

COMMENT: Michael A. Vrancik, Director Governmental Relations, New Jersey School Boards Association stated that the proposed regulation does not provide any source of funds to meet the needs of the mandate. The commenter estimated that it may cost up to an additional \$20,000 per bus for the required Type 2 lap and shoulder belts. In addition to the direct increase in manufacturing costs, mandatory installation of lap and shoulder belts on all school buses is likely to reduce seating capacity on the vehicles. Consequently, school districts may have to purchase additional vehicles and hire more drivers to serve the same number of students. The commenter asks the MVC to identify a funding source to meet the costs of the requirement.

RESPONSE: The rule is promulgated in accordance with the statute enacted in 2018 (P.L. 2018, c. 118). According to the Legislative Fiscal Estimate, the marginal increase in cost to purchase a new school bus with lap and shoulder belts is approximately \$5,000 per school bus. Further, the Legislature considered the reduced seating capacity and the need for additional school buses and drivers and fuel costs in passing the legislation. The reduced seating capacity will depend on the configuration chosen by the school district and the selected route and the amount of congestion for those routes. Additionally, not all school buses will be purchased exclusively by school districts. Some buses will be purchased by private companies that supply school buses on a service contract basis.

**Federal Standards Statement**

The Federal standards for lap seat belts (known as Type 1) are governed by the same Federal regulations for the new shoulder and lap belts (known as Type 2), namely 49 CFR 571.208 (occupant crash protection), 571.209 (seat belt assemblies), 571.210 (seat belt assembly anchorages), and 571.222 (school bus passenger seating and crash protection), which are incorporated into the rules by reference. These amendments are being adopted pursuant to the enactment of P.L. 2018, c. 118, which imposed the installation of Type 2 seatbelts or other child restraint systems that are in conformity with applicable Federal standards in all school buses manufactured after February 21, 2019.

The legislation imposes a stricter standard than the corresponding Federal regulations, which require Type 2 shoulder and lap belts for school buses weighing less than 10,000 pounds. The legislation imposes the requirement for Type 2 belts to all school buses regardless of weight due to safety concerns for students expressed in the statute.

The State standard exceeds the Federal regulation because of the enactment of N.J.S.A. 39:3B-10, as well as the public policy goal of providing for the safety of children while being transported in a school bus. In the passage of the bill, the Legislature performed a financial analysis that determined that there would be an increase in cost in the manufacture of new school buses, but that the increased cost is abated by the lower costs resulting from a decrease in treating injuries.

**Full text** of the adoption follows:

SUBCHAPTER 50B. BODY STANDARDS FOR SCHOOL BUSES

13:20-50B.32 Seat belts for driver and passengers

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

(c) Every school bus as defined in N.J.S.A. 39:1-1 with a manufacturer date of October 1, 1992 through February 20, 2019, shall be equipped with either passenger Type 1 lap safety belts or Type 2 lap and shoulder safety belts, as defined in FMVSS (Federal Motor Vehicle Safety Standards) No. 209 (49 CFR 571.209) for each seat position. All school buses as defined in N.J.S.A. 39:1-1 manufactured on or after February 21, 2019, shall be equipped with a Type 2 lap and shoulder safety belt or other child restraint system that is in conformity with applicable Federal standards for each seat position. All seat belts and installation shall conform to FMVSS Nos. 208, 209, 210, and 222 (49 CFR 571.208, 571.209, 571.210, and 571.222), incorporated herein by reference, as amended and supplemented. If safety belt floor installation is used, attachment hardware shall be designed to prevent attaching bolts and other parts from becoming inadvertently disengaged from the floor of the school bus.

(d) (No change.)

(a)

**MOTOR VEHICLE COMMISSION**

**Licensing Service**

**Title to Vehicles Abandoned on Private Property**

**Adopted New Rules: N.J.A.C. 13:21-11**

Proposed: February 4, 2019, at 51 N.J.R. 162(a).

Adopted: July 3, 2019, by the Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Filed: July 5, 2019, as R.2019 d.081, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 39:2A-21, 39:2A-28, 39:4-56.6, and 39:10-4.

Effective Date: August 5, 2019.

Expiration Date: December 4, 2020.

