

contracted providers and/or hospitals would receive from [Medicaid] **Medicaid/NJ FamilyCare** for the emergency services and/or any related hospitalization as if the beneficiary were enrolled in FFS Medicaid.

SUBCHAPTER 10. MEDICAL INFORMATION AND QUALITY ASSURANCE

10:74-10.2 Quality assurance

(a)-(b) (No change.)

(c) The contractor shall submit to the Division for approval a detailed plan for establishing and maintaining an internal quality assurance system to assure that acceptable professional practice shall be followed by the organization and its subcontractors. This shall include a proposed system for continuing performance review and health care evaluation, that is, explanation of the methods [which] **that** the contractor proposes to follow in guaranteeing that the services provided each enrollee shall meet criteria established by appropriate Federal and State statutes and regulations. (See 42 [C.F.R.] CFR Part 438.)

1. The contractor shall include in the written agreement with the subcontractor, the requirement that a subcontractor be prohibited from further subcontracting any of the obligations that they agreed to meet.

(d)-(e) (No change.)

SUBCHAPTER 11. GRIEVANCE PROCEDURE

10:74-11.2 [Medicaid] **Medicaid/NJ FamilyCare** fair hearing

(a)-(c) (No change.)

SUBCHAPTER 12. REIMBURSEMENT

10:74-12.1 Contractor compensation

(a) Compensation to the contractor for MCO enrollees shall consist of monthly capitation payments for each enrollee. These payments shall be for a defined scope of services to be furnished to a defined number of enrollees, for providing the services contained in the Benefits Package as described in N.J.A.C. 10:74-3. Such payments shall be actuarially sound and in accordance with 42 CFR 438.6, incorporated herein by reference, as amended and supplemented. In addition, supplemental fee-for-service payments may be made to the contractor for certain services, which shall be specified by contract in a manner determined by the Division of Medical Assistance and Health Services. In addition, certain high-cost, low-utilized drugs and blood products costs as specified by contract will be reimbursed to the MCO at the lesser of their cost or the current [Medicaid] **Medicaid/NJ FamilyCare** fee-for-service payment amount.

(b)-(c) (No change.)

SUBCHAPTER 13. GENERAL REPORTING REQUIREMENTS

10:74-13.1 Reporting requirements

(a) (No change.)

(b) The contractor shall submit to the Division at least annually, information specified by the Division on [non-Medicaid] **non-Medicaid/NJ FamilyCare** enrollees for purposes of comparative analyses of service use and cost patterns.

(c)-(h) (No change.)

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Enforcement Service

Diesel Vehicle Inspection

Proposed Amendments: N.J.A.C. 13:20-7.3, 46.1, 46.2, 46.3, and 46.6

Authorized By: Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Authority: N.J.S.A. 39:2-3, 39:2A-28, and 39:8-40.

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

Proposal Number: PRN 2019-039.

Submit comments by May 31, 2019, to:

Kate Tasch, APO
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, NJ 08666-0162
e-mail: rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

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

The Motor Vehicle Commission (“MVC” or “Commission”) proposes amendments to the diesel vehicle inspection rules. The proposed amendments would include diesel vehicles weighing over 8,500 pounds, commonly referred to as medium-duty diesel vehicles, in the MVC’s roadside inspection program.

N.J.A.C. 13:20-7.3, Inspection facilities, is proposed for amendment to include diesel powered vehicles in the categories of vehicles inspected at State specialty inspection facilities, to be inspected when the diesel vehicles over 8,500 pounds have failed a roadside inspection for tampering.

N.J.A.C. 13:20-46.1, Definitions, is proposed for amendment to include a definition of “diesel powered motor vehicles,” which includes vehicles over 8,500 pounds that are designed or used for construction or farming purposes. Also included is a definition of “State specialty inspection facility.”

N.J.A.C. 13:20-46.2, Diesel emission inspection requirements; exempt vehicles, is proposed for amendment to include diesel powered motor vehicles.

