

shall be served upon the selected inmate(s) meeting the classification and custody criteria of contracting states offering bed space for lease and/or per diem cost reimbursement. When feasible, Form 822-VI shall be served on the inmate 24 hours prior to the intended transfer[,] and the notice shall include:

- 1.-5. (No change.)
- [6. The date of transfer;]
- Recodify existing 7.-9. as **6.-8.** (No change in text.)
- (b) (No change.)

10A:10-3.15 Receiving state acting as agent for sending state

(a) Whenever the duly constituted authorities in a state compact member have entered into a contract with another state compact member and decide that confinement in, or transfer of an inmate to, a correctional facility within the territory of another state compact member is necessary or desirable, said officials may direct the confinement be within a correctional facility within the territory of that state compact member. The receiving state [shall] **may** act as agent for the sending state.

- (b)-(f) (No change.)

10A:10-3.17 Release/return of transferred inmate

- (a)-(f) (No change.)

(g) Any inmate who has been returned to the sending state **or maintained in the receiving state** shall be released at the expiration of maximum sentence within the sending state, unless the receiving state and the sending state agree, in writing, that the inmate may be released within the receiving state.

SUBCHAPTER 4. AGREEMENT ON DETAINERS

10A:10-4.2 Definitions

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

“Detainer” means a notification filed with the correctional facility in which the inmate is serving a sentence, advising that the inmate is wanted to face a pending criminal charge in another jurisdiction. The detainer must be based on an untried indictment, information, or complaint, an escape warrant based on an indictment, and must charge the individual with commission of a criminal [offense] **offense**. The detainer shall not include a charge for probation or parole violation, any matter related to the U.S. Immigration and Customs Enforcement (ICE), or any warrant to return an inmate to another jurisdiction solely for sentencing purposes.

...

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Enforcement Service—School Bus Inspection Reports

Proposed Amendments: N.J.A.C. 13:20-30.5, 30.7, and 30.8

Proposed Repeals: N.J.A.C. 13:20-30 Appendices A, B, and C

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

Authority: N.J.S.A. 39:2-3, 39:3-10, and 39:3-11.

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

Proposal Number: PRN 2012-143.

Submit comments by November 30, 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 would repeal the required inspection reporting forms found at N.J.A.C. 13:20-30 Appendices A, B, and C, while not removing the inspection requirements. The use of the reporting forms would be optional as opposed to mandatory, which will allow for flexibility in the methods that bus operators choose to provide the information to the Motor Vehicle Commission. This will also allow operators to avail themselves of the latest technology for maintaining reports. The proposed amendments do not lessen or eliminate any safety or inspection standards.

N.J.A.C. 13:20-30.5, Inspection of school buses in operation, contains proposed amendments concerning the school bus out-of-service repair certification form. The proposed amendments would remove the current out-of-service repair certification form from the rules; state what type of information the form will require; and indicate that the required out-of-service repair certification will be posted and available on the Commission's website.

N.J.A.C. 13:20-30.7, Daily school bus condition report by driver, contains proposed amendments to allow the driver daily school bus condition report to be prepared through an electronic device as an alternative to preparing the report in writing, usually entailing manually completing a hard-copy form and maintaining that form. To that end, the proposed amendments also remove the prescribed driver daily school bus condition report form from the rules, but keep the form available and accessible on the Commission's website. Those wishing to use other forms may do so, after Commission approval to ensure all required information is included. The proposed amendments expand the required information contained in the driver daily report to include exterior damage.

The proposed amendments allow an operator's designee as a signatory on the driver daily reports. The amendments also would require the operator or operator's designee to certify the defects or deficiencies have been repaired, and sign the form to acknowledge that he or she has reviewed the report and that there is a certification that the required repairs have been performed.

N.J.A.C. 13:20-30.8, Required practices, is proposed for amendment to remove the required form from the rules, without removing required inspections. The results of the required inspections may be reported on the Quarterly Maintenance Inspection form, which will be available on the Commission's website. Quarterly inspection results may also be submitted to the Commission in formats other than on the form, as long as all required information is included on the report, and the Commission has approved its use.

Social Impact

The proposed amendments and repeals have a positive social impact because they adjust practices to provide flexibility in reporting required information, as well as consider current technology used in communicating inspection results to the Commission. Allowing companies the option of using their own forms for the required information can lead to efficiencies in use of employees' time while not reducing school bus safety.

Economic Impact

The proposed amendments and repeals do not appear to have a potential economic impact on school bus operators. The amendments allow electronic creation and storage of reports, which could cut down on requisite storage space for hard copies and thus free-up the space for other functions that would be in the operator's economic advantage.

Federal Standards Statement

Executive Order No. 27 (1994) and P.L. 1995, c. 65, require that a State agency that adopts, readopts, or amends rules that exceed Federal standards or requirements include in the proposed rulemaking a comparison with Federal law. There are no Federal standards applicable

to the proposed amendments and repeals. Therefore, a Federal standards analysis is not required.

Jobs Impact

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

Agriculture Industry Impact

The proposed amendments and repeals will have no impact on the agriculture industry.

