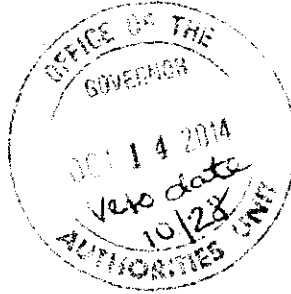


STATE OF NEW JERSEY



Chris Christie
Governor

Kim Guadagno
Lt. Governor

Raymond P. Martinez
Chairman and Chief Administrator

October 14, 2014

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, October 14, 2014.

Thank you.

Sincerely,


John G. Donnelly
Board Secretary

Enclosure

 **New Jersey
Motor Vehicle Commission**

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

STATE OF NEW JERSEY

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Raymond P. Martinez
Chairman and Chief Administrator

October 14, 2014

Honorable Chris Christie
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Thank you.

Sincerely,



John G. Donnelly
Board Secretary

Enclosure

NEW JERSEY MOTOR VEHICLE COMMISSION

Minutes by Board Secretary John G. Donnelly of actions taken at the Open Session of the Regular Meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Tuesday, October 14, 2014.

Present:

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

Chairman Martinez had previously advised of a scheduling conflict today.

Governor's Authorities Unit Assistant Counsels Peter Simon and Tyler Yingling, and Deputy Attorney General Keith Ronan, attended.

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

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

Chairman's Report

The Vice-Chairman then presented this report of key Commission activities since the June 12 Regular and July 21 Special Board Meetings:

Good afternoon, everyone. I'm Steve Scaturro, Vice-Chairman of the New Jersey Motor Vehicle Commission Board and I have the pleasure of addressing you all today on behalf of Chairman Martinez.

SKIP THE TRIP HITS ONE MILLION

Around this time last year, we had the pleasure of introducing to you a program that we knew would take a million customers out of our agency lines. Well, today I'm honored to say that our Skip the Trip mail-in license renewal program has surpassed those estimates and over 1.1 million people have elected to stay home and use this program. In these past 13 months, we have witnessed shorter wait times for those who must come into an agency, and much appreciation from our customers for this added convenience.

AGENCY FACELIFTS

And speaking of convenience in the agencies, several of our facilities are currently in the process of being renovated over the next few months.

Wayne is the focus of an upcoming renovation that will bring a new, 20,000 square foot modern facility to the antiquated site on Route 46. We expect to break ground on this much needed space in March of 2015.

Our Eatontown Agency is also expected to get a facelift. We have already gone out to bid and a contract to begin this nine-month construction project will be awarded shortly.

SPREADING A GLOBAL MESSAGE

We don't hide the fact that we strive to be the model for excellence in motor vehicle services, and recently New Jersey has been tapped to help improve the policies and practices of our sister organizations on the other side of the globe.

In June, representatives of the Japanese National Police and the Consulate General spent the day with Chairman Martinez at the Lodi agency to experience first-hand how a passenger and commercial road test on a public course is managed and how a knowledge-based license test is administered; a picture on display here in the MVC Board Meeting Room today showcases this event.

Chairman Martinez also recently hosted transportation officials from the Korea Consulate in an effort to share our experiences in making the roads safer and our practices more secure. A great deal of information was shared and a lot of notes were taken and I am proud to report that everyone who participated in these very important interactions with our colleagues abroad rose to the occasion.

ORGAN DONOR

Also on display here in the MVC Board Meeting Room today is a picture of a recent MVC event highlighting our continuous outreach regarding organ donation. You may express your wish to donate your organs and tissues for transplant by designating the words "Organ Donor" to appear on your NJ driver license or non-driver identification card.

The following Agenda Items were presented for approval:

Minutes: June 12, 2014. This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the Minutes of each MVC Board Meeting, by approving the Minutes of the MVC Board Meeting of June 12, 2014.

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

1410-01: IFTA Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Final Adoption of the regulations concerning the International Fuel Tax Agreement (IFTA) by which member jurisdictions track commercial vehicle trips particularly as to motor fuel use. Jack Donnelly, Board Secretary, presented the regulation, and explained that it will increase the number of 'trip permits' that may be provided to a motor carrier from one (1) to ten (10).

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

1410-02: IRP Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Final Adoption of the regulations concerning the International Registration Plan (IRP) by which member jurisdictions track highway trips by commercial vehicles through New Jersey and other member States. Jack Donnelly, Board Secretary, presented the regulation, and explained that it will increase the number of 'temporary authorizations' that may be provided to a motor carrier from one (1) to ten (10).

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

1410-03: Zone of Rate Freedom (2014) Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Final Adoption for 2014 of the regulations concerning the Zone Of Rate Freedom (Z.O.R.F.) law found at N.J.S.A. 48:4-2.20 to 2.25. Jack Donnelly, Board Secretary, presented the regulation.

Mr. Donnelly explained in response to Mr. Kisch's question that companies are permitted to adjust their fares once annually per state law and this regulation.

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

1410-03: Zone of Rate Freedom (2015) Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this proposed amendment of the regulations for 2015 concerning the Zone Of Rate Freedom (Z.O.R.F.) law found at N.J.S.A. 48:4-2.20 to 2.25. Jack Donnelly, Board Secretary, presented the regulation.

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

1410-05: Insulin Dependence Regulation. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Final Adoption of the regulations concerning recently enacted legislation that permits a holder of a driver license or nondriver identification card to voluntarily request that a notation be placed on his or her driver license or nondriver identification card indicating that he or she is an insulin dependent diabetic. Rebecca Donington of the Office of Regulatory and Legislative Affairs presented the regulation.

