

at 52 N.J.R. 1397(a), is available for inspection at the Office of the Chief Administrator, Legal and Regulatory Affairs, Motor Vehicle Commission, 225 East State Street, 9th Floor, Trenton, New Jersey.

The Commission received the following timely written comments regarding the notice of proposal from Jean Public (jeanpublic1@gmail.com).

1. COMMENT: Jean Public opposes increased fees for government services for New Jersey residents, including motor vehicle transactions.

RESPONSE: The Commission acknowledges Jean Public's comment and notes that the notice of proposal establishes specific fees for issuing documents on an emergent basis. These fees are consistent with the actual increased costs to the Motor Vehicle Commission of issuing documents at an agency location on an emergent basis, rather than through the central issuance process. The Commission has determined that the fee increase is justified.

2. COMMENT: Jean Public included general comments regarding taxes, spending, bankruptcy, and deportation.

RESPONSE: The MVC acknowledges Jean Public's comments that do not address this notice of proposal or any related MVC rules and are therefore outside the scope of this rulemaking.

Federal Standards Statement

A Federal standards analysis is not required because the subject matter of the adopted amendment and new rules is authorized under State law and is not subject to Federal requirements or standards.

Full text of the adoption follows:

SUBCHAPTER 9. LICENSE AND REGISTRATION RENEWALS, DUPLICATES, INTERIM DRIVER LICENSES AND NON-DRIVER IDENTIFICATION CARDS, AND RESTORATIONS

13:21-9.5 Definitions

As used in N.J.A.C. 13:21-9.5 through 9.21, the following words and terms shall have the following meanings:

...
 "Central printing" means the process whereby licenses, non-driver identification cards, and/or permits are physically printed and produced from a central location either within or outside New Jersey.
 ...

13:21-9.19 Central printing and central issuance of licenses, non-driver identification cards and permits; interim licenses, non-driver identification card receipts, and interim permits

(a) The Commission may institute the practices of central printing and central issuance of driver licenses, commercial driver licenses, boat operator licenses, motorcycle licenses, non-driver identification cards, examination or special learner permits, or commercial learner permits, as determined by the Chief Administrator. An interim license, non-driver identification card receipt, or interim permit, may be issued by the Commission at such time that an applicant has met all the requirements for the issuance of a driver license, commercial driver license, boat operator license, motorcycle license, non-driver identification card, examination or special learner permit, or commercial learner permit in accordance with N.J.S.A. 39:3-10 et seq., 39:3-10.12 et seq., 39:3-13, and 39:3-29.2 et seq.; and N.J.A.C. 13:21-7, 8, and 23 and 13:82-8.20.

(b) The interim license and interim permit shall permit the applicant to drive while the interim document is in his or her possession and carried along with the most recent driver license issued by the Commission, unless the interim license or interim permit is marked INITIAL or DUPLICATE. The interim license and interim permit shall not be used for identification purposes. The interim license or interim permit shall indicate the class of license granted and any endorsements granted.

(c) The interim license, non-driver identification card receipt, or interim permit, shall be valid for up to 30 days, and shall become invalid when:

1. The driver license, commercial driver license, boat operator license, motorcycle license, non-driver identification card, examination or special learner permit, or commercial learner permit is received in the mail;

2. Operating privileges or rights to a non-driver identification card are suspended, cancelled, or revoked; or

3. The interim license, non-driver identification card receipt, or interim permit expires, if not already invalidated pursuant to (c)1 and 2 above.

13:21-9.20 Issuance of a driver license, commercial driver license, boat operator license, motorcycle license, non-driver identification card, examination or special learner permit, or commercial learner permit on an emergent basis

A driver license, commercial driver license, boat operator license, motorcycle license, non-driver identification card, examination or special learner permit, or commercial learner permit, or the renewal of such listed credential, may be issued to an applicant on an emergent and expedited basis for which the applicant shall submit satisfactory proof of the emergent and immediate need for photo identification, at specified agency locations. An emergent and immediate need, to be determined at the discretion of the chief administrator includes, but is not limited to, need for identification for immediate airline or train travel, identification to enter restricted places, such as a hospital, or identification to complete a home purchase or rental.

