

13:20-46.6 Civil penalty schedule; reduction of penalty

(a) The owner and the lessee, if any, of a heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus operated in violation of N.J.S.A. 39:8-62 shall be jointly and severally liable for a civil penalty. For a first violation, the owner or lessee shall pay a civil penalty of \$700.00, except as otherwise provided in this section. For a second or subsequent violation, the owner or lessee shall pay a civil penalty of \$1,300, except as otherwise provided in this section.

(b) A second or subsequent violation is one [which] **that** occurs within one year of the occurrence of a previous violation of N.J.S.A. 39:8-62 committed with respect to the same heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus. This [one year] **one-year** period shall be determined without regard to the date of the hearing that adjudicated the violation and without regard to the identity of the defendant against whom it was adjudicated.

(c) The complaint and summons alleging a violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus shall state whether the charges pertain to a first violation or to a second or subsequent violation, but if the complaint and summons fail to allege a second or subsequent violation, the civil penalty imposed shall be that for a first violation.

(d) The penalty for a first violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus may be reduced to \$150.00 and the penalty for a second or subsequent violation may be reduced to \$500.00 if the defendant provides a certification of the smoke opacity-related repairs **or other non-tampering emission-related repairs** to the vehicle that is satisfactory to the court and in compliance with emission standards. The certification of compliance and repairs shall consist of the following:

1.-3. (No change.)

(e) (No change.)

(f) A defendant who is charged with a violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus and who is permitted to waive appearance and plead guilty by mail shall also be permitted to submit the certification of emission-related repairs and compliance with emission standards by mail. If the court deems the certification to be inadequate, it shall afford the defendant the option to withdraw the guilty plea.

(g) (No change.)

(h) The operator of a heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus [as herein defined] who fails to comply with any direction given by an enforcement officer or who refuses to submit or resists submitting a vehicle under the operator's control for roadside inspection, or who fails to comply with any other obligation imposed upon that person as part of the roadside diesel emission inspection program shall be jointly and severally liable with the owner and the lessee, if any, of the vehicle for a civil penalty of \$500.00; provided, however, that the New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(i) The owner and the lessee, if any, of a heavy-duty diesel truck or diesel bus subject to periodic inspection who fails to submit such vehicle for periodic inspection or who fails to effect repairs on a vehicle that has failed periodic inspection shall be liable for a civil penalty of \$500.00. The New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(j) The owner and the lessee, if any, of a heavy-duty diesel truck, **diesel powered motor vehicle**, or diesel bus who disconnects, detaches, deactivates, or in any way renders inoperable or less effective an element of design or the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, except temporarily for the purpose of diagnosis, repair, replacement, or maintenance, shall be liable for a civil penalty of \$500.00. The New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(k) **The owner and the lessee, if any, of a diesel powered motor vehicle who disconnects, detaches, deactivates, or in any way renders inoperable or less effective, an element of design or exhaust system, including the emission control apparatus and exhaust aftertreatment apparatus, except temporarily for the purpose of diagnosis, repair, replacement, or maintenance shall be subject to re-inspection at a State specialty inspection facility. The Chief Administrator may suspend the registration privileges of an owner or lessee for failure to re-inspect the failed vehicle within 45 days of the occurrence of the violation.**

(a)

MOTOR VEHICLE COMMISSION LICENSING SERVICE

License and Registration Renewals, Duplicates, Interim Driver Licenses and Non-Driver Identification Cards and Restorations

**Proposed Amendments: N.J.A.C. 13:21-9.5, 9.6, 9.7,
9.9, 9.10, 9.11, 9.12, and 9.14**

Proposed New Rules: N.J.A.C. 13:21-9.7 and 9.8

Authorized By: Motor Vehicle Commission, B. Sue Fulton, Chair.

Authority: N.J.S.A. 39:2-3, 39:2-3.8, 39:2A-28, 39:3-4, and 39:3-31.

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

Proposal Number: PRN 2019-040.

Submit written comments by May 31, 2019, to:

Kate Tasch, APO
Regulatory and Legislative Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, New Jersey 08666-0162
Or via e-mail to rulecomments@mvc.nj.gov.

The agency proposal follows:

Summary

The Motor Vehicle Commission (Commission) proposes the following amendments and new rules at N.J.A.C. 13:21-9, expanding the options for customers to transact business with the Commission without the need to travel to an agency location to do so. Specifically, new rules are proposed to clarify rules regarding registration duplicates and renewals, which are already offered online, and to expand the online options to include driver license and non-driver identification card duplicates and renewals. Interim documents, which are defined in the proposed amendments, will be made available to applicants for use during the period between their application for new licenses, non-driver identification cards, or registration certificates, and their receipt thereof. The proposed amendments and new rules will provide additional convenience to New Jersey residents by offering these new credentials online, which in turn, is expected to aid in the reduction of in-agency transactions and proportionally reduce foot traffic in the agency offices.

