

Minutes by Commission Secretary John G. Donnelly of actions taken at the Open Session of the meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 9W, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Tuesday, August 4, 2009. This meeting was conducted by telephone conference call.

Present:

Shawn Sheekey, Acting Chief Administrator
Walter Orcutt, Board Member
Stephen S. Scaturro, Vice Chair
John Fuller, Assistant Commissioner, Transportation Designee
Pamela Fischer, Director for Attorney General Anne Milgram
Joseph Donahue, Treasury Designee

Absent: Laurette K. Asante, Board Member

Stephen S. Scaturro convened the Open Session at 10:00 a.m. in accordance with the Open Public Meetings Act.

The Acting Chief Administrator then presented the Acting Chief Administrator Report's with these highlights since the June 30, 2009 meeting:

General Comments –

- Welcome to everyone

Budget

- Since our last meeting, the state and the unions came to an agreement regarding furloughs.
- There will be two mandatory furloughs for all state employees:
 - Day after Thanksgiving and Lincoln's Birthday in February 2010.
- State employees are required to take seven additional Self Directed Furloughs prior to July 1, 2010.
 - This will avoid any state agency closures.

Technology Update

- DARTSS (Driver and Road Test Scoring System)
 - On July 9, we announced the start of the MVC's overhaul of its driver testing system.
 - The new system will bring greater security, complete networked access and a more streamlined and technology-enhanced approach to driver testing.
 - We anticipate wrapping up the overhaul by late spring 2010.

Facilities Update

- Our new modernized Flemington Agency opened to customers on July 29.
- It's adjacent to the Flemington Inspection Station on Route 202.
- It's another great investment in customer service.
- A vast improvement from our very small, outdated facility that we previously leased.
- It's the same design as the agency that opened in Freehold earlier this year.
- I'm sure our Hunterdon County customers will appreciate the convenience and better amenities that this facility provides.
- We will hold a ceremonial ribbon cutting for the site on August 12 at 11:30a.m.

The following Agenda Items were presented for approval:

Minutes: June 30, 2009. 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 30, 2009.

Assistant Commissioner Fuller moved the resolution, Attorney General, Director Fischer seconded it and it was unanimously adopted.

0908-01: Proposed Readoption – ZORF The Motor Vehicle Security and Customer Service Act , P.L. 2003, c.13, as The Motor Vehicle Security and Customer Service Act ("Act"), P.L. 2003, c.13, as the enabling statute that created MVC, at sections 4 and 40 assigns to MVC the duty to implement regulations affecting various programs, including this proposed readoption of regulations concerning Zone of Rate Freedom (Z.O.R.F.). These regulations must be readopted prior to their expiration on September 30, 2009.

This item is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to implement regulations affecting various programs, including this readoption of regulations concerning Zone of Rate Freedom (Z.O.R.F.).

Attorney General, Director Fischer moved the resolution, Assistant Commissioner Fuller seconded it and it was unanimously adopted.

0908-02: Final Regulation – MOTOR VEHICLE INSPECTION RULES. The Motor Vehicle Security and Customer Service Act, P.L. 2003, c.13, as amended by P.L. 2007, c. 335, authorizes the Motor Vehicle Commission Board to promulgate regulations for the proper functioning of the Commission, including this notice of adoption of amendments to the Commission's motor vehicle inspection rules.

Wayne Dirlam of MVC's Legal and Regulatory Affairs explained the adoption amends existing rules pertaining to the enhanced motor vehicle inspection and maintenance program that has been established in accordance with the New Jersey "Federal Clean Air Mandate Compliance Act" and the Federal Clean Air Act Amendments of 1990. The

adoption also amends existing rules relating to New Jersey's diesel emission inspection and maintenance program. Many of the Commission's adopted amendments are intended to incorporate programmatic changes to this State's enhanced motor vehicle inspection and maintenance program resulting from the State Treasurer's awarding of a new contract to the private company that operates the test-only component of the enhanced I/M program. The Commission's notice of adoption of rule amendments complements proposed rulemaking by the Department of Environmental Protection relating to this subject.

The major components of the Commission's adoption include the adoption of a two-speed idle emission test for gasoline-fueled and bi-fueled motor vehicles with model years 1981 through 1995 having a gross vehicle weight rating of 8,500 pounds or less to replace the loaded-mode dynamometer-based emission test for such gasoline-fueled and bi-fueled motor vehicles. The adoption also includes the adoption of a regulatory framework for the implementation of on-board diagnostics inspections for OBD-equipped and OBD-eligible diesel-fueled motor vehicles with model year 1997 and newer having a GVWR of 8,500 pounds or less.

The adoption further provides that certain classes of motor vehicles will be subject to inspection on an annual rather than a biennial basis. Those classes of motor vehicles include gasoline-fueled and bi-fueled motor vehicles that are registered as commercial motor vehicles; diesel-fueled motor vehicles having a GVWR of less than 10,000 pounds that are registered as commercial motor vehicles; buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates; taxicabs; limousines; and jitneys.

The adoption also eliminates the waiver provisions that are set forth in the existing enhanced motor vehicle inspection and maintenance program rules. The waiver program provided that a motor vehicle that was unable to pass a dynamometer-based emission test would be issued a certificate of waiver valid for the 2-year inspection cycle after having \$450.00 in emission-related repairs performed and after passing a basic idle emission inspection. The elimination of the dynamometer-based emission test dispenses with the need for a waiver program.

The adoption under consideration has been reviewed and approved by the Governor's Office. The Commission has also received the concurrence of the Department of Environmental Protection with regard to this adoption. Upon the Board's approval and the approval of the Attorney General, this notice of adoption will be filed with the Office of Administrative Law for publication in the New Jersey Register.

Assistant Commissioner Fuller moved the resolution; Assistant State Treasurer Donahue seconded it and the resolution was unanimously adopted.

Public Comments: No member of the public came forward to address the Board.

Member Comments:

1. Director Fischer asked whether DARTSS upgrades agency systems but not at the schools, and Acting Chief Administrator Shawn Sheekey confirmed that.
2. Director Fischer complemented Rider Education on the conduct of a Motorcycle Safety Education Course, and noted that teen motorcycle riders would be required to take a course under a bill being considered by the State Legislature.

Since there were no further comments or business, a motion to adjourn was made by Attorney General, Director Fischer and seconded by Assistant State Treasurer Donahue and unanimously adopted at 10:20 a.m.