

(c) Used motor vehicle dealers shall receive no more than one set of dealer plates upon initial issuance of a used motor vehicle dealer license. Dealers who can show to the satisfaction of the Commission that one set of dealer plates will not be sufficient for their inventory may submit a request for additional plates not to exceed 20 plates on initial issuance, except as provided in (e) below. A dealer's request for additional plates must be submitted in writing and accompanied by documentation of the dealer's business model/plans, cars in inventory, sales numbers from other states of licensure (if applicable), and any other documents that may assist the Commission in determining sufficient need for the dealer's request.

(d) Leasing dealers shall receive no more than one set of leasing dealer plates upon initial issuance of a leasing dealer license. Leasing dealers who can show to the satisfaction of the Commission that one set of leasing dealer plates will not be sufficient for their inventory may submit a request for additional plates not to exceed 20 plates on initial issuance, except as provided in (e) below. A leasing dealer's request for additional plates must be submitted in writing and accompanied by documentation of the leasing dealer's business model/plans, cars in inventory, sales numbers from other states of licensure (if applicable), and any other documents that may assist the Commission in determining sufficient need for the leasing dealer's request.

(e) Used motor vehicle dealers or leasing dealers who can show, to the satisfaction of the Commission, that their current supply of dealer or leasing dealer plates is insufficient may submit a request for additional plates, except that no dealer or leasing dealer may obtain more plates than allowed by this subsection as indicated below:

1. Used motor vehicle dealers or leasing dealers selling and/or leasing four to 30 vehicles registered in New Jersey per license year are eligible for no more than one set of plates;

2. Used motor vehicle dealers or leasing dealers selling and/or leasing 31 to 60 vehicles registered in New Jersey per license year are eligible for no more than two sets of plates; and

3. Used motor vehicle dealers or leasing dealers selling and/or leasing more than 60 vehicles registered in New Jersey per license year are eligible for one additional set of plates for every additional 30 vehicles sold/leased and permanently registered in New Jersey per license year.

(f) A request for additional plates must be submitted in writing and accompanied by documentation of the licensee's retail sales and/or lease numbers.

(g) All dealer and leasing dealer plates shall be accounted for in an electronic or written record, for which the following information is listed for each dealer or leasing dealer plate:

1.-2. (No change.)

3. The location at which the vehicle to which the plate is assigned is garaged (if not on the dealer's or leasing dealer's premises).

(h) (No change in text.)

(i) A licensee who fails upon the demand of the Commission to produce the electronic or written record required pursuant to (g) above shall, upon notice and opportunity to be heard, be subject to suspension or revocation of the dealer's or leasing dealer's license or the privilege of retaining dealer or leasing dealer plates heretofore issued or purchasing additional plates.

Recodify existing (d) and (e) as (j) and (k) (No change in text.)

(l) No dealer or leasing dealer plates shall be affixed to a vehicle other than one titled in the name of the licensee or for which title documents are accompanied by a bill of sale or documents are held by the licensee to whom the plates were issued.

1. Title documents shall include a manufacturer's certificate of origin or a title of which the licensee is the endorsee.

(m) (No change in text.)

(n) A dealer or leasing dealer plate that is damaged to the extent that the plate is no longer readable from a reasonable distance or unable to be affixed to a vehicle in the proper manner may be remade for any licensee upon request to the Commission, and in the sole discretion of the Chief Administrator. A dealer or leasing dealer plate that was lost, stolen, or completely destroyed shall not be remade.

1. The remake shall contain the same alpha-numeric combination as the damaged plate. Requests for remade plates must be made in writing on a form prescribed by the Commission and accompanied with a

replacement plate fee pursuant to N.J.A.C. 13:20-34.5. Remade plates shall not be released to the requesting dealer or leasing dealer until the Commission has received the original damaged plate.

2. Failure to return the damaged plate after requesting a remake may result in forfeiture of any applicable deposit and denial of the request for issuance of the same alpha-numeric combination as the damaged plate.

(o) A licensee not meeting the requirements to obtain or maintain dealer or leasing dealer plates will be notified in writing by the Commission.

1. Upon the Chief Administrator's determination that one or more dealer or leasing dealer plates are to be forfeited, the licensee shall return to the Commission all dealer or leasing dealer plates and any related documentation within 45 days of notification by the Commission. Failure to return the requested plates to the Commission within 45 days of notification may result in the suspension of the registration associated with such plates, forfeiture of any associated deposit(s), and/or suspension of the dealer or leasing dealer license.