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

Legislative Report. A summary of legislative activity since the June 12 Regular and July 21 Special Board Meetings was provided by Legislative Liaison Donald Dinsmore, as follows:

Signed by the Governor:

A-1676Aca (Johnson D37/Bramnick R21/Webber R26/Munoz R21/ Bucco R25/Garcia D33/Casagrande R11) and S-1524Scs (Weinberg D37/Kean R21/Gordon D38) provides that crime victims do not have to pay fees to obtain records relating to the crime and that requests for such records are not public information. The Driver Privacy Protection Act (N.J.S.A. 39:2-3.3 et. seq.) exempts documents from public access unless certain procedures are followed, therefore any request posed to MVC for personal information is shielded by section 9 of the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) This legislation was signed on July 31, 2014, and takes effect on November 1, 2014. Due to the fact that MVC is shielded from disclosure, there should be minimal impact. MVC staff involved with record requests will be advised by the Office of Regulatory and Legislative Affairs not to produce those documents, consistent with Section 9 of the Open Public Records Act.

S-846/S-504Scs (Norcross D5/Holzapfel R10) and A-2725/A-1185Acs (Mukherji D33/Wolfe R10/McGluckin R10/Mainor D31) enhances penalty for leaving the scene of boating accident. This new law for the first time makes boating standards the same as automobile standards for leaving the scene of an accident. Current motor vehicle law makes it a second degree crime to leave the scene of an accident that result in the death of a passenger, and a third degree crime when the accident results in serious bodily injury. A second degree crime is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both. A third degree crime is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. The new law also enhances the penalties for failure of an operator to assist persons affected by an accident. The penalties for a first offense are a fine of not less than \$200 or more than \$400, imprisonment for a period of not more than 30 days, or both. For a subsequent offense, the new law imposes a fine of not less than \$400 or more than \$600, imprisonment for a period of not less than 30 days or more than 90 days, or both. This legislation was signed on July 3, 2014, and took effect immediately. There will be no impact on the Commission.

Bills Sent to Governor's Desk:

N/A

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

A-3395Aca (Wisniewski D19) and S-2294Sca (Sacco D32) allows insurers to obtain certificates of ownership or salvage certificates of title for motor vehicles under certain circumstances. This bill creates a process that allows insurers and salvage companies to obtain certificates of ownership or salvage certificates of title for motor vehicles in situations where the insurers are unable to obtain the certificate of ownership or the certificate of ownership is not properly assigned to the insurer. The Commission has concerns regarding this legislation and would like to seek amendment. Governor's Counsels Office is reviewing MVC's position. The bill allows titling of vehicles that are owned by a different owner out of state, allows for breaks in the chain of title, and a process that disregards the MVC's current procedures for establishing whether a vehicle has been abandoned on private property. The Commission is collaborating with the Department of Banking and Insurance, the Office of the Attorney General and Governor's Counsels Office to finalize the Amendments. On June 23, 2014, A-3395 passed the full Assembly (77-0), and on September 15, 2014, S-2294/S-3395 was reported from Senate Committee, 2nd Reading.

S-826Sca (Beach D6) and A-387Sca (Tucker D28) makes consent to register with Selective Service part of driver license application process for males under age 26. The bill has been amended to adopt suggestions from the MVC. These amendments remove the requirement that an electronic format be used by the MVC to forward the personal information of certain applicants to the Selective Service System. The amendments also change references to "provisional" driver's license to "probationary" driver's license. In addition, the amendments also change the effective date from the first day of the 7th month after enactment to the first day of the twelfth month after enactment. On March 20, 2014, A-387 passed the full Assembly (77-0). Also, on March 24, 2014, S-826/A-387 reported from Senate Committee with Amendments, 2nd Reading, and on April 28, 2014, S-826/A-387 was referred to Senate Budget and Appropriations Committee.

Implementation Update:

Indication of veteran status on driver's licenses and identification cards issued by MVC- (P.L. 2013, c. 165): Implementation meetings are ongoing. It is anticipated that this initiative will be rolled out by 3/1/15.

Person with diabetes to voluntarily make notation on driver license- (P.L. 2013, c.139): This project was fully implemented on 9/1/14.

Creation of a special Omega Psi Phi license plate – (P.L.2013, c.273): Implementation meetings are ongoing. A Memorandum of Understanding has been presented to Executive Staff for approval. Electronic plate samples have been created and approved by Omega Psi Phi. IT/OIT have provided a time-line to update our comp system to allow for future transactions, and Financial Management is addressing the establishment of Oracle accounts for the new plate transactions.

Increases fine and imposes license suspension for talking or texting on hand-held device while driving – (P.L.2013, c.70): The Implementation team is meeting to review the business and technical requirements for this bill.

Vice-Chairman Scaturro thanked Donald for the presentation.

Public Comment:

Mr. Darryl Garvin, Esq., 36 Central Ave., Midland Park, NJ offered remarks regarding MVC procedures and statutes pertaining to vehicles abandoned at repair facilities.

