

LAW AND PUBLIC SAFETY

(a)

DIVISION ON CIVIL RIGHTS

Rules of Practice and Procedure

Readoption: N.J.A.C. 13:4

Proposed: February 20, 2018, at 50 N.J.R. 889(a).
Adopted: May 30, 2018, by Craig Sashihara, Director, Division on Civil Rights.

Filed: June 28, 2018, as R.2018 d.145, **without change**.

Authority: N.J.S.A. 10:5-8, 10:5-12, 10:5-18, and 34:11B-16.

Effective Date: June 28, 2018.

Expiration Date: June 28, 2025.

Summary of Public Comment and Agency Response:

The official comment period ended April 21, 2018. **No comments were received.**

Federal Standards Statement

A Federal standards analysis is not required because the readopted rules do not exceed Federal standards. The readopted rules are intended to implement the Law Against Discrimination (LAD), N.J.S.A. 10:5-1 et seq., and the New Jersey Family Leave Act (FLA), N.J.S.A. 34B:11B-1 et seq., and are not intended to implement any program under Federal law. To the extent that any of the rules are necessary to maintain substantial equivalency certification from the U.S. Department of Housing and Urban Development (HUD), the standards are similar to Federal standards set forth in the Federal Fair Housing Act (FHA), 42 U.S.C. § 3601 et seq.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:4.

(b)

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF PSYCHOLOGICAL EXAMINERS

Degrees Earned Outside the United States

Adopted Amendment: N.J.A.C. 13:42-2.4

Proposed: March 5, 2018, at 50 N.J.R. 933(a).

Adopted: June 4, 2018, by the State Board of Psychological Examiners, Alan Groveman, Ph.D., Chair.

Filed: July 9, 2018, as R.2018 d.149, **without change**.

Authority: N.J.S.A. 45:14B-13.

Effective Date: August 6, 2018.

Expiration Date: May 18, 2023.

Summary of Public Comment and Agency Response:

The official comment period ended May 4, 2018. **No comments were received.**

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendments.

Full text of the adoption follows:

SUBCHAPTER 2. INITIAL QUALIFICATIONS

13:42-2.4 Degrees earned outside the United States

(a) (No change.)

(b) Individuals who apply pursuant to (a) above shall provide the Board with a comprehensive evaluation of their degree performed by a foreign credential evaluation service that is member of the National Association of Credential Evaluation Services (NACES) and acceptable to the Board, and any other documentation the Board deems necessary.

(c)

DIVISION OF CRIMINAL JUSTICE

Chemical Breath Testing

Adopted Amendments: N.J.A.C. 13:51-1.2, 1.5, 1.6, 1.9, 1.12, 2.2, 3.3, 3.5, and 4.3

Adopted Repeal: N.J.A.C. 13:51-3.6

Proposed: August 21, 2017, at 49 N.J.R. 2761(a).

Adopted: June 27, 2018, by Gurbir S. Grewal, Attorney General.

Filed: June 28, 2018, as R. 2018 d.146, **without change**.

Authority: N.J.S.A. 39:4-50.3, 39:3-10.25, and 12:7-56.

Effective Date: August 6, 2018.

Expiration Date: December 13, 2023.

Summary of Public Comment and Agency Response:

The official comment period ended October 20, 2017. The Department of Law and Public Safety (Department) received written comments from Chief Anthony Jannicello of the Woodcliff Lake Police Department.

1. COMMENT: Chief Jannicello comments that the Alcotest 7110 MKIII has been an approved device for less than 10 years and that, because of the rule change, the current Alcotest 7110 MKIII device will have to be replaced. He comments that replacing the current device will be costly to his municipality.

RESPONSE: The Department recognizes that purchasing the Alcotest 9510 will come at a cost. The Department proposed to amend the rules to add the Alcotest 9510 as an additional approved device after it was determined that replacement parts for the Alcotest 7110 MKIII were no longer being made by the manufacturer. The Alcotest 7110 MKIII will continue to be an approved device for performing chemical breath tests until the implementation of the Alcotest 9510. During implementation, law enforcement agencies will be required to switch over to the Alcotest 9510.

2. COMMENT: Chief Jannicello asks whether the Alcotest 9510 is in line with *State v. Chun*, 194 N.J. 54 (2008).

RESPONSE: The *Chun* decision specifically applies to the Alcotest 7110 MKIII. The requirements in *Chun* are not immediately applicable to the Alcotest 9510.

3. COMMENT: Chief Jannicello asks how long the Alcotest 9510 is estimated to be in-service.

RESPONSE: While the Department understands Chief Jannicello's concern regarding the cost of purchasing new devices, the length of time a company manufactures their devices and replacement parts is outside of the control of the Department and outside the scope of this rulemaking. The Department is charged with identifying devices that meet the standards established in New Jersey and enacting rules to include approved devices.

4. COMMENT: Chief Jannicello asks about the timeframe for requiring the Alcotest 9510 to be fully placed into service.

RESPONSE: The Alcotest 7110 MKIII continues to be an approved device under this rulemaking. Law enforcement departments may continue using the Alcotest 7110 MKIII until the implementation of the Alcotest 9510. The deadline for full implementation of the Alcotest 9510 is unknown at this time.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments and repeal are not adopted 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.

Full text of the adopted amendments follows:

SUBCHAPTER 1. BREATH TESTING OPERATORS

13:51-1.2 Definitions

For the purpose of this chapter, the terms set forth herein are defined as follows: