

of NJOICC based on local labor market conditions or project labor market conditions].

(b) (No change.)

SUBCHAPTER 7. OCCUPATIONAL SAFETY AND HEALTH TRAINING SERVICES

12:23-7.5 Review and evaluation of applications

(a) (No change.)

(b) Applications will be reviewed and evaluated by the Department of Labor and Workforce Development and [in consultation with specialized services, which] may be provided by the Department on a cost basis.

(c)-(h) (No change.)

SUBCHAPTER 8. TUITION POLICIES FOR UNEMPLOYED PERSONS; JOB TRAINING PROGRAM

12:23-8.2 Definitions

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

...

["Labor demand occupation" means an occupation, which:

1. The Center for Occupational Employment Information has, pursuant to N.J.S.A. 34:1A-86, determined is or will be, on a regional basis, subject to a significant excess of demand over supply for trained workers, based on a comparison of the total need or anticipated need for trained workers with the total number being trained; or

2. The Center for Occupational Employment Information, in conjunction with a Workforce Investment Board, has, pursuant to N.J.S.A. 34:1A-86, determined is or will be, in the region for which the board is responsible, subject to a significant excess of demand over supply for adequately trained workers, based on a comparison of total need or anticipated need for trained workers with the total number being trained.]

...

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Licensing Service and Document Scanning

Proposed Amendment: N.J.A.C. 13:21-8.2A

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

Authority: N.J.S.A. 39:2A-2.j, 39:3-9c, 39:3-10, and 39:3-10f; and 6 CFR 37.

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

Proposal Number: PRN 2017-022.

Submit comments by April 7, 2017, to:

Kate Tasch
 Administrative Practice Officer
 Regulatory and Legislative Affairs
 Motor Vehicle Commission
 225 East State Street
 PO Box 160
 Trenton, NJ 08666-0160
 or via e-mail to rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

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

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-1 et seq., was found by the

Legislature in N.J.S.A. 39:2A-2 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 addressed 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 processes 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. The Commission 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 proposed amendments to N.J.A.C. 13:21-8.2A are in furtherance of, and in compliance with, the purposes and authority of the Commission.

Proposed new N.J.A.C. 13:21-8.2A(k) authorizes the Commission to scan applications, declarations, and documents that are presented by the Commission's customers to satisfy the six-point identification system requirements when obtaining permits, licenses, and non-driver identification cards, in accordance with Department of Homeland Security requirements for the issuance of REAL ID-compliant driver licenses and non-driver identification cards. The new subsection also indicates that the scanned applications, declarations, and documents will be retained electronically in accordance with Division of Revenue and Enterprise Services (DORES) statutes and retention schedules. The scanning of applications, declarations, and documents is to ensure the integrity of the Commission's six-point identification verification system by enabling the Commission to conveniently access and verify the application and documents that were submitted by the customer in order to obtain the Motor Vehicle Commission document, so that the Commission meets the United States Department of Homeland Security's REAL ID standards for REAL ID compliant driver licenses and REAL ID compliant non-driver identification cards.

In addition, the Commission proposes changes to the documents deemed acceptable as primary documents, and proposes to merge the separate acceptable primary document lists for United States citizens and non-United States citizens into one primary document list for all applicants for REAL ID-compliant driver licenses and REAL ID-compliant non-driver identification cards, consistent with Department of Homeland Security requirements for the issuance of REAL ID-compliant driver licenses and REAL ID-compliant non-driver identification cards.

At N.J.A.C. 13:21-8.2A(c)1i, "unexpired New Jersey digitized driver license issued on or after September 19, 2016" is proposed to be changed to "unexpired REAL ID-compliant New Jersey digitized driver license" in accordance with Department of Homeland Security requirements for the issuance of REAL ID-compliant driver licenses. "Valid New Jersey non-driver digitized identification card issued on or after September 19, 2016" is proposed to be changed to "valid REAL ID-compliant New Jersey non-driver digitized identification card" in accordance with Department of Homeland Security requirements for the issuance of REAL ID-compliant non-driver identification cards. "Unexpired special learner permit with digital image issued on or after September 19, 2016" is proposed to be changed to "unexpired REAL ID-compliant special learner permit with digital image" in accordance with Department of Homeland Security requirements for the issuance of REAL ID-compliant driver licenses. "Unexpired examination permit

with digital image issued on or after September 19, 2016” is proposed to be changed to “unexpired REAL ID-compliant examination permit with digital image” in accordance with Department of Homeland Security requirements for the issuance of REAL ID-compliant driver licenses. “Probationary license with digital image issued on or after September 19, 2016,” is proposed to be changed to “REAL ID-compliant probationary license with digital image” in accordance with Department of Homeland Security requirements for the issuance of REAL ID-compliant driver licenses.