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

Adjournment:

Since there were no further comments or business, a motion to adjourn was made by Board Member Asante and seconded by Director Fruscione and unanimously adopted at 2:45 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, October 14, 2014

PROPOSED AGENDA

	<u>PAGE</u>
• 1 – CALL TO ORDER	7018
• 2 – OPEN PUBLIC MEETINGS ACT STATEMENT	7018
• 3 – PLEDGE OF ALLEGIANCE	7018
• 4 – APPROVAL OF AGENDA	7018
• 5 – VICE-CHAIRMAN'S REPORT	7018
• 6 – APPROVAL OF MINUTES OF JUNE 12, 2014	7025
• 7 – APPROVAL OF ITEM 1410-01 – FINAL ADOPTION – INTERNATIONAL FUEL TAX ASSOCIATION (10-TRIP) REGULATION	7032
• 8 – APPROVAL OF ITEM 1410-02 – FINAL ADOPTION – INTERNATIONAL REGISTRATION PLAN (10-TRIP) REGULATION	7035
• 9 – APPROVAL OF ITEM 1410-03 – FINAL ADOPTION – ZONE OF RATE FREEDOM 2014 REGULATION	7038
• 10 – APPROVAL OF ITEM 1410-04 – PROPOSED FOR AMENDMENT – ZONE OF RATE FREEDOM 2015 REGULATION	7041
• 11 – APPROVAL OF ITEM 1410-05 – FINAL ADOPTION – NOTATION OF INSULIN DEPENDENCE REGULATION	7052
• 12 – LEGISLATIVE REPORT	7055
• 13 – PUBLIC COMMENTS	7023
• 14 – ADJOURNMENT	7023

Approval: Minutes of June 12, 2014

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 12, 2014 Minutes were delivered on June 12, 2014 to the Governor, and became effective upon expiration of the ten day period on June 26, 2014.

ACTION

Approval of this item by the Board Members indicates acceptance of the June 12, 2014 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 12, 2014 were delivered without delay to the Governor on June 12, 2014; 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 12, 2014 Board Meeting are effective as of June 26, 2014; and

NOW, THEREFORE, BE IT RESOLVED that the Minutes of actions taken at the June 12, 2014 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 Thursday, June 12, 2014.

Present:

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

Public Board Member Laurette K. Asante advised the Commissioner that she would not be able to participate.

Governor's Authorities Unit Assistant Counsel Peter Simon and Deputy Attorneys General Philip Espinosa and Amy Chung attended.

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

Agenda Approval. Vice-Chairman Scaturro moved to accept the proposed agenda, Board Member Kisch seconded the motion and it was unanimously adopted.

Chairman's Report

The Chairman then presented this report of key Commission activities since the April 10, 2014 Board Meeting:

Budget Season Comes To A Close

Since my last report to you, the MVC has presented its budget and plans for Fiscal 2015 and now there are some adjustments being made before our overall budget is finalized by OMB. I'd like to thank Carol Hollows, our Director of Financial Management, and Steve Beke for all their hard work in preparing me for my testimony and for sitting beside me -- literally -- as we tackled a few tough budget questions.

Share The Road Campaign

Two weeks ago we joined forces with our friends from Travel and Tourism and Highway Traffic Safety to formally wrap-up our month-long message of motorcycle safety. Through

the use of television commercials and print and digital signage in some creative venues, we have not only been helping the state promote tourism, we are artfully promoting the message of Share the Road. Our final event was held at the Jersey Shore Outlet Mall where our friends from Harley Davidson of Long Branch were kind enough to provide a motorcycle simulator for shoppers to try to get the feel for what it's like to be on a very powerful bike. Our own Vice-Chair Steve Scaturro even tried out the JumpStart machine as did some folks you might not typically find on the backs of motorcycles. A posterboard is presented in the meeting room of an older woman on a motorcycle.

Shore Inspection Detail

We know that everyone headed down the shore will not be on a motorcycle -- in fact, some won't be driving vehicles at all. That's why, later this week, we will be joining a multi-jurisdictional effort to make sure the transport vehicles and taxis used in the Monmouth County area are properly maintained and that their drivers are up-to-snuff. This very important niche in the transportation marketplace is relied upon by countless locals and visitors alike to go to dinner, to go to the beach, or even to go out at night -- so this surprise inspection detail will go a long way in keeping a lot of people safe this summer.

Title Fraud Award

The Shore is really expected to make a huge comeback this year as we just came off our third straight weekend in a row of exceptional weather. And that's a good thing as many communities and those who live in them are just getting back on their feet following the devastation caused by Hurricane Sandy. If you recall, we learned this lesson the hard way last summer when cars that were badly damaged by Sandy began showing up on the lots of some of New Jersey's used car dealerships. The MVC has and continues to work diligently behind the scenes to protect unwitting consumers and now, one of our own is being honored for this. Uke Mannekis from the Division of Security, Investigation and Internal Audit is being nationally recognized for his successful investigations of suspects or individuals that have committed odometer and or title fraud. Uke's body of work was brought to the national spotlight last summer after our Communications Department began working with producers of ABC's 20/20 on an undercover piece about a number of Sandy flood cars that had made it back into the marketplace and were resold to unsuspecting customers as roadworthy vehicles. Not only did Uke and his team close down and bring to justice a very unscrupulous used car dealer, his work and the piece that ran helped to change for the better the operations of one of this nation's largest insurance houses. Congratulations on this one, Uke.

The following Agenda Items were presented for approval:

Minutes: April 10, 2014. This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the Minutes of each MVC Board Meeting, by approving the Minutes of the MVC Board Meeting of April 10, 2014.

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

1406-01: IFTA Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including these proposed amendments of the regulations concerning the International Fuel Tax Agreement (IFTA) by which member jurisdictions track commercial vehicle trips particularly as to motor fuel use. Jack Donnelly, Board Secretary, presented the proposed regulation.