Regulatory Flexibility Statement

The proposed amendments and repeals have been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments and repeals do not impose compliance requirements on school bus operators, some of which are small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The existing recordkeeping requirements pertain to the preparation and retention of inspection records by owners, employees and drivers, and the proposed amendments lessen the requirements for the reporting requirements, as discussed in the Summary above. The proposed amendments do not require small businesses to engage additional professional services. The rules proposed for amendment do not necessitate significant capital and annual expenditures for compliance by small businesses. These requirements are intended to set standards for reporting inspection results in order to advance overall safety. It is for these reasons that no differentiation in compliance based on business size is provided.

Housing Affordability Impact Analysis

The proposed amendments and repeals will have no impact on housing affordability and there is an extreme unlikelihood that the rules will evoke a change in the average costs associated with housing because the rules pertain to school bus inspection reporting.

Smart Growth Development Impact Analysis

The proposed amendments and repeals will have no impact on smart growth or new construction in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments pertain to requirements for school bus inspection reporting.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 13:20-30 Appendices A, B, and C.

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

SUBCHAPTER 30. INSPECTION OF SCHOOL BUSES

13:20-30.5 Inspection of school buses in operation

(a)-(e) (No change.)

(f) The person or persons completing the repairs required by the "out-of-service" notice, or a designee, shall certify to the Chief Administrator on a form prescribed by the Chief Administrator, the date and the time the required repairs were completed. The ["School Bus Out of Service Repair Certification" form is located at N.J.A.C. 13:20-30 Appendix A, incorporated herein by reference and] **school bus out-of-service repair certification shall include the bus number and registration number; a statement indicating that all out-of-service violations have been repaired and that the repairs meet all State and Federal requirements. The name of the repairer must be printed, the repairer's signature must be provided, and identification of the facility, date, and time of the repairs must be provided. The form that shall be used for the school bus out-of-service repair certification can be found on the Motor Vehicle Commission website at <http://www.state.nj.us/mvc/Inspections/SchoolBus.htm>.**

(g)-(i) (No change.)

13:20-30.7 Daily school bus condition report by driver

(a) Every operator shall require his or her drivers to report, and every driver shall prepare such a report in writing or [electronically] **via a Commission-approved electronic device** at the beginning of his or her

workday or tour of duty, which report shall list any defects or deficiencies of the school bus discovered by [said] **the** driver as would be likely to affect the safe operation of the school bus or result in its mechanical breakdown, or shall indicate that no such defects or deficiencies were discovered by him or her. [The] **A sample of the "Driver Daily Report" form [to be] that may be used for submitting the driver daily report [is located at N.J.A.C. 13:20-30 Appendix B, incorporated herein by reference and] can be found on the Motor Vehicle Commission[']s website at <http://www.state.nj.us/mvc/Inspections/SchoolBus.htm>. Similar forms containing the required information or electronic devices may be used to report daily school bus condition upon prior approval by the Commission.**

(b) The daily school bus condition report shall include, but not be limited to, **the driver's name and signature, the date and time the report was prepared, bus identifying information, and an assessment of safety, mechanical, and equipment components, including the following:**

1.-18. (No change.)

19. Special transportation equipment for special needs passengers; [and]

20. School bus warning equipment[.]; and

21. Exterior damage.

(c) An operator **or operator's designee** shall examine such reports and shall repair the defects or deficiencies noted therein. An operator **or operator's designee** shall certify on the report that the defects or the deficiencies have been repaired. The [driver] **operator or operator's designee** shall sign the report to acknowledge that he or she has reviewed the report and that there is a certification that the required repairs have been performed.

13:20-30.8 Required practices

(a) Specific equipment shall be inspected and maintained at least once every three months or as set forth in the manufacturer's recommended maintenance schedule, whichever occurs first; **the results of the inspections shall be reported on the "Quarterly Maintenance Inspection" form, [on which to report the results of the required inspection is located at N.J.A.C. 13:20-30 Appendix C, incorporated herein by reference and] which can be found on the Motor Vehicle Commission website at <http://www.state.nj.us/mvc/Inspections/SchoolBus.htm>, or on another form upon prior approval by the Commission. The specific equipment to be inspected and maintained [is as follows] shall include:**

1.-15. (No change.)

16. Mirror system adjustment, including the proper adjustment thereof in accordance with the school bus mirror test procedure set forth in FMVSS No. 111 (49 CFR [§] 571.111), incorporated herein by reference, as amended and supplemented; and

17. (No change.)

TREASURY — GENERAL

(a)

STATE INVESTMENT COUNCIL

Corporate Obligations

Permissible Investments; Limitations

Proposed Amendments: N.J.A.C. 17:16-12.2 and 12.4

Authorized By: State Investment Council, Timothy M. Walsh,
Director, Division of Investment.

Authority: N.J.S.A. 52:18A-91.

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

Proposal Number: PRN 2012-132.

Submit comments by November 30, 2012 to:

Timothy M. Walsh
Administrative Practice Officer
Division of Investment