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

The written comments received by the Motor Vehicle Commission (MVC) regarding its February 4, 2019, notice of proposal are available for inspection at the Office of the Chief Administrator, Motor Vehicle Commission, 225 East State Street, 9th Floor, Trenton, New Jersey. The following individuals submitted timely written comments to the Commission regarding that notice of proposal:

1. John H. Glass, President, Garden State Towing Association, Inc.
2. Michael Sassano, Jr., Recovery Solutions and Title, L.L.C.

The submitted comments are summarized below and followed by the Commission's response thereto. The numbers in parentheses after each comment correspond to the commenter numbers above to indicate the source of the comment.

1. COMMENT: The commenters recommended that in the application for certificate of title, N.J.A.C. 13:21-11.6(a)1i, the applicant be permitted to conduct a lien search with the National Motor Vehicle Title Information System (NMVTIS) prior to searching for the record in the neighboring five states specified in the regulation. If the record is found in the NMVTIS search, it could save the cost of conducting a search in the five states. (1 and 2)

RESPONSE: Because the intention of the regulation is to locate the record of ownership, the Commission will change the rule on adoption to permit a lien search first to be conducted with NMVTIS. If no record is found, the applicant will then be required to conduct the lien search in the five neighboring states.

2. COMMENT: The commenters recommended that the Abandoned Vehicle Notice be reduced from 90 days to 60 days, stating that 60 days is sufficient to respond to the notice. The commenters point out that the time for abandoned vehicle provisions for vehicles on public property is 15 days if applying for a junk title and 20 days for standard titles. (1 and 2)

RESPONSE: The Commission does not have the authority to impose time frames outside of those required by statute and, therefore, declines to include the provision requested. Under N.J.S.A. 39:4-56.6, Abandonment of vehicle on private property; removal by owner of property; costs; sale of vehicle, a vehicle is not considered abandoned until the vehicle remains unclaimed for 90 days.

3. COMMENT: The commenters requested separate procedures for junk vehicles. Additionally, the commenters requested an expedited process with a 30- to 45-day notice period. (1 and 2)

RESPONSE: As mentioned in the Response to Comment 2, N.J.S.A. 39:4-56.6 requires a 90-day notice period. Therefore, the Commission declines to provide any additional procedures at this time.

4. COMMENT: A commenter raised a concern about the statute pertaining to abandoned vehicles at a public agency, N.J.S.A. 39:10A-1 through 7. The commenter would like towing companies to be allowed to perform the function of a municipality or public agency in bringing an abandoned vehicle on public property to auction. (2)

RESPONSE: The Commission does not have the authority to change the statute on abandoned vehicles at a public agency. The commenter is seeking for the Commission to issue a directive allowing a towing company to act as a public agency.

### Federal Standards Statement

The adopted new rules have no comparable Federal standard that can be applied; therefore, a Federal standards analysis is not required for this rulemaking.

**Full text of the adoption follows (additions to proposal indicated in boldface with asterisks \*thus\*):**

## SUBCHAPTER 11. VEHICLES ABANDONED ON PRIVATE PROPERTY

### 13:21-11.1 Purpose and scope

This subchapter sets forth the procedure an applicant must follow to dispose of a vehicle abandoned on private property, pursuant to N.J.S.A. 39:4-56.6. This subchapter shall not apply to manufactured or mobile homes left unattended and for which there exists or existed a rental agreement to occupy a space on the property.

### 13:21-11.2 Definitions

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

“Abandoned vehicle” means a motor vehicle that has been left unattended on the private property of another without the consent of the owner or other person in control or possession of the property or for a period in excess of that for which consent was given, except in the case of emergency or disablement of the vehicle.

“Applicant” means the property owner or person in control or possession of the property where the vehicle was abandoned, or in a case where the interest in such a vehicle has been properly released, pursuant to the requirements in this subchapter, to the towing company dispatched by the property owner or person in control or possession of the property to remove the abandoned vehicle.

“Commission” means the New Jersey Motor Vehicle Commission.

“Person” means a natural person, or association, corporation, partnership, sole proprietorship, trust, non-profit or not-for-profit legally registered to conduct business in New Jersey, or any other legal entity.

### 13:21-11.3 Application forms

The applicant must contact the Commission to obtain the required forms and procedures that must be followed to allow the vehicle’s title to be transferred after public auction. Forms may be obtained by contacting the Special Title—Foreign Title Department, New Jersey Motor Vehicle Commission, PO Box 017, Trenton, New Jersey 08666.