N.J.S.A. 39:2-3.8 expressly authorizes the Commission to permit the submission of documents and information in electronic and digital form and to permit transactions between the Commission and its customers to be submitted through the Internet, notwithstanding any statutory, regulatory, or other requirement that applications be signed, certified, verified, or witnessed, or which otherwise explicitly or implicitly requires the preparation or submission of such documents on paper or in written form. N.J.S.A. 39:2-3.8 expressly provides that the Chief Administrator cannot mandate the use of either a digital or electronic submission by individuals, and the Commission is not eliminating paper submissions; rather, it wishes to provide customers with a broader range of options and greater convenience. The existing online registration renewal and duplicate processes are clarified in the proposed amendments and new rules, and online options are expanded to include obtaining duplicates of

and renewing driver licenses and non-driver identification cards online. These proposed amendments and new rules are intended to facilitate the implementation of these online services.

N.J.A.C. 13:21-9.5 is proposed for amendment to add definitions and amend existing definitions pertinent to the proposed amendments and new rules and the interim documents to be made available to online applicants. Specifically “applicant” is proposed for amendment to include applicants for driver licenses and non-driver identification cards, in addition to registrations; “interim driver license” is proposed for amendment to limit to class D, E, F, G, and boat, as the classes of licenses for which the interim document will be offered; and “interim non-driver identification card” is proposed for amendment to reflect the new name for the interim non-driver identification document. New definitions are also proposed as follows: “interim commercial driver license class A, B, C” is added to define the interim document for the identified commercial driver licenses; “interim commercial learner permit” is added to define the interim document for commercial learner permits; and “interim registration” is added to define the new document for interim registrations. The new definitions “interim commercial driver license class A, B, C,” “interim commercial learner permit,” and the amended definitions “interim driver license class D, E, F, G, boat,” and “non-driver identification card receipt” include that they “shall not be valid for more than 30 days, unless extended by the Chief Administrator for good cause.” This new language permits extensions of the specified documents for good cause in the discretion of the Chief Administrator.

N.J.A.C. 13:21-9.6 is proposed for amendment to clarify which registrations are eligible for online transactions and which are not. Additionally, it delineates the information necessary for completion of online registration transactions. The limitation on the number of online duplicate registrations is clarified, additional classifications of registrations are identified as both eligible and ineligible for the online processes, and identification of documents and information required to complete online transactions are specified, including a valid Social Security number, license plate number, e-mail address, and insurance information. Specifically, autocycles are added as eligible for online, electronic, and/or digital registrations, and “cancelled registrations” are removed from the ineligible list as duplicative of the existing categories of expired, surrendered, and suspended registrations. In addition, two new ineligible categories are added to preserve the security of the online process: registrations on which an address change has been made within 14 business days before or after the date of the duplicate registration transaction, and registrations in the name of deceased persons.

Proposed new N.J.A.C. 13:21-9.7 addresses the application for renewal or duplicate driver licenses online. Specifically, the proposed new rule clarifies which driver licenses are eligible for online renewals and duplicates and which are not. Additionally, it delineates the information necessary for completion of online driver license transactions. In addition, it makes clear that the Commission may reject any application for a driver license transaction online, and require an appearance at an agency, if the Commission has information that the licensee has misrepresented eligibility in any manner. The option to obtain an online duplicate driver license is limited to one in a single day and two in a four-year cycle. In addition, the new rule clarifies that obtaining a duplicate driver license after a licensee’s 21st birthday will not remove the vertical, probationary license details on the license and will not upgrade the probationary license to a standard license.

Proposed new N.J.A.C. 13:21-9.8 addresses the application for renewal or duplicate non-driver identification cards online. Specifically, the proposed new rule clarifies which non-driver identification cards are ineligible for online renewals and what information will be necessary to complete online non-driver identification card transactions. In addition, the proposed new rule clarifies that the Commission may reject any application for a non-driver identification card transaction online, and require an appearance at an agency, if the Commission has information that the card-holder has misrepresented eligibility in any manner. As with driver licenses, the option to obtain an online duplicate non-driver identification card is limited to one in a single day and two in a four-year cycle.

Recodified N.J.A.C. 13:21-9.9 is proposed for amendment to include that applicants for duplicate driver licenses and non-driver identification

cards online must also certify or state that the original document they are seeking to replace has been destroyed, lost, or stolen. Duplicate registration certificates will continue to be available upon certification that the original has been destroyed, lost, or stolen, or upon a statement that the registration holder requires a duplicate registration certificate for use by members of his or her family.

Recodified N.J.A.C. 13:21-9.11 is proposed for amendment to include both renewals and duplicate driver licenses and non-driver identification cards to the transactions enumerated as requiring verification of a current mailing address.

Recodified N.J.A.C. 13:21-9.12 is proposed for amendment to include driver licenses and non-driver identification cards to the transactions enumerated as requiring disclosure of an applicant’s full Social Security number for completion of a transaction. Disclosure of the applicant’s Social Security number is required by N.J.A.C. 13:21-1.3. The cross-reference to N.J.A.C. 13:21-1.4 was deleted from this section as redundant.

Recodified N.J.A.C. 13:21-9.13 is proposed for amendment to clarify that an applicant who cannot, or will not, fully supply or who will not acknowledge or certify, when required, the accuracy of any information supplied, shall not be able to renew or obtain a duplicate driver license or non-driver identification card online.

