

(b) An authorized venue shall prominently display in its facility, the approximate odds for each horse in a simulcast race for the purpose of informing the patrons of the actual wagering on each horse.

13:74B-3.5 Wagering tickets

(a) All electronic wagering terminals in an authorized venue shall be locked at off-time and wagering shall cease no later than off-time. No pari-mutuel ticket may be issued for any particular race at an individual sending racetrack after the totalisator has been locked or wagering has ceased, whichever occurs first. No wager shall be honored for payment, and no payment shall be made on any wager, where the corresponding pari-mutuel ticket is found to have been issued in violation of this section.

(b) Wagering on all races offered at an authorized venue from an in-State sending racetrack shall be subject to the refund rule set forth at N.J.A.C. 13:70-29.29, for wagers placed on thoroughbred races, and 13:71-27.28, for wagers placed on harness races.

(c) Wagering on all races offered at an authorized venue from an out-of-State sending racetrack shall be subject to the provisions of N.J.A.C. 13:74-8.6(b) where an interstate common pool is formed and the provisions of the refund rule set forth at N.J.A.C. 13:74-8.5.

(d) For pari-mutuel tickets issued at an authorized venue, the cancellation rule as set forth at N.J.A.C. 13:74-6.7 shall apply.

(e) Subject to the time limitations set forth in N.J.A.C. 13:74-6.9(a) as to claiming of a pari-mutuel ticket, a winning pari-mutuel ticket, a refundable pari-mutuel ticket, or credit voucher issued at an authorized venue, the ticket claims rule set forth at N.J.A.C. 13:74-6.8 shall apply.

(f) Expiration of pari-mutuel tickets and vouchers presented at an authorized venue shall be subject to the expiration rules set forth at N.J.A.C. 13:74-6.9.

13:74B-3.6 Patron complaints

An authorized venue shall comply with the patron complaint rule set forth at N.J.A.C. 13:74-6.13.

SUBCHAPTER 4. CONDUCT OF WAGERING

13:74B-4.1 Distribution of pari-mutuel pools

(a) The pilot program licensee shall ensure that the amounts wagered through the electronic wagering terminals located in the authorized venues be properly distribute to winning bettors, the licensed venue, and others, including for funding of horse racing purses, in a manner similar to that provided under section 44 of P.L. 1940, c. 17 (N.J.S.A. 5:5-64); section 21 of P.L. 2001, c. 199 (N.J.S.A. 5:5-147) for sums wagered on in-State races; and sections 22 through 25, of P.L. 2001, c. 199 (N.J.S.A. 5:5-148 through 151) for sums wagered on out-of-State races, except that a local impact fee of one percent of the pilot program licensee's share shall be paid to the host municipality for general municipal purposes.

(b) The pilot program licensee shall be required to distribute the one percent local impact fee from its share directly to the host municipality and provide the commission with documentation that such payments have been made on a monthly basis.

13:74B-4.2 Hub requirements and receipt of simulcast horse races

(a) Pari-mutuel wagering conducted at an authorized venue is subject to the minimum standards for a hub facility as set forth at N.J.A.C. 13:74-9.

(b) The receipt of simulcast horse races from in-State racetracks at an authorized venue are subject to the requirements as set forth at N.J.A.C. 13:74-8.2(a) and (b).

(c) The receipt of simulcast horse races from out-of-State racetracks are subject to the requirements as set forth at N.J.A.C. 13:74-8.3(a) and (b).

13:74B-4.3 Formation of pari-mutuel pool

(a) The formation of pari-mutuel pool for horse races from in-State sending racetracks or in-State host racetracks at an authorized venue are subject to requirements set forth at N.J.A.C. 13:74-8.4(a) and (b).

(b) The formation of pari-mutuel pool for horse races from out-of-State sending racetracks or out-of-State host racetracks at an authorized venue are subject to requirements set forth at N.J.A.C. 13:74-8.5.

(c) The formation of interstate common pool at an authorized venue are subject to requirements set forth at N.J.A.C. 13:74-8.6(a) and (b).

13:74B-4.4 Simulcast agreements with sending racetracks

A simulcast agreement between an authorized venue and a sending racetrack or host racetrack are subject to the requirements set forth at N.J.A.C. 13:74-8.7(a) and (b).

SUBCHAPTER 5. COOPERATION OF LICENSEES AND ACCESS BY COMMISSION

13:74B-5.1 Cooperation and full access

(a) A person or entity that is licensed to participate in the pilot program who comes into possession of knowledge concerning any violation of the Act and/or this chapter shall immediately report the information to the Commission for investigation and such action as the case may warrant.

(b) All persons licensed to participate in the pilot program shall have the duty to fully cooperate in any investigation being conducted by the Commission and shall give every possible cooperation, aid, and assistance to any department, bureau, division, officer, agent or inspector, or any other person connected with the United States government or with this State, who may be investigating or prosecuting any matter involving a violation of law or any rules of the Commission. Failure to cooperate shall subject the person or persons involved to a fine, suspension, or both.