### 13:21-11.4 Power of attorney

If another person is completing any of the forms prescribed in this subchapter on behalf of the applicant, the applicant or attorney-in-fact must submit a properly executed and notarized original or certified copy of a power of attorney to the Commission at the address provided by the Commission. The power of attorney must list the abandoned vehicle’s make, model, and vehicle identification number.

### 13:21-11.5 Transfer of interest in abandoned vehicle

(a) The property owner or other person in control or possession of the property may release his or her interest in a vehicle abandoned on his or her property to the towing facility dispatched to remove the vehicle or the storage facility where the vehicle is being stored after being removed from the property.

(b) If an applicant releases his or her interest in a vehicle abandoned on his or her property to the towing facility dispatched to remove the vehicle or the storage facility where the vehicle is being stored after being removed from the property, the applicant must complete and execute an Authority to Transfer Interest, which form must be submitted to the Commission with all other required documents pursuant to this subchapter.

### 13:21-11.6 Application for Certificate of Title

(a) Prior to conducting an auction for the sale of the abandoned vehicle, the applicant must first obtain an Application for Certificate of Title from the Commission. In order to obtain an Application for Certificate of Title from the Commission, the applicant must submit the following to the Commission:

1. Proof of ownership and lienholder information. A lien search request must be obtained from the Commission and returned to the Commission properly executed and accompanied by the appropriate fee for the lien search;

i. If there is no record of ownership of the abandoned vehicle in New Jersey, **\*the applicant may perform a lien search with the National Motor Vehicle Title Information System (NMVTIS). If no record is found or the applicant cannot or does not choose to search NMVTIS,\*** the applicant must perform a lien search in each of the following states and return the lien search results to the Commission: New York, Delaware, Pennsylvania, Connecticut, and Maryland.

ii. The Commission may also require an applicant to perform a lien search in any state where the abandoned vehicle is titled, registered, or primarily operated in, and submit the lien search results to the Commission;

2. A detailed, notarized affidavit stating the following:

i. How the abandoned vehicle came into the applicant’s possession;

ii. The address where the vehicle was abandoned;

iii. How long the abandoned vehicle has been in the applicant’s possession;

iv. The abandoned vehicle’s year, make, and vehicle identification number;

v. The applicant’s name, address, and daytime telephone number; and

vi. The steps taken by the applicant to locate the abandoned vehicle’s owner;

3. A copy of the completed Abandoned Vehicle 90-Day Notice and the original proof of mailing. The Abandoned Vehicle 90-Day Notice must be sent by certified mail, return receipt requested, to the owner(s) and any lienholders reported on any lien searches required pursuant to this subchapter. If the certified mail is undeliverable or unclaimed, the notice must be sent by regular mail. If the Abandoned Vehicle on Private Property-90 Day Notice is returned to the applicant, the original unopened, undelivered envelope showing the U.S. Postal Service notation indicating the reason(s) for non-delivery must be submitted to the Commission;

4. A pencil tracing or a photograph of the abandoned vehicle’s vehicle identification number; and

5. One photograph each of the front, back, passenger, and driver’s side of the abandoned vehicle.

### 13:21-11.7 Public auction of abandoned vehicle

(a) Upon receipt from the Commission of the Application for Certificate of Title, the applicant may sell the abandoned vehicle at public auction, pursuant to the requirements of this section.

1. The applicant must publish a notice in a newspaper of general circulation in the municipality where the vehicle was abandoned for two weeks, at least once each week, prior to the vehicle being sold at public auction. The second publication must appear not less than five business days prior to the date of the public auction. The publication must state that the applicant has applied to the Chief Administrator of the Commission for authority to sell the vehicle at public auction and if anyone desires to be heard in opposition, he or she may do so by contacting the Chief Administrator prior to the date of the public auction. The publication must also include the year, make, and model of the vehicle and a full and correct vehicle identification number or, if applicable, hull identification number.

i. For an abandoned vehicle on private property, the five-day notice must be posted at the location where the vehicle was left abandoned, not less than five days prior to the date of the public auction.

