

“Juvenile[.]” [for the purpose of transfers to DOC under this chapter,] means **both** an individual who has been adjudicated delinquent and sentenced to a term of incarceration to be served under the custody of the Commission **and an individual who has been convicted of an offense subject to waiver under the provisions of N.J.S.A. 2A:4A-46 and sentenced to serve a custodial sentence in a Commission facility, and who is residing in a juvenile facility.**

...

13:91-1.4 Forms

(a) The following forms related to the transfer of juveniles are available through the Juvenile Reception Classification Committee:

1. (No change.)
2. Form 102, Transfer Hearing Form; [and]
3. Form 103, Voluntary Transfer Request Form[.]; **and**
4. **Form 104, Request of Waived Juvenile to Remain in Commission Custody.**

SUBCHAPTER 2. TRANSFER AND REQUIREMENT FOR TRANSFER HEARING

13:91-2.3 Forwarding of recommendation to Commissioner[.] **and Commissioner action for a juvenile who has been adjudicated delinquent**

(a)-(c) (No change.)

13:91-2.3A Transfer of a juvenile waived under the provisions of N.J.S.A. 2A:4A-46

(a) **The Executive Director or designee has the discretion to transfer a juvenile under the age of 21 who has been convicted of a crime and who is serving a custodial sentence in a Commission facility under the provisions of N.J.S.A. 2A:4A-46:**

1. **Upon receiving the written determination provided for in N.J.A.C. 13:91-3.14 that the hearing officer has approved the transfer of a juvenile; or**

2. **If a juvenile requests a transfer by signing Form 103, Voluntary Request Form.**

(b) **Upon reaching the age of 21, a juvenile who has been convicted of a crime and who is serving a custodial sentence in a Commission facility under the provisions of N.J.S.A. 2A:4A-46, shall be transferred to the Department of Corrections, unless:**

1. **The juvenile has completed Form 104, Request of Waived Juvenile to Remain in Commission Custody; and**

2. **The Form 104 request has been approved by the Executive Director or designee.**

(c) **In any event, upon reaching the age of 25, the juvenile shall be transferred to the Department of Corrections.**

SUBCHAPTER 3. TRANSFER HEARING

13:91-3.7 Representation; interested party statements

(a) A juvenile shall be represented at a transfer hearing, including at an in absentia hearing held under the provisions of N.J.A.C. 13:91-3.9, [either by the Ombudsman or by private counsel, selected, retained, and paid for by the juvenile] **by the Office of the Public Defender, unless the juvenile chooses to be represented by nonprofit counsel or engage private counsel at the juvenile’s expense.**

1.-3. (No change.)

(b)-(c) (No change.)

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Licensing Service

Proof of Identity

Proposed Amendments: N.J.A.C. 13:21-1.3, 8.1, and 8.2

Proposed New Rule: N.J.A.C. 13:21-8.2A

Authorized By: Motor Vehicle Commission Board, Raymond P. Martinez, Chairman and Chief Administrator.

Authority: N.J.S.A. 39:2A-2.j, 39:3-4, 39:3-5, 39:3-9c, 39:3-10, 39:3-10f, and 39:3-10f3.

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

Proposal Number: PRN 2016-052.

Submit comments by June 3, 2016, to:

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The agency proposal follows:

Summary

The public comment period for this notice of proposal will be 60 days, since the notice is not listed in the agency rulemaking calendar, pursuant to N.J.A.C. 1:30-3.3(a)5.

The Motor Vehicle Commission (“Commission” or “MVC”), having been formed by the Legislature through the “Motor Vehicle Security and Customer Service Act,” N.J.S.A. 39:2A-2, was found by the Legislature in that Act to have failed security systems, contributing to a growing national problem of identity theft that costs the State and the nation millions of dollars each week. The Legislature found that in the past, fraud and corruption could not be dealt with due to inadequate funding, training, security, internal controls, and oversight. The Legislature found that the MVC must improve its security system and equipment, and its fraud detection, training, and monitoring, so that fraudulent driver licenses such as those used in the furtherance of terroristic activities will be eliminated. Internal audits and controls and investigations were found to be needed to detect patterns of fraud, theft, corruption, identity theft, and mismanagement in the issuance of driver licenses, registrations, and titles because Commission documents must be more resistant to compromise. It had been found that criminals used counterfeit passports, Social Security cards, county identification cards, pay stubs, and W-2 forms to obtain fraudulent driver licenses and non-driver identification cards in furtherance of identity-theft schemes. N.J.S.A. 39:2A-2.i. The Legislature clearly stated at N.J.S.A. 39:2A-2.j that proper identification must be required at all phases of the licensing and driver testing process to assure that only those persons qualified to legally obtain licenses do so.

Based on the Legislature’s findings, the Commission was formed with the purposes of identifying and regulating drivers and motor vehicles to deter unlawful and unsafe acts, among other things. It is charged with addressing the multitude of functions assigned to it while curtailing fraudulent and criminal activities that present threats to the State’s security system. The amendments to N.J.A.C. 13:21-1.3, 8.1, and 8.2 are in furtherance and in compliance with the purposes and authority of the Commission.

