

Utilities, or its successor,] **Reliability and Security staff, which shall consult with the Division of Energy** [for an exemption from one or more of the requirements of this chapter on the basis of extraordinary hardship or public welfare].

(b)-(e) (No change.)

(f) An application under this section shall be submitted by mail to [the Division of Energy in the] Board [of Public Utilities] **staff**, at the address in N.J.A.C. 14:29-[7.2]**5.3(d)**.

14:29-1.6 Website

The New Jersey Board of Public Utilities maintains a website at [www.bpu.state.nj.us] www.nj.gov/bpu. If the Governor declares an energy emergency, information pertaining to the energy emergency will be posted on the website from time to time to assist the public.

SUBCHAPTER 5. PETROLEUM PRODUCTS

14:29-5.1 Required set aside of regulated petroleum products

(a)-(b) (No change.)

(c) Seven business days before the start of each month, each prime supplier shall notify the Board of the quantity of its set aside for the upcoming month for each regulated petroleum product handled by the supplier. Notification must be made [by mail or by facsimile] **in writing to the Board at the address provided at N.J.A.C. 14:29-5.3(d) or at <http://www.nj.gov/bpu/about/divisions/reliability/>.**

(d)-(e) (No change.)

14:29-5.3 Prime suppliers—reporting, non-discrimination

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

(d) The information required under this section shall be sent **either by e-mail to the address provided at <http://www.nj.gov/bpu/about/divisions/reliability/>, or by U.S. mail to:**

[Energy Emergency Coordinator
Division of Energy]New Jersey Board of Public Utilities
[44 South Clinton Avenue, 9th Floor]
PO Box 350
Trenton, [New Jersey] NJ 08625-0350
Attention: Energy Emergency Team

(e)-(f) (No change.)

SUBCHAPTER 6. REGULATION AND CONTROL OF SALE OF MOTOR FUEL

14:29-6.6 Exemptions from odd/even limits; by application

(a) This section provides for exemptions for certain vehicles, to be issued by **the Division of Reliability and Security staff, in consultation with the Division of Energy** [in the Board of Public Utilities or its successor], from the odd/even restrictions on sales of motor fuel at N.J.A.C. 14:29-6.2. An exemption issued under this section applies to the vehicle and not to its operator.

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

(d) To obtain an exemption under this section, a person shall submit an application to the Division of [Energy] **Reliability and Security**, at the address in N.J.A.C. 14:29-5.3(d), which includes documentation that one or more of the following criteria are met:

1.-4. (No change.)

(e) To obtain an exemption under this section, a person shall submit a completed application to the **Division of Reliability and Security staff, which in consultation with the** [Division of Energy. The] Division of Energy, shall determine the type and amount of documentation necessary to adequately demonstrate that a vehicle meets the criteria at (d) above.

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Persons with Disabilities Identification Cards, Placards, and License Plates

Proposed Amendments: N.J.A.C. 13:20-9.1, 9.2, 9.4, 9.5, 9.6, and 9.7

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

Authority: N.J.S.A. 39:4-204, 39:4-205, 39:4-206, and 39:4-207 and P.L. 2013, c. 3.

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

Proposal Number: PRN 2013–094.

Submit written comments by August 2, 2013 to:

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

The agency proposal follows:

Summary

The public comment period for this notice of proposal will be 60 days. This notice of proposal is, therefore, excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The purpose of the proposed amendments to the rules by the Motor Vehicle Commission (“Commission” or “MVC”) is to revise the standards for issuing and overseeing the identification cards, placards, and license plates reserved for people with disabilities and to limit fraudulent use of the privileges reserved for such individuals pursuant to N.J.S.A. 39:4-204 et seq.

The Commission currently issues specialized identification cards, placards, and license plates to those individuals who qualify as a person with a disability pursuant to N.J.S.A. 39:4-204, 39:4-205, and 39:4-206. Individuals who are in receipt of identification cards, placards, and/or license plates are given special parking and other privileges outlined in Title 39, Chapter 4 of the New Jersey Statutes. This process is administered pursuant to rules promulgated by the Chief Administrator and subject to oversight by the Commission. The Chief Administrator also has authority to revoke an ID card, placard, or license plate for abuse of any privilege or benefit granted to a person to whom such ID card, placard, or license plate has been validly issued. See N.J.S.A. 39:4-205.

Currently, an applicant submits an initial application for an ID card, placard, and/or license plate to the Commission that includes a physician certification statement. The statement certifies that the applicant has a medical condition that qualifies him or her for the benefits and privileges reserved for a person with a disability pursuant to N.J.S.A. 39:4-204. After the initial application, a self-certification is required every three years certifying that the qualifying condition continues to exist. This self-certification allows for the ID card and license plate registration to be renewed. The placards currently do not expire. As of 2010, the Commission had 430,000 active placards in the database and estimated that initial applications numbered over 41,000 per year.

With the recent passage of P.L. 2013, c. 3, the requirements for obtaining and keeping these benefits have undergone significant change. The revised statutes, specifically N.J.S.A. 39:4-204 through 206, 207.1, and 207.4 through 207.9, call for the placards to expire every three years, along with the ID cards, and require physician certification each and every time a renewal is requested.

The new provisions of the law are intended to limit fraudulent use of the license plates and placards either by an individual other than whom the ID card, placard, or license plate was issued to, or by the individual to whom the placard was appropriately issued but who no longer has a qualifying disability.

In accordance with the new provisions in the law, the amended rules also regulate the recertification timeline by which applicants can submit their renewal application. The amended rules outline information that will be required from the applicant's physician on the initial and recertification application. This information will be used to help validate the certifying practitioner. Finally, a change in terminology, throughout the rules, replaces use of the phrase "handicapped" or "disabled," with the more appropriate phrase "person with a disability." This change was proposed by the Commission on April 15, 2013 at 45 N.J.R. 842(a) (April 2013 Proposal). When those proposed amendments are adopted, the rules will reflect the changed terminology.

The proposed changes to N.J.A.C. 13:20-9.1 encompass all medical practitioners that can provide a certification. As described in P.L. 2013, c. 3, this now includes nurse practitioners and physician assistants. The proposed changes also include physicians stationed at military or naval installations in New Jersey. Certifications made by physicians stationed at military or naval institutions are statutorily allowed and the proposed changes update the rules to reflect that. Also included in the proposed revisions are specific data elements that may be requested by the Chief Administrator as part of the 36-month medical certification. This may include information such as the certifying practitioner's NPI number and address information. The revisions also prescribe the timeline for recertification and the requirements to obtain a new license plate or placard. After the April 2013 Proposal and the amendments proposed herein are adopted, the rules will reflect a change in the use of the phrase "handicapped" or "disabled" with the more appropriate phrase "person with a disability."

N.J.A.C. 13:20-9.2 is amended to specify that an identification card is issued along with placards and license plates when a person has provided the Commission with appropriate documentation of his or her qualifying medical condition.

N.J.A.C. 13:20-9.4 and 9.5 are proposed for amendment to update terminology to use current Commission terms.

N.J.A.C. 13:20-9.6 is amended to include the new medical practitioners that are allowed to give certifications of a disability, specifically a nurse practitioner or physician assistant, under P.L. 2013, c. 3. The proposed changes also include physicians stationed at military or naval installations in New Jersey. Certifications made by physicians stationed at military or naval institutions are statutorily allowed and the proposed changes update the rules to reflect that.

New N.J.A.C. 13:20-9.7(b) is added to include the requirement that persons utilizing special parking privileges must also carry their identification cards with them. The rule allows for law enforcement personnel to request that the ID card be presented. This will allow law enforcement to verify that the license plate or placard is being used for a valid purpose.

Social Impact

The Commission anticipates that the proposed amendments will have a positive social impact on the citizens of New Jersey. The amended rules are designed to limit fraudulent or improper use of placards and license plates that reserve special rights and privileges for people with disabilities. Under the proposed revisions, qualifying applicants for specialized license plates or placards would be recertified by the Motor Vehicle Commission every three years. The Commission anticipates that this amended process will vastly reduce the number of placards and license plates that are misused by individuals who do not qualify as persons with disabilities, thereby opening access to reserved parking spaces for those individuals who have qualified to benefit from them.

