

Minutes by Board Secretary John G. Donnelly of actions taken at the Open Session of the Regular meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Tuesday, December 17, 2013.

**Present:**

Raymond P. Martinez, Chairman and Chief Administrator  
John Jay Hoffman, Acting Attorney General  
Stephen S. Scaturro, Vice-Chairman participated by telephone  
Scott Kisch, Public Board Member participated by telephone  
Laurette Asante, Public Board Member participated by telephone  
Walter Orcutt, Public Board Member participated by telephone  
Miriam Weeks, Transportation Designee  
James J. Fruscione, Treasury Designee

Governor's Authorities Unit Assistant Counsel Peter Simon and Deputy Attorney General Amy Chung also participated.

MVC Chairman and Chief Administrator Raymond P. Martinez convened the Open Session at 2:00 p.m. in accordance with the Open Public Meetings Act, and followed with The Pledge of Allegiance.

**Agenda Approval.** Director Weeks moved to accept the proposed agenda, Director Fruscione seconded the motion and it was unanimously adopted.

**Chairman's Report.** The Chair then presented the Chair's Report with these highlights: Well, the Holiday Season is upon us and as we count down the final days before Christmas, it seems there is never enough time in our day. So we rush and multi-task -- or at least try to -- and sometimes that means we are multi-tasking as we drive. A new five-year analysis published by the Public Health Reports Journal shows distracted driving-related fatalities of cyclists and pedestrians are up 50 percent. Drivers who are eating behind the wheel, using GPS devices, putting on their makeup and of course, texting and talking on the cell phone continue to be a risk to themselves and those sharing the roads and sidewalks. The Motor Vehicle Commission (MVC) stands at the ready to work with our partners at the Division of Highway Traffic Safety and law enforcement throughout the state to curb these dangerous activities that we all witness every single day.

So as we close out 2013, I'd like to suggest that when we're behind the wheel, we follow 3 simple words: -- It Can Wait.

**SKIP THE TRIP**

That's why we need more time in our day -- and I'm happy to report that we've given more than a half a million NJ drivers the gift of time. When I last addressed the board, we had just announced the Skip the Trip program for NJ residents of all ages to renew their license or non-driver ID by mail. In the 3 months since we launched this program, 60 percent of those eligible have taken us up on the invitation to Skip the Trip and wait times in our 10 busiest agencies are down an impressive 45 percent. Still, I know we can do

better. It's hard to change consumer behaviors so I have authorized a holiday-themed advertising campaign to help reinforce our message that we are giving NJ motorists and ID holders the gift of time this holiday season. Our Performance Management Office estimates that with the continued success of Skip the Trip, we will have reduced 2014 customer visits by nearly 900,000.

### **U.S. TERRITORY LICENSE RULE CHANGE**

And that's not all we're doing to improve the customer service experience. In October, I had the opportunity to stand with Governor Christie to announce that the state will allow licensed drivers moving to New Jersey from the U.S. territories, including Puerto Rico, to receive a license without retaking the driving test. This is a commonsense rule change that treats the people of Puerto Rico, Guam, American Samoa, and the U.S. Virgin Islands the same as those coming from the states. MVC employee Maria Rodriguez of our Cardiff Agency first proposed this policy change after seeing the unnecessary inconvenience put upon some of the new residents of this state. It is vital for any organization to have employees like Maria who are willing to go beyond the status quo in an effort to make improvements to the services we offer the motoring public.

### **FUGITIVE SAFE SURRENDER**

And speaking of going that extra mile, last month, we had the pleasure to work with our sister state agencies as participants in the state's Fugitive Safe Surrender Program (FSS). FSS was an initiative led by the Acting Attorney General and the Courts, with participation from numerous social service agencies and the MVC. The event enabled wanted individuals to come to a neutral location and voluntarily surrender to authorities. In return, they received favorable consideration from the courts-- not amnesty, but generally, a reduced sentence and a reduction in their fines, when applicable.

Almost 5,000 fugitives turned themselves in through the multi-day program -- making it the most successful event of this kind in the state and the third most successful in the nation. But it's really not all about the numbers. It's about the people we were able to help. They all had a story but few touched me as much as the Iraqi War veteran and father of two who was homeless for a while and is trying to get his life back on track with a job and now a driver's license.