Of prime importance is the Federal government’s REAL ID Act, which can be found at 6 CFR Part 37. REAL ID compliant documents will be required to access commercial aircraft and certain Federal facilities for official purposes and New Jersey is allowing special learner permit, examination permit, driver license, commercial driver license, and non-driver identification card applicants to choose whether they wish to obtain a REAL ID or non-REAL ID document. If an applicant chooses

to obtain a REAL ID document, that applicant will have to satisfy all of the requirements that are applicable to REAL ID documents. Conversely, if an applicant chooses to obtain a non-REAL ID document, that applicant will be required to satisfy all of the requirements that are applicable to non-REAL ID documents.

Persons who can satisfy current six-point ID system verification requirements will be able to satisfy the proposed non-REAL ID document verification requirements. Only minor changes are being proposed for persons who seek to obtain or renew non-REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards.

More substantial changes are being proposed for persons who seek to obtain REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards. The changes are designed to satisfy the Federal government's REAL ID mandates.

N.J.A.C. 13:21-1.3, Mandatory disclosure of Social Security number, is proposed for amendment. It is being separated into two subsections. Subsection (a) will apply to non-REAL ID special learner permits, examination permits, driver licenses, and commercial driver licenses. Only technical amendments are proposed for subsection (a). Proposed new subsection (b) will apply to REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards. The proposed new subsection would state that an applicant for a REAL ID special learner permit, examination permit, driver license, commercial driver license, or non-driver identification card must produce his or her Social Security card or other acceptable document as listed in proposed new N.J.A.C. 13:21-8.2A to show proof of Social Security number.

The MVC has statutory authority to require applicants to provide Social Security numbers; the Legislature has stated that identification must be required at all phases of the licensing and driver testing process to assure that only those persons qualified to legally obtain licenses do so. See N.J.S.A. 39:2A-2.j. The Commission also is charged with improving the safety and security of the State's motor vehicle licensing and registration, and as such, is authorized to match motor vehicle records with Social Security records to verify Social Security numbers in the motor vehicle database. See N.J.S.A. 39:2A-29.m. The MVC rules also require each applicant to disclose his or her Social Security number upon the application form furnished by the MVC, and unless the applicant discloses his or her Social Security number, the MVC will not issue a license. The Commission is charged with implementing additional proofs of identity verification for a non-driver identification card, driver license, permits, and registration. See N.J.S.A. 39:2A-29.h. The proposed amendments strengthen and state that N.J.A.C. 13:21-1.3(b) requires the presentation of a Social Security card or other document listed in N.J.A.C. 13:21-8.2 to show proof of Social Security number for REAL ID compliant special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards. This change is required by the United States Department of Homeland Security as part of the REAL ID requirements, see specifically, 6 CFR 37.11(e).

N.J.A.C. 13:21-8.1, Definitions, is proposed for amendment to add the terms "non-driver digitized identification card" and "principal residence."

N.J.A.C. 13:21-8.2, Non-REAL ID age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law; proof of address, is proposed for amendment. As proposed for amendment, this section will contain the requirements that an applicant needs to satisfy in order to obtain a non-REAL ID special learner permit, examination permit, driver license, commercial driver license, or a non-driver identification card. The proposed amendments to the rule are in furtherance of N.J.S.A. 39:3-10, requiring satisfactory proof of identity and age, and satisfactory proof that the applicant's presence in the United States is authorized under Federal law.

New N.J.A.C. 13:21-8.2A, REAL ID Age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law; proof of address, is proposed. The proposed new section will contain the requirements that an applicant needs to satisfy in order to obtain a REAL ID special learner permit, examination permit, driver license, commercial driver license, or non-

driver identification card. The proposed new section is designed to satisfy the Federal REAL ID requirements. Proposed new N.J.A.C. 13:21-8.2A is identical to N.J.A.C. 13:21-8.2, except for the changes indicated below.

The Commission is continually making efforts to improve the safety and security of the State's motor vehicle licensing, non-driver identification, registration, titling, and inspection system, which in turn will help fight terrorism and reduce fraud. The Commission is charged by statute at N.J.S.A. 39:2A-29 to do so by making technological improvements, acquiring the ability to access State vital statistics data to immediately update driver's license information, and implementing additional proofs of identity verification for applicants seeking to obtain non-driver identification cards, driver's licenses, permits, and registrations.

A non-REAL ID document will indicate that it is not acceptable for official purposes as determined by the Federal government. A REAL ID document will indicate that it is acceptable for official purposes as determined by the Federal government.

In addition to the existing practice to refuse a permit or driver license, which is already listed in the rule, the Commission will refuse to issue a non-driver identification card, if the Commission has reasonable cause to believe that a document is altered, false, or otherwise invalid. This applies to both REAL ID and non-REAL ID documents; it also reflects current Commission practice.

The proposed amendments and new rule add civil union certificate to the list of documents that currently includes civil marriage certificate, divorce decree, or court order that can be used to establish evidence of a different name than the name recorded on the documents submitted to the Commission to satisfy the six-point identification system. This proposed amendment and new rule applies to both non-REAL ID and REAL ID documents and reflects existing Commission practice.

