportation of persons for hire, or is designed, used, or maintained for transportation of property, having a declared gross weight in excess of 26,000 pounds, or has three or more axles regardless of weight, or is used in combination when the gross vehicle weight of such combination exceeds 26,000 pounds, except that recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, [buses used in transportation of chartered parties,] and government-owned vehicles are not apportioned vehicles.

"Base jurisdiction" means, for the purpose of fleet registration, the jurisdiction where the registrant has an established place of business, where mileage is accrued by the fleet vehicles and where operational records for the vehicles are maintained or can be made available.

"Base jurisdiction of rental vehicle" means the jurisdiction in or from which the rental vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled, where the registrant has an established place of business, where mileage is accrued by the fleet and where operational records of such fleet are

maintained or can be made available.

"Base plate" means the apportioned license plate issued by the base jurisdiction.

"Bus" means, for the purpose of apportionment, a motor vehicle designed to carry more than 10 passengers and used for the transportation of persons.

"Cab card" means a registration card issued by the base jurisdiction for a vehicle of an apportioned fleet which identifies the vehicle, base plate, registered weight by jurisdiction and the jurisdictions where a vehicle is apportionally registered.

"Carrier" means an individual, partnership or corporation engaged in the transportation of goods or persons.

["Chartered party" means a group of persons who, pursuant to a common purpose and under a single contract, have acquired the exclusive use of a vehicle to travel together as a group.]

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

"Combined gross vehicle weight" means the total unladen weight of a combination of vehicles plus the weight of the load carried.

"Established place of business" means a physical structure owned, leased or rented by a fleet registrant, within the boundaries of a base jurisdiction, designated by a street number or road location, open during normal business hours, with a person conducting fleet business and an operable telephone listed to the registrant.

"Fleet" means one or more apportioned vehicles.

"Gross vehicle weight" means the combined weight of a vehicle and a load thereon.

"Household goods carrier" means a carrier (including owners, lessors/lessees and service representatives) handling:

1. Personal effects and property used or to be used in a dwelling;
2. Furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals or other establishments, where a part of the stock, equipment, or supply of such stores, offices, museums, institutions, including objects of art, displays and exhibits which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods.

"In-jurisdiction miles" means the total number of miles operated by a fleet of apportioned vehicles in a jurisdiction during the preceding year. Mileage of New Jersey-registered

vehicles accrued in jurisdictions that are not member jurisdictions shall be counted as in-jurisdiction miles operated in New Jersey.

"International Registration Plan" ("IRP") means a registration reciprocity agreement among the signatory states of the United States and provinces of Canada providing for the payment of registration fees on the basis of fleet miles operated in each jurisdiction.

"Interstate operations" means apportioned vehicle movement between or through two or more jurisdictions.

"IVMR" means the Individual Vehicle Mileage Record which is the original record generated in the course of actual vehicle operation and used as a source document to verify the registrant's application for accuracy.

"Jurisdiction" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a state, province or territory of another country.

"Lease" means a written document vesting exclusive possession and control of the operation of an apportioned vehicle to a lessee for a specific period of time.

"Lessee" means a person or entity to whom or which a lease is conveyed.

"Lessor" means a person or entity granting a lease.

"Member jurisdiction" means a jurisdiction which is a party to the International Registration Plan.

"Motor carrier audit" means a physical examination of a motor carrier's operational records including source documentation to verify fleet mileage and accuracy of the carrier's recordkeeping system.

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

"Negotiable title" means a title issued by a jurisdiction that documents ownership of a vehicle which can be used to transfer ownership.

"One-way vehicle" means a vehicle having a declared gross vehicle weight of 26,000 pounds or less rented for a specified period of time and travelling from one jurisdiction to another.

"Operational records" mean documents supporting miles traveled in each jurisdiction and total miles traveled, such as, but not limited to, fuel reports, trip sheets, and logs.

"Owner" means a person or entity holding the negotiable title to a vehicle or in whom

the legal right of possession or control is vested.