(c) The Commission, its agents and representatives, in furtherance of its regulatory responsibilities, shall have unrestricted access to all authorized venues licensed to participate in the pilot program.

SUBCHAPTER 6. EXPIRATION OF PILOT PROGRAM

13:74B-6.1 Expiration of pilot program and termination of licensure

All licenses issued by the Commission authorizing participation in the pilot program shall expire within three years after the effective date of the first pilot program license issued by the Commission. Within three years after the effective date of the first pilot program license issued by the Commission, the Commission shall issue a report to the Governor and to the Legislature as provided under section 2 of P.L. 1991, c. 164 (N.J.S.A. 52:14-19.1), which shall contain an evaluation of the pilot program. The report shall also provide the Commission's opinion as to whether the pilot program should be continued and, if so, recommendations for further improvement and implementation. The pilot program shall end upon the expiration of the licenses issued under the pilot program unless the Legislature enacts a law to continue the program.

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Licensing Service

Proposed Amendments: N.J.A.C. 13:19-5.1 and 5.7 and 13:25-4.1 and 4.7

Authorized By: Raymond P. Martinez, Chair, Motor Vehicle Commission Board.

Authority: N.J.S.A. 39:3-10, 39:3-10.6, 39:39-5-30, and 39:5-30.05.

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

Proposal Number: PRN 2012-079.

Submit comments by August 3, 2012 to:

Kate Tasch, APO
Regulatory and Legislative Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, NJ 08666-0162

The agency proposal follows:

Summary

This notice of proposal is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5. Since this notice is not

listed in the agency rulemaking calendar, the public comment period for this notice will be 60 days.

The proposed amendments provide for the reduction of the prerequisite time period prior to the issuance, renewal, or retention of a driver's license, motorized bicycle license, learner's permit, and/or a motorized bicycle learner's permit that an individual must remain free from recurrent convulsive seizures, recurrent periods of impaired consciousness, or from impairment or loss of motor coordination due to conditions such as, but not limited to, epilepsy, in any of its forms. In conjunction with the reduction in the prerequisite seizure-free time period, the proposed amendments recognize and reaffirm the Chief Administrator's authority to determine the capability of motorists seeking issuance, renewal, or retention of a driver's license, motorized bicycle license, learner's permit, and/or a motorized bicycle learner's permit, to operate a motor vehicle and/or motorized bicycle safely. This amendment is proposed at N.J.A.C. 13:19-5.1 and 13:25-4.1.

N.J.A.C. 13:19-5.7, Committee recommendations, is proposed for amendment. The proposed amendment recognizes, notwithstanding N.J.A.C. 13:19-5.1, that it is the Chief Administrator's prerogative, upon consultation with members of the Motor Vehicle Committee, to determine if, at any time, the specific characteristics of a person's disorder adversely impact their capability to safely operate a motor vehicle. The amendment affirms the Chief Administrator's right to continue the suspension until the individual demonstrates his or her respective capabilities to operate a motor vehicle and/or motorized bicycle safely before he or she is issued, allowed to renew, or retain his or her driver's license, learner's permit, motorized bicycle license, and/or motorized bicycle license or learner's permit. The Chief Administrator may make the determination, in the interest of public safety, whether or not to issue and/or renew or allow an individual to retain a initial driver's license or learner's permit, irrespective of the time period since they last suffered convulsive seizures, recurrent periods of impaired consciousness, or from impairment or loss of motor coordination due to conditions such as, but not limited to, epilepsy, in any of its forms. This amendment is also proposed at N.J.A.C. 13:25-4.7, notwithstanding the timeframe at N.J.A.C. 13:25-4.1.

Social Impact

The proposed amendments will maintain the safety of the motoring public while also limiting application of the rules to the greatest extent possible to only those motorists whose individual specific medical characteristics render them incapable of operating a motor vehicle or motorized bicycle safely.

The proposed amendments will ensure that each drivers or motorized bicyclists specific characteristics will be addressed on an individual basis; therefore, the impact on any individual to whom the proposed amendment applies will be as narrow as public safety allows. Any restriction or action against the driving privileges of an affected individual will, therefore, be best suited to each individual's specific characteristics on a case-by-case basis.

The proposed amendments will maintain the safety of all motorists who travel along the highways and roadways of the State of New Jersey and anywhere a New Jersey driver license, learner's permit, motorized bicycle, and/or motorized bicycle learner's permit holder may travel, by ensuring those individuals who are incapable of operating a motor vehicle or motorized bicycle safely due to recurrent convulsive seizures, recurrent periods of impaired consciousness, or from impairment or loss of motor coordination due to conditions such as, but not limited to, epilepsy, in any of its forms, must demonstrate their respective capabilities to operate a motor vehicle and/or motorized bicycle safely before they are issued, allowed to renew, or retain their driver's license, learner's permit, motorcycle license, and/or motorcycle license or learner's permit.