“Refugee travel document (Form I-571),” “United States Re-entry Permit (Form I-327),” “Valid I-94 stamped “Refugee,” “Parolee,” “Asylee” or “Notice of Action” (Form I-797 approved petition) by USCIS,” and “Valid I-94 with attached photo stamped ‘Processed for I-551 ...’ by USCIS” are proposed to be deleted from the list of primary documents because they are not listed in 6 CFR 37.11 as acceptable documents to be used towards obtaining a REAL ID-compliant driver license or a REAL ID-compliant non-driver identification card. These documents may still be used toward obtaining a non-REAL ID-compliant driver license or a non-REAL ID-compliant non-driver identification card. The photo temporary resident card (Form I-688) is proposed for deletion from the list of acceptable documents to prove lawful presence in the United States because it is not listed in 6 CFR 37.11 and because it is an obsolete document. The Commission will consider proposing to accept such other documents as the United States Department of Homeland Security may designate by notice published in the Federal Register.

At N.J.A.C. 13:21-8.2A(c)2i, “valid New Jersey digitized driver license issued on or after September 19, 2016 (a secondary document for non-United States citizens only)” is proposed to be changed to “valid REAL ID-compliant New Jersey digitized driver license” in accordance with Department of Homeland Security requirements for the issuance of REAL ID-compliant driver licenses. “Unexpired special learner permit with digital image issued on or after September 19, 2016 (a secondary document for non-United States citizens only)” is proposed to be changed to “unexpired REAL ID-compliant special learner permit with digital image” in accordance with Department of Homeland Security requirements for the issuance of REAL ID-compliant driver licenses. “Unexpired examination permit with digital image issued on or after September 19, 2016 (a secondary document for non-United States citizens only)” is proposed to be changed to “unexpired REAL ID-compliant examination permit with digital image” in accordance with Department of Homeland Security requirements for the issuance of REAL ID-compliant driver licenses. “Valid Probationary license with digital image issued on or after September 19, 2016 (a secondary document for non-United States citizens only)” is proposed to be changed to “valid REAL ID-compliant probationary license with digital image” in accordance with Department of Homeland Security requirements for the issuance of REAL ID-compliant driver licenses and non-driver identification cards. “Current photo driver license of any state of the United States including the District of Columbia that meets the requirements of 6 CFR Part 37” is added as a four-point document in accordance with Department of Homeland Security requirements for the issuance of REAL ID-compliant driver licenses. “Current photo driver license of any state of the United States including New Jersey and the District of Columbia issued prior to September 19, 2016” is proposed to be changed to “current Non-REAL ID-compliant photo driver license of any state of the United States including New Jersey and the District of Columbia” because those documents are currently issued and have been issued for quite some time.

Social Impact

The Commission proposes to scan applications, declarations, and documents that are presented by the Commission’s customers to satisfy the six-point identification system requirements when obtaining permits, licenses, and non-driver identification cards, in accordance with Department of Homeland Security requirements for the issuance of REAL ID-compliant driver licenses and non-driver identification cards. Having a secure database and being able to trace the origins of the information relied on by 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 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, and whose license privileges it is suspending, etc. It also helps protect 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.

Removing the Refugee Travel Document (Form I-571), the United States Re-entry Permit (Form I-327), the valid I-94 stamped “Refugee,” “Parolee,” “Asylee,” or “Notice of Action” (Form I-797 approved petition) by the United States Citizenship and Immigration Services (USCIS), and the valid I-94 with attached photo stamped “Processed for I-551...” by USCIS because they are not specifically listed in 6 CFR 37.11 as acceptable documents to be used towards obtaining a REAL ID-compliant driver license or a non-REAL ID-compliant non-driver identification card from the list of acceptable documents may prevent some applicants from obtaining REAL ID-compliant driver licenses or non-driver identification documents but these documents may still be used toward satisfying the requirements for non-REAL ID-compliant driver licenses or non-driver identification cards.