The proposed amendments and new rule would require each applicant for a REAL ID driver license, commercial driver license, special learner permit, examination permit, or non-driver identification card to furnish acceptable proof of the applicant's Social Security number. Acceptable proof is: a Social Security card with Social Security Administration (SSA) verification; a W-2 form issued within the past year; a pay stub with the applicant's name and Social Security number; an SSA-1099 form issued within the past year; or a non-SSA 1099 form issued within the past year.

The proposed amendments clarify, and new rule states, that the identity of the applicant shall be deemed to be the name recorded on the document submitted to the Commission unless evidence of a different name is established by the submission of a civil marriage or civil union certificate, divorce decree, or court order.

United States and United States Territory birth certificates are four-point primary documents. The proposed amendments and new rule would also allow certified copies of United States and United States Territory birth certificates that are filed with the state office of vital statistics or equivalent agency in the individual's state of birth to also be used as four-point primary documents for both REAL ID and non-REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards. This comports with current agency practice.

United States adoption papers will no longer be four-point primary documents under the proposed new rule for REAL ID driver licenses, commercial driver licenses, special learner permits, examination permits, and non-driver identification cards because they are not included in the United States Department of Homeland Security's REAL ID list of acceptable source documents. United States adoption papers will now be three-point secondary documents for REAL ID documents. They will continue to be four-point primary documents for non-REAL ID permits, licenses, and non-driver identification cards.

Valid United States military photo identification cards will no longer be four-point primary documents under the proposed new rule for REAL ID driver licenses, commercial driver licenses, special learner permits, examination permits, and non-driver identification cards because they are not included in the United States Department of Homeland Security's REAL ID list of acceptable documents. Valid United States military photo identification cards will now be three-point secondary documents for REAL ID documents. They will continue to be four-point primary

documents for non-REAL ID permits, licenses, and non-driver identification cards.

New Jersey driver licenses and United States passports are currently acceptable documents in the six-point system if they are current or have been expired less than three years. Under the proposed amendments, only unexpired New Jersey driver licenses and United States passports will be accepted for REAL ID driver licenses, commercial driver licenses, special learner permits, examination permits, and non-driver identification cards. No change will occur for non-REAL ID permits, licenses, and non-driver identification cards.

The Commission currently accepts Form N-550, N-570, and N-578 Certificates of Naturalization as four-point primary documents for United States citizens. The Commission will continue its current practice for non-REAL ID permits, licenses, and non-driver identification cards. For REAL ID permits, licenses, and non-driver identification cards, the Commission will only accept Form N-550 and N-570 Certificates of Naturalization as four-point primary documents for United States citizens because those are the only two forms authorized by 6 CFR 37.05(b)(1)(vii).

The Commission currently accepts Form N-560, N-561, and N-645 Certificates of Citizenship as four-point primary documents for United States citizens. The Commission will continue its current practice for non-REAL ID permits, licenses, and non-driver identification cards. For REAL ID permits, licenses, and non-driver identification cards, the Commission will only accept Form N-560 and N-561 Certificates of Naturalization as four-point primary documents for United States citizens because those are the only two forms authorized by 6 CFR 37.05(b)(1)(viii).

Under the proposed amendments and new rule, unexpired foreign passports with United States Citizenship and Immigration Service (USCIS) verification and with valid record of arrival/departure (Form I-94) or valid I-551 stamp in passport will continue to be four-point primary documents for non-REAL ID permits, licenses, and non-driver identification cards. However, only unexpired foreign passports with USCIS verification and with valid record of arrival/departure (Form I-94) will be four-point primary documents for REAL ID permits, licenses, and non-driver identification cards because 6 CFR 37.05(b)(1)(vi) only references Form I-94; it does not reference a valid I-551 stamp.

At the present time, when an applicant presents a current photo employment authorization card (Form I-688 or I-766) as a primary document, they must also present a valid Social Security card. Together, the two documents equal a four-point primary document, three points for the employment authorization card and one point for the Social Security card. This requirement will continue for non-REAL ID permits, licenses, and non-driver identification cards. However, under the proposed new rule for REAL ID permits, licenses, and non-driver identification cards, a current photo employment authorization card will be accepted independently as a three-point primary document.

Under the proposed amendments and new rule, New Jersey driver licenses, non-driver identification cards, special learner permits with digital images, examination permits with digital images, and probationary licenses with digital images will only be accepted as four-point primary documents for REAL ID driver licenses, special learner permits, examination permits, commercial driver licenses, and non-driver identification cards if they are issued on or after the effective date of this rulemaking. That will assure that these documents were issued under the requirements in this proposed rulemaking. They will be accepted as four-point secondary documents for non-United States citizens only for REAL ID documents. Current photo driver licenses of any state of the United States, including New Jersey and the District of Columbia, that were issued prior to the effective date of this rulemaking, will be one-point secondary documents. No change will occur for non-REAL ID permits, licenses, and non-driver identification cards.

Current photo driver licenses of any state of the United States or the District of Columbia that meet the United States Department of Homeland Security's REAL ID standards will now be included as four-point primary documents under the proposed new rule for REAL ID driver licenses, special learner permits, examination permits, commercial driver licenses, and non-driver identification cards. No change will occur for non-REAL ID permits, licenses, and non-driver identification cards.