Or a chef from Jersey City who had limited employment options because his license was suspended. He came and surrendered the first day of the event but even when his issues were resolved, he came back -- day after day after day -- to inspire and to encourage the countless others who stood in lines for hours to get their turn at a new life.

We'd like to once again thank Acting Attorney General John Hoffman for his leadership and for inviting us to participate in this latest Fugitive Safe Surrender event.

Our participation in this event would not have been possible had it not been for a team of diligent and dedicated employees who worked hard behind the scenes to make sure the time we spent at the event went smoothly and was integral to the mission of helping to restore the driver's licenses of the war hero, the chef-turned-advocate and the other 1198 folks who came to us looking for help and another 1400 that we helped through the Administrative Office of the Courts.

- And now on with the meeting...

**Presentation – Facial Scrub.** Chairman and Chief Administrator Martinez was joined by Acting Attorney General John Jay Hoffman to present Certificates of Appreciation to MVC staff members who assisted in the Fugitive Safe Surrender (FSS) Program that was led by General Hoffman. After brief remarks by General Hoffman, the Certificates were presented on behalf of the MVC Board in recognition of the 14 MVC staff members who were essential to the planning and implementation of MVC's participation in FSS. Chairman Martinez noted that there were a total of 68 employees who participated in the effort, but they could not all attend this Board Meeting as they are in the field at the MVC agencies serving MVC customers. Each of the other recipients will receive their certificates in ceremonies to be held in their respective offices.

Gary Poedubicky, Attorney General Designee, joined the other Board Members in the 8E Conference Room, upon the departure of Acting Attorney General John Jay Hoffman.

The following Agenda Items were presented for approval:

**1312-01: Federal Grant.** This item is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act for the Board to accept federal grants. Performance Management Office Director Robert Porreca described the \$1,026,212 federal grant that covers 100% of costs for a new, efficient CDL testing and issuance process, a modernized Commercial Driver License Information System (CDLIS) with better security and auditing features, and the capability to support law enforcement inquiries. The Chairman thanked IT's Director Ed Lally and Ron Belfield, and Compliance & Safety's Director Donna Pennabere, John Sparano and Jim Rooney for their significant contributions alongside many other dedicated members of staff to this critically important effort.

Chairman Martinez confirmed that the federal grant covers 100% of MVC costs, in response to an inquiry by Board Member Kisch.

Vice-Chairman Scaturro moved the resolution, Director Poedubicky seconded it and it was unanimously adopted.

**1312-02: 2014 Meeting Dates.** This item is to fulfill the requirements of the Motor Vehicle Security and Customer Service Act of 2003 and of the Motor Vehicle Commission's Bylaws Article III that the Board annually adopt the annual notice of meetings.

Board Member Asante moved the resolution, Vice-Chairman Scaturro seconded it and it was unanimously adopted.

**Minutes: November 19, 2013.** 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 November 19, 2013.

Board Member Scaturro moved the resolution, Board Member Kisch seconded it and it was unanimously adopted.

**Legislative Report.** A briefing was provided by Legislative Liaison Donald Dinsmore on a number of recent legislative issues. He first noted that the current 2012-13 legislative session ends on January 13, 2014, and the new 216<sup>th</sup> Legislature holds its organization ceremony on January 14, 2014.

Bills Signed by the Governor:

A-945 (Riley/Benson/Lampitt)/S-2405 (Madden/Beach) to allow persons with diabetes to voluntarily make notation on driver license. This amended bill requires the MVC to permit a license and identification card holder to voluntarily indicate that the person is an insulin dependent diabetic. The designation is to be made in accordance with procedures prescribed by the Chief Administrator and is to be used by law enforcement officials or emergency medical professionals to diagnose a person who has been rendered unable to communicate due to a diabetic seizure. The indication may not be used for any other purpose by any other person. Prior to amendments suggested by the MVC, this bill would have required the term "INSULIN DEPENDENT DIABETIC" be printed on the license or identification card. The amendments gave the Chief Administrator broad discretion in how to indicate a license or identification card holder is an insulin dependent diabetic. Effective Date: law will become effective on the 1st day of the thirteenth month following enactment. The legislation was approved by the Governor as of August 14, 2013. Therefore, the implementation deadline for this law is September 1, 2014. Chapter Law: P.L. 2013, c. 139. MVC Impact: Minimal, the MVC will use a code 5 restriction to create the indication on the driver's license; this will require some programming changes. Agency Staff should be trained to deal with this new process. There could be some customer inquiry about this change.