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

1406-02: Advertising Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this proposed new rule concerning the MVC's authority to contract for the sale of advertising. Bob Weinstein of the Regulatory and Legislative Affairs Office presented the proposed regulation.

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

Legislative Report. A summary of legislative activity since the April 2014 Motor Vehicle Commission (MVC) Board Meeting was provided by Legislative Liaison Donald Dinsmore, as follows:

Bills Sent to Governor's Desk:

S-846/S-504Scs (Norcross D5/Holzapfel R10) and **A-2725/A-1185Acs** (Mukherji D33/Wolfe R10/McGluckin R10/Mainor D31) enhances the penalty for leaving the scene of boating accident. The bill for the first time makes boating standards the same as automobile standards for leaving the scene of an accident, and enhances the penalties for failure of an operator to assist persons affected by an accident. The increased penalties include fines and possible imprisonment, but no Boat or Driver license suspension. The Commission has no objection to this bill.

Bills Near the Governor's Desk:

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

A-1676Aca (Johnson D37/Bramnick R21/Webber R26/Munoz R2/ Bucco R25/Garcia D33/Casagrande R11) and **S-1524Scs** (Weinberg D37/Kean R21/Gordon D38) provides that crime victims do not have to pay fees to obtain records relating to the crime and that requests for such records are not public information. The Driver Privacy Protection Act (N.J.S.A. 39:2-3.3 et. seq.) exempts documents from public access unless certain procedures are followed, therefore any request posed to MVC for personal information is shielded by section 9 of the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.). The bill passed the full Assembly (77-0-1) and has been reported from a Senate Committee with amendments. The Commission takes no position on this bill.

S-826Sca (Beach D6) and **A-387Sca** (Tucker D28) makes consent to register with Selective Service part of driver's license application process for males under age 26. The bill has been amended to adopt suggestions from the MVC. These amendments remove the requirement that an electronic format be used by the MVC to forward the personal information of certain applicants to the Selective Service System. The amendments also change references to "provisional" driver's license to "probationary" driver's license. In addition, the amendments also change the effective date from the first day of the 7th month after enactment to the first day of the 12th month after enactment. The bill passed the full Assembly (77-0) and has been reported from one Senate Committee while being referred to a second Senate Committee. The Commission has no objection as amended.

Implementation Update:

Indication of veteran status on driver licenses and identification cards issued by MVC- (P.L. 2013, c. 165): Implementation meetings are ongoing. Gina Sine is the project manager for this initiative. Executive Staff was presented with a power point which outlined decisions that are needed to move the project forward.

Person with diabetes to voluntarily make notation on driver license- (P.L. 2013, c.139): Implementation meetings are ongoing. Gina Sine is the project manager for this implementation initiative. There are no enhancements needed to the driver license, just the ID card and some communications activities.

Additional autobus owner and operator responsibilities - (P.L. 2013, c.224): An Executive Sponsor has been assigned and it is anticipated that a project manager will be assigned to oversee implementation.

Amends "Administrative Procedure Act" to require State agencies to use various electronic technologies in rule-making procedures – (P.L. 2013, c.259): The project manager Ira Kupersmit reports that the implementation team has been meeting regularly. The project is on time and on budget. It is anticipated that the project will meet the July 1st implementation date.

Chairman Martinez thanked Donald for the presentation.

Public Comments:

One member of the public sought to make a public comment, as follows:
Darryl T. Garvin, Esq., 38 Central Ave., Midland Park, NJ 07432, who spoke on behalf of his client Richard DeMarco of EZ Car Titles, 1358 Hooper Ave., Toms River, NJ 08753. Mr. Garvin questions N.J.S.A. 39:4-56.6 procedures of MVC for unattended vehicles, and courteously answered questions from the Board Members. Mr. Garvin also kindly provided copies of his recent written inquiry and MVC response for the Board Members' review.

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

Chairman Martinez also recalled for those present that New Jersey Department of Transportation Commissioner Jim Simpson has left the Department for new opportunities in the private sector. He lauded Commissioner Simpson for his superb ability to improve the State's multimodal system at one of the most difficult times in the transportation field, and noted that New Jersey's citizens will benefit for years to come from his work.

Adjournment:

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

ITEM 1410-01: INTERNATIONAL FUEL TAX REGULATIONS**BENEFITS**

The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as the enabling statute that created the New Jersey Motor Vehicle Commission (MVC), and as amended by P.L. 2007, c.335 and by P. L. 2009, c.298, at sections 4 and 40 assigns to MVC the duty to promulgate regulations affecting various programs, including this Final Adoption of the regulations concerning the International Fuel Tax Agreement (IFTA) by which member jurisdictions track commercial vehicle trips particularly as to motor fuel use.

PURPOSE

This is a Final Rule. The effect of this item is to amend regulations regarding IFTA in order to provide positive feedback to stakeholders who requested an increase in the number of IFTA trip permits that may be provided to a motor carrier from one (1) to ten (10).

ACTION

Approval of this item will authorize the Chairman to file the IFTA regulations with the Office of Administrative Law (OAL) as a Final Rule, 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 the International Fuel Tax Agreement by which member jurisdictions track commercial vehicle trips particularly as to motor fuel use;

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law a notice of this Final Rule pertaining to the International Fuel Tax Agreement regulations, in substantially the form as attached in **Exhibit A**.