The Commission is focused on creating a process that will limit the number of placards or license plates used improperly, without making the requirements so stringent as to greatly inconvenience those individuals who legitimately qualify for these benefits. These proposed amendments encompass that philosophy by requiring a full certification only every three years and allowing applicants to submit the application by mail or send a proxy to any Commission agency. The concern that certification from a physician would be burdensome was carefully considered and the relevant interest groups felt that the benefit vastly outweighed any burden that may occur.

These changes should have a positive impact on persons validly carrying ID cards and using plates and placards, by reducing the number of such devices issued and opening up parking spaces for those who are intended to benefit from them.

Economic Impact

The proposed amendments should not have a significant economic impact on people with disabilities. These applicants may be charged a co-pay for the doctor's visit to get their medical certification. However, the Commission encourages applicants to combine their medical certification paperwork with a regular doctor's appointment to avoid this. The revised statute and amended rules allow for applicants to submit their application up to 60 days after the certification has occurred and allow applications to be submitted up to 90 days before their current ID card, placard, and license plate registration expires. All told, the applicant has a maximum of 150 days to fulfill their certification requirement at a regular doctor's appointment. Further, the proposed amendments do not require that the applicant undergo a physical examination at the time of the certification. If the presence of the disability is known to the certifying physician then the physician may provide the certification without a full examination, thereby limiting any economic impact on the applicant.

The Commission anticipates that the proposed amendments will have a positive economic impact on the cost of distribution of ID cards, placards, and license plates. With the new requirements for periodic recertification, the Commission anticipates that fraud reduction and placard savings cost will contribute to this positive economic impact. While there may be overhead costs to the Commission for process changes and additional staffing to assist in the validation and approval of applications, the Commission anticipates that the overhead costs will be outweighed or offset by the fraud reduction and placard cost savings. Overall, the Commission anticipates that the proposed amendments will have a neutral economic impact on the Commission.

Federal Standards Statement

Federal law (23 U.S.C. § 402(b)(1)(D)) requires states to "provide adequate and reasonable access for the safety and convenient movement of people with disabilities ..." in order to be eligible for Federal highway funding. Federal rules at 23 CFR Part 1235 outline the Guidelines for the Uniform System for Parking for Persons With Disabilities. In most regards, the rules of the State of New Jersey are subject to and do not exceed those rules prescribed by the Federal rules. There are also some Federal guidelines that were adopted into New Jersey statute with the passage of P.L. 2013, c. 3, and will be incorporated into the New Jersey Administrative Code with the adoption of the proposed amendments. Finally, some of the proposed amendments exceed those prescribed by the Federal rules, as described below.

Federal rules (23 CFR 1235.2(d)) provide that the removable windshield placard should include a date of expiration. Previously, New Jersey law and rules did not allow for an expiration date on windshield placards. However, under P.L. 2013, c. 3, the placards will now expire every 36 months and the expiration date will appear on the placard. The proposed amendments (N.J.A.C. 13:20-9.1) outline the procedural aspect of the new placard expiration and renewal process. These amendments do not exceed the Federal rules, rather they add more detail about the renewal process and requirements.

The Federal rules (23 CFR 1235.3 through 1235.5) require that the application for the removable windshield placard, temporary or permanent, or a special license plate be accompanied by a certification from a licensed physician. The proposed amendments do not exceed this requirement, but do seek to provide a more detailed explanation of what information is required. To that end, N.J.A.C. 13:20-9.1(a)4, as amended, describes some of the information required from the certifying physician. This includes, but is not limited to, the physician's full name, address, and National Provider Identification (NPI) number.