"Owner-operated" means an equipment lessor who leases his vehicular equipment with driver to a carrier.

"Preceding year" means the period of 12 consecutive months immediately prior to July 1 of the year preceding the commencement of the registration year for which apportioned registration is sought.

"Reciprocity" means that an apportioned vehicle registered in New Jersey shall be exempt from further registration requirements by any other member jurisdiction(s).

"Reciprocity agreement" means the agreement, arrangement or understanding governing the reciprocal grant of rights and privileges to vehicles that are based in and properly registered under the applicable laws of the jurisdictions that are parties to the International Registration Plan.

"Recreational vehicle" means a vehicle commonly known as a "camper," "housetrailer," "motor home" or "mobile home" used for personal pleasure or travel but not for business activity.

"Registrant" means a person or entity in whose name a vehicle or fleet of vehicles is registered.

"Registration year" means the 12-month period during which the registration plates issued by the base jurisdiction are valid according to the laws of the base jurisdiction.

"Rental fleet" means five or more vehicles which are rented or offered for rental to a lessee/carrier, with or without drivers, and which are designated by a rental owner as a rental fleet.

"Rental owner" means, with respect to one or more rental fleets, an owner principally engaged in renting the vehicles of such fleets, with or without drivers.

"Rental transaction" means that a rental of a vehicle shall be deemed to have occurred in the jurisdiction where such vehicle first comes into the possession of the user.

"Rental vehicle" means a vehicle of a rental fleet.

"Renting" means the giving of possession and control of a vehicle for valuable consideration for a specified time period.

"Service representative" means one who furnishes facilities and services including sales, warehousing, motorized equipment and drivers under contract or other arrangement to a carrier for the transportation of property by a household goods carrier.

"Total distance" means the total number of miles or kilometers operated by fleet of

apportioned vehicles in all jurisdictions during the preceding year. For purposes of bus apportionment, total distance shall be calculated as provided in N.J.A.C. 13:18-2.19. For purposes of reduced operations, total distance shall be reduced by actual miles or kilometers traveled in the eliminated jurisdictions. When a jurisdiction needs to be added back during the registration year, the carrier shall use as a minimum the number of miles or kilometers traveled in that state in the preceding year; the original application percentages that were established shall not reflect these changes.

"Total fleet miles" means the total mileage generated by any apportioned vehicle during the mileage reporting period preceding the year for which registration is sought.

"Total miles" means the total number of miles accumulated in all jurisdictions during the preceding year by all vehicles of a fleet while they were part of the fleet. Mileage accumulated by a fleet that did not engage in interstate operations shall not be included in total miles.

"Trip permit" means a permit issued by a jurisdiction in lieu of a regular registration for reciprocity.

"Unladen vehicle" means a vehicle fully equipped for service excluding the weight of any load.

N.J.A.C. 13:18-2.2 Exempt vehicles

(a) The following vehicles are exempt from the provisions of this subchapter:

1. Vehicles affected under separate reciprocity agreements that are not superseded by the IRP;
2. Any recreational vehicle as defined in N.J.A.C. 13:18-2.1;
3. Any vehicle that displays a restricted plate as defined by Title 39 of the Revised Statutes;
4. [Any bus used in the transportation of chartered parties;
- 5.] Any government-owned (municipal, county, state or Federal) vehicle; and
- [6.] 5. Any city pick-up/delivery vehicle.

ITEM 1608-04: PROOF OF IDENTITY REGULATION

BENEFITS

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

PURPOSE

This is a Final Adoption. The effect of this item is to amend regulations regarding proof of identity.

ACTION

Approval of this item will authorize the Chairman to file the regulations with the Office of Administrative Law (OAL) as a 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 proof of identity;

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

MOTOR VEHICLE COMMISSION

Exhibit A

Licensing Service

Proof of Identity

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

Adopted New Rule: N.J.A.C. 13:21-8.2A

Proposed: April 4, 2016 at 48 N.J.R. 569

Adopted: _____, 2016, by the Motor Vehicle Commission

Raymond P. Martinez, Chairman and Chief Administrator

Filed: _____, 2016 as _____, **without change.**

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

Effective Date:

Expiration Date:

Summary of Public Comments and Agency Responses:

Jointly filed comments were received from Edward Barocas of the American Civil Liberties Union (ACLU) of New Jersey and Ronald K. Chen of the Rutgers Constitutional Rights Clinic.