N.J.A.C. 13:20-46.3, Roadside inspections; scope; inspection procedures, is proposed for amendment to include diesel powered motor vehicles in the roadside emissions inspection program.

N.J.A.C. 13:20-46.6, Civil penalty; schedule, reduction of penalty, is proposed for amendment to add diesel powered vehicles to heavy-duty diesel trucks and diesel buses, subjecting them to penalty if operated in violation of N.J.S.A. 39:8-62. The section prescribes penalties for first and subsequent violations.

Proposed new N.J.A.C. 13:20-46.6(k) is added to subject diesel powered vehicles to a re-inspection at a State specialty inspection facility if any owner or lessee of such a vehicle disconnects, detaches, or deactivates or in any way renders inoperable, any element of the exhaust system. Diesel powered motor vehicles that fail to meet diesel emission standards shall have 45 days to be repaired in order to legally operate in New Jersey.

Social Impact

The proposed amendments are anticipated to have a positive social impact. Including additional diesel powered vehicles in the MVC’s roadside inspection program should give the motoring public reassurance that diesel vehicles emitting smoke are being inspected.

Economic Impact

The economic impact on the Commission will consist of costs of the inspectors' time to inspect a new category of vehicles. Impact to the regulated category will be in the form of any penalties that they will be subject to, if violations are found, as well as the cost of the repairs themselves.

Federal Standards

There are no Federal standards applicable to the proposed amendments, so no Federal standards analysis is required.

Jobs Impact

It is not anticipated that the proposed amendments will result in an increase or decrease in jobs.

Agriculture Industry

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

Regulatory Flexibility Analysis

The proposed amendments will not create additional reporting or recordkeeping requirements on businesses, some of which may be small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments will impose compliance requirements as discussed in the Summary above. The MVC has offered no different or lesser standards for small businesses as the rules impose a safety standard.

Housing Affordability Impact Analysis

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 diesel powered vehicle inspections.

Smart Growth Development Impact Analysis

It is not anticipated that the proposed amendments will have an impact on smart growth and there is an extreme unlikelihood that they would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because they pertain to diesel powered vehicle inspections.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has determined that the proposed amendments will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

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

SUBCHAPTER 7. VEHICLE INSPECTION

13:20-7.3 Inspection facilities

(a)-(c) (No change.)

(d) State specialty inspection facilities shall perform inspections on motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37, motor vehicles that are operated by disabled persons and that have been modified at the direction of the New Jersey Department of Labor and Workforce Development, Division of Vocational Rehabilitation Services, so that such vehicles are fully controlled by specially designed mechanical devices for the disabled, reconstructed vehicles as defined in N.J.A.C. 13:20-44.2, salvage motor vehicles that are subject to inspection in accordance with N.J.A.C. 13:21-22, passenger vehicle transportation, collector vehicles, any motor vehicle that the Chief Administrator may require to be presented for inspection for auditing purposes, **any diesel powered motor vehicle as defined at N.J.A.C. 13:20-46.1 that has failed roadside inspection for tampering**, and any motor vehicle that has failed inspection at an official inspection facility or a licensed private inspection facility that is presented for re-inspection by the owner or lessee thereof because he or she disputes the inspection failure.

(e) (No change.)

SUBCHAPTER 46. DIESEL EMISSION INSPECTION AND MAINTENANCE PROGRAM

13:20-46.1 Definitions

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

...
“Diesel powered motor vehicle” means a vehicle, whether registered in this State or elsewhere, that is self-propelled by a compression type of internal combustion engine using diesel fuel and that (1) is designed or used for transporting persons or property on any public road, street, or highway or any public or quasi-public property in this State; (2) is greater than 8,500 pounds gross vehicle weight; (3) is not a diesel bus or heavy duty diesel truck; and (4) is not a heavy duty diesel truck or other diesel powered motor vehicle owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization for first aid, emergency, ambulance, rescue, or fire-fighting purposes. Diesel powered motor vehicle shall also mean a vehicle that is designed or used for construction or farming purposes and is greater than 8,500 pounds gross vehicle weight, except that the Motor Vehicle Commission, in consultation with the Department of Environmental Protection, may exempt from the requirements of this definition diesel powered motor vehicles that are registered as construction vehicles under Titles 39 and 41 of the Revised Statutes or that are greater than 8,500 pounds gross vehicle weight and are designed or used for construction or farming purposes.