The proposed amendments and new rule update the term "alien registration card," which is the former official name of the document to "permanent resident card," which is the current official name of the document. This change affects REAL ID and non-REAL ID driver licenses, special learner permits, examination permits, commercial driver licenses, and non-driver identification cards.

The existing rule requires applicants to present an acceptable proof of address. The proposed new rule would require applicants for REAL ID driver licenses, permits, and non-driver identification cards to present two acceptable proofs of principal residence. This is a REAL ID requirement. Applicants for non-REAL ID driver licenses, permits, and non-driver identification cards still only need one proof of principal residence; for non-REAL ID applicants, it is just a change in nomenclature from acceptable proof of address to one proof of principal residence.

Applicants for REAL ID driver licenses, special learner permits, examination permits, commercial driver licenses, and non-driver identification cards will no longer be able to use high school or college report cards or transcripts from within the past two years as proof of address but applicants for non-REAL ID driver licenses, special learner permits, examination permits, commercial driver licenses, and non-driver identification cards will still be able to use the report cards and transcripts as proof of address.

The existing rule lists first class mail from any government agency within six months as an acceptable proof of address document. The proposed amendments and new rule would specifically indicate that this includes a Commission-issued driver license renewal form. This formalizes a longstanding Commission administrative practice of accepting the renewal form as a proof of address. This applies to REAL ID and non-REAL ID applicants.

The proposed amendments and new rule incorporate the statutory requirements in N.J.S.A. 39:3-9b that victims of domestic violence and other specified crimes and those the Chief Administrator determines to have good cause may use as a mailing address on documents a post office box, an address other than the applicant's address or other contact point as acceptable proof of principal residence. This applies to REAL ID and non-REAL ID applicants.

Another REAL ID requirement, to require applicants to present for inspection acceptable proof of Social Security documents, is included in the proposed new rule for REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards. Acceptable proof of Social Security documents are: a Social Security card with Social Security Administration (SSA) verification; a W-2 form issued within the past year; a pay stub with the applicant's name and Social Security number; an SSA-1099 form issued within the past year; or a non-SSA form issued within the past year. This change does not apply to non-REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards.

The Commission proposes to amend N.J.A.C. 13:21-8.2(f) for non-REAL ID driver licenses and permits, so that it no longer indicates that the Chief Administrator shall suspend or revoke the driver license or permit of any person from a foreign country upon expiration of the license or permit holder's lawful presence in the United States unless it is demonstrated that the person's continued presence in the United States is authorized under Federal law. That language does not represent the Commission's current practice. The proposed new language states that the Commission shall set the expiration date of the permit or license at a date based on the date that the person's documents authorizing them to be legally present in the United States expire. The new language shall also apply to REAL ID driver licenses and permits.

REAL ID requires the capturing of an applicant's photo by state motor vehicle authorities once the state motor vehicle authority receives an application from an applicant for a special learner permit with photo, examination permit with photo, driver license, commercial driver license, or non-driver identification card. The Commission proposes to also capture the photo of each applicant for a non-REAL ID special learner permit with photo, examination permit with photo, driver license, commercial driver license, or non-driver identification card. The Commission's experience has shown that, in many instances, individuals with fraudulent intent have left Motor Vehicle Commission agencies once

they noticed that their documents were being scrutinized a little more carefully. Some of these individuals could have gone to other Motor Vehicle Commission agencies to attempt to get documents. The Commission will already be retaining copies of the documents that are submitted with the application. Requiring each applicant to be photographed by the Commission's facial recognition imaging system will further reduce the chances of an applicant establishing two driving records and two identities.

Social Impact

The proposed amendments and new rule will have beneficial social impacts upon the public. Efforts to improve the integrity and security of State-issued driver licenses and non-driver identification cards will help fight identity theft and terrorism, and reduce fraud.

The proposed new rule will allow those issued REAL ID driver licenses, commercial driver licenses, special learner permits, examination permits, or non-driver identification cards after the effective date of this rulemaking to board commercial aircraft or enter Federal buildings or other facilities using their licenses, permits, or identification cards.

The addresses of the principal residence of victims of crimes of domestic violence and others who are currently statutorily authorized under N.J.S.A. 39:3-9b to use an alternate address will continue to be protected by the Commission from disclosure.

Having a secure database and being able to trace the origins of the information relied on by the Commission personnel who issued the initial or renewed Commission documents is beneficial because permits, licenses, and non-driver identification cards issued by motor vehicle authorities have become gold-standard identification documents that are used to access many other privileges and benefits and to obtain other documents, including credit cards and bank accounts. It also assures that the Commission knows who it is issuing documents to, who is driving motor vehicles on the public roads and highways, who is incurring violations on the public roads and highways, whose license privileges it is suspending, etcetera. It also protects legitimate Commission customers who are the recipients and holders of Commission-issued documents such as permits, licenses, and non-driver identification cards from identity theft.