COMMENT: The commenters expressed concern that the proposed regulatory amendments would result in the establishment of a *de facto* national ID system and accompanying database, that access to that database would be sought by third parties such as employers, credit agencies, landlords, and private investigators, and would be a treasure trove for hackers and identity thieves. The commenters also state that a national ID card system would not protect the public from terrorism and would significantly diminish the freedom and privacy of law-abiding citizens.

RESPONSE: The six-point ID system, which will continue to be used for non-REAL ID compliant documents, has been in existence for thirteen years, is not being substantially amended, and was never intended to lead to a national ID card. The current six-point ID system implements New Jersey law requiring the MVC to issue a secure driver's license document, which contains multiple measures to prevent fraud while at the same time serving as a secure and reliable source of identity. The new six-point ID system that will be used for REAL ID compliant documents includes changes that are mandated by the Federal REAL ID Act, and is not intended by the New Jersey Motor Vehicle Commission (MVC) to act as a national ID card.

COMMENT: The commenters claim that the solution offered by the MVC to offer a choice between REAL ID compliant and non-REAL ID compliant documents is not really a meaningful choice in protecting the applicants' privacy interests. Although there are different document requirements for REAL ID compliant and non-REAL ID compliant options, from a privacy standpoint, there is little practical difference because both draw from a broad array of human activity.

RESPONSE: The Commission disagrees with the commenters. The Commission is only scanning the applications for non-REAL ID applicants, not the identity documents, whereas the Commission is scanning both the applications and the identity documents for REAL ID applicants. Offering applicants the choice between having their documents scanned and not having their documents scanned is a significant difference.

COMMENT: The commenters claim that the Commission does not yet have authority to digitize and scan documents.

RESPONSE: The Commission wishes to clarify that the Commission does have the authority through its adopted scanning regulations.

COMMENT: The commenters believe the Commission should only scan documents for the REAL ID option.

RESPONSE: The Commission agrees and the Commission amended its scanning regulations between proposal and adoption as a result of the public comment on the proposal so that identity documents will not be scanned for the non-REAL ID option.

COMMENTS: The commenters state that the regulations allowing scanning of documents are not yet final, the comments have not been addressed, and the regulations have not been published so there is no existing authority to scan.

RESPONSE: The rulemaking comments have been addressed and the scanning regulations have been filed and published.

Federal Standards Statement

Federal regulation (6 CFR Part 37) sets minimum standards for driver licenses and non-driver identification cards to make them acceptable by Federal agencies for official purposes. The proposed REAL ID document rules contained in this proposal are designed to ensure that New Jersey's proposed REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards will be in compliance with the Federal REAL ID requirements.

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

The Federal REAL ID regulation (6 CFR 37.11) requires individuals who apply for REAL ID driver licenses and non-driver identification cards to present their Social Security cards or, if the Social Security card is not available, to submit a W-2 form, an SSA-1099 form, or a pay stub with the applicant's name and Social Security number on it. Also, pursuant to 6 CFR 37.11, state motor vehicle authorities are required to "subject each person applying for a REAL ID driver's license or identification card to a mandatory facial image capture, and shall maintain photographs of individuals even if no card is issued."

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

ITEM 1608-05: PERSONALIZED PLATES 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, P. L. 2009, c.298, and P.L. 2013, c.253, at sections 2, 13, 21 and 28 assigns to the MVC the duty to promulgate regulations affecting various programs, including this Final Adoption of regulations pertaining to personalized plates.

PURPOSE

This is a Final Adoption. The effect of this item is to propose changes to the Enforcement Service regulation in order to give guidance to the MVC and to the general public that there are certain alpha-numeric combinations that, when requested, will be denied by the MVC because the requested combination falls into one of the proposed categories that have been deemed inappropriate.