Recodified N.J.A.C. 13:21-9.14 is proposed for amendment to include clarification that an interim registration will be made available to applicants for renewals or duplicates of driver licenses and non-driver identification cards. The automatic extension provision is proposed for deletion for online and mail-in registration renewals. A 30-day printable interim registration for online renewals that will also be e-mailed by encrypted e-mail to the applicant, and will contain details regarding the transaction, is proposed. A printable receipt document is also proposed to be made available to an applicant for online duplicate registrations and e-mailed to the applicant by encrypted e-mail. The proposed amendments include the information to be contained on the interim registration document and the printed receipt. Printable interim driver licenses are similarly proposed where an applicant applies for a renewal or a duplicate of an existing driver license online, and a printable non-driver identification card receipt is proposed to be offered where an applicant applies for a renewal or duplicate of an existing non-driver identification card. These interim documents will also be e-mailed to the applicants by encrypted e-mail and will contain detailed information specified in the proposed amendments. Existing subsection (d), regarding central issuance, is proposed for deletion, because it is being replaced with the proposed new text of this section. Finally, new subsection (b), permits extension of the specified documents for good cause in the discretion of the Chief Administrator.

Recodified N.J.A.C. 13:21-9.16 is proposed for amendment to include driver licenses and non-driver identification cards in the enumerated transactions subject to optional applicant surveys.

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

Social Impact

The proposed amendments and new rules are beneficial to the public in that they expand the Commission’s online services to include a wider range of options to customers who might prefer to obtain duplicates of, or renew, their eligible driver licenses and non-driver identification cards from the comfort of their own homes or elsewhere, without the necessity of visiting an agency to complete their transactions. The proposed amendments provide that interim documents are made available to the applicant for printing at the end of each renewal or duplicate transaction and provide the added benefit of immediate access to interim documents. It is expected that the implementation of these additional online options will decrease the foot traffic in the Commission’s agency locations throughout the State, thereby also proportionately reducing the wait times experienced by customers at those agency locations. It is also anticipated that any associated costs to the Commission will be offset by the enhanced convenience offered to the public.

Economic Impact

The Commission will incur minimal to moderate costs relative to the Commission's operating costs in establishing and maintaining a system to accommodate the new online options provided in the proposed amendments and new rules. It is anticipated that such costs will be offset by a reduction in the number of written applications that will need to be manually processed because of the availability of online options. To the degree that the changes reduce the need to drive to a Commission location, it should save some members of the public the cost of gasoline and mileage on their cars.

The Commission will also incur costs associated with the additional transactions in the form of payment of fees to the New Jersey Information Division of NICUSA, Inc. (NICUSA-NJ). NICUSA-NJ is New Jersey's electronic government partner that processes payments by customers through a secure payment gateway, including payments to the Commission for online transactions. The new interim documents, which are made available to applicants to print at home should not have any significant economic impact on the Commission.

Federal Standards Statement

A Federal standards analysis is not required because the subject matter of the proposed amendments and new rules is authorized under State law and is not subject to Federal requirements or standards.

Jobs Impact

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

Agriculture Industry Impact

The Commission does not anticipate that these proposed amendments and new rules will have any agriculture industry impact in this State.

Regulatory Flexibility Statement

The proposed amendments and new rules do not impose reporting, recordkeeping, or other compliance requirements on small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments and new rules only pertain to individuals, not businesses. Therefore, a regulatory flexibility analysis is not required.

Housing Affordability Impact Analysis

The proposed amendments and new rules will not have any impact on the affordability of housing in New Jersey, and the proposed amendments and new rules will not evoke a change in the average costs associated with housing because the proposed amendments and new rules pertain solely to electronic registration, driver license and non-driver identification card duplicates, and renewals and interim credentials.

Smart Growth Development Impact Analysis

The proposed amendments and new rules will have no impact on smart growth and will not 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 proposed amendments and new rules pertain solely to electronic registration, driver license and non-driver identification card duplicates, and renewals and interim credentials.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

SUBCHAPTER 9. LICENSE AND REGISTRATION RENEWALS, DUPLICATES, INTERIM DRIVER LICENSES AND NON-DRIVER IDENTIFICATION CARDS, AND RESTORATIONS

13:21-9.5 Definitions

As used in N.J.A.C. 13:21-9.5 through [9.16] **9.18**, the following words and terms shall have the following meanings:

"Applicant" means an individual who chooses to renew, or obtain a duplicate of, a vehicle registration, **driver license, or non-driver identification card** online through the Internet.

...

"**Interim commercial driver license class A, B, C**" means an interim document issued by the Commission that allows the holder to operate a class A, B, or C commercial vehicle, as defined at N.J.A.C. 13:21-8.22(a), until the holder receives his or her permanent commercial driver license by mail or until the license expires, unless the holder's driving privileges are suspended, cancelled, or revoked. An interim commercial driver license class A, B, C shall not be valid for more than 30 days, unless extended by the Chief Administrator for good cause.

"**Interim commercial learner permit**" means an interim document issued by the Commission that allows the holder to operate as a commercial vehicle learner until the holder receives his or her permanent commercial learner permit by mail or until the card expires, unless the holder's driving privileges are suspended, cancelled, or revoked. An interim commercial learner permit shall not be valid for more than 30 days, unless extended by the Chief Administrator for good cause.