The Final Report of the Handicapped Parking Regulatory Negotiation Advisory Committee (56 F.R. 10328) (Federal Report) advises in the explanation of removable windshield placards, that the expiration date on the placards is intended as a document expiration and does not require another physician certification to be submitted. A similar intent is described with respect to specialized license plates. Based on this, the physician certification in the Federal guidelines is required for initial

applications only. The requirements of P.L. 2013, c. 3, exceed that requirement and thus, the proposed amendments exceed it as well. However, the Federal Report does recommend and encourage states to establish a state system to "review and where appropriate, to recall" placards and permits. The proposed amendments require that a complete recertification be submitted every 36 months or upon the expiration of an old placard. The Commission believes that requiring a recertification along with a renewal application will further limit the number of placards and license plates being used in a fraudulent or improper way. After meeting with stakeholders, the Commission determined that requiring a recertification every three years would not be unnecessarily burdensome for those individuals with disabilities.

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

Jobs Impact

The Commission anticipates job growth in relation to the proposed amendments will be minimal. However, the amendments impose a thorough analysis and validation requirement of the certifying physician, as well as, a more frequent recertification requirement. This may result in a need for additional resources within the Commission.

Agriculture Industry Impact

The proposed amendments have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping, or other compliance requirements on small businesses. The proposed amendments are centered around a special privilege reserved for the protection of individuals with disabilities. The revisions are being made in an effort to reduce misuse of these privileges by those not entitled to them. Thus, the revisions affect certain State and law enforcement agencies and individuals of the general public.

Housing Affordability Impact Analysis

The proposed amendments will not have any impact on affordable housing in New Jersey, and it is extremely unlikely that the rules would evoke a change in the average costs associated with housing because the rules pertain solely to the procedure for which persons with disabilities can obtain identification cards, placards, and license plates.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the amendments 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 solely to the procedure for which persons with disabilities can obtain identification cards, placards, and license plates.

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

13:20-9.1 Handicapped person; **application and qualification for** identification **cards**, vehicle registration plates, and placards

(a) When a request is received for a handicapped person identification [vehicle registration] **card, and license** plates or placards pursuant to N.J.S.A. 39:4-204 et seq., the following regulations shall apply:

1.-2. (No change.)

3. The Chief Administrator may require the applicant to be examined by a physician, podiatrist, [or] chiropractic physician, **physician assistant, or nurse practitioner** licensed in New Jersey or a bordering state, **by a physician stationed at a military or naval installation**, or by such physician, podiatrist, [or] chiropractic physician, **physician assistant, or nurse practitioner** appointed by the State for the purpose of determining that the applicant's stated disability qualifies him or her under the definition of "handicapped person" as it appears in N.J.S.A. 39:4-204 and this subchapter. The cost of such examination will be borne by the applicant.

[4. Upon receipt of an application for renewal, the Chief Administrator may in his or her discretion, require the applicant to submit a statement from a physician, podiatrist, or chiropractic physician licensed in New Jersey or a bordering state recertifying qualification for the handicapped person identification vehicle registration plates or placards.]

4. Included in an initial and renewal application, the Chief Administrator shall require a certification of the applicant's condition that includes, but is not limited to, the following:

i. A statement signed by a physician, podiatrist, chiropractic physician, physician assistant, or nurse practitioner licensed in this State or a bordering state; or a physician stationed at a military or naval installation located in this State who is licensed to practice in any state, stating that the applicant meets the qualifications of N.J.S.A. 39:4-204 to be deemed eligible for the benefits and privileges of a person with a disability. The certification statement must be signed and dated by the physician no more than 60 days prior to receipt of the complete application at any Motor Vehicle agency. This may be in the form of a script or letter attached to the application.

ii. Certain identifying information of the certifying medical practitioner, as determined by the Chief Administrator, as requested on the application. This shall include the practitioner's name, address information, and professional identification information.

5. [Persons] A person with a disability, which limits or impairs the ability to walk, as determined by a licensed physician, podiatrist, [or] chiropractic physician, **physician assistant, or nurse practitioner** licensed in this State or a bordering state; or a physician stationed at a military or naval installation located in this State who is licensed to practice in any state, include those who:

i.-vii. (No change.)

