

NEW JERSEY MOTOR VEHICLE COMMISSION

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 9W, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Tuesday, December 22, 2015.

Present:

Raymond P. Martinez, Chairman (by speakerphone)
Steve Scaturro, Vice-Chairman (by speakerphone)
Scott Kisch, Public Board Member (by speakerphone)
Walter Orcutt, Public Board Member (by speakerphone)
Laurette Asante, Public Board Member (by speakerphone)
Gary Poedubicky, Attorney General Designee (by speakerphone)
James Fruscione, State Treasurer Designee (by speakerphone)

Not Present:

Miriam Weeks, Transportation Commissioner Designee, previously had advised Chairman Martinez that she would not be able to attend this meeting.

Governor's Authorities Unit Assistant Counsel Lisa LeBoeuf and Deputy Attorney General Philip Espinosa participated by speakerphone.

Chairman Raymond P. Martinez convened the Open Session at 2:05 p.m. in accordance with the Open Public Meetings Act, and led the Pledge of Allegiance.

Agenda Approval. Vice-Chairman Scaturro moved to accept the proposed agenda, Director Fruscione seconded the motion and it was unanimously adopted.

Chairman's Report

The Chairman noted that the Legislature's post-election Lame Duck Session that often consists of fast-moving legislation is underway, and advised the Board that MVC will be raising concerns with particular bills, as appropriate. Also, in response to Vice-Chairman Scaturro's holiday wishes and congratulations on a successful year for MVC, the Chairman expressed his appreciation on behalf of all of MVC for the Board's support.

The following Agenda Items were presented for approval:

1512-01: 2016 MVC Board Meeting Dates. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to announce MVC Board Meeting Dates annually. Jack Donnelly, Board Secretary, presented the proposed meeting dates.

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

1512-02: Personalized Plate Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this proposed amendment of the personalized plate regulation. Sarah Miller of the Regulatory and Legislative Affairs Office presented the regulation. Chairman Martinez noted that while he was New York State's Motor Vehicles Commissioner, he found occasional customer requests for inappropriate license plates to be an issue in that jurisdiction, as well.

Director Poedubicky moved the resolution, Board Member Asante seconded it and it was unanimously adopted.

1512-03: Emission Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this proposed amendment and new rule relative to the emission regulation. Kate Tasch, Deputy Administrator of Legal & Legislative Affairs, presented the regulation. Chairman Martinez noted the broad-based effect of this regulation in meeting federal and state requirements, and emphasized the Commission's efforts to minimize customer impact and cost while helping the environment.

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

Legislative Report. A briefing was provided by MVC's new Legislative Liaison Laura Hahn, including:

Bills Signed by the Governor

A-1662 (Johnson D37) to authorize the court to order the deletion, sealing, labeling, or correction of certain personal information in government records involving certain victims of identity theft. The Commission supports this bill, as the bill supports and strengthens the process of expungement that MVC currently has in place for victims of identity theft. This bill was signed by the Governor on 11/9/15 as P.L.2015, c126.

A-4361 (Johnson D37) to revise the definition of all-terrain vehicles (ATV). This bill will have minimal impact on MVC. It corrects an inconsistency in the definition of dirt bike in different statutes. Under current laws, ATVs are a type of vehicle possessing between three and six rubber tires and powered by a gasoline engine not exceeding a certain cubic centimeter size. The bill amends existing definitions to provide that ATVs are a type of vehicle possessing between three and six non-highway tires, and removes any reference to being powered by a gasoline engine of a certain size. Golf carts are excluded from the definition of an ATV in both current law and the bill. This bill was signed by the Governor on 11/9/15 as P.L.2015, c.155.

S-1946 (Sacco D32) to permit school districts to request and receive from MVC name and address of student's parent or guardian to verify student's eligibility for enrollment in school district. The Commission originally had concerns with this bill, but was able to amend the legislation to only require that the MVC disclose a name and address. With that change, the Commission has no objection to this legislation. This bill was signed by the Governor on 12/2/15 as P.L.2015, c.161.

Bills Sent to the Governor's Desk

A-3395 (Wisniewski D19) / **S-2294** (Sacco D32) to allow insurers to obtain certificates of ownership or salvage certificates of title for motor vehicles under certain circumstances. The Commission originally had concerns regarding this legislation, but was able to amend the bill, in agreement with the Office of the Counsel to the Governor and the Department of Banking and Insurance, to give the Commission the authority to determine the appropriateness of the issuance of regular and salvage titles, and extend the amount of time to determine a vehicle as abandoned. With that change, the Commission has no objection to this legislation. On 12/17/15, S-2994 was substituted by A-3395, which passed both Houses and was sent to the Governor.