### 13:21-11.8 Submission of completed Application for Certificate of Title

(a) To obtain title to the abandoned vehicle in the purchaser’s name following public auction, the applicant must submit the following to the Commission:

1. The original or certified copy of the notarized affidavit of newspaper publication for the two publications required by this subchapter;

2. A copy of the abandoned vehicle on private property five-day notice required by this subchapter;

3. A notarized affidavit of public auction identifying all persons who attended the public auction, including an accounting of the auction proceeds and costs incurred. If no persons attended the public auction or

no bids were received, the applicant must state that a public auction was held but that no bids were received and/or no persons attended. The applicant must also describe any liens placed on the vehicle as a result of the sale of the vehicle at the public auction. If the applicant is a business, the affidavit must be on the business's letterhead;

4. A completed Application for Certificate of Ownership for a vehicle abandoned on private property, with the applicable title fee and sales tax due; and

5. A copy of the purchaser's driver's license or, if the purchaser is not an individual, the entity's corporation code (entity identification number assigned by the Commission).

(b) If the documents submitted are not satisfactory to the Chief Administrator, the Chief Administrator may, in his or her sole discretion, require the applicant to submit additional documents supporting the request for title to the abandoned vehicle.

(c) A \$25.00 fee will be assessed if the completed Application for Certificate of Title to the abandoned vehicle is not submitted to the Commission within 10 days of the date of the public auction.

(d) Upon the Commission's receipt of all required documents set forth in this section, the Chief Administrator will conduct a national search to verify the abandoned vehicle's vehicle identification number. If the national search reveals an ownership interest not previously disclosed, the application for title will be rejected and the Commission will notify the applicant that the process set forth in this subchapter must be repeated, including the public auction.

(e) When the Commission has received all required documents and the Chief Administrator is satisfied that title should be issued to the purchaser at public auction, the Chief Administrator will issue a certificate of title, which will be mailed to the purchaser as indicated on the Application for Certificate of Title. If there is a lien as a result of the sale at public auction, title will be mailed to the lienholder.

(f) If a sale through public auction cannot be accomplished pursuant to this subchapter, the applicant may apply for a title in his or her name or business name, provided the applicant has complied with the requirements of this subchapter.

13:21-11.9 Auction proceeds

(a) The proceeds from the public auction of the abandoned vehicle shall be applied to pay any liens and expenses incurred for storage and sale of the vehicle.

(b) Any remaining proceeds shall be remitted to the owner of the abandoned vehicle identified in the lien search(es) performed pursuant to this subchapter.

(c) If the owner of record cannot be located, the applicant must hold the balance of the proceeds in escrow for 60 days after the public auction of the abandoned vehicle. If the owner of the abandoned vehicle does not claim the balance within 60 days of the date of the public auction, the applicant must remit the balance of the proceeds to the municipality in which the vehicle was abandoned.

**OTHER AGENCIES**

**(a)**

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY**

**Notice of Readoption**

**Section 13.e Delegation of School Facilities Projects**

**Readoption: N.J.A.C. 19:34B**

Authority: N.J.S.A. 18A:7G-13(e) and 52:18A-238k.

Authorized By: Lizette Delgado Polanco, Chief Executive Officer, New Jersey Schools Development Authority.

Effective Date: April 17, 2019.

New Expiration Date: April 17, 2026.

**Take notice** that, in accordance with N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 19:34B were scheduled to expire on May 21, 2019. Chapter 34B establishes the requirements, standards, and procedures for delegation of school facilities projects to SDA districts.

The rules address the administration and performance of grant agreements; provisions regarding noncompliance and default and remedies therefor; termination of delegation grant agreements; determination of school district capacity and eligibility for delegation; requests for reconsideration and appeal of capacity and eligibility determinations; execution of grant agreements and conditions for delegation; conditions for assignment of delegation grant agreements; provisions regarding the grant amount and adjustments of the grant amount; disbursements and closeout procedures; general requirements for district procurements; prohibition of award to debarred and suspended contractors and consultants; district procurement of a construction manager; remediation services as part of construction or demolition contracts; general requirements for timely and efficient performance of the work under a grant agreement; provisions regarding required certifications to document project progress or tax exempt status; avoidance of fraud and corrupt practices; performance evaluations; and provisions regarding disclosure, publicity, and retention of and access to records for delegated projects.

The New Jersey Schools Development Authority is in the process of reviewing the existing rules to determine the extent of needed revisions or amendments and anticipates that a notice of proposal for readoption with amendments will be issued in the near future. However, in the interim, the New Jersey Schools Development Authority has reviewed the rules at N.J.A.C. 19:34B and has determined them to be necessary, reasonable, and responsive to the purposes for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 19:34B is readopted and shall continue in effect for a seven-year period.