6. Each issued ID card and placard shall expire on the last day of the 36th month after it was issued. At such time, and not in excess of 90 days prior, the holder of a placard shall resubmit a full application, including a certification of the applicant's condition. Upon receipt of the application and satisfaction that all necessary information has been submitted to certify that the qualifying condition still exists, a new persons with a disability identification card and placard will be provided to the applicant pursuant to N.J.A.C. 13:20-9.2.

7. Each issued ID card and persons with a disability license plate privilege shall expire on the last day of the 36th month in which they were issued as required in N.J.S.A. 39:4-205. At such time, and not in excess of 90 days prior, the holder of a license plate shall resubmit a full application, including a certification of the applicant's condition. Recertification may correspond with the vehicle's registration expiration. Upon receipt of the application and satisfaction that all necessary information certifying that the qualifying condition still exists has been submitted, a new persons with a disability identification card will be provided to the applicant pursuant to N.J.A.C. 13:20-9.2 and the applicant may retain the persons with a disability license plates for an additional 36 months.

i. In the event that the ID card and parking privilege expiration does not coincide with the vehicle registration expiration, the holder of the ID card is responsible for ensuring that the ID card, and therefore, the parking privilege indicated on the license plate, is valid. Should such responsibility be unduly burdensome to the holder of the ID card, the registered owner of the car shall make such assurances.

ii. Persons utilizing a parking space reserved for persons with disabilities who are unable to produce a valid ID card may be guilty of a parking violation under N.J.S.A. 39:4-197(3)(c) and shall be subject to the penalties prescribed therein.

8. In the event that an applicant with a qualifying disability who previously applied and was granted a plate and/or a placard is relieved of such disability or is deceased, such person or a member of their immediate family shall return the plate and/or placard to any Motor Vehicle Commission agency in a timely manner.

13:20-9.2 Medical evidence by handicapped persons

Handicapped person identification **card**, vehicle registration plates, or placards may be issued to a qualified handicapped person[s], as defined

in N.J.S.A. 39:4-204 and this subchapter, when such handicapped person has submitted medical evidence, satisfactory to the Chief Administrator, **as requested on the required medical evidence form provided by the Chief Administrator.**

13:20-9.4 Limitation on number of certificates

One set of handicapped person [identification] vehicle registration plates and/or one placard may be issued to a qualified handicapped person[, but in]. **In no event shall the number of handicapped person [identification vehicle registration] license plates and placards issued to any one person with a disability exceed one set of plates and one placard.**

13:20-9.5 Passenger vehicles or motorcycles

Handicapped person [identification] vehicle registration plates and placards shall be issued for use on passenger vehicles or motorcycles only and in no event shall a [certificate] **vehicle registration plate or placard** be issued for or used on a vehicle which is used for commercial purposes.

13:20-9.6 Temporary certificates

A handicapped person identification vehicle registration placard may be issued on a temporary basis **for not more than six months' duration by the chief of police of each municipality to a person who is certified by a physician, podiatrist, [or] chiropractic physician, physician assistant, or nurse practitioner licensed in this State or a bordering state; or a physician stationed at a military or naval installation located in this State who is licensed to practice in any state,** to be temporarily disabled to a degree which would qualify him or her under the provisions of N.J.S.A. 39:4-204, N.J.S.A. 39:4-206, and this subchapter.

13:20-9.7 Display of placards and temporary placards

(a) A placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard of the vehicle.

(b) **Whenever a vehicle uses a plate or placard as justification for parking in a designated parking space or any benefit reserved for persons with disabilities, the person for whom the placard or plate has been issued and is being displayed shall carry his or her persons with a disability identification card and upon request from a law enforcement officer, shall present such card. If the driver or passenger of a vehicle parked in a parking space reserved for persons with disabilities is unable to present a valid disability identification card showing that the person to whom the license plate or placard was properly issued is present at the location, the person to whom the license plate or placard was issued and/or the person who parked the vehicle in the restricted space is guilty of a parking violation under N.J.S.A. 39:4-197(3)(c) and shall be subject to the penalties prescribed therein.**

TREASURY — GENERAL

(a)

UNCLAIMED PROPERTY ADMINISTRATION

Unclaimed Personal Property

Proposed Readoption with Amendments: N.J.A.C. 17:18

Proposed New Rules: N.J.A.C. 17:18-5

Authorized By: Steven R. Harris, Administrator, Unclaimed Property Administration.