Economic Impact

The proposed amendments and new rule will have no economic impact. The amendments and new rule are not changing the cost for driver licenses, commercial driver licenses, special learner permits, examination permits, or non-driver identification cards.

Federal Standards Statement

Federal regulation (6 CFR Part 37) sets minimum standards for driver licenses and non-driver identification cards to make them acceptable by Federal agencies for official purposes. The proposed REAL ID document rules contained in this rulemaking are designed to ensure that New Jersey's proposed REAL ID special learner permits, examination permits, driver licenses, commercial driver licenses, and non-driver identification cards will be in compliance with the Federal REAL ID requirements.

Federal law (42 U.S.C. § 405(c)(2)(C)) specifically permits the respective states to utilize Social Security numbers in the administration of driver license or motor vehicle registration laws.

Federal REAL ID regulation (6 CFR 37.11) requires individuals who apply for REAL ID driver licenses and non-driver identification cards to present their Social Security cards or, if the Social Security card is not available, to submit a W-2 form, an SSA-1099 form, or a pay stub with the applicant's name and Social Security number on it. Also, pursuant to 6 CFR 37.11, state motor vehicle authorities are required to "subject each person applying for a REAL ID driver license or identification card to a mandatory facial image capture and shall maintain photographs of individuals even if no card is issued.

The proposed amendments and new rule do not cause the rules to, or amend a rule that does, exceed Federal standards or requirements.

Jobs Impact

The Commission does not anticipate that any jobs will be generated or lost as a result of the proposed amendments or new rule.

Agricultural Industry Impact

The proposed amendments and new rule will not have an impact on the agricultural industry.

Regulatory Flexibility Statement

The proposed amendments and new rule would not affect small businesses as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., as the proposed amendments and new rule apply only to individuals.

Housing Affordability Impact Analysis

The proposed amendments and new rule will have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules pertain to driver licensing and identification.

Smart Growth Development Impact Analysis

The proposed amendments and new rule will not have an impact on smart growth development and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain to documents required for driver licensing and identification.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

13:21-1.3 Mandatory disclosure of Social Security number

(a) Non-REAL ID driver licenses and non-driver identification cards requirements are as follows:

[(a)] 1. An applicant for any **Non-REAL ID** special learner[']s] permit, examination permit, driver license, commercial driver license or any endorsement thereto, or registration shall disclose his or her Social Security number upon the application form furnished by the Chief Administrator of the Motor Vehicle Commission.

[(b)] 2. A special learner[']s] permit, examination permit, driver license, commercial driver license or any endorsement thereto, or registration shall not be issued unless the applicant therefor discloses his or her Social Security number upon the application form.

(b) REAL ID driver licenses and non-driver identification cards requirements are as follows:

1. An applicant for any REAL ID special learner permit, examination permit, driver license, commercial driver license or any endorsement thereto, non-driver identification card, or registration shall disclose his or her Social Security number upon the application form furnished and present his or her Social Security card or other acceptable documentation as listed in N.J.A.C. 13:21-8.2A, that bears his or her Social Security number.

2. A REAL ID special learner permit, examination permit, driver license, commercial driver license or any endorsement thereto, or non-driver identification card shall not be issued unless the applicant therefor discloses his or her Social Security number upon the application form and presents his or her Social Security card or other acceptable documentation as listed in N.J.A.C. 13:21-8.2A, that bears his or her Social Security number.

(c) (No change.)

SUBCHAPTER 8. DRIVER LICENSES

13:21-8.1 Definitions

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

...
"Non-driver identification card" means a non-driver identification card with a digital image of the person to whom it is issued.

"Permit" means a special learner[']s] permit, examination permit, or any written instrument issued under the provisions of N.J.S.A. 39:3-13 or 39:3-13.1 et seq.

“Principal residence” means the applicant’s primary place of residence, expressed as a street address.

“Road test” means that portion of the driver license examination wherein the applicant for a New Jersey basic driver[s] license or motorcycle license demonstrates his or her ability to exercise safe and reasonable control in the operation of a motor vehicle of the type or general class of vehicles for which the license he or she has applied for would be valid.

13:21-8.2 [Age] **Non-REAL ID age** requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law; proof of address

(a) A non-REAL ID document (special learner permit, examination permit, driver license, commercial driver license, or non-driver identification card) will indicate that it is not acceptable for official purposes as determined by the Federal government. New Jersey allows each applicant to choose whether to apply for a non-REAL ID document (requirements are listed in this section) or REAL ID document (requirements are listed in N.J.A.C. 13:21-8.2A).

[(a)] **(b)** Each applicant for a license, permit, or non-driver identification card shall be required to furnish to the Commission, upon request, proof of identity and date of birth and proof that the applicant’s presence in the United States is authorized under Federal law. Such proof may be established by submission of the original or certified (by the issuing authority) copy of the primary and/or secondary documents [which] that are listed in [(b)] **(c)** below as follows:

1.-5. (No change.)

6. The Commission [is required by law (N.J.S.A. 39:3-10) to] **shall** refuse to grant any permit or license or **non-driver identification card**, if the Commission has reasonable cause to believe that a document is altered, false, or otherwise invalid.