"Interim driver license class D, E, F, G, boat" means an interim [or temporary] document issued by the Commission[, which] that allows the holder to operate a [non-commercial] class D, E, F, and G vehicle or a boat, as defined at N.J.A.C. 13:21-8.22(a), until the holder receives his or her permanent driver license by mail or until the card expires, and unless the holder's [driving] operating privileges are suspended, cancelled, or revoked. An interim driver license class D, E, F, G, boat shall not be valid for more than 30 days, unless extended by the Chief Administrator for good cause.

"**Interim registration**" means an interim document issued by the Commission that shall serve as valid proof of vehicle registration, only until the holder receives his or her permanent registration by mail or until the document expires. An interim registration shall not be valid for more than 30 days.

"[Interim non-driver] **Non-driver identification card receipt**" means [an interim or temporary] a document indicating payment for a renewal or duplicate non-driver identification card issued by the Commission[, which the holder may use for identification purposes until the holder receives his or her permanent non-driver identification card by mail or until the card expires and]. **The receipt is valid until the expiration date**, unless the holder's right to [an] a non-driver identification card is suspended, cancelled, or revoked. [An interim] A non-driver identification card **receipt** shall not be valid for more than 30 days, unless extended by the Chief Administrator for good cause.

"Personal information" means information that identifies an individual, including an individual's photograph[;], Social Security number[;], driver identification number[;], name[;], address other than the five-digit zip code[;], telephone number[;], and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status.

...

"Vehicle" means a private passenger automobile[s], motorcycle[s], private utility trailer[s], house-type semi-trailer[s], house-type trailer[s], and non-commercial vessel[s].

13:21-9.6 Application for renewal or duplicate of vehicle registration in electronic or digital form; eligibility

(a) An application for renewal of a vehicle registration or duplicate of a vehicle registration may be submitted to, and processed by, the Commission in electronic or digital form through the use of a point-and-click menu through a web browser over the Internet, but only in the

manner specifically provided for in N.J.A.C. 13:21-9.5 through [9.16] 9.18, and authorized by N.J.S.A. 39:2-3.8.

(b) (No change.)

(c) **Only the primary owner of the vehicle can obtain an online duplicate registration and only four family duplicates and five duplicates per transaction will be issued.** A registration holder is only eligible to obtain a duplicate of their registration by online, electronic, and/or digital means if:

1.-2. (No change.)

(d) The following registrations are eligible for online, electronic, and/or digital registration duplicates:

1.-2. (No change.)

3. Motorcycle and autocycle registrations; and

4. (No change.)

(e) The following registrations are ineligible for online, electronic, and/or digital duplicate registrations:

1. (No change.)

[2.] 2. Cancelled registrations;]

[3.] 2. Surrendered registration[s] plates;

Recodify existing 4.-5. as 3.-4. (No change in text.)

[6.] 5. Registrations where [license] registration plates are marked as lost or stolen;

[7.] 6. Commercial registrations; [and]

[8.] 7. No-fee plate registrations[.];

8. Registrations on which an address change has been made within 14 business days before or after the date of the duplicate registration transaction; and

9. Registrations in the name of deceased persons.

(f) The following information is required to complete an online duplicate registration transaction:

1. A valid Social Security number;

2. A valid license plate number;

3. A valid electronic mail address; and

4. Valid insurance information for the vehicle, including the name of the insurance company and policy number.

[(f)] (g) (No change in text.)

13:21-9.7 Application for renewal or duplicate of driver license in electronic or digital form; eligibility

(a) An application for renewal or a duplicate of a driver license may be submitted to, and processed by, the Commission in electronic or digital form through the use of a point-and-click menu through a web browser over the Internet, but only in the manner specifically provided for at N.J.A.C. 13:21-9.5, 9.6, 9.8 through 9.18, and this section and authorized by N.J.S.A. 39:2-3.8. A licensee is prohibited from making an online address change for 30 calendar days from the date of an online license renewal. An applicant for an online duplicate driver license must certify that the original driver license for which a replacement is sought, has been destroyed, lost, or stolen.

(b) Application for renewal or a duplicate of a driver license must be made in the manner and form provided by the Commission and accompanied by the applicable fee.

(c) The following driver licenses are eligible for online, electronic, and/or digital renewal:

1. A basic and probationary driver license;

2. A motorcycle license;

3. A moped license;

4. A boat license; and

5. A REAL ID driver license within the classes set forth in (c)1, 2, 3, and 4 above.

(d) The following driver licenses are ineligible for online, electronic, and/or digital renewal:

1. An examination permit, special learner permit, commercial learner permit, and graduated driver license;

2. A commercial driver license classifications A, B, and C;

3. An agricultural license;

4. A temporary license;

5. Any license on which an address has been changed within the last 30 calendar days;

6. A suspended driver license;

7. A standard driver license that has been expired for more than three years or an expired REAL ID driver license;

8. A cancelled driver license;

9. A driver license where the licensee has died since the issuance of the original license;

10. A driver license with a temporary visa restriction;

11. A driver license where the licensee has an ignition interlock requirement;

12. A driver license that is not within three months of the expiration date; and

13. A driver license where the record does not contain a valid Social Security number.

(e) In addition to (d) above, a licensee is ineligible for online, electronic, and/or digital renewal in the following circumstances:

1. A licensee has a driver license or non-driver identification card from any other state, province, territory, or country;

2. A licensee's driving privilege is suspended in any other state, province, territory, or country; or

3. A licensee is over six months behind in child support and/or court-ordered health care payments, is subject to a child support warrant, or is in violation of a subpoena relating to a paternity or child support action.