ACTION

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

FISCAL IMPACTS

None.

RESOLUTION

WHEREAS, The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created the New Jersey Motor Vehicle Commission (MVC), and as amended by P.L. 2007, c. 335, P. L. 2009, c.298, and P.L. 2013, c.253, at sections 2, 13, 21 and 28 assigns to MVC the duty to promulgate regulations affecting various programs, including this Final Adoption of regulations pertaining to personalized plates and inappropriate identifying marks;

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

MOTOR VEHICLE COMMISSION**EXHIBIT A****Enforcement Service****Personalized License Plates****Adopted Amendment: N.J.A.C. 13:20-34.3****Adopted New Rules: N.J.A.C. 13:20-34.1**

Proposed: February 1, 2016, at 48 N.J.R. 190.

Adopted: April 26, 2016, by the Motor Vehicle Commission,
Raymond P. Martinez, Chairman and Chief Administrator.

Filed:

Authority: N.J.S.A. 39:3-33, 39:3-33.3, and 39:3-33.7.

Effective Date:

Expiration Date: December 4, 2020.

Summary of Public Comment and Agency Response:**No comments were received.****Summary of Agency-Initiated Changes:**

The Commission deleted the descriptions of two personalized plate configurations subject to denial or recall. This change is necessary because the objectionable plate configuration descriptions were already prohibited by the regulations, thus reducing redundancy and administrative burdens on both the Commission as well as the motoring public.

Federal Standards Statement

No comparable Federal law or regulation exists; therefore, a Federal standards analysis is not required for the adopted new rules.

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

13:20-34.1A (No change in text.)

13:20-34.3 Registration numbers excluded

(a) (No change in text.)

(b) The Chief Administrator shall deny an application for a personalized license plate or shall recall a personalized plate previously issued if the Chief Administrator determines the plate configuration to be:

1 – 11. (No change.)

12. Words which inflict injury or tend to incite an immediate breach of the peace; ***or******[13. Contrary to the Commission's mission to promote motor vehicle and traffic safety;]******[14.]* ***13.*** A combination that is currently reserved for other plate types pursuant to N.J.A.C. 13:20-34.2; this section, or as determined by the Chief Administrator*[*; or]* ***.********[15. Likely to interfere with the primary purpose of registration marks.]***

(c) (No change in text.)

Approval: Minutes of June 14, 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 June 14, 2016 Minutes were delivered on June 14, 2016 to the Governor, and became effective upon expiration of the ten day period on June 28, 2016.

ACTION

Approval of this item by the Board Members indicates acceptance of the June 14, 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 June 14, 2016 were delivered without delay to the Governor on June 14, 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 June 14, 2016 Board Meeting are effective as of June 28, 2016; and

NOW, THEREFORE, BE IT RESOLVED that the Minutes of actions taken at the June 14, 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 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 17th. 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, 2nd 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; 2nd 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, 2nd reading in Assembly. On March 14, passed Assembly 71-4-0. On June 9, reported from Senate committee; 2nd 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, 2nd 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

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: August 9, 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 June 2016 Motor Vehicle Commission (MVC) Board meeting.

A-1944/S-1228 (Coughlin D19; Schaer D36; Eustace D38; Downey D11; Benson D14; Wimberly D35; McKeon D27; Jasey D27; Chiaravalloti D32 / Vitale D19)

Automatically registers or updates voter registration as part of driver's license application or renewal.