...
“State specialty inspection facility” means a test-only inspection facility that is operated by the Motor Vehicle Commission to inspect and re-inspect certain motor vehicles as defined at N.J.A.C. 13:20-7.3(d).

13:20-46.2 Diesel emission inspection requirements; exempt vehicles

(a) Except as otherwise provided in P.L. 1995, [c.157] c. 157 and in (b) below, heavy-duty diesel trucks, **diesel powered motor vehicles**, and diesel buses (as defined in this subchapter) [which] **that** are operated in New Jersey shall be subject to roadside diesel emission inspections in accordance with P.L. 1995, [c.157] c. 157, this subchapter, and the applicable diesel emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14.

(b) (No change.)

13:20-46.3 Roadside inspections; scope; inspection procedures

(a)-(c) (No change.)

(d) The Commission shall conduct a roadside diesel emission inspection on those heavy-duty diesel trucks **and diesel powered motor vehicles** directed to the inspection area by the New Jersey State Police or other proper authority. Heavy-duty diesel trucks that are found to be in proper operating condition at a roadside diesel emission inspection shall retain the existing diesel emission inspection certificate of approval or new heavy-duty diesel truck inspection decal issued therefor, if any. If a heavy-duty diesel truck passes a roadside diesel emission inspection and such truck is due for inspection at a diesel emission inspection center pursuant to N.J.S.A. 39:8-60 et seq., within the two-month period following the calendar month of the roadside diesel emission inspection approval, such heavy-duty diesel truck may be issued a diesel emission inspection certificate of approval for the inspection cycle applicable to such truck.

(e) (No change.)

(f) The owner or lessee of a heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus registered in this State [which] **that** is subject to roadside diesel emission inspection pursuant to P.L. 1995, [c.157] c. 157, which fails to meet diesel emission inspection standards set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14, shall have the vehicle repaired, adjusted, or corrected within 45 days in order to legally operate it in New Jersey.

(g) (No change.)

13:20-46.6 Civil penalty schedule; reduction of penalty

(a) The owner and the lessee, if any, of a heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus operated in violation of N.J.S.A. 39:8-62 shall be jointly and severally liable for a civil penalty. For a first violation, the owner or lessee shall pay a civil penalty of \$700.00, except as otherwise provided in this section. For a second or subsequent violation, the owner or lessee shall pay a civil penalty of \$1,300, except as otherwise provided in this section.

(b) A second or subsequent violation is one [which] **that** occurs within one year of the occurrence of a previous violation of N.J.S.A. 39:8-62 committed with respect to the same heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus. This [one year] **one-year** period shall be determined without regard to the date of the hearing that adjudicated the violation and without regard to the identity of the defendant against whom it was adjudicated.

(c) The complaint and summons alleging a violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus shall state whether the charges pertain to a first violation or to a second or subsequent violation, but if the complaint and summons fail to allege a second or subsequent violation, the civil penalty imposed shall be that for a first violation.

(d) The penalty for a first violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus may be reduced to \$150.00 and the penalty for a second or subsequent violation may be reduced to \$500.00 if the defendant provides a certification of the smoke opacity-related repairs **or other non-tampering emission-related repairs** to the vehicle that is satisfactory to the court and in compliance with emission standards. The certification of compliance and repairs shall consist of the following:

1.-3. (No change.)

(e) (No change.)

(f) A defendant who is charged with a violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus and who is permitted to waive appearance and plead guilty by mail shall also be permitted to submit the certification of emission-related repairs and compliance with emission standards by mail. If the court deems the certification to be inadequate, it shall afford the defendant the option to withdraw the guilty plea.