13:21-15.13 Investigations

(a) The Chief Administrator may investigate or cause to be investigated, on complaint or on his or her own motion, any allegations of violations of the statutes or rules governing the conduct of licensees.

(b) The Chief Administrator or designee shall have the authority to enter onto the premises of any individual or entity engaged in the business of buying, selling, or dealing in motor vehicles, any licensed motor vehicle dealer, or any licensed leasing dealer, for the purpose of surveying the premises, examining the books and records, and otherwise ascertaining that the business is in compliance with the applicable law.

(c) The Chief Administrator shall have the authority to issue subpoenas, to administer oaths, and to compel the production of documents and/or the appearance of witnesses at hearings in any action concerning the license of a licensee.

(d) If a licensee or applicant fails to cooperate in an investigation or to comply with a subpoena or order to produce documents or appear at a hearing, the Chief Administrator may suspend, revoke, or decline to issue or to renew the dealer's or leasing dealer's license or issue a fine pursuant to N.J.S.A. 39:10-20.

13:21-15.15 Emergency disciplinary action

(a) In the event of an emergent situation, in which ongoing fraud, lack of insurance, destruction or vacation of premises, or other circumstances would jeopardize the integrity of the Commission's title records and the ability to prevent traffic in stolen or fraudulently titled motor vehicles, the Commission may immediately issue a preliminary suspension of the dealer's or leasing dealer's license.

(b)-(d) (No change.)

(a)

**DIVISION OF CAPITAL PROGRAM MANAGEMENT
DIVISION OF RIGHT OF WAY AND ACCESS
MANAGEMENT**

Relocation Assistance

Readoption with Amendments: N.J.A.C. 16:6

**Adopted Repeals and New Rules: N.J.A.C. 16:6-1.3,
2.1, 3.1, and 3.2**

Adopted New Rule: N.J.A.C. 16:6-3.3

**Adopted Repeals: N.J.A.C. 16:6-1.2, 1.4, 1.5, 1.6, 2.2
through 2.15, and 3.4**

Proposed: February 21, 2017, at 49 N.J.R. 324(a).

Adopted: May 9, 2017, by Richard T. Hammer, Commissioner,

Department of Transportation.

Filed: May 9, 2017, as R.2017 d.116, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-27, and 27:7-72 through 27:7-88; 23 U.S.C. §§ 101 et seq., and 46 U.S.C. §§ 4601 et seq.; and 49 CFR Part 24.

ADOPTIONS

Effective Dates: May 9, 2017, Reoption;
June 5, 2017, Amendments, New Rules, and
Repeals.

Expiration Date: May 9, 2024.

Summary of Public Comments and Agency Responses:

No comments were received.

Federal Standards Statement

The rules are based in part upon a State statutory mandate to conform to the requirements established by Federal law and regulation. The rules meet, but do not exceed, the regulations issued by the United States Department of Transportation at 42 U.S.C. §§ 4601 et seq. and 49 CFR Part 24.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 16:6.

Full text of the adopted amendments and new rules follows:

SUBCHAPTER 1. GENERAL PROVISIONS

16:6-1.1 Purpose

The purpose of this chapter is to establish rules concerning the State's oversight, through the Department of Transportation, of the standards for relocation services to displaced persons and businesses, in compliance with the provisions of the Uniform Transportation Replacement Housing and Relocation Act, N.J.S.A. 27:7-72 et seq., as amended by P.L. 1989, c. 50, 42 U.S.C. §§ 4601 et seq., Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.

16:6-1.2 Scope

(a) This chapter applies to the State of New Jersey, the New Jersey Department of Transportation (Department), and any public or private entity, including counties, municipalities, authorities, and other agencies, utilizing State or Federal funds under a transportation aid program administered by the Department, in accordance with N.J.S.A. 27:7-84(d).

(b) The Department of Transportation may exercise, on behalf of any county, municipality, or other entity, as the case may be, the powers granted to these agencies under P.L. 1989, c. 50 (N.J.S.A. 27:7-72 et seq., as amended), and under this chapter.

(c) The Division of Right of Way and Access Management will be responsible for administering this chapter and all applicable Federal and State laws and regulations.

(d) Relocation services are to be provided in a fair manner and without discrimination in accordance with applicable Federal laws and with the New Jersey Law Against Discrimination (N.J.S.A. 10:5-12).

16:6-1.3 Incorporation by reference

Pursuant to N.J.S.A. 27:7-72 et seq., the Department adopts and incorporates by reference 42 U.S.C. §§ 4601 et seq., Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs. The Federal regulations can be found at http://www.ecfr.gov/cgi-bin/text-idx?gp=&SID=bd45f92844d4bea927907062777ae2500&mc=true&tpl=/e_cfrbrowse/Title49/49subtitleA.tpl.