7. An applicant who is not a United States citizen must submit proof of continued legal presence in the United States, **as evidenced by a document listed in (c) lii below or by a document issued by the United States Department of Homeland Security or another Federal agency that establishes the applicant’s legal right to be in the United States as of the time the proof is presented.**

8. [Commission authorized] **For persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity or date of birth, Commission-authorized** personnel may review, approve, or accept [other] documentation that proves the applicant’s identity and date of birth, and that the applicant’s presence in the United States is authorized under Federal law.

9. **The identity of the applicant shall be deemed to be the name recorded on the document(s) submitted to the Commission pursuant to this section unless evidence of a different name is established by the submission of a civil marriage or civil union certificate, divorce decree, or order of court.**

[9.] **10.** The Commission reserves the right to make changes to the list of acceptable documents found in [(b)] **(c)** below. Such changes will be posted on the Motor Vehicle Commission’s website, www.njmvc.gov, and will be available at all motor vehicle agencies.

[(b)] **(c)** The following are acceptable documents:

1. Primary documents:

i. A United States citizen must submit at least one document from the following list:

<u>Document</u>	<u>Value</u>
United States or United States Territory birth certificate or certified copy with a state office of vital statistics or equivalent agency in the individual’s state of birth	4

[Provisional] Probationary license with digitized image	4
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ii. A person who is not a United States citizen must submit at least one document from the following list to **establish lawful presence in the United States:**

<u>Document</u>	<u>Value</u>
Current [Alien Registration] Permanent Resident Card (Form I-551) with expiration date and with United States Citizenship	4

and Immigration Services (USCIS) verification

Current [Alien Registration] Permanent Resident Card (Form I-551) without expiration date and with USCIS verification	2
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2. Secondary documents:

i. United States citizens and persons who are not United States citizens must submit at least one document from the list below.

<u>Document</u>	<u>Value</u>
[Provisional] Probationary license with digitized image (a secondary document for non-United States citizens only)	4

Civil marriage or civil union certificate or divorce decree	3
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[(c)] **(d)** Each applicant must present for inspection an acceptable proof of address document, which may be, but is not limited to, the following:

1.-5. (No change.)

6. First class mail from any government agency within six months, **including a Commission-issued driver license renewal form;**

7. A checking or savings account statement (bank or credit union) **issued within the last 60 days;** or

8. (No change.)

[(d)] The identity of the applicant shall be deemed to be the name recorded on the document(s) submitted to the Commission pursuant to this section unless evidence of a different name is established by the submission of a civil marriage certificate, divorce decree or order of court.]

(e) Pursuant to N.J.S.A. 39:3-9b, victims of domestic violence and other specified crimes, and those the Chief Administrator determines to have good cause may show a mailing address on documents in this list as a post office box, an address other than the applicant’s address, or other contact point as acceptable proof of principal residence.

[(e)] **(f)** (No change in text.)

[(f)] **(g)** Any person from a foreign country who is in New Jersey for a period of one year or less and who would be entitled to operate a motor vehicle in this State pursuant to [(e)] **(f)** above but for the fact that he or she is not the holder of a driver[s] license from the country in which he or she resides shall be eligible to make application for a New Jersey driver[s] license or permit. [The Chief Administrator shall suspend or revoke any driver’s license or permit issued pursuant to this subsection upon expiration of the license or permit holder’s lawful presence in the United States unless it is demonstrated that the person’s continued presence in the United States is authorized under Federal law.] **If a New Jersey driver license or permit is issued, the Commission shall fix the expiration date at a date based on the period in which the person is authorized to be present in the United States under Federal immigration laws. The Commission may renew the driver license or permit only if it is demonstrated that the person’s continued presence in the United States is authorized under Federal law.**

[(g)] **(h)** The Commission shall not issue a driver[s] license or permit to a person who is entitled to operate a motor vehicle in this State pursuant to [(e)] **(f)** above or who is entitled to operate a motor vehicle in this State under a reciprocity privilege granted by any law, unless said reciprocity privilege is revoked or terminated by the establishment of residence in this State and the surrender of said person’s current out-of-State driver[s] license to the Commission upon issuance of a New Jersey driver[s] license.

(i) The Commission shall take a photo of each applicant for a new or renewed non-REAL ID-compliant special learner permit with photo, examination permit with photo, driver license, commercial driver license, or non-driver identification card upon submission of the application.

13:21-8.2A REAL ID document age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law; proof of address

(a) A REAL ID document (special learner permit, examination permit, driver license, commercial driver license, or non-driver identification card) will indicate that it is acceptable for official purposes as determined by the Federal government. New Jersey allows each applicant to choose whether to apply for a REAL ID document (requirements are listed in this section) or a non-REAL ID document (requirements are listed in N.J.A.C. 13:21-8.2).

(b) Each applicant for a REAL ID-compliant special learner permit, examination permit, digitized driver license, commercial driver license, or non-driver identification card shall be required to furnish to the Commission proof of identity, principal residence, date of birth, and proof that the applicant’s presence in the United States is authorized under Federal law. Such proof may be established by submission of the original or certified (by the issuing authority) copy of the primary and/or secondary documents that are listed in (c) below, as follows:

1. Each applicant must produce documents that total at least six points.

2. Each applicant must present at least one primary document.

3. Each applicant must present at least one secondary document.

4. An applicant shall not submit more than two documents with a point value of one.

5. If discrepancies exist within or between documents submitted by an applicant, the Commission may require that the applicant submit additional documentation.