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

A-1315 (Quijano D20) / **S-2197** (Beach D6) to allow a person with allergy to drugs or medications to voluntarily make notation on driver's license. The Commission will oppose this bill. There are already mechanisms in place to communicate with medical responders that the person has a penicillin allergy or is allergic to any other drug or medication such as necklaces, bracelets and tags. It's not clear why identification of driver's allergy condition needs to be provided by MVC. This initiative is not consistent with the Commission's core mission and could open the door to additional functions that should not be MVC responsibilities. On 6/16/14, A-1315 passed the Assembly unanimously. On 11/9/15, both bills were referred to the Senate Budget and Appropriations Committee. On 12/21/15, the bills were reported from Committee and are ready for a vote by the full Senate.

A-3927 (Andrzejczak D1) / **S-2820** (Van Drew D1) to require drivers to slow down before passing slow moving vehicles; establishes Statewide educational campaign on rural roadway safety; updates agriculture-related motor vehicle laws to reflect current industry practices. The Commission will oppose this legislation. The expansion of the types of vehicles that qualify for farmer license plates will lead to time consuming and costly programming changes. Additionally, the requirement a slow-moving vehicle emblem be designed is unnecessary considering one already exists, and it will cost the Commission a considerable amount to conduct a public awareness campaign. The promulgation of new regulations will also prove time consuming. There is potential for lost revenue, seeing as there is no revenue source in the bill. Furthermore, the Commission does not agree with the existing provision of prorating the registration fee, as this is not currently done for other vehicles. Staff is working with the Governor's Counsel's Office on amendments. On 3/9/15, A-3927 passed the Assembly unanimously. On 12/10/15, both bills were released from the Senate Transportation Committee and were referred to the Senate Budget and Appropriations Committee.

A-1455 (Diegnan D18) / **S-2011** (Madden D4) to require that newly-manufactured school buses be equipped with sensors. The Commission has no objection to this bill. MVC would only have to provide consultations to the State Board of Education when they issue their regulations. On 12/3/15, A-1455 passed unanimously in the Assembly. On 12/7/15, both bills were referred to the Senate Budget and Appropriations Committee. On 12/21/15, the bills were reported from Committee and are ready for a vote by the full Senate.

A-4515 (Johnson D37) / **S-3007** (Barnes D18) to allow motorists to register three-wheel autocycles as automobiles. The MVC has no objection to this bill. The MVC will have the power to promulgate rules and regulations as necessary. On 11/9/15, S-3007 was reported out of the Senate Transportation Committee and is on 2nd Reading in the Senate. On 12/3/15, A-4515 was amended on the Floor of the Assembly and is on 2nd Reading in the Assembly.

A-1466 (Diegnan D18) to allow for waiver of school bus requirements for mobility assistance vehicle technicians who transport students with medical needs to and from school. The Commission has concerns regarding this legislation. Currently, only vehicles subject to a School Bus Inspection performed by MVC Bus Inspectors will be verified that they comply with Federal Law and State regulations. The MVC is capable of inspecting these vehicles for "dual use" and issuing inspection stickers for both the use for which they were originally intended and use as a school vehicle. On 12/18/14, A-1466 passed the Assembly unanimously. On 9/24/15, A-1466 was amended and passed the Senate unanimously. On 11/9/15, the bill is on 2nd Reading in the Assembly to concur with Senate amendments which provide that the check of the records of a certified mobility assistance vehicle technician for alcohol and drug-related motor vehicle violations required under the bill will be a check for any such violation. The bill in its original form provides for a check of such violations that occurred in the performance of a transportation contract.

A-2338 (McGuckin R10) / **S-503** (Holzapfel R10) to permit municipalities and school districts to contract for video monitoring systems to assist in enforcing law against unlawfully passing a school bus. The Commission has no objection to this bill. There are already five points assessed for passing a school bus, so there are no significant programming challenges. On 6/29/15, S-503 passed the Senate (35-4). On 11/9/15, both bills were referred to the Assembly Education Committee.

A-4387 (Coughlin D19) / **S-3016** (Vitale 19) to require MVC to allow submission of "Next-of-Kin Registry" information upon issuance of permit, driver's license, or identification card. The Commission expressed its concerns about this bill to Counsel's Office. Customers already have the ability to update emergency contact information online on MVC's website. This bill would allow the Next of Kin Registry to be updated in the agencies when a customer gets a new or renewed license or ID. This would require IT to allocate scarce resources away from current projects, cost MVC an indeterminate amount of money and could lead to increased waiting times at the agencies. If necessary, though, an alternative path could potentially be created by creating a paper form and having mailed directly to TOC, rather than the agencies. On 6/25/15, A-4387 passed the Assembly (72-0-5). On 11/9/15, both bills were released from the Senate Transportation Committee and were referred to the Senate Budget and Appropriations Committee.