SUBCHAPTER 2. DEFINITIONS

16:6-2.1 Definitions

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

“Agency” means the entity, public or private, including the State of New Jersey, Department of Transportation, counties, municipalities, and other public or private entities, utilizing State or Federal funds under an aid program administered by the State of New Jersey, Department of Transportation.

“Commissioner” means the Commissioner of the New Jersey Department of Transportation or such person as the Commissioner may designate, when legally permissible.

TRANSPORTATION

“Displaced person” means any individual, partnership, corporation, or association who moves from real property or removes personal property from real property as a result of an acquisition of part or all of a lot or tract of land or a building thereon.

“Federal Highway Administration” or “FHWA” means the agency in the United States Department of Transportation delegated the responsibility for oversight of relocation benefits for Federal agencies and for State agencies that receive Federal funds for a project.

“Last resort housing” means the provision of additional relocation payments in excess of the Federal relocation maximums for certain residential payment categories. These payments are only made where necessary to assure an appropriate and equitable relocation service. Appropriate written justification must be submitted to the Department.

“Local public agency” or “LPA” means the term used by FHWA to refer to any municipality, county, authority, other departments, or any other sub-recipient of Federal aid from the FHWA through the Department of Transportation.

“Workable Relocation Assistance Plan” or “WRAP” means a plan that identifies the relocation needs for persons or other entities being displaced and the proposed relocation services required to address those needs for a specific project.

SUBCHAPTER 3. ADMINISTRATION OF RELOCATION ASSISTANCE

16:6-3.1 General provisions

(a) Information relating to the Department's right-of-way acquisition and relocation policies is located at the following: <http://www.state.nj.us/transportation/eng/#Manuals>.

(b) The administration of relocation assistance shall be provided consistent with applicable Federal law and regulations, except where State statute provides for a higher relocation benefit. Under 23 CFR 710.203(b)(2)(ii), FHWA must approve additional funds to reimburse a State statutory relocation requirement that exceeds Federal limits.

(c) FHWA will not reimburse a State regulatory relocation requirement that exceeds the Federal relocation limits.

(d) If FHWA does not approve reimbursement of the higher State statutory requirement, the agency will need to contribute the additional portion from agency funds. In addition, where FHWA has set a maximum grant amount, the higher State requirement does not automatically increase the grant amount for Federal funds.

(e) If amounts above the Federal standards are authorized, the overage will require the utilization of State funds or LPA funds. Authorization to exceed Federal standards including, but not limited to, last resort housing, must be properly documented and the payments must be justified as reasonable, necessary, and reflecting a public good.

16:6-3.2 Notices to displaced persons

Pursuant to 49 CFR 24.203, displaced persons are required to be given notice of minimum time frames before being required to relocate. A longer period can be used by the agency at its discretion. If required by State statute, relocation notices providing a longer period than those prescribed by Federal relocation requirements shall be used in place of the minimum Federal notice periods.

16:6-3.3 Workable Relocation Assistance Plan (WRAP)

(a) All projects shall be reviewed to minimize the adverse impacts of displacement. The agency shall prepare a Workable Relocation Assistance Plan (WRAP) indicating the proposed relocations (if any) and, when relocations are required, lists the persons and/or entities to be relocated, the relocatee needs, and the agency plan to address those relocation services required.

(b) Prior to acquiring the property for a project, the local public agency shall submit the WRAP to the Division of Right of Way and Access Management for its review. The WRAP shall address the relocation needs of any persons displaced by the project.

SUBCHAPTER 4. APPEALS

16:6-4.1 Appeal of agency determination

(a) Any displaced person may file a written appeal with the agency conducting the relocation in any case in which the person believes that

the agency has failed to properly consider the person’s application for assistance under this chapter. Such assistance may include, but is not limited to, the person’s eligibility for, or the amount of, a relocation payment.

(b) The written appeal must be submitted to the agency conducting the relocation within 90 days after the displaced person receives written notification of the agency’s determination on the displaced person’s claim.

(c) In deciding an appeal, the agency shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.

(d) A person has the right to be represented by legal counsel or other representative in connection with the appeal, but solely at the person’s own expense. The person shall be permitted to inspect and request copies of all materials pertinent to the appeal, except materials that are classified as privileged by the agency. The agency may impose reasonable conditions on the person’s right to inspect, consistent with applicable laws. Copying fees shall be in accordance with N.J.S.A. 47:1A-5 and copies will be provided upon full payment of the copying fees, by check or money order made payable to “New Jersey Department of Transportation.”