6. The Commission shall refuse to grant any permit or license or non-driver identification card, if the Commission has reasonable cause to believe that a document is altered, false, or otherwise invalid.

7. An applicant who is not a United States citizen must also submit proof of continued legal presence in the United States evidenced by a document listed in (c)1ii below or by a document issued by the United States Department of Homeland Security or another Federal agency that establishes the applicant’s legal right to be in the United States as of the time the proof is presented.

8. For persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity or date of birth, Commission-authorized personnel may review, approve, or accept alternate documentation that proves the applicant’s identity or date of birth, or that the applicant’s presence in the United States is authorized under Federal law.

9. The identity of the applicant shall be deemed to be the name recorded on the document(s) submitted to the Commission pursuant to this section unless evidence of a different name is established by the submission of a civil marriage or civil union certificate, divorce decree, or order of court.

10. The Commission reserves the right to make changes to the list of acceptable documents found in (c) below. Such changes will be posted on the Motor Vehicle Commission’s website, www.njmvc.gov, and will be available at all motor vehicle agencies.

(c) The following are acceptable documents:

1. Primary documents:

i. A United States citizen must submit at least one document from the following list:

<u>Document</u>	<u>Value</u>
United States or United States Territory birth certificate or certified copy filed with a state office of vital statistics or equivalent agency in the individual’s state of birth	4
United States Department of State birth certificate (Form FS-545 or DS-1350)	4
United States Department of State Consular Report of Birth Abroad (Form FS-240)	4
Unexpired United States passport	4
Unexpired New Jersey digitized driver license issued on or after (the effective date of this new section)	4
Valid New Jersey non-driver digitized identification card	4

issued on or after (the effective date of this new section)	4
Certificate of Naturalization (Form N-550 or N-570)	4
Certificate of Citizenship (Form N-560 or N-561)	4
Unexpired special learner permit with digital image issued on or after (the effective date of this new section)	4
Unexpired examination permit with digital image issued on or after (the effective date of this new section)	4
Probationary license with digital image issued on or after (the effective date of this new section)	4
Current photo driver license of any other state of the United States including the District of Columbia that meets the requirements of 6 CFR Part 37	4
ii. A person who is not a United States citizen must submit at least one document from the following list to establish lawful presence in the United States:	

<u>Document</u>	<u>Value</u>
Current Permanent Resident Card (Form I-551) with expiration date and with United States Citizenship and Immigration Services (USCIS) verification	4
Unexpired foreign passport with USCIS verification and with valid record of arrival/departure (Form I-94)	4
Refugee Travel Document (Form I-571)	4
United States Re-entry Permit (Form I-327)	4
Valid I-94 stamped “Refugee,” “Parolee,” “Asylee” or “Notice of Action” (Form I-797 approved petition) by USCIS	4
Valid I-94 with attached photo stamped “Processed for I-551 ...” by USCIS	4
Current photo employment authorization card (Form I-688B or I-766)	3
Current Permanent Resident Card (Form I-551) without expiration date and with USCIS verification	2
Photo Temporary Resident Card (Form I-688)	2

2. Secondary documents:

i. United States citizens and persons who are not United States citizens must submit at least one document from the list below:

<u>Document</u>	<u>Value</u>
Valid New Jersey digitized driver license issued on or after (the effective date of this new section) (a secondary document for non-United States citizens only)	4
Unexpired special learner permit with digital image issued on or after (the effective date of this new section) (a secondary document for non-United States citizens only)	4
Unexpired examination permit with digital image issued on or after (the effective date of this new section) (a secondary document for non-United States citizens only)	4
Valid Probationary license with digital image issued on or after (the effective date of this new section) (a secondary document for non-United States citizens only)	4
Legal name change court order signed by a judge or court clerk	3
Civil marriage or civil union certificate or divorce decree	3
United States adoption papers	3
Current United States military photo identification card	3
Current United States military dependent card	3
United States military photo retiree card	3
New Jersey firearm purchaser card	3
Valid United States government employee driver license	2
Valid United States government employee photo identification card	2
United States military discharge papers (DD214)	2
Federal Aviation Administration pilot license	2
United States school photo identification card with transcript or school records	2
United States college photo identification card with transcript	2
Current photo driver license of any state of the United States including New Jersey and the District of Columbia (issued prior to the effective date of this new section)	1
State professional license	1
New Jersey public assistance card with photo	1
Social Security card with Social Security Administration (SSA) verification	1

High school diploma or GED (general equivalency diploma) 1
 Bank statement/record (cannot be submitted in conjunction with ATM card) 1
 ATM (automated teller machine) card with preprinted name and applicant’s signature (cannot be submitted in conjunction with bank statement) 1
 Current health insurance card or current prescription card 1
 Current employee identification card accompanied by a printed pay stub 1
 Property tax statement, bill or receipt issued by a New Jersey municipality 1
 High school certificate (written test waiver) 1
 Veteran’s Administration universal access photo identification card 1