S-129 (Bateman R16) to clarify when penalty points are to be assessed for convictions of driving in an unsafe manner. The Commission supports this bill as amended. This bill revises the manner in which motor vehicle penalty points are imposed for operating a motor vehicle in an unsafe manner. The bill modifies the current penalty structure to prescribe that: upon a third conviction for unsafe operation of a vehicle, penalty points are to be assessed only if that third offense occurred within five years of the second conviction of unsafe driving; and, upon a fourth or subsequent conviction, penalty points are to be assessed only if the offense occurred within five years of the immediately preceding conviction for unsafe driving. The bill further provides that the fine for a fourth or subsequent conviction is \$500. Currently, the fine for fourth and subsequent convictions ranges from \$200 to \$500. On 6/29/15, S-129 passed the Senate unanimously. On 11/09/15, S-129 was referred to the Assembly Law and Public Safety Committee.

Recent Action on Bills of Note

A-4719 (Moriarty D4) / **S-3250** (Cruz-Perez D5) to extend the use of stored driver's license picture for person undergoing chemotherapy or other treatment for certain medical illnesses. The Commission will oppose this bill. For security purposes, the MVC statutes and system only allow for a maximum of 8 years for usage of the same photo. If the driver license or non-driver ID photo extends past the 8 years, it would not be considered REAL ID compliant under Federal standards. Additionally, this change would require medium to large system changes and cost between \$150,000 to \$250,000. Furthermore, the Commission has concerns that drivers may look for an additional one year extension if they feel they have not fully returned to their previous appearance, and anticipates drivers looking for an additional extension after the one year. This would result in the same situation for customers as exists today. MVC staff submitted amendments to the Governor's Counsel's Office that would give the Chief Administrator the authority to create a policy that is compliant with State and Federal law. On 11/16/15, both bills were introduced. On 12/14/15, A-4719 was released from the Assembly Transportation and Independent Authorities Committee with technical amendments. On 12/17/15, A-4719 passed the Assembly unanimously.

A-4304 (Mainor D31) / **S-2828** (Rice D28) to establish a program allowing certain applicants to perform community service in lieu of paying motor vehicle surcharges. The Commission will oppose this bill. The bill would allow participants to forego paying surcharges, whether they owe \$200 or over \$20,000. Financial Management estimates that MVC would potentially lose \$2,600,000 in revenue in the first year and \$5,200,000 in subsequent years. System changes would have to occur to allow Labor to interface with MVC, in addition to reprogramming Driver History and STARS. It is also unclear whether this bill affects restoration fees. On 11/09/15, S-2828 was reported out of the Senate Budget and Appropriations Committee with amendments which permit individuals who are assessed motor vehicle surcharges for unsafe driving convictions to participate in the program, and authorize the Chief Administrator to waive surcharges and interest levied for those convictions upon completion of a community service project. On 12/17/15, S-2828 passed the Senate (32-7).

A-4425 (Quijano D20) / **S-2925** (Vitale D19) to establish a driver license for New Jersey residents who cannot prove lawful presence in the United States. Consistent with the statement released by the Governor on 11/16/15, the MVC opposes this bill. Costs are expected to be substantial in IT for modifying driver licenses and Communications for the large public education campaign that will be required. In addition, current law mandates that an applicant provide satisfactory proof of lawful presence in the United States; amendments to this law would be necessary to avoid a conflict of laws. Finally, given that this is a very hot political issue right now, there would be significant public outcry towards MVC if driver licenses were given to undocumented immigrants. On 11/16/15, A-4425 was released from the Assembly Homeland Security and State Preparedness Committee on a party line vote.

A-4570 (Spencer D29) / **S-2622** (Turner D15) to establish a restricted use driver license endorsement to a basic driver's license for drivers whose licenses have been suspended or revoked for certain motor vehicle offenses. The MVC has concerns with this bill. A restricted use license would require extensive changes to the Comprehensive and Agency Licensing programs and would be a heavy lift for the MVC's IT Division. In addition, there are a number of questions that this bill raises, such as the consequences of receiving a point-carrying violation while having this license or whether this applies to people whose license is suspended due to violations not stemming from a failure to pay surcharges or accumulation of points. Finally, the MVC should be given the power to promulgate regulations and rules to enforce the bill. On 11/09/15, A-4570 was released from the Assembly Law and Public Safety Committee on a party line vote after being amended to clarify that a person whose outstanding surcharges resulted from a drunk driving conviction or refusal to submit to a blood alcohol content test would not be eligible for a driver's license endorsement. The amended bill was referred to the Assembly Appropriations Committee. On 11/16/15, S-2622 was released from the Senate Law and Public Safety Committee on a party line vote after being amended to be identical to A-4570 (Spencer D29) by denying a restricted use driver's license to any person who failed to pay a surcharge for a DUI.

Public Comments:

While six members of the public reported to Floor 9W of the Motor Vehicle Commission Headquarters as notified, 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.

Adjournment:

Since there were no further comments or business, a motion to adjourn was made by Board Member Kisch and seconded by Director Fruscione and unanimously adopted at 2:45 p.m.