MOTOR VEHICLE COMMISSION

EXHIBIT A

EXECUTIVE AND ADMINISTRATIVE SERVICE (INTERNATIONAL FUEL TAX AGREEMENT IMPLEMENTATION)

Adopted Amendments: N.J.A.C. 13:18-3.5

Adopted New Rules: N.J.A.C. 13:18-3.20 and 3.21

Proposed: June 2, 2014 at 46 N.J.R. 1326 (a)

Adopted: October 14, 2014 by the Motor Vehicle Commission,

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

Filed: November _____, 2014 as R.2014, d. , **without change.**

Authority: N.J.S.A. 39:1-1 et seq., 54:39A-24, and 39:2A-1 et seq.

Effective Date: November _____, 2014

Expiration Date: November _____, 2021

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

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

ITEM 1410-02: 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 this Final Adoption of the regulations concerning the International Registration Plan (IRP) by which member jurisdictions track highway trips by commercial vehicles through New Jersey and other member States.

PURPOSE

This is a Final Rule. The effect of this item is to amend regulations regarding IRP in order to provide positive feedback to stakeholders who requested an increase in the number of IRP temporary authorizations that may be provided to a motor carrier from one (1) to ten (10).

ACTION

Approval of this item will authorize the Chairman to file the IRP regulations with the Office of Administrative Law (OAL) as a Final Rule, 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 the International Registration Plan by which member jurisdictions track highway trips by commercial vehicles through New Jersey and other member States;

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law a notice of this Final Rule pertaining to the International Registration Plan regulations, in substantially the form as attached in **Exhibit A**.

MOTOR VEHICLE COMMISSION

EXHIBIT A

EXECUTIVE AND ADMINISTRATIVE SERVICE (INTERNATIONAL REGISTRATION PLAN)

Adopted Amendments: N.J.A.C. 13:18-2.12 and N.J.A.C. 13:18-2.13

Adopted New Rules: N.J.A.C. 13:18-2.24 and 2.25

Proposed: June 2, 2014 at 46 N.J.R. 1323 (a)

Adopted: October 14, 2014 by the Motor Vehicle Commission,

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

Filed: November _____, 2014 as R.2014, d. , **without change.**

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.

Effective Date: November _____, 2014

Expiration Date: November _____, 2021

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

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

ITEM 1410-03: ZONE OF RATE FREEDOM (Z.O.R.F.) REGULATION**BENEFITS**

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

PURPOSE

This is a Final Rule. The effect of this Final Rule for ZORF for 2014 is to fulfill the statutory requirement that MVC set a percentage limit or "Zone" within which private bus companies are *free* to adjust their *rates* (or fares or charges) for in-state bus routes. Under P.L. 1983, c.517, private bus companies are free to make these adjustments. Of over 100 such companies, typically up to five exercise that freedom annually and notify MVC, which confirms any adjustment is within the ZORF Zone. The MVC Commission Members previously approved the final adoption for the 2013 rates of 10% increase and 10% decrease at their February 2013 meeting. Note that this Final Rule for 2014 has a 10% increase and 10% decrease.

ACTION

Approval of this item will authorize the Chairman to file the ZORF Regulation with the Office of Administrative Law (OAL) as a Final Rule for 2014. The rule states in relevant part:

"16:53d-1.1 General Provisions.

Any regular route autobus carrier operating within the State which seeks to revise its rates, fares or charges in effect as of the time of the promulgation of this rule shall not be required to conform with N.J.A.C. 16:51-3.10...provided the increase or decrease in the rate, fare or charge, or the aggregate of increases and decreases in any single rate, fare or charge is not more than the maximum percentage increase (10 percent for 2013) or decrease (10 percent for 2013), upgraded to the nearest \$.05."

FISCAL IMPACTS

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

RESOLUTION

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

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

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

NOW, THEREFORE BE IT RESOLVED that the Chairman is authorized to file with the Office of Administrative Law this Final Rule of the Zone of Rate Freedom regulation for 2014, in substantially the form as attached in **Exhibit A**.

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

REGULATORY AFFAIRS (COMMERCIAL PASSENGER TRANSPORTATION)

Zone of Rate Freedom

Adopted Amendments: N.J.A.C. 16:53D

Proposed: May 5, 2014 at 46 N.J.R. 755 (a)

Adopted: October 14, 2014 by the Motor Vehicle Commission,

Raymond P. Martinez, Chairman

Filed: November ____, 2014 as R. 2014, d. , **without change.**

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

Effective Date: November ____, 2014

Expiration Date: November ____, 2021

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

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

ITEM 1410-04: ZONE OF RATE FREEDOM (Z.O.R.F.) REGULATION**BENEFITS**

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

PURPOSE

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

ACTION

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

"16:53d-1.1 General Provisions.

Any regular route autobus carrier operating within the State which seeks to revise its rates, fares or charges in effect as of the time of the promulgation of this rule shall not be required to conform with N.J.A.C. 16:51-3.10...provided the increase or decrease in the rate, fare or charge, or the aggregate of increases and decreases in any single rate, fare or charge is not more than the maximum percentage increase (10 percent for 2013) or decrease (10 percent for 2013), upgraded to the nearest \$.05."

MVC Board Chairman and Chief Administrator Raymond P. Martinez has adopted a new 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 NJ 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

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

RESOLUTION

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

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

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

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

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

REGULATORY AFFAIRS (COMMERCIAL PASSENGER TRANSPORTATION)

Zone of Rate Freedom

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

Authorized By: _____

Raymond P. Martinez, Chairman,
Motor Vehicle Commission

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

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

Proposal Number:

Submit written comments by _____, 2015 to:

Kate Tasch, APO
Attention: Regulatory and Legislative Affairs
New Jersey Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, New Jersey 08666-0162

The agency proposal follows:

The public comment period for this 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 requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The Motor Vehicle Commission (hereinafter "the Commission") proposes to amend the provisions of N.J.A.C. 16:53D, Zone of Rate Freedom.