(f) The following information is required to complete an online driver license renewal transaction:

1. A renewal form received by the licensee by mail;

2. A valid Social Security number;

3. A valid driver license number; and

4. A valid electronic mail address.

(g) The following driver licenses are eligible for an online, electronic, and/or digital duplicate:

1. A commercial driver license classifications A, B, and C;

2. A basic and probationary driver license;

3. A motorcycle license;

4. A moped license;

5. An agricultural license;

6. A boat license; and

7. A REAL ID driver license within the classes set forth in (g)1 through 6 above.

(h) The following driver licenses are ineligible for an online, electronic, and/or digital duplicate:

1. An examination permit, special learner permit, and commercial learner permit;

2. Any license on which an address has been changed within the last 30 calendar days;

3. A suspended driver license;

4. A standard driver license that has been expired for more than three years or an expired REAL ID license;

5. A cancelled driver license;

6. A driver license where the licensee has died since the issuance of the original license;

7. A driver license with a temporary visa restriction;

8. A driver license where the licensee has an ignition interlock requirement;

9. A driver license where the record does not reflect a valid facial recognition status; and

10. A driver license that is more than 90 days prior to expiration.

(i) In addition to (h) above, a licensee is ineligible to obtain an online, electronic, and/or digital duplicate in the following circumstances:

1. A licensee has a driver license or non-driver identification card from any other state, province, territory, or country;

2. A licensee's driving privilege is suspended in any other state, province, territory, or country; or

3. A licensee is over six months behind in child support and/or court-ordered health care payments, is subject to a child support warrant, or is in violation of a subpoena relating to a paternity or child support action.

(j) The following information is required to complete an online duplicate transaction:

1. A valid Social Security number;

2. A valid driver license number; and
3. A valid electronic mail address.

(k) The Commission may reject any application for the renewal or a duplicate of a driver license, and may require a personal appearance at an agency, if the Commission has information that the licensee has misrepresented eligibility for a driver license in any manner. A licensee may only apply for one online duplicate driver license per single four-year cycle will be issued. Address changes shall be prohibited for 14 days after an online duplicate driver license transaction. Obtaining a duplicate driver license after a licensee's 21st birthday will not remove the vertical, probationary license details on the license and will not upgrade the probationary license to a standard license.

13:21-9.8 Application for renewal or duplicate of non-driver identification card in electronic or digital form; eligibility

(a) An application for renewal or duplicate of a non-driver identification card may be submitted to, and processed by, the Commission in electronic or digital form through the use of a point-and-click menu through a web browser over the Internet, but only in the manner specifically provided for in N.J.A.C. 13:21-9.5, 9.6, 9.7, 9.9 through 9.18, and this section and authorized by N.J.S.A. 39:2-3.8. An applicant is prohibited from making an online address change for 30 calendar days after the date of an online non-driver identification card renewal or duplicate. An applicant for an online duplicate non-driver identification card must certify that the original non-driver identification card for which a replacement is sought has been destroyed, lost, or stolen.

(b) Application for renewal or a duplicate of a non-driver identification card must be made in the manner and form provided by the Commission and accompanied by the applicable fee.

(c) The following non-driver identification cards are ineligible for online, electronic, and/or digital renewal:

1. A non-driver identification card receipt;
2. A non-driver identification card scheduled for suspension;
3. A standard non-driver identification card that has been expired for more than three years or an expired REAL ID non-driver identification card;
4. A non-driver identification card where the card holder has died since the issuance of the original non-driver identification card;
5. A non-driver identification card with a temporary visa restriction;
6. A non-driver identification card that is not within three months of the expiration date;
7. A non-driver identification card where the record does not contain a valid facial recognition status; and
8. A non-driver identification card where the record does not contain a valid Social Security number.

(d) The following information is required to complete an online non-driver identification card renewal transaction:

1. A renewal form received by the cardholder by mail;
2. A valid Social Security number; and
3. A valid electronic mail address.