S-717 (O'Toole/Bucco)/A691/2030 (Kean/Tucker/Rible/Russo/Rumana/Conaway) provides for indication of veteran status on driver's licenses and identification cards issued by MVC. This bill requires the Chief Administrator upon the submission of satisfactory proof, to designate on an individual's driver's license or identification card that the individual is a veteran of the United States Armed Forces. Note that the designation serves no official purpose and veterans can obtain veteran identification cards from most counties. Effective Date: This bill becomes effective on the first day of the eighteenth month after enactment, but the Chief Administrator of Motor Vehicles may take such anticipatory acts in advance of that date as may be necessary for the timely implementation of this act. This law was signed on September 30, 2013 and would become effective on March 1, 2015. Chapter Law: P.L. 2013, c.165. MVC Impact: The MVC Division of Information Technology will be impacted due to numerous software changes and costs. These changes and costs of approximately \$250,000 relate to

redesigning the driver license and reprogramming the Vendor EDDL, Agency and COMP systems, and the MATRX project, as well as divert significant staff hours from the MATRX project. There is a risk of a delay of the final rollout of MATRX, so a change order has been entered to allow the driver license designation after Release 3. There is also the potential to increase foot traffic at the agencies as veterans go to obtain a duplicate license with the veteran designation.

Bills Vetoed/Conditionally Vetoed by the Governor:

S-71 (Codey/Singer/Watson Coleman) establishes "New Jersey Yellow Dot Program" in MVC. This bill would have established a "Yellow Dot Program" in the MVC. The purpose of the program is to provide emergency responders with critical health and emergency contact information for program participants to enable emergency responders to better assist program participants who are involved in motor vehicle emergencies and are unable to communicate. A yellow dot affixed to the rear driver side window would alert emergency responders that medical information is in the glove compartment. The Governor's conditional veto deleted any reference to the MVC and inserted language that any local governing body or any county or municipality in this State may establish a Yellow Dot Program. The Governor's accompanying conditional veto statement acknowledged that the establishment of a statewide Yellow Dot Program is not necessary, and other Yellow Dot Programs have been successful here and in other states, without centralized administration and the need for an appropriation, which were requirements of the legislation. *05/30/13: The Senate voted to concur with the Governor's recommendations by a vote of 40-0. The next step is a vote by the full Assembly on the concurrence and underlying legislation.*

S-2723SCS (Sweeney/Norcross/Weinberg/Stack/Cunningham)/A-4182 (Greenwald) to revise statutes concerning firearms purchaser identification cards and handgun purchase permits; makes handgun purchase permit valid for four years. This Senate committee substitute requires that the Attorney General along with the Superintendent of New Jersey State Police determine whether certain information from The Firearms Purchase Identification Card (FPIC) and Permit to Purchase a Handgun (PPH) shall be incorporated into a firearms purchaser identification card with a picture or to direct the Chief Administrator to embed the information in a driver's license or non-driver identification card (hereafter referred to as "MVC documents"). The Governor's conditional veto was received in the Senate on August 19, 2013 and deleted all reference to the creation of a State firearms purchaser identifier whether the identifier was a secure FPIC embedded with certain information or a driver license embedded with certain information. The Governor's conditional veto acknowledged that the technology did not exist to have a digital card linking all firearms permits, and law enforcement records regarding gun ownership into a one digital card designed and maintained concurrently by the New Jersey State Police, the New Jersey Motor Vehicle Commission and the Department of Law and Public Safety.

Bills on Governor's Desk:

No legislation that has a significant impact on the Motor Vehicle Commission has passed the Legislature and is currently awaiting action by the Governor.