The Commission is statutorily obligated to establish for each calendar year a Zone of Rate Freedom (ZORF) for regular route private autobus carriers providing service within the State. See N.J.S.A. 48:4-2.21, as amended by P.L. 2003, c. 13, §98. See also N.J.S.A. 48:4-2.20 through 2.25. The ZORF is the maximum permitted percentage increase adjustment and the maximum permitted percentage decrease adjustment that a private autobus carrier may make to its rate, fare or charge for intrastate regular route service without first having to petition the Commission for approval. The maximum ZORF percentage amounts for increases and decreases take into account the varying fares currently charged by intrastate regular route private autobus operators. In accordance with N.J.S.A. 48:4-2.21, relevant factors that must be considered by the Commission in setting the ZORF percentages include, but are not limited to, the availability of alternative means of transportation; fluctuations in operational bus costs; and rates, fares, and charges existing in the bus industry and in other related transportation services, as well as the interests of the users of bus service in this State.

As long as the autobus carrier's fare adjustments remain within the designated ZORF percentage range, the carrier need only give notice to the Commission and the bus-riding public of the rate, fare, or charge adjustment. However, should a regular route private autobus carrier need a percentage fare adjustment greater than that allowed by the ZORF, the carrier will be required to

comply with the petitioning procedures set forth in N.J.S.A. 48:2-21 and 48:2-21.1.

The ZORF percentage limitations set forth in N.J.A.C. 16:53D-1.1 apply only to regular route private autobus carriers. N.J.S.A. 48:4-2.25 authorizes the Commission to exempt rates, fares and charges for regular route in the nature of special (casino bus operations), charter, and special autobus operations from this regulation, so long as carriers engaged in such operations file annual tariffs with the Commission.

N.J.A.C. 16:53D-1.1 consists of general provisions and standards that regular route private autobus carriers must follow, and specifies the maximum ZORF percentages for rate, fare, or charge increases and decreases for the calendar year and exempts student, senior, transfer, interline and other unique rates, fares or charges for a regular route from the requirements of this chapter provided they remain less than the current or adjusted regular route fare applicable to the route.

Social Impact

The proposed amendments have a positive social impact in that they enable private autobus carriers to increase or decrease regular route fares marginally within established limits without having to undertake costly and time-consuming formal administrative proceedings. Since the ZORF fare adjustment mechanism allows autobus carriers to effectuate minor changes to their regular route fares without the necessity of making a complex, formal tariff filing with the

Commission, the ZORF fare adjustment procedures result in cost and time savings for both the regulated industry and the Commission. The ZORF-controlled fare increases also encourage autobus carriers to invest in new buses and in the servicing and maintenance of their existing fleet of buses, while at the same time protecting the public from unreasonable fare increases. The ZORF percentage limit for fare decreases discourages predatory fare-reducing tactics designed to reduce or eliminate competition. In sum, the ZORF fare adjustment mechanism has a positive impact upon the autobus industry and the Commission while also benefiting the public interest.

Economic Impact

The proposed amendments offer privately owned autobus companies a measure of flexibility in effectuating marginal adjustments to their regular route fares. Such companies can avoid the rate increase petition process set forth in N.J.S.A. 48:2-21 and 48:2-21.1, which is costly and time consuming, provided the fare adjustment that is sought remains within the percentage limits set forth in the ZORF rules. Although the ZORF provides a mechanism for regular route private autobus carriers to increase rates, fares, or charges, any adverse impact of such fare increases upon the public will be mitigated by the percentage limitations set forth in N.J.A.C. 16:53D-1.1. The ZORF percentage limitations are intended to ensure that only reasonable rate, fare, or charge increases will occur. The exemption of charter, casino, and special bus operations from the ZORF rules will have no adverse economic impact on the public because the

competitive nature of these markets due in large part to their elastic demand, protects consumers from unreasonable rate, fare, or charge adjustments.

Federal Standards Statement

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

Jobs Impact

Although the ZORF rules could theoretically have an impact upon the jobs of private autobus carrier employees and the bus-riding public, no specific number of jobs generated or lost as a result of these rules can be calculated. With limits on fare increases, private autobus carriers could conceivably adjust their employee levels to address financial constraints. Similarly, the ability of commuters to travel to their job sites could be affected by any changes made by such autobus carriers in bus routes or service to certain areas caused by shifts in employee staffing levels. However, it should be noted that rate change protection for both autobus carriers and commuters exists in other statutes and regulations that govern rate changes outside the ZORF limits.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry.

Regulatory Flexibility Analysis

The proposed amendments affect private autobus carriers that are small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Regular route private autobus carriers that seek ZORF fare adjustments are required to comply with N.J.A.C. 16:53D-1.2. That chapter requires that such carriers notify the Commission of a ZORF fare adjustment by filing a complete schedule of all current fares and all fares that will be adjusted. The carrier must also provide public notice of the ZORF fare adjustment in accordance with N.J.A.C. 16:53D-1.2 herein and must file with the Commission an affidavit confirming its compliance with said public notice requirement.