An additional benefit will be realized by the improvement of the well-being of individuals who have suffered recurrent convulsive seizures and recurrent periods of impaired consciousness or impairment or loss of motor coordination due to conditions such as, but not limited to, epilepsy, in all its forms, by allowing them to enjoy the privilege of driving as soon as public safety dictates. Many individuals in the medical community known to the Motor Vehicle Commission to be involved in the care of

and advocacy for individuals affected by recurrent convulsive seizures, recurrent periods of impaired consciousness, or from impairment or loss of motor coordination due to conditions such as, but not limited to, epilepsy, in any of its forms, support these proposed amendments.

Economic Impact

The Commission does not anticipate that there will be an economic impact resulting from this amendment, other than that discussed in the Jobs Impact statement below.

Jobs Impact

The Commission does not anticipate that any jobs will be generated or lost as a result of the proposed amendments. It is possible, however, that some jobs may be gained or retained by those individuals who will be able to retain, restore, or gain their driving privileges as a result of the proposed amendments.

Federal Standards Statement

The proposed amendments have no comparable Federal standard that can be applied therefore a Federal standards analysis is not applicable to this rulemaking.

Agriculture Industry Impact

The Commission does not anticipate that there will be any impact on the agriculture industry.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping or other compliance requirements on small businesses, the amendments only apply to individuals.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on housing affordability nor evoke any change in the average costs associated with housing because the rules pertain to motorized bicycle licensing, driver licensing, and motor vehicle safety.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth 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 motorized bicycle licensing, driver licensing, and motor vehicle safety.

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

CHAPTER 19 COMPLIANCE AND SAFETY

SUBCHAPTER 5. CONVULSIVE SEIZURES

13:19-5.1 Satisfaction of physical qualifications

Any person 16 years of age or older who suffers or who has suffered from recurrent convulsive seizures, recurrent periods of impaired consciousness, or from impairment or loss of motor coordination due to conditions such as, but not limited to, epilepsy, in any of its forms, shall, as a prerequisite to the issuance of a learner's permit or driver's license, renewal of a driver's license, or retention of a driver's license, establish to the satisfaction of the Chief Administrator that he or she has been free from recurrent convulsive seizures, recurrent periods of impaired consciousness, or from impairment or loss of motor coordination for a period of [one year] **six months** with or without medication and that he or she is physically qualified to operate a motor vehicle.

13:19-5.7 Committee recommendations

Notwithstanding the provisions of N.J.A.C. 13:19-5.1, the Chief Administrator, upon consultation with the members of the Committee, may grant **or deny** a learner's permit or initial driver's license or **may** permit a motorist to retain, **or prohibit from retaining**, his or her driver's license although such person may **or may not** have suffered a seizure, period of impaired consciousness, or from impairment or loss of motor coordination [within a one year period from the date of the]. **The**

Chief [Administrator's] **Administrator may make the** determination [when], **at any time, whether** the specific characteristics of a person's disorder do **or do** not adversely impact on the person's ability to safely operate a motor vehicle.

CHAPTER 25
MOTORIZED BICYCLES

SUBCHAPTER 4. CONVULSIVE SEIZURES

13:25-4.1 Satisfaction of physical qualifications

Any person who suffers or who has suffered from recurrent convulsive seizures, recurrent periods of impaired consciousness, or from impairment or loss of motor coordination due to conditions such as, but not limited to, epilepsy, in any of its forms, shall, as a prerequisite to the issuance of a motorized bicycle learner's permit or motorized bicycle license, renewal of a motorized bicycle license, or retention of a motorized bicycle license, establish to the satisfaction of the Chief Administrator that he or she has been free from recurrent convulsive

seizures, recurrent periods of impaired consciousness, or from impairment or loss of motor coordination for a period of [one year] **six months** with or without medication and that he or she is physically qualified to operate a motorized bicycle.

13:25-4.7 Committee recommendations

Notwithstanding the provisions of N.J.A.C. 13:25-4.1, the Chief Administrator, upon consultation with the members of the Committee, may grant **or deny** a motorized bicycle learner's permit or initial motorized bicycle license or **may** permit a motorized bicycle operator to retain, **or prohibit from retaining**, his or her motorized bicycle license although such person may **or may not** have suffered a seizure, period of impaired consciousness, or from impairment or loss of motor coordination [within a one year period from the date of the]. **The** Chief [Administrator's] **Administrator may make the** determination [when], **at any time, whether** the specific characteristics of a person's disorder do **or do** not adversely impact on the person's ability to safely operate a motorized bicycle.