Both bills provide that the MVC would automatically register to vote any person who applies for a special learner's permit, examination permit, probationary driver's license, basic driver's license, or non-driver identification card, or for renewal of any license or identification card, according to the permanent address provided by the applicant, unless the applicant specifically declines the automatic voter registration. The Chief Administrator of the MVC would forward the personal information required to register to vote to the Division of Elections in the Department of State in an electronic format. Submission of an application would serve as consent to be registered to vote at the permanent address provided by the applicant, unless the applicant specifically declines the automatic registration. As amended, the legislation requires the Chief Administrator to provide for a statement to be printed on the application for a special learner's permit, an examination permit, a provisional driver's license, a basic driver's license, or a non-driver identification card informing the applicant that by submitting the application, the applicant is consenting to register to vote and is legally permitted to vote. The legislation was amended to require the Chief Administrator to provide for a statement to be printed on the application for a license or identification card, which notifies applicants that victims of domestic violence or stalking may decline the automatic registration provided for in this bill and register to vote without disclosing their street address. The amendments also provide that a person who is not entitled to vote that becomes registered through the automatic registration provided for in the legislation will not be guilty of fraudulently voting or attempting to fraudulently vote so long as the person does not willfully vote or attempt to vote knowing he is not entitled to vote. The legislation was further amended to include an acknowledgement statement to be printed on the application for a special learner's permit, an examination permit, a probationary driver's license, a basic driver's license, and a non-driver identification card.

06/23/16 – A-1944 was amended on Senate floor, 2nd reading in Senate 26-0, S-1228 was amended on Senate floor, 2nd reading in Senate 23-3.

06/27/16 – A-1944 was substituted for S-1228; Passed in Senate 22-16; Received in Assembly, 2nd reading in Assembly to concur with Senate amendments; Passed in Assembly and sent to Governor 54-24-0

A-2789/S-1835 (Greenwald D6; Burzichelli D3; DeAngelo D14; Mukherji D33 / Whelan D2; Bateman R16)

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

Both bills clarify that a probationary driver's license applicant is permitted to use a rear view backup camera when taking the road test administered by the Motor Vehicle Commission. In addition, the legislation clarifies that a license applicant may utilize a vehicle's parking sensors, which are designed to alert a driver to obstacles while parking. Because all new motor vehicles will be equipped with a backup camera and many vehicles are sold with a parking sensor option, it is the view of the sponsor that a person should be permitted to use this ubiquitous technology while taking a road test.

03/14/16 – A-2789 passed in Assembly 71-4-0.

06/27/16 – A-2789 was substituted for S-1835; Passed in Senate and sent to Governor 39-0

A-3662/S-2374 (Schaer D36; Caride D36; Vainieri Huttle D37; Mukherji D33; McKnight D31)

"Rosa-Bonilla Family Act"; concerns development of carbon monoxide poisoning educational program for drivers.

Both bills require that the curriculum approved for classroom driver education courses include techniques for the safe operation and proper maintenance of a vehicle, including, but not limited to, safety tips to avoid carbon monoxide poisoning from motor vehicles. The informational brochure distributed by the New Jersey Motor Vehicle Commission (MVC) to the parents and guardians of new drivers is to include information on the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle. The MVC is required to include questions concerning these dangers and techniques as a part of the written examination required to obtain an examination permit, special learner's permit, and basic driver's license. The legislation further requires the Chief Administrator of the MVC, in consultation with the Commissioner of Health and the Director of the Division of Highway Traffic Safety, to include in the driver's manual information explaining the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle; and to develop an informational brochure with this information. The informational brochure is to be made available at every MVC agency and regional service center, official inspection facility, private inspection facility, and on the MVC's website.

05/26/16 – A-3662 was 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

06/16/16 – A-3662 passed in Assembly 77-0-0

07/14/16 – Both bills were reported out of committee, 2nd reading in Senate

S-727 (Cruz-Perez D5; Van Drew D1)

"New Jersey Open Data Initiative"; requires certain information be provided on Internet to public and State agencies.