These regulatory mandates constitute reporting, recordkeeping, and compliance requirements as defined in the Regulatory Flexibility Act. However, they affect only those private autobus carriers that choose to avail themselves of the ZORF fare adjustment procedure. The Commission believes that these reporting, recordkeeping, and compliance requirements are minimal and impose no burden on regular route private autobus carriers. Nor are professional services, such as those provided by engineers, attorneys or accountants, required for compliance with the reporting and recordkeeping provisions of this rule. In fact, the ZORF fare adjustment mechanism is substantially less burdensome than the rate increase petition process to which autobus carriers are subject under N.J.S.A. 48:2-21 and 48:2-21.1.

Smart Growth Impact

It is not anticipated that the proposed amendments will have any impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan within the meaning of Executive Order No. 4 (2002).

Housing Affordability Impact

It is not anticipated that the proposed amendments will have any impact on housing costs because the scope of the regulation, inasmuch as it applies only to procedures for amending regular route autobus fares, is minimal, and there is an extreme unlikelihood that it would evoke a change in the average costs associated with housing.

Smart Growth Development Impact

It is anticipated that the proposed readoption will have only an insignificant impact, if any, on any new construction. Moreover, because the rule applies only to the procedures for adjustment of autobus fares, it does not apply to housing units at all. Thus, the scope of the regulation is minimal and there is an extreme unlikelihood that the readoption will evoke a change in the housing production within Planning Areas 1 or 2, or within designated centers under the State Development and Redevelopment Plan.

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

16:53D-1.1 General provisions

(a) Any regular route autobus carrier operating within the State, which carrier seeks to revise its rates, fares or charges in effect as of the time of the promulgation of this rule, shall not be required to conform with N.J.A.C. 16:51-3.12, Tariff filings that do not propose increases in charges to customers, or N.J.A.C. 16:51-3.13, Tariff petitions that propose increases in charges to customers, provided the increase or decrease in the rate, fare or charge, or the aggregate of increases and decreases in any single rate, fare or charge is not more than the maximum percentage increase (10 percent for [2014] **2015**) or decrease (10 percent for [2014] **2015**), upgraded to the nearest \$.05.

1. For illustrative purposes, the following chart sets forth the [2014] **2015** percentage maximum for increases to particular rates, fares or charges and the resultant amount as upgraded to the nearest \$.05:

<u>Present Fare</u>	<u>Percent of Increase</u>	<u>Increase Upgraded</u> <u>To Nearest \$.05</u>
\$ 2.00 or less	10.0%	\$.20
\$ 2.05-\$ 2.50	10.0%	\$.25
\$ 2.55 upward	10.0%	\$.30+

2. For illustrative purposes, the following chart sets forth the [2014]2015 percentage maximum for decreases to particular rates, fares or charges and the resultant amount as upgraded to the nearest \$.05:

<u>Present Fare</u>	<u>Percent of</u>	<u>Decrease Upgraded</u>
	<u>Decrease</u>	<u>To Nearest \$.05</u>
\$0 or less	10%	\$.05
\$.55 to \$ 1.00	10%	\$.10
\$ 1.05 upward	10%	\$.15+

3. Except as may be provided in the Certificate of Public Convenience and Necessity, changes to student, senior, transfer, interline and other unique rates, fares or charges for a regular route shall not be subject to the requirements of this chapter, provided they remain less than the current or adjusted regular route fare applicable to the route.

§ 16:53D-1.2
Requirements

(a) No change.

16:53D-1.3 Exemptions

No change.

ITEM 1410-05: INSULIN DEPENDENCE 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 regulations concerning recently enacted legislation that permits a holder of a driver license or nondriver identification card to voluntarily request that a notation be placed on his or her driver license or nondriver identification card indicating that he or she is an insulin dependent diabetic.

PURPOSE

This is a Final Rule of the driver license and nondriver identification card regulations regarding insulin dependence.

ACTION

Approval of this item will authorize the Chairman to file the Final Rule with the Office of Administrative Law (OAL), 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 recently enacted legislation that permits a holder of a driver license or nondriver identification card to voluntarily request that a notation be placed on his or her driver license or nondriver identification card indicating that he or she is an insulin dependent diabetic;

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

TRANSPORTATION

EXHIBIT A

MOTOR VEHICLE COMMISSION

Person with diabetes permitted to voluntarily make notation on license and identification cards.

Adopted New Rules: N.J.A.C. 13:21-8.23, N.J.A.C. 13:21-16.4.

Proposed: June 2, 2014 at 46 N.J.R. 1329(a)

Adopted: _____, 2014 by the Motor Vehicle Commission, Raymond P.

Martinez, Chairman

Filed: _____, as R. 2014 d. ___ **without change.**

Authority: N.J.S.A. 39:3-10.8a

Effective Date: _____, 2014

Expiration Date: December 4, 2020

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

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



New Jersey Motor Vehicle Commission

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

STATE OF NEW JERSEY

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Raymond P. Martinez
Chairman and Chief Administrator

To: Raymond P. Martinez, Chairman
CC: MVC Board Members
From: Donald Dinsmore, Legislative Liaison
Date: October 14, 2014
Re: Legislative Report

This Legislative Report provides a summary of legislative activity since the June 2014 Motor Vehicle Commission (MVC) Board meeting. The report also describes any new developments on enacted legislation for which the MVC has implementation responsibilities.

Signed by the Governor:

A-1676Aca (Johnson D37/Bramnick R21/Webber R26/Munoz R21/ Bucco R25/Garcia D33/Casagrande R11)

S-1524Scs (Weinberg D37/Kean R21/Gordon D38)

Provides that crime victims do not have to pay fees to obtain records relating to the crime and that requests for such records are not public information.