(e) The following non-driver identification cards are ineligible for online, electronic, and/or digital duplicates:

1. A non-driver identification card receipt;
2. A non-driver identification card scheduled for suspension;
3. A standard non-driver identification card that has been expired for more than three years or an expired REAL ID non-driver identification card;
4. A cancelled non-driver identification card;
5. A non-driver identification card where the cardholder has died since the issuance of the original non-driver identification card;
6. A non-driver identification card with a temporary visa restriction;
7. A non-driver identification card that is not within three months of the expiration date;

8. A non-driver identification card where the record does not reflect a valid facial recognition status; and

9. A non-driver identification card where the record does not contain a valid Social Security number.

(f) The following information is required to complete an online non-driver identification card duplicate transaction:

1. A valid Social Security number; and
2. A valid electronic mail address.

(g) The Commission may reject any application for the renewal or a duplicate of a non-driver identification card, and may require a personal appearance at an agency, if the Commission has information that the applicant has misrepresented eligibility for a non-driver identification card in any manner. An applicant for a duplicate or renewal of a non-driver identification card is prohibited from making an online address change for 30 calendar days before the date of an online renewal or duplicate. Address changes shall be prohibited for 14 days after an online duplicate non-driver identification card transaction. Only one online duplicate transaction may be completed by an applicant in a single day, and only two online duplicate non-driver identification cards per a single four-year cycle will be issued.

13:21-[9.7]9.9 Content of application; signature; false entry

(a) An applicant shall supply all information requested by the Commission during the electronic renewal and duplicate process. As authorized by N.J.S.A. 39:2-3.8, the signature of an applicant shall be deemed affixed to all information submitted electronically. In addition, upon application for a duplicate registration, **driver license, or non-driver identification card**, the applicant must certify that the original document [they are] **he or she** is seeking to replace has been destroyed, lost, or stolen, or alternately that the holder requires a duplicate registration certificate for use by members of his or her family.

(b) The system utilized by the Commission shall include adequate provision for verification, certification, witnessing, or other formal requirements that must be met with respect to documents or other information permitted by the Chief Administrator to be submitted in electronic or digital form. The system utilized by the Commission shall also include safeguards deemed necessary by the Chief Administrator to protect the privacy and prevent the improper access to and disclosure of any personal information that may be transmitted in an electronic or digital form or processed electronically.

(c) (No change.)

(d) The electronic or digital application for a duplicate registration, **driver license or non-driver identification card, and renewal of a registration, driver license, or non-driver identification card**, shall require online authentication and shall also include, at a minimum, the following:

1. A certification that the original duplicate vehicle registration, **driver license, or non-driver identification card** has been destroyed, lost, or stolen, or in the case of a duplicate registration, as applicable, a statement to the Commission that the registration holder requires a duplicate registration certificate for use by members of his or her family; and

2. (No change.)

13:21-[9.8]9.10 (No change in text.)

13:21-[9.9]9.11 Verification of current mailing address

An applicant who chooses to renew [a] **and/or obtain a duplicate vehicle registration, [or obtain a duplicate registration] driver license, or non-driver identification card** electronically through the Internet shall verify or provide the applicant's address as part of the registration, renewal, **and/or duplicate application** process.

13:21-[9.10]9.12 Submission of Social Security number

An applicant shall enter the applicant's full Social Security number as part of the registration, **driver license and non-driver identification card** renewal, [or] **and/or duplicate application** process. Disclosure of the applicant's Social Security number is mandatory under N.J.A.C. 13:21-1.3 [, and may be used only for the purposes contained in N.J.A.C. 13:21-1.4].

13:21-[9.11]9.13 Inability or refusal to provide all information requested

An applicant who cannot or will not fully provide required information or an applicant who will not acknowledge or certify, when required, the accuracy of information provided, shall not be able to renew or obtain duplicates of his or her vehicle registration, **driver license, or non-driver identification card** through the Internet.

13:21-[9.12]9.14 [Automatic extension] **Extension** of prior registration for timely renewal [by mail or] through the Internet; interim duplicate registration; and interim driver license and non-driver identification card **receipt**

(a) An applicant who has accurately and timely completed a registration renewal process through the Internet, but who does not receive a renewed registration document from the Commission before the date on which the applicant's prior registration document expires, shall be [automatically granted an extension of the prior registration document] **issued an interim registration** by the Chief Administrator, in accordance with the provisions of N.J.S.A. 39:3-4 and 39:2-3. The [automatic extension of the prior registration document] **interim registration** shall [terminate] **expire** upon receipt by the applicant of the renewed registration document or the passage of [three weeks] **30 days** from the original expiration date, whichever is earlier, unless the Chief Administrator expressly determines otherwise.

(b) An individual who has accurately and timely completed a registration renewal process by mail, but who does not receive a renewed registration document from the Commission before the date on which the individual's prior registration document expires, shall be automatically granted an extension of the prior registration document by the Chief Administrator, in accordance with the provisions of N.J.S.A. 39:3-4 and 39:2-3. The automatic extension of the prior registration document shall terminate upon receipt by the individual of the renewed registration document or the passage of three weeks from the original expiration date, whichever is earlier, unless the Chief Administrator expressly determines otherwise.]

