

transportation industry, other than its customer that is otherwise known as a trip permit permittee.

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MOTOR VEHICLE COMMISSION

Person with Diabetes Permitted to Voluntarily Make Notation on License and Identification Cards

Proposed New Rules: N.J.A.C. 13:21-8.23 and 16.4

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

Authority: N.J.S.A. 39:3-10.8a.

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

Proposal Number: PRN 2014-077.

Submit written comments by August 1, 2014, 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, since the notice is not listed in the agency rulemaking calendar. 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 new rules by the Motor Vehicle Commission (Commission) is to implement the provisions of P.L. 2013, c. 139, sec. 1, permitting any holder of a driver license or nondriver identification card to voluntarily indicate that he or she is an insulin dependent diabetic and to have a notation placed on the license or card indicating that he or she is an insulin dependent diabetic. The Commission currently issues driver licenses and nondriver identification cards pursuant to authority found at Title 39, Chapter 3, of the New Jersey Statutes. P.L. 2013, c. 139, sec. 1, states that the designation that a person is an insulin dependent