(e) The LPA shall designate a person within its agency to hear any initial appeals of its relocation assistance determinations. In the event that the LPA is unable to provide a person with sufficient expertise, the LPA may request that the Department hear the initial appeal.

(f) The Division of Right of Way and Access Management (Division) shall conduct all initial appeals of Department relocation determinations. The Division shall also conduct initial appeals on behalf of an LPA when an LPA is unable to do so.

(g) Within 60 days after receipt of all information submitted by a person in support of an appeal, the agency shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy.

(h) If the matter is not resolved to the person’s satisfaction at the initial appeal conducted by the Department or the LPA, the displaced person may request an in-person review by writing to:

Director of Right of Way & Access Management
 New Jersey Department of Transportation
 PO Box 600
 Trenton, New Jersey 08625-0600

(i) If the relief requested is not granted during the final appeal to the Department, the Division shall advise the person of his or her opportunity to request a contested case before the Office of Administrative Law, conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(a)

NEW JERSEY MARITIME PILOT AND DOCKING PILOT COMMISSION

Rules of the New Jersey Maritime Pilot and Docking Pilot Commission

Readoption with Amendments: N.J.A.C. 16:64

Proposed: November 21, 2016, at 48 N.J.R. 2422(a).
 Adopted: April 18, 2017, by the New Jersey Maritime Pilot and Docking Pilot Commission, the Honorable Timothy J. Dacey, President (with the approval of the New Jersey Pilot Commission).

Filed: April 24, 2017, as R.2017 d.106, **without change**.

Authority: N.J.S.A. 12:8-1 et seq.

Effective Date: April 24, 2017, Readoption;
 June 5, 2017, Amendments.

Expiration Date: April 24, 2024.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

New Jersey Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. (P.L. 1955, c. 65), require that all State rules include a statement as to whether the rulemaking contains any standards or requirements that exceed the standards or requirements imposed by Federal law.

While the regulation of pilots working in navigable waters of the United States is clearly a regulation of commerce within the powers of Congress, there is a concurrent system of state pilotage regulation. States have jurisdiction over foreign vessels and vessels sailing under register. Federally licensed pilots are, in general, required to be used on coastwise (domestic trade) vessels that are “enrolled,” but not sailing under register, 46 U.S.C. § 8502. States may regulate pilotage on foreign vessels and U.S. vessels operating on register in the bays, rivers, harbors, and ports of the United States (46 U.S.C. § 8501). Thus, New Jersey pilotage laws and rules are controlling in situations regulated by this chapter. N.J.A.C. 16:64-9 (drug free workplace) includes drug and alcohol testing requirements that were patterned after and are equivalent to Federal testing standards. Given that these rules are equivalent to the Federal standards codified at 46 CFR Parts 16 and 19, no analysis is required.

Accordingly, the rules readopted with amendments do not contain any standards or requirements which exceed the standards or requirements imposed by Federal law and no further analysis is required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 16:64.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

16:64-1.3 Definitions

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

...
 “Deputy pilot” means a maritime pilot of the second, third, fourth, fifth, and sixth grade.
 ...

16:64-1.7 Fees for maritime pilotage

- (a) (No change.)
- (b) Fees for maritime pilotage are as follows:
 - 1.-2. (No change.)

3. After conferring with the New York Pilotage Commission, it has been determined that maritime pilotage rates for intermediate or intra-harbor movement of vessels shall be the same as those charged by Maritime Pilots licensed by the State of New York.

SUBCHAPTER 2. MARITIME PILOT APPRENTICESHIP

16:64-2.5 Dismissal or suspension of maritime pilot apprentices

- (a) (No change.)
- (b) Upon a finding by the Commission, based on verified information that grounds for dismissal or suspension exist, the Commission shall order the apprentice to appear at an informal hearing pursuant to N.J.A.C. 16:64-10.5. The informal hearing shall not take place less than 10 days from service of the order to appear.

SUBCHAPTER 3. MARITIME PILOT LICENSING

16:64-3.6 Reduction in grade of licenses or route suspension

- (a) (No change.)
- (b) Upon a finding by the Commission, based on verified information, that grounds for a reduction in grade or route suspension exist, the Commission shall order the pilot to appear at an informal hearing pursuant to N.J.A.C. 16:64-10.5.

(c) If the proposed order is adopted by the Commission at the conclusion of the informal hearing, the pilot shall have the right to request a formal hearing, pursuant to N.J.A.C. 16:64-10.6.