(d) Each applicant must present for inspection two acceptable proof of principal residence documents, which may be, but are not limited to, the following:

1. A utility or credit card bill displaying applicant’s name at current address, issued within the last 90 days;
2. A property tax bill, statement, or receipt within the last year;
3. Any letter or correspondence (including tax bills) received from the Federal Internal Revenue Service or any state tax office within the past year;
4. An original lease or rental agreement with the name of the applicant listed as the lessee or renter;
5. First class mail from any government agency within six months, including a Commission-issued driver license renewal form;
6. A checking or savings account statement (bank or credit union) issued within the last 60 days; or
7. A certification, verifying the address of an applicant under 18 years of age who does not have his or her own proof of address verification, from a parent or guardian.

(e) Pursuant to N.J.S.A. 39:3-9b, victims of domestic violence and other specified crimes and those the Chief Administrator determines to have good cause may show a mailing address on documents in this list as a post office box, an address other than the applicant’s address, or other contact point as acceptable proof of principal residence.

(f) Each applicant must present for inspection acceptable proof of Social Security number documentation (which will be verified through the Social Security Online Verification system), which shall be either:

1. Social Security card;
2. W-2 form issued within the past year;
3. Pay stub with applicant’s name and Social Security number;
4. SSA-1099 form issued within the past year; or
5. Non-SSA-1099 form issued within the past year.

(g) Any person from a foreign country who is in New Jersey for a period of one year or less may operate a motor vehicle in this State if he or she is the holder of a current driver license in good standing from the country in which he or she resides, provided that such license authorizes operation of the class of vehicle to be operated in this State. The Chief Administrator may deny, suspend, or revoke the driving privilege conferred by this subsection for violation of any of the provisions of Title 39 of the Revised Statutes or on other reasonable grounds upon notice and an opportunity to be heard pursuant to the procedures in N.J.A.C. 13:19-1.

(h) Any person from a foreign country who is in New Jersey for a period of one year or less and who would be entitled to operate a motor vehicle in this State pursuant to (g) above but for the fact that he or she is not the holder of a driver license from the country in which he or she resides shall be eligible to make application for a New Jersey driver license or permit. If a New Jersey driver license or permit is issued, the Commission shall fix the expiration date at a date based on the period in which the person is authorized to be present in the United States under Federal immigration laws. The Commission may renew the driver license or permit only if it is demonstrated that the person’s continued presence in the United States is authorized under Federal law.

(i) The Commission shall not issue a driver license or permit to a person who is entitled to operate a motor vehicle in this State pursuant to (g) above or who is entitled to operate a motor vehicle in this State under a reciprocity privilege granted by any law, unless said reciprocity privilege is revoked or terminated by the establishment of residence in this State and the surrender of said person’s current out-of-State driver license to the Commission upon issuance of a New Jersey driver license.

(j) The Commission shall take a photo of each applicant for a new or renewed REAL ID compliant special learner permit with photo, examination permit with photo, driver license, commercial driver license, or non-driver identification card upon submission of the application.

(a)

DIVISION OF OPERATIONS
Charitable Solicitation on Roadways
Proposed Readoption with Amendments: N.J.A.C. 16:40
Proposed Repeals and New Rules: N.J.A.C. 16:40-4.1 and 11
Proposed New Rule: N.J.A.C. 16:40-4.3
Proposed Repeal: N.J.A.C. 16:40 Appendix

Authorized By: Richard T. Hammer, Acting Commissioner, Department of Transportation.
 Authority: N.J.S.A. 27:1A-6, 27:1A-7, and 39:4-60.
 Calendar Reference: See Summary below for explanation of exception to calendar requirement.
 Proposal Number: PRN 2016-045.

Submit written comments by June 3, 2016, to:
 Miriam Weeks
 Administrative Practice Officer
 New Jersey Department of Transportation
 PO Box 600
 Trenton, NJ 08625-0600
 Fax: (609) 530-4638

Submit electronically at nidotRules@dot.nj.gov.

This rule may be viewed or downloaded from the Department’s website at <http://www.state.nj.us/transportation/about/rules/proposals.shtm>.

The agency proposal follows:

Summary

In accordance with N.J.S.A. 52:14B-5.1 and Executive Order No. 66(1978), N.J.A.C. 16:40 is scheduled to expire on February 23, 2016. As the Department of Transportation (Department) submitted this notice of readoption with the Office of Administrative Law on that date, the expiration date is extended 180 days to August 21, 2016, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Department has reviewed the rules and determined that they remain necessary, reasonable, and proper for the purposes for which they were originally promulgated. The Department proposes to readopt this chapter with the amendments, repeals, and new rules set forth below. This notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5, as the Department has provided a 60-day comment period for this notice of proposal.

This chapter describes the procedures by which charitable organizations can file applications to obtain permits to solicit contributions in State highway right-of-way. The Department proposes amendments, repeals, and new rules to clarify the scope and the approval process, modernize language, and update standards, references, contact information, citations, and websites. New language is also proposed to establish the timeframe for permits and to add criterion related to permit denial.