(g) (No change.)

(h) The operator of a heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus [as herein defined] who fails to comply with any direction given by an enforcement officer or who refuses to submit or resists submitting a vehicle under the operator's control for roadside inspection, or who fails to comply with any other obligation imposed upon that person as part of the roadside diesel emission inspection program shall be jointly and severally liable with the owner and the lessee, if any, of the vehicle for a civil penalty of \$500.00; provided, however, that the New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(i) The owner and the lessee, if any, of a heavy-duty diesel truck or diesel bus subject to periodic inspection who fails to submit such vehicle for periodic inspection or who fails to effect repairs on a vehicle that has failed periodic inspection shall be liable for a civil penalty of \$500.00. The New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(j) The owner and the lessee, if any, of a heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus who disconnects, detaches, deactivates, or in any way renders inoperable or less effective an element of design or the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, except temporarily for the purpose of diagnosis, repair, replacement, or maintenance, shall be liable for a civil penalty of \$500.00. The New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(k) The owner and the lessee, if any, of a diesel powered motor vehicle who disconnects, detaches, deactivates, or in any way renders inoperable or less effective, an element of design or exhaust system, including the emission control apparatus and exhaust aftertreatment apparatus, except temporarily for the purpose of diagnosis, repair, replacement, or maintenance shall be subject to re-inspection at a State specialty inspection facility. The Chief Administrator may suspend the registration privileges of an owner or lessee for failure to re-inspect the failed vehicle within 45 days of the occurrence of the violation.

(a)

MOTOR VEHICLE COMMISSION LICENSING SERVICE

License and Registration Renewals, Duplicates, Interim Driver Licenses and Non-Driver Identification Cards and Restorations

**Proposed Amendments: N.J.A.C. 13:21-9.5, 9.6, 9.7,
9.9, 9.10, 9.11, 9.12, and 9.14**

Proposed New Rules: N.J.A.C. 13:21-9.7 and 9.8

Authorized By: Motor Vehicle Commission, B. Sue Fulton, Chair.

Authority: N.J.S.A. 39:2-3, 39:2-3.8, 39:2A-28, 39:3-4, and 39:3-31.

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

Proposal Number: PRN 2019-040.

Submit written comments by May 31, 2019, to:

Kate Tasch, APO
Regulatory and Legislative Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, New Jersey 08666-0162
Or via e-mail to rulecomments@mvc.nj.gov.

The agency proposal follows:

Summary

The Motor Vehicle Commission (Commission) proposes the following amendments and new rules at N.J.A.C. 13:21-9, expanding the options for customers to transact business with the Commission without the need to travel to an agency location to do so. Specifically, new rules are proposed to clarify rules regarding registration duplicates and renewals, which are already offered online, and to expand the online options to include driver license and non-driver identification card duplicates and renewals. Interim documents, which are defined in the proposed amendments, will be made available to applicants for use during the period between their application for new licenses, non-driver identification cards, or registration certificates, and their receipt thereof. The proposed amendments and new rules will provide additional convenience to New Jersey residents by offering these new credentials online, which in turn, is expected to aid in the reduction of in-agency transactions and proportionally reduce foot traffic in the agency offices.

N.J.S.A. 39:2-3.8 expressly authorizes the Commission to permit the submission of documents and information in electronic and digital form and to permit transactions between the Commission and its customers to be submitted through the Internet, notwithstanding any statutory, regulatory, or other requirement that applications be signed, certified, verified, or witnessed, or which otherwise explicitly or implicitly requires the preparation or submission of such documents on paper or in written form. N.J.S.A. 39:2-3.8 expressly provides that the Chief Administrator cannot mandate the use of either a digital or electronic submission by individuals, and the Commission is not eliminating paper submissions; rather, it wishes to provide customers with a broader range of options and greater convenience. The existing online registration renewal and duplicate processes are clarified in the proposed amendments and new rules, and online options are expanded to include obtaining duplicates of