13:21-9.21 Fee for driver licenses issued on emergent basis

(a) The fee for the expedited issuance of a license, non-driver identification card, or any renewal thereof on an emergent basis at an agency shall be as follows:

1. Standard Driver License - \$99.00
2. REAL ID Driver License - \$110.00
3. Commercial Driver License - \$117.00 plus the costs of any additional endorsements, if applicable
4. Commercial Learner's Permit - \$200.00
5. Non-Driver Identification Card - \$99.00
6. Motorcycle License-\$99.00
7. Boat Operator License - \$99.00

(a)

MOTOR VEHICLE COMMISSION

Commercial Driver Licensing

Adopted Amendments: N.J.A.C. 13:21-23.1, 23.2, 23.12, 23.24, and 23.28

Proposed: July 20, 2020, at 52 N.J.R. 1399(a).

Adopted: October 15, 2020, by the Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Filed: October 30, 2020, as R.2020 d.125, **without change**.

Authority: N.J.S.A. 39:3-10.27; and 49 U.S.C. §§ 31310(d) and 31311.

Effective Date: December 7, 2020.

Expiration Date: September 9, 2027.

**Summary of Public Comments and Agency Responses:
 No comments were received.**

Federal Standards Statement

The adopted amendments at N.J.A.C. 13:21-23.2 clarify that a person operating in intrastate commerce must meet the physical requirements of 49 CFR Part 391 and must meet the requirements of Federal law, at 49 U.S.C. § 31311, the Commercial Motor Vehicle Safety Act. The adopted amendments meet the requirements of Federal regulations and are limited to clarifying existing requirements; they do not impose any new requirements for the operation of commercial motor vehicles.

The adopted amendments clarifying the requirements for a passenger endorsement at N.J.A.C. 13:21-23.12, also meet the Federal requirements set forth above. In addition, the adopted amendments are limited to clarifying existing requirements and do not impose any new requirements for passenger endorsements. Requirements for passenger endorsements are set forth at both N.J.A.C. 13:21-14.5 and 23.12.

The adopted amendments at N.J.A.C. 13:21-23.24 meet the requirements of Federal regulations relating to the lifetime ban on the

reinstatement of a CDL to a person who is disqualified from holding a CDL for life if that person used a commercial motor vehicle in committing a felony involving an act or practice described in paragraph (9) of section 103 of the Trafficking Victims Protection Act of 2000. The adopted amendments relating to qualifications to operate a CMV and interstate operation are equivalent to the Federal requirements that were adopted by the State at N.J.S.A. 39:5B-32 and N.J.A.C. 13:60-2.1.

The adopted amendments at N.J.A.C. 13:21-23.28(a) clarify New Jersey’s requirement that those operating CMVs in intrastate commerce must meet the physical requirements of 49 CFR 391.41. This is not a new requirement and it meets the Federal requirements as discussed above. The adopted amendments also clarify that the State of New Jersey does not have a medical variance or waiver program for intrastate commerce. Accordingly, those operating in intrastate commerce must comply with the physical requirements at 49 CFR 391.41 and are not eligible for a waiver of those requirements.

Adopted new N.J.A.C. 13:21-23.28(m) also meets the Federal requirements set forth at 49 U.S.C. § 31310 and the recent amendment to the Federal Motor Carrier Safety Regulations at 49 CFR 383.51.

Full text of the adoption follows:

SUBCHAPTER 23. COMMERCIAL DRIVER LICENSING

13:21-23.1 Definitions

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

... “Severe forms of trafficking in persons” means those acts as defined in the Federal law at 22 U.S.C. § 7102(11).

...

13:21-23.2 Driver application procedures; initial; examination permit; transfer from another State; renewal; upgrade; endorsements; form; fee; legal name defined

(a) To obtain a CDL, a person must meet the following requirements: 1.-2. (No change.)

3. If a person operates, or expects to operate, in interstate or intrastate commerce, meet the driver qualification requirements set forth at 49 CFR Part 391 and N.J.A.C. 13:60;

4.-8. (No change.)

(b)-(l) (No change.)

13:21-23.12 Requirements for passenger endorsement

(a) An applicant for the passenger endorsement must satisfy both of the following additional knowledge and skills test requirements, in addition to the requirements specified at N.J.A.C. 13:21-14.5:

1.-2. (No change.)