This new law would prohibit a crime victim from being charged any fee that otherwise would be charged to obtain a government record relating to that person's victimization, and would specify that any request by a victim is not considered a public record. The Driver Privacy Protection Act (N.J.S.A. 39:2-3.3 et. seq.) exempts documents from public access unless certain procedures are followed, therefore any request posed to MVC for personal information is shielded by section 9 of the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

Effective Date: This legislation was signed on July 31, 2014, and shall take effect on the first day of the fourth month following enactment, November 1, 2014.

Chapter Law: P.L.2014, c.19

MVC Impact: Due to the fact that MVC is shielded from disclosure, there should be minimal impact. MVC staff involved with record requests will be advised by the Office of Regulatory and Legislative Affairs not to produce those documents, consistent with Section 9 of the Open Public Records Act.

S-846/S-504Scs (Norcross D5/Holzapfel R10)

A-2725/A-1185Acs (Mukherji D33/Wolfe R10/McGluckin R10/Mainor D31)

Enhances penalty for leaving the scene of boating accident.

This new law for the first time makes boating standards the same as automobile standards for leaving the scene of an accident. Current motor vehicle law makes it a second degree crime to leave the scene of an accident that result in the death of a passenger, and a third degree crime when the accident results in serious bodily injury. A second degree crime is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both. A third degree crime is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

The new law also enhances the penalties for failure of an operator to assist persons affected by an accident. The penalties for a first offense are a fine of not less than \$200 or more than \$400, imprisonment for a period of not more than 30 days, or both. For a subsequent offense, the new law imposes a fine of not less than \$400 or more than \$600, imprisonment for a period of not less than 30 days or more than 90 days, or both.

MVC saw no significant impact and recommended deferral to the Department of Law and Public Safety.

Effective Date: This legislation was signed on July 3, 2014, and took effect immediately.

Chapter Law: P.L.2014, c.17

MVC Impact: There will be no impact on the Commission.

Bills Sent to Governor's Desk:

N/A

Bills Near the Governor's Desk

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

A-3395Aca (Wisniewski D19)

S-2294Sca (Sacco D32)

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

This bill creates a process that allows insurers and salvage companies to obtain certificates of ownership or salvage certificates of title for motor vehicles in situations where the insurers are unable to obtain the certificate of ownership or the certificate of ownership is not properly assigned to the insurer. The Commission has concerns regarding this legislation and would like to seek amendment. Governor's Counsels Office is reviewing MVC's position. The bill allows titling of vehicles that are owned by a different owner out of state, allows for breaks in the chain of title, and a process that disregards the

MVC's current procedures for establishing if a vehicle has been abandoned on private property. The Commission would like to see this bill amended to address its concerns. The Commission is collaborating with the Department of Banking and Insurance, the Office of the Attorney General and Governor's Counsels Office to finalize the Amendments.

- *06/23/14: A-3395 passed the full Assembly (77-0).*
- *09/15/14: S-2294/S-3395 reported from Senate Committee, 2nd Reading.*

MVC Position: Express Concerns and Seek Amendment

S-826Sca (Beach D6)

A-387Sca (Tucker D28)

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

This legislation requires every male United States citizen or immigrant under age 26 who applies for a special learner's permit, an examination permit, a probationary driver's license, a basic driver's license, or a nondriver identification card, or for renewal of a license or identification card, to consent to his registration for the draft in compliance with the requirements of the "Military Selective Service Act." The bill requires the MVC to forward the personal information required for draft registration to the Selective Service System. Submission of an application to the MVC would serve as an indication that the applicant has already registered with the Selective Service or that he is authorizing the Chief Administrator to forward to the Selective Service the necessary information for registration. The Chief Administrator is required to print a statement on the application for a permit, driver's license, or nondriver identification card stating that the applicant is consenting to Selective Service registration if required by Federal law or, if under age 18, registration upon attaining age 18.

The bill has been amended to adopt suggestions from the MVC. These amendments remove the requirement that an electronic format be used by the MVC to forward the personal information of certain applicants to the Selective Service System. The amendments also change references to "provisional" driver's license to "probationary" driver's license. In addition, the amendments also change the effective date from the first day of the 7th month after enactment to the first day of the twelfth month after enactment.

- *03/20/14: A-387 passed the full Assembly (77-0).*
- *03/24/14: S-826/A-387 reported from Senate Committee with Amendments, 2nd Reading.*
- *04/28/14: S-826/A-387 was referred to Senate Budget and Appropriations Committee.*

MVC Position: No objection as amended.

Implementation Update:

Indication of veteran status on driver's licenses and identification cards issued by MVC- (P.L. 2013, c. 165): Implementation meetings are ongoing. It is anticipated that this initiative will be rolled out by 3/1/15.

Person with diabetes to voluntarily make notation on driver license- (P.L. 2013, c.139): This project was fully implemented on 9/1/14.

Creation of a special Omega Psi Phi license plate – (P.L.2013, c.273): Implementation meetings are ongoing. A Memorandum of Understanding has been presented to Executive Staff for approval. Electronic plate samples have been created and approved by Omega Psi Phi. IT/OIT have provided a time-line to update our comp system to allow for future transactions, and Financial Management is addressing the establishment of Oracle accounts for the new plate transactions.

Increases fine and imposes license suspension for talking or texting on hand-held device while driving – (P.L.2013, c.70): The Implementation team is meeting to review the business and technical requirements for this bill.