[(c)] (b) Upon successful completion of an online duplicate registration transaction, [an] **a printable receipt and** interim [duplicate] registration will be made available to the applicant[, which may be printed by the applicant] **and will also be sent to the applicant by encrypted electronic mail.** The **receipt and** interim registration is valid for [14] **30 days** from the date of the online electronic transaction and shall contain, at a minimum, an expiration date, [along with the applicable vehicle information] **the owner's name and co-owner's name, if applicable, an address, the year, type and make of the vehicle, the vehicle identification number, the vehicle registration plate number, and the date, time, and confirmation number of the transaction. The receipt and interim registration is valid as proof of vehicle registration only, and it expires on the date shown on the document, unless extended. The receipt and interim registration shall not be used to transfer vehicle ownership or to request a duplicate certificate of ownership.**

[(d)] If the Commission determines that central issuance of driver licenses and non-driver identification cards shall be expanded in the State of New Jersey, an interim driver license or interim non-driver identification card may be issued by the Commission at such time that an applicant has met all the requirements for the issuance of a driver license or a non-driver identification card in accordance with N.J.S.A. 39:3-10 et seq., and 39:3-29.2 et seq., and N.J.A.C. 13:21-8. The interim driver license shall permit the applicant, while the interim driver license is in his or her possession, to drive a motor vehicle. The interim driver license shall indicate the class of license granted and any endorsements granted. No interim driver license shall be issued for a commercial driver license or a commercial license permit. The Commission may issue an interim driver license or interim non-driver identification card, which shall be valid for a period of time not to exceed 30 days. The interim driver license or interim non-driver identification card shall become invalid when:

1. The replacement driver license or non-driver identification card is received in the mail;
2. Driving privileges or rights to a non-driver identification card are suspended, cancelled, or revoked; or

3. The interim driver license or interim non-driver identification card expires, if not already invalidated pursuant to (d)1 and 2 above.]

(c) Upon successful completion of an online renewal of a driver license, a printable interim driver license will be made available to the licensee, and will also be sent to the licensee by encrypted electronic mail. The interim driver license is valid for 30 calendar days from the date of the online electronic transaction. The interim license shall contain, at a minimum, issuance and expiration dates, transaction identification and type, the licensee's full name, address, date of birth, and driver license number and class, endorsements and restrictions, organ donor status if the licensee is an organ donor, a signature line for the licensee to sign the interim license, and a barcode. An interim driver license cannot be used for identification purposes. The printable interim driver license must be signed and carried with the driver's most recent driver license issued by the Commission, unless the printable interim driver license is marked "initial" or "duplicate." An interim driver license shall serve as documentation of interim driving privileges. A licensee is permitted to drive a motor vehicle of the class for which he or she is licensed, when the interim license is in his or her possession and unexpired.

(d) Upon successful completion of an online renewal of a non-driver identification card, a printable non-driver identification card receipt will be made available to the applicant and will also be sent to the applicant by encrypted electronic mail. A non-driver identification card receipt may not be used for identification purposes. The non-driver identification card receipt shall contain, at a minimum, the cardholder's full name, address, date of birth, identification card number, transaction identification, and organ donor status, if the cardholder is an organ donor.

(e) Upon successful completion of an online duplicate driver license transaction, a printable interim driver license for class D, E, F, G, and boat licenses, or a printable interim commercial driver license for class A, B, and C licenses, will be made available to the applicant, and will also be sent to the applicant by encrypted electronic mail. The printable interim driver license or interim commercial driver license is valid for 30 days from the date of the online electronic transaction and shall contain, at a minimum, a barcode with an expiration date, the transaction identification and type, a signature line for the driver where the driver must sign, the applicant's license class, the applicant's full name and driver license number, the applicant's date of birth and mailing address, the date of issuance, any applicable endorsements and restrictions, and applicant's organ donor status, if applicant is an organ donor. An interim driver license and interim commercial driver license cannot be used for identification purposes. The printable interim driver license or interim commercial driver license must be signed and carried with the driver's most recent driver license issued by the Commission, unless the printable interim driver license or interim commercial driver license is marked "initial" or "duplicate." An interim driver license and interim commercial driver license shall serve as documentation of interim driving privileges. A licensee is permitted to drive a motor vehicle of the class for which he or she is licensed, when the interim driver license or interim commercial driver license is in his or her possession and unexpired.

(f) Upon successful completion of an online duplicate non-driver identification card transaction, a printable non-driver identification card receipt will be made available to the applicant, and will also be sent to the applicant by encrypted electronic mail. The non-driver identification card receipt may not be used for identification purposes. The non-driver identification card receipt shall contain the transaction identification, the applicant's full name, address, date of birth, identification number, and applicant's organ donor status, if the applicant is an organ donor.

13:21-[9.13]9.15 (No change in text.)

13:21-[9.14]9.16 Applicant survey

The Commission may, either directly or through a consultant or a contractor, survey applicants to ascertain from them their opinions, observations, or recommendations regarding the process of renewing or duplicating registrations, driver licenses, and non-driver identification

cards through the Internet. Although these surveys will be conducted in conjunction with actual transactions, an applicant need not participate in the survey in order to conduct the transaction. Participation in such a survey will be solely at the option of an applicant, and survey results shall contain no personal information, unless expressly authorized by the applicant.

Recodify existing 13:21-9.15 and 9.16 as **9.17 and 9.18** (No change in text.)