The purpose of this legislation is to require that certain information generated by State departments and agencies be provided on the Internet to the public and other State departments and agencies. Specifically, it provides that a Chief Data Officer is to be appointed by the Chief Technology Officer, after consultation with the State Treasurer. The Chief Data Officer, in cooperation with the State Treasurer, is to be responsible for overseeing and implementing the open data website established by each agency. Each agency is to either provide datasets to the Chief Data Officer, in a format determined thereby, or create and maintain on the agency's website links to the datasets hosted by the agency. Agencies that choose to host their open datasets on their own websites are to provide links to the Chief Data Officer for publication thereof on the dedicated website maintained for that purpose by that officer. Each agency is to adopt policies that are consistent with the open data security and technical standards, policies, and practices established by the Chief Data Officer that govern access to open data and datasets available on the open data website of the agency. In addition, each agency is to: create, maintain, and post on its open data website an inventory of all its open data and datasets pursuant to the standards and timetables established by the Chief Data Officer; include on the open data website appropriate explanations about the open data, its format, how often the open data and datasets are updated, and how notice regarding such updates can be obtained; and assist users to gain access to the open data and datasets of the agency through the deployment of online access tools, and the development and publication of application program interfaces. Each agency is to update the open data and datasets on the timetable and in the manner determined by the Chief Data Officer. Unless a fee is required by law, open datasets are to be provided to the public by an agency without cost to the public.

06/27/16 – Passed in Senate 30-9; Received in Assembly and referred to Assembly State and Local Government Committee

S-1155/A-2696 (Barnes D18 / Johnson D37)

Regulates autocycles as motorcycles.

As amended and reported, this bill permits licensed drivers to operate autocycles on New Jersey roads. An "autocycle" is defined 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. Under the legislation, an autocycle is required to be registered as a motorcycle; however, it does not require a person holding a basic driver's license to hold a motorcycle license or a motorcycle endorsement to operate an autocycle. Both bills prohibit a person from driving, operating, or riding as a passenger in an autocycle without: sitting on a seat; properly using a safety seat belt; and wearing a helmet unless the autocycle is completely enclosed. Both bills require that a person operating an autocycle be subject to existing insurance requirements for motor vehicles in this State, including liability insurance coverage, personal injury protection coverage, and uninsured motorist coverage. The legislation amends the definition of a motorcycle to include an autocycle. Thus, an autocycle is not required to undergo an enhanced safety inspection and display a corresponding inspection decal.

03/14/16 – S-1155 passed in Senate 36-0; received in Assembly and referred to Assembly Transportation and Independent Authorities Committee

06/06/16 – Both bills were reported out of committee with an amendment extending the effective date to six months after enactment. 2nd reading in Assembly

06/27/16 – S-1155 was amended on Assembly floor, 2nd reading in Assembly; Substituted for A-2896; Passed in Assembly 77-1-0; Received in Senate, 2nd reading in Senate to concur with Assembly amendments to prohibit an autocycle operator from permitting a child to be a passenger if the child would be required to be secured in a child passenger restraint system pursuant to State law; and also allows, but does not require, the New Jersey Motor Vehicle Commission to include information on autocycles in its driver's manual and on its website; Passed in Senate and sent to Governor 36-0

S-1585 (Rice D28; Ruiz D29)

Establishes program allowing certain applicants to perform community service in lieu of paying motor vehicle surcharges.

Under the bill, the program is to be administered by the Commissioner of Labor and Workforce Development. The commissioner is 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. To be eligible to participate in the program, the bill requires an applicant to demonstrate to the commissioner that he or she: (1) is unemployed; (2) has been assessed and is unable to pay certain motor vehicle surcharges; and (3) is enrolled in a job training or education program or is in the process of applying for a commercial driver license or endorsement. The bill requires the commissioner to notify the Chief administrator upon an applicant's entry into the program. The Chief administrator is, in turn, required to reinstate an applicant's driving privilege upon commencement of a community service project if the driving privilege of the applicant has been suspended for failure to pay a surcharge. The bill provides that if an applicant fails to complete a community service project, the applicant's total outstanding motor vehicle surcharges and any interest accrued become due immediately. In addition, the applicant's driving privilege is to be suspended until the applicant satisfies the outstanding surcharge assessment. The bill permits the governing body of any county or municipality to apply to the commissioner to participate in the program. Under the bill, an application for participation in the program is required to be made in accordance with procedures and on forms prescribed by the commissioner and to indicate the eligible projects for which volunteer labor is requested. Eligible community service projects include improvements to county and municipal