13:21-23.24 Ineligibility for reduction of lifetime revocation

(a) A person whose CMV driving privilege has been revoked pursuant to section 12(e) or 12(h) of the New Jersey Commercial Driver License Act or the similar law of any other State or jurisdiction because of his or her use of a CMV in the commission of a crime involving the manufacture, distribution, or dispensing of a controlled substance or controlled substance analog, or possession with intent to manufacture, distribute, or dispense a controlled substance or controlled substance analog, shall be ineligible to have his or her CMV driving privilege restored pursuant to N.J.A.C. 13:21-23.23.

(b) A person whose CMV driving privilege has been revoked in this or any other state or jurisdiction because of his or her use of a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons shall be ineligible to have his or her CMV driving privilege restored pursuant to N.J.A.C. 13:21-23.23.

13:21-23.28 Interrelationship between basic driver’s license and CDL relative to suspension of driving privileges; rules of general application; specialized cases under the New Jersey Commercial Driver License Act; requirement for current medical examiner’s certification

(a) No person may operate a CMV while his or her CDL is suspended or revoked in this State. No person may operate a CMV while his or her basic driver license is suspended or revoked in this State. No person properly licensed in another state may operate a CMV in this State while his or her CDL is suspended in that state. No person may operate a CMV if the person is disqualified from holding a CDL pursuant to 49 CFR 383.51. No person may operate a CMV if the person has failed to meet the requirements of this subchapter or N.J.A.C. 13:60. No person may operate a CMV if the person has failed to meet the physical qualifications at 49 CFR 391.41, Physical Qualifications for Drivers. A waiver from the physical qualifications of 49 CFR 391.41, granted by the Federal Motor Carrier Safety Administration for interstate commerce pursuant to 49 U.S.C. § 31315, is limited to interstate commerce only. The Commission shall not issue waivers to persons who do not meet the physical requirements of 49 CFR 391.41.

(b)-(l) (No change.)

(m) Whenever a person uses a CMV in the commission of a felony involving an act or practice of severe forms of trafficking in persons, the person’s commercial driving privileges shall be revoked for life.

(a)

MOTOR VEHICLE COMMISSION

Transportation Network Companies

Readoption of Specially Adopted Amendments with Amendments: N.J.A.C. 13:21-26.1, 26.2, 26.3, and 26.7

Readoption of Specially Adopted New Rules with Amendments: N.J.A.C. 13:21-26.8 and 26.9 and 13:21-26 Appendix

Proposed: July 20, 2020, at 52 N.J.R. 1402(a).

Adopted: October 15, 2020, by the Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Filed: October 30, 2020, as R.2020 d.126, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 39:5H-23 and 39:5H-23.1.

Effective Date: October 30, 2020.

Expiration Date: September 9, 2027.

Summary of Public Comments and Agency Responses:

The written comments received by the Motor Vehicle Commission (Commission) regarding its July 20, 2020 notice of proposal at 52 N.J.R. 1402(a), are available for inspection at the Office of the Chief Administrator, Legal and Regulatory Affairs, Motor Vehicle Commission, 225 East State Street, 9th Floor, Trenton, New Jersey.

The following individuals on behalf of the following organizations submitted timely written comments to the Commission regarding the notice of proposal: Alix Anfang on behalf of Uber Technologies, Inc. (Uber); and Temilola Sobowale, Senior Counsel, Regulatory Compliance on behalf of Lyft, Inc. (Lyft).

1. COMMENT: Uber expressed the sentiment that ridesharing has the potential to improve mobility and safety for people throughout the State, that the hearts of its personnel remain with Samantha Josephson’s family and loved ones, and that it shares the Commission’s commitment to keeping motorists and riders safe.

RESPONSE: The Commission appreciates the comments of Alix Anfang on behalf of Uber, and Uber’s continuing support of policies and rules that honor the memory of Samantha Josephson and ensure the safety of motorists and riders.

2. COMMENT: Uber expresses concern regarding the proposed definition of “credential placard” (placard) to include the requirement that credential placards be on prearranged ride vehicles (vehicles). Uber understood the proposed definition of “credential placard” to include the requirement that credential placards be placed not only on rides originating inside New Jersey, but also rides that terminate in the State but