Authority: N.J.S.A. 46:30B-107.

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

Proposal Number: PRN 2013-088.

Submit written comments by August 2, 2013 to:

Robert H. Davidson

Administrative Practice Officer
Department of the Treasury
Unclaimed Property Administration
P.O. Box 214
Trenton, NJ 08695-0214

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 17:18 expires on May 24, 2013. Pursuant to N.J.S.A. 52:14B-5.1.c(2), as this notice of rules proposed for readoption with amendments and a new rule has been filed prior to the expiration date of the chapter, the expiration date is extended for 180 days until November 20, 2013.

The Department of the Treasury, Unclaimed Property Administration, (UPA) proposes to readopt and amend N.J.A.C. 17:18 to implement new and existing provisions of the Uniform Unclaimed Property Act (Act), N.J.S.A. 46:30B-1 et seq., which govern managing unclaimed property, including the provisions of P.L. 2010, c. 25, as further amended by P.L. 2012, c. 14, that amend the abandonment period and dormancy fees for travelers checks and money orders. The UPA has reviewed these rules as amended and has deemed them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated.

N.J.A.C. 17:18-1 relates to safe deposit box policies and procedures, including abandonment, reporting, inspection, estimation of value, custody, notifications, alternate disposition, retention of records, auction sales, rights of purchasers of safe deposit box contents, and penalties, as well as definitions of terms. N.J.A.C. 17:18-1.1(e) is proposed for amendment to re-designate the name of the existing form the holder uses for filing the required report, adds a new required form, and notes that the report must contain a detailed listing of all property to be auctioned as well as property not to be auctioned and indicate any fees that have been deducted. The definition of "last known address" in N.J.A.C. 17:18-1.2 is proposed to be amended to change the requirement of "sufficient for the purpose of the delivery of mail" to instead state that the zip code is sufficient to identify which state has first priority right to escheat abandoned property. N.J.A.C. 17:18-1.3(a) is proposed for amendment to delete language about "giving instructions on how to download the safekeeping diskette report" since New Jersey now accepts HRS Pro files, which may be downloaded from the Unclaimed Property Administration website, and advises holders to contact the Unclaimed Property Administration for further instructions as needed. Furthermore, instructions are no longer mailed upon request, but are posted on the Unclaimed Property Administration's website, so paragraph (a)1 has been proposed for amendment accordingly. N.J.A.C. 17:18-1.3(d) is proposed for amendment to change cash worth face value from being "added" to being "totaled." Language has been added to state that cash worth more than face value shall be delivered to UPA in its original form.

New N.J.A.C. 17:18-1.9(a)1 is proposed to require safe deposit and other repository holders to cross-reference all open accounts for a current address that must be used for certified mailing to ensure maintenance of accurate owner information.

N.J.A.C. 17:18-1.11(b)1ii is proposed for amendment to update the agency name from "Property Administration Branch" to "Unclaimed Property Administration" and to note that it is an "officer" not an "official" that shall send the notice referenced.

N.J.A.C. 17:18-2 relates to time deposits and provide guidelines for determining whether a time deposit is abandoned and the proper notice to be sent to time deposit owners regarding contact, abandonment, and reporting of the deposit to the Administrator of unclaimed property. There is no change proposed to these sections.

N.J.A.C. 17:18-3 concerns dormancy fees. N.J.A.C. 17:18-3.1 contains definitions of words and terms used in Subchapter 3 and is proposed for amendment to include a definition of the Uniform Unclaimed Property Act.

N.J.A.C. 17:18-3.2(a) provides that generally, dormancy fees may not be imposed unless an enforceable written agreement allows such fees to exist between the holder and owner of the property, the fees are regularly imposed and not reversed or cancelled, and there are no additional charges assessed due to escheatment. Subsection (b) provides requirements and guidelines pertaining to whether dormancy fees are