buildings, grounds, roads, streams, and other county or municipal property. The bill provides that volunteer labor used by a municipality or county is not to displace or remove from employment any paid public or private employee or in any way reduce the workforce within a county or municipality. The bill further provides that a qualifying applicant is not to be denied participation in the program due to a lack of volunteer labor projects. After a person has completed a community service project under the program, the bill requires the Chief administrator to waive all surcharges and interest levied for accumulated motor vehicle points, those levied for unsafe driving convictions, and those levied for motor vehicle violations or convictions for which points are not assessed. The bill prohibits any driver whose outstanding surcharges include levies imposed for a drunk driving conviction or refusal to submit to a blood alcohol content test from participating in the program.

06/27/16 – Passed in Senate 26-11-0; Received in Assembly and referred to Assembly Law and Public Safety Committee

S2186 (Scutari D22; Sacco D32)

Prohibits State from disclosing New Jersey driver's license holders' personal information to other states seeking to issue speed camera or red light camera citations.

This bill prohibits the New Jersey Motor Vehicle Commission or any other State agency from disclosing the personal information of New Jersey drivers to another state or interstate motor vehicle network for the purpose of allowing the other state to impose or collect a fine resulting from an alleged motor vehicle violation committed in that state and captured by a traffic control signal monitoring system or a speed control device. The bill defines "personal information" to mean any information that identifies an individual, which information may include an individual's photograph, social security number, driver identification number, name, address, or telephone number and a "traffic control signal monitoring system" as an integrated system or device utilizing a camera, or a multiple camera system, and vehicle sensors that is capable of automatically producing a recorded image of an alleged violation that shows a motor vehicle unlawfully entering and continuing through an intersection controlled by a traffic control signal and a portion of the motor vehicle sufficient to clearly identify the motor vehicle.

06/23/16 – Passed in Senate 38-0

S-2364 (Oroho R25)

Establishes pilot program appointing third party vendors to administer commercial driver license testing.

Under the program, the Chief Administrator is required to appoint three private third party vendors to administer the knowledge and skills tests for commercial driver licenses or endorsements. A vendor is to be located in the northern, central, and southern regions of the State. In implementing the pilot program, the bill requires the Chief Administrator to develop procedures to identify, and compile a list of, eligible third party vendors to provide testing. The Chief Administrator is also required to establish guidelines necessary to establish and oversee the administration of commercial motor vehicle driver testing by private third party vendors. The bill requires the three vendors chosen to participate in the

program to be fully operational and to be administering the knowledge and skills tests within 90 days of the bill's effective date. Within nine months of the bill's effective date, the Chief Administrator is required to submit to the Governor and the Legislature an evaluation of the pilot program with recommendations that will facilitate the permanent use of third party vendors. This bill amends current law to require the Chief Administrator to contract with third party vendors and requires the appointment of third party vendors to be based on the evaluation of the pilot program and the recommendations submitted to the Governor by the Chief Administrator. The bill removes the Chief Administrator's discretion to terminate third party testing at any time.

07/14/16 – Reported out of committee, 2nd reading in Senate

S-2462/A-374 (Sacco D32; Cruz-Perez D5 / 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.

As amended and reported, these bills prohibit the MVC from imposing duplicate identification card fees and replacement driver's license fees, including the digitized picture fee, if a person requests the duplicate identification card or replacement driver's license solely for the purpose of reflecting that the person has become an organ donor. Currently, the cost of having a duplicate identification card or replacement driver's license issued is \$11, including the digitized picture fee. The legislation was amended to require that in order for a person to receive a replacement driver's license or duplicate identification card under the provisions of the bill, the person is required to first surrender the person's current driver's license or identification card to the MVC.

07/14/16 – Both bills were reported out of committee with amendments clarifying that in order to receive the duplicate document, the individual must surrender his or her current document; 2nd reading in Senate; Referred to Senate Budget and Appropriations