(a)

**CAPITAL PROGRAM MANAGEMENT
CAPITAL PROGRAM SUPPORT
Utility Accommodation**

Proposed New Rule: N.J.A.C. 16:25-8.10

Authorized By: Diane Gutierrez-Scaccetti, Commissioner,
Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-19, 40:62-35, 40:62-134, 48:2-80 et seq., 48:5A-1, 48:7-1 et seq., 48:7-2 et seq., 48:9-17, 48:9-25.4; 48:13-10, 48:17-8, 48:17-16, and 48:19-17.

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

Proposal Number: PRN 2019-038.

Submit written comments by May 31, 2019, to:

Paul F. Sprewell
Administrative Practice Officer
New Jersey Department of Transportation
PO Box 600
Trenton, NJ 08625-0600
Fax: (609) 530-4638
Submit electronically at njdotRules@dot.state.nj.us.

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

N.J.A.C. 16:25 governs utilities, including pipelines, overhead power and communications lines, and underground electric power and communications lines. The chapter contains standards and requirements for utility accommodation on Department of Transportation (Department) rights-of-way (ROW). New Jersey is heavily industrialized and densely populated and, from a transportation perspective, described as a "Corridor State." The Department strives to provide a safe and modern highway system for its citizens, visitors, and travelers, while at the same time, ensuring that safe and adequate utility services are provided to its citizens and industries. In addition to carrying out their own improvement and expansion programs to meet ever-changing customer demands, utility companies must also modify their facilities to conform to highway construction projects. Rarely can either the Department or the utility companies construct or alter their respective facilities without somehow impacting the other. Through the rules on utility accommodation, the Department established provisions to control and coordinate the use of highway ROW and the procedures to be used in achieving this control. The Department has long experienced problems with abandoned pipelines. The areas in which the pipes are located deteriorate over time and may cause sinkholes and other potentially dangerous conditions. These conditions harm the roadways and pose dangers to the general traveling public. Work in Department ROW is done through permits and violations of this subchapter will be subject to the provisions found at N.J.A.C. 16:41-6.7.

The proposed new rule is summarized as follows:

Proposed N.J.A.C. 16:25-8.10, Abandonment of pipelines, is added to provide guidelines related to abandoned pipelines. The language states that the Department does not own any of the abandoned pipelines and

provides the methods, including removal, purging, and filling, which may be used to remedy situations involving them.

Since the Department is providing a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed new rule regulates the location, design, and method of installation and maintenance of utilities on State highway ROW. The rule will have a positive social impact in that it maintains public safety along the highways by ensuring that proper procedures are used when utilities are installed along State highways in New Jersey. The rule will also have a positive social impact in that it facilitates the installation and maintenance of critical public utilities, which are essential for the social and economic well-being of New Jersey's residents and businesses. The proposed new rule continues these positive social impacts by ensuring that abandoned pipelines are filled in or removed, lessening the chance that potentially dangerous situations will occur.

Economic Impact

The proposed new rule will continue to have a beneficial economic impact on the public as it allows the safe and efficient movement of people and goods on the State highway system. The rule aids in ensuring that abandoned pipelines are filled in or removed, lessening the chance that potentially dangerous situations will occur.

Under the proposed new rule, both the Department and the utility companies incur direct and indirect costs for personnel, mileage, and equipment requirements associated with the installation, maintenance, and relocation of utilities. Utility companies also incur costs in obtaining applicable permits and in the preparation and implementation of traffic control plans required by N.J.A.C. 16:41, Highway Occupancy Permits, which refers to N.J.A.C. 16:25, Utility Accommodation, for information regarding the methods for installing and relocating utilities. They are also responsible for all costs of restoration and/or repairs to public highway property disturbed or damaged as a result of utility occupancy of highway rights-of-way property. These costs vary, depending upon the type of work done and the site conditions. Each site is unique, so there is no average or range that meaningfully reflects these costs. The applicable fees include those for applications and permits as part of N.J.A.C. 16:41. The cost of repairs varies based upon the amount of material required to restore the disturbed or damaged property. Utility companies are required by N.J.S.A. 48:2-80 et seq., to provide location verification for their facilities and are responsible for the costs associated with providing location verification for their facilities within the State's ROW for proposed Department projects. Utility companies will not be reimbursed for providing the Department or its consultants information on all tenants jointly occupying their utility facility. As the utility company maintains that information for its own purposes, the Department does not consider providing that information a reimbursable expense.

Federal Standards Statement

A Federal standards analysis pursuant to Executive Order No. 27 (1994), P.L. 1995, c. 65, is not required because the Department has determined that the requirements of the proposed new rule are either dictated by State statutes or are the same as Federal requirements and standards set forth at 49 CFR Parts 192, 193, and 195, and 23 CFR Part 645, Subparts A and B.

Jobs Impact

The proposed new rule is not anticipated to result in the loss or generation of jobs in New Jersey. The rule is intended to aid in ensuring that abandoned pipelines are filled in or removed, lessening the chance that potentially dangerous situations will occur.

Agriculture Industry Impact

The proposed new rule will have no impact on the agriculture industry in New Jersey. The rule is not intended to regulate farming, crop, or animal production.

Regulatory Flexibility Statement

The proposed new rule is intended to aid in ensuring that abandoned pipelines are filled in or removed, lessening the chance that potentially dangerous situations will occur. As the proposed new rule does not impose