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**RULE PROPOSALS**

**LAW AND PUBLIC SAFETY  
DIVISION OF STATE POLICE**

38 N.J.R. 5317(a)

**Proposed Readoption: N.J.A.C. 13:63**

**Combat Auto Theft Program**

Authorized By: Colonel Joseph R. Fuentes, Superintendent, Division of State Police.

Authority: N.J.S.A. 39:3-85.10.

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

Proposal Number: PRN 2006-420.

Submit comments by February 16, 2007 to:  
Colonel Joseph R. Fuentes, Superintendent  
c/o Auto Unit, Special Investigations Section  
New Jersey State Police, P.O. Box 7068  
West Trenton, New Jersey 08628-0068

The agency proposal follows:

**Summary**

Pursuant to N.J.S.A. 52:14B-5.1c, the Combat Auto Theft Program rules (N.J.A.C. 13:63) expire on April 9, 2007. The Division of State Police has reviewed these rules and determined them to be necessary, reasonable, adequate, efficient, understandable and responsive to the purpose for which they were originally promulgated. The readoption of all four subchapters and Appendices A and B is necessary because they describe the operation of the program, the responsibilities of program participants and of local police departments and the Division of State Police.

N.J.S.A. 39:3-85.5 et seq. (P.L. 1990, c. 98) and the chapter proposed for readoption establish a voluntary registration program to combat motor vehicle thefts. The program allows for the voluntary participation by all registered owners of motor vehicles. There have been numerous participants in the program since its inception.

Subchapter 1 states the purpose of the chapter and contains definitions.

Subchapter 2 describes the responsibilities of program participants and police departments. N.J.A.C. 13:63-2.1 describes the responsibilities of the participant. A participant must appear in person at the local police station and sign an informed consent agreement stating that they do not normally operate their vehicle between the hours of 1:00 A.M. and 5:00 A.M. and authorizing law enforcement officers to stop their vehicle between these hours to determine if the person operating the motor vehicle is the registered owner. To facilitate identification of a participant's vehicle, a decal, designed by the Superintendent of State Police and supplied by the local police departments, is issued to the participant, who must place it on the vehicle as required. N.J.A.C. 13:63-2.2 describes the duties of the chief law enforcement officer who administers the program.

The Chief Law Enforcement Officer of the municipality may charge a fee for the informed consent forms and the decals, provided under this program. The fee shall not exceed the actual cost incurred by the municipality in providing the informed consent forms and decals and in administering the program authorized under these rules.

Subchapter 3 describes the duties of the Superintendent of the Division of State Police to provide for the recording of the registered owners of motor vehicles who participate in this program. The records shall be available to all law enforcement departments, agencies and forces. The Superintendent will cooperate with and assist all law enforcement officers and other agencies in tracing or examining any questionable motor vehicles in order to determine the ownership thereof.

Subchapter 4 contains specifications for the decal.

The required form of the informed consent agreement is set forth in Appendix A. A graphic of the decal is set forth in Appendix B.

No amendments are proposed for this re adoption. The Division believes the current text of the chapter is sufficient for the purposes of administering the Combat Auto Theft Program.

The Division is providing a 60-day comment period for this proposal. Therefore, the proposal is exempt from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The rules proposed for re adoption will continue to deter motor vehicle theft in the State of New Jersey by allowing registered owners of motor vehicles to voluntarily participate in the Combat Auto Theft Program. The program decal aids law enforcement officers in identifying stolen vehicles that are operated between the hours of 1:00 A.M. and 5:00 A.M. Additionally, the conspicuous placement of the decal deters thieves from stealing the vehicles of owners who participate in this program. These rules have had and will have a positive social impact.

### **Economic Impact**

The rules proposed for re adoption will have a negligible economic impact. While the law requires all local police departments to participate in the program, the rules also allow those police departments to charge a fee for providing informed consent forms and the decals. The fee charged shall not exceed the actual cost incurred by the police department. Any cost to police departments, therefore, will be voluntarily incurred. The cost to the participant, if a fee is charged, will be minimal and will only be incurred voluntarily.

### **Federal Standards Statement**

A Federal standards analysis is not required because these rules are not proposed for re adoption under the authority of or in order to implement, comply with or participate in any program established under Federal law or under a State

statute that incorporates or refers to Federal law, Federal standards or Federal requirements.

**Jobs Impact**

The rules proposed for re adoption will not result in the generation or loss of jobs in New Jersey.

**Agriculture Industry Impact**

The rule proposed for re adoption will have no impact on agriculture in the State of New Jersey.

**Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the rules proposed for re adoption do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for re adoption impact the State Police, local law enforcement and the registered owners of motor vehicles and have no significant effect on small businesses.

**Smart Growth Impact**

The rules proposed for re adoption will not have any impact upon the achievement of smart growth or upon the implementation of the State Development and Redevelopment Plan.

**Full text** of the rules proposed for re adoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:63.