The addition of valid REAL ID-compliant photo driver licenses from any state of the United States including the District of Columbia as four-point documents should help members of the public to satisfy the six-point ID requirements.

Economic Impact

There will be a cost to acquire the scanning equipment that will be necessary to allow the Commission to scan applications, declarations, and documents that are required by the Commission’s six-point identification system. However, the benefits of having a secure permit, driver license, and non-driver identification system outweigh the costs of the scanning equipment. No additional costs will be assessed to customers who are obtaining or renewing their permits, licenses, or non-driver identification cards.

Federal Standards Statement

The proposed amendments do not cause the rules to, or amend any rule that does, exceed Federal standards or requirements. The proposed amendments meet Federal document retention standards for application, declaration, and source documents. Federal law specifically permits the respective states to utilize Social Security numbers and to retain applications, declarations, and documents required by the Commission’s six-point identification system in the administration of driver license or motor vehicle registration laws. See 6 CFR 37.31 and 42 U.S.C. § 405(c)(2)(C)(i). The changes in document acceptance comport with what is permitted and required in 6 CFR 37.11.

Jobs Impact

The Commission does not anticipate that the proposed amendments authorizing the scanning of applications, declarations, and documents that are required by the Commission’s six-point identification system, will result in an increase or decrease of jobs.

Agriculture Industry Impact

The Commission does not believe that the proposed amendments authorizing the scanning of applications, declarations, and documents that are required by the Commission’s six-point ID system, will have any impact on the agriculture industry of New Jersey.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments that pertain to the scanning of applications, declarations, and documents that are required by the Commission’s six-point identification system will not have any impact on small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Scanning of documents and determining types of documents accepted only impacts the Commission’s business practices, not the business practices of its customers.

Housing Affordability Impact Analysis

The proposed amendments will not have an impact on housing affordability and will evoke no change in the average costs associated with housing because the proposed amendments, which pertain to the scanning of applications, declarations, and documents that are required by the Commission’s six-point identification system, will only authorize the Commission to scan certain documents so that they can be electronically stored.

Smart Growth Development Impact Analysis

The proposed amendments, which pertain to the scanning of applications, declarations, and documents that are required by the Commission’s six-point identification system, will have no impact on smart growth development 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, because they only authorize the Commission to scan certain documents so that the documents can be electronically stored.

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

SUBCHAPTER 8. DRIVER LICENSES

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)-(b) (No change.)

(c) The following are acceptable documents:

1. Primary documents:

i. [A United States citizen] **An applicant for a REAL ID-compliant driver license or non-driver identification card** must submit at least one document from the following list:

<u>Document</u>	<u>Value</u>
...	
Unexpired REAL ID-compliant New Jersey digitized driver license [issued on or after September 19, 2016]	4
Valid REAL ID-compliant New Jersey non-driver digitized identification card [issued on or after September 19, 2016]	4
...	
Unexpired REAL ID-compliant New Jersey special learner permit with digital image [issued on or after September 19, 2016]	4
Unexpired REAL ID-compliant New Jersey examination permit with digital image [issued on or after September 19, 2016]	4
[Probationary] REAL ID-compliant New Jersey probationary license with digital image [issued on or after September 19, 2016]	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>
...	
[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]
...	
[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 REAL ID-compliant New Jersey digitized driver license [issued on or after September 19, 2016 (a secondary document for non-United States citizens only)]	4
Unexpired REAL ID-compliant New Jersey special learner permit with digital image [issued on or after September 19, 2016 (a secondary document for non-United States citizens only)]	4
Unexpired REAL ID-compliant New Jersey examination permit with digital image [issued on or after September 19, 2016 (a secondary document for non-United States citizens only)]	4
Valid [Probationary] REAL ID-compliant New Jersey probationary license with digital image [issued on or after September 19, 2016 (a secondary document for non-United States citizens only)]	4
Current REAL ID-compliant photo driver license of any state of the United States including the District of Columbia	4
...	
Current Non-REAL ID-compliant photo driver license of any state of the United States including New Jersey and the District of Columbia [issued prior to September 19, 2016]	1
...	
(d)-(j) (No change.)	
(k) The Commission is authorized to scan all applications, declarations, and documents presented or accepted toward satisfying REAL ID document requirements. All scanned documents will be retained electronically in accordance with Division of Revenue and Enterprise Services (DORES) statutes and retention schedules.	