**Bills Near the Governor's Desk** (Passed one House of the Legislature and reported from committee in second House):

S-2555 (Van Drew D1)/A-1521 (Burzichelli D3 /Rumana R40/Quijano D20) to modify process for contested case hearings by OAL with regard to telephone and video conferences, delegation of final decision authority, oral decisions, checklist decisions, electronic filings, and settlements. The bill provides that, an administrative law judge (ALJ) may: (1) use pre-hearing conferences, and consider motions and hear witness testimony by means of telephone or video conference calls; (2) issue oral decisions in certain appropriate contested cases if one of the parties orders a transcript of the proceedings and the State agency does not request a written decision; and (3) issue decisions in the form of a checklist in certain appropriate contested cases, after consultation with each State agency. In addition, the bill provides that the decision of an ALJ will be the final decision. The MVC had concerns about the provision giving an ALJ final decision authority, because the Commission deals with some cases with complex factual histories and legal issues requiring agency expertise. It appears the Committee most likely has amended the bill to remove the language troublesome to MVC, although the amendment language is unavailable at this time. The Commission will review the amendments to see if they are appropriate. *04/29/13: A-1521 passed the full Assembly (73-1-0). 12/12/13: A-1521/S-2555 was reported from Senate Committee with Amendments, 2nd Reading.* MVC Position: Express Concerns (pending review of the amendments in the bill).

A-3804 (Wimberly/Mainor/Amodeo/Johnson)/S-2804 (Rice) authorizes the creation of special Omega Psi Phi license plate. This legislation authorizes a special Omega Psi Phi license plate. Both versions of the bill initially only contained only a portion of the restrictive language that MVC suggests in order to create a dedicated license plate. The current policy of the MVC is to oppose all new organizational license plate legislation, but to allow for dedicated plates bills that contain certain legislative language. The Senate Transportation Committee appears to have adopted the amendments suggested by the MVC that make this a dedicated license plate bill: add annual renewal fee of \$10 for the plates; add language stating that the fees, after the deduction of the cost of designing, producing, issuing, and publicizing the plates, will be deposited into a Department of Treasury special non-lapsing fund as named in the act; and also, add language that the proceeds of the fund to be annually appropriated by the organization to fund the purpose identified., The Commission will review the amendments to see if they are appropriate, and will work to have the Assembly adopt the same amendments. *05/20/13: A-3804 passed the full Assembly (78-0). 12/12/13: A-3804/S-2604 was reported from Senate Committee with Amendments, 2nd Reading.* MVC Position: Oppose as written (pending review of the amendments in the bill).

A-3329Aca (Wisniewski/Giblin/DeAngelo)/S-2184Sca (Van Drew/Greenstein) authorizes special Ancient Order of Hibernians license plate. This legislation authorizes an Ancient Order of Hibernians (AOH) license plate. The design of the license plate would be chosen by the Chief Administrator of the New Jersey Motor Vehicle Commission in consultation

with the national president of AOH. Both versions of the bill have been amended to adopt amendments suggested by the MVC. The amendments establish the AOH license plates as dedicated cause plates rather than specialty plates, and prohibit any public funds from being used by the Commission for the initial cost of producing, issuing, and publicizing the availability of the license plates, or any computer programming changes. The changes made to effectuate this purpose include additional fees to be remitted to the Commission, the requirement that 500 completed applications be collected by AOH and submitted to the Commission before the launch of the program, the establishment of a fund for the AOH license plate application and renewal fees in excess of Commission costs, and the inclusion of language that allows the bill's provisions to expire if the funds to offset commission costs are not received within 12 months. *04/29/13: A-3329 passed the full Assembly (76-0). 05/09/13: A-3329/S-2184 was released by the Senate Transportation Committee.* MVC Position: No objection as amended.

#### Implementation Update:

Veteran Status on Driver License (P.L. 2013, c. 165): Provides for indication of veteran status on driver licenses and identification cards issued by MVC. An implementation checklist has been forwarded to all stakeholders to access what steps must be taken prior to the deadline for implementation.

Talking or Texting (P.L. 2013, c.70): Increases fine and imposes license suspension for talking or texting on hand-held device while driving. An implementation checklist has been forwarded to all stakeholders to access what steps must be taken prior to the deadline for implementation.

Diabetes Notation on Driver License (P.L. 2013, c.139): Allows person with diabetes to voluntarily make notation on driver's license (P.L. 2013, c.139): Implementation meetings are ongoing. Gina Sine is the project manager for this implementation initiative. The following are the final tasks that need to be accomplished for implementation: system enhancements to the ID card, a modification of the pink card, and communications activities.

#### **Public Comments:**

No members of the public sought to make a public comment.

Chair Martinez thanked the Board Members, staff and public for their participation today and noted that Board Meetings are an important means of assuring the public that MVC is working to be responsive to their needs.

Since there were no further comments or business, a motion to adjourn was made by Director Weeks and seconded by Public Board Member Orcutt and unanimously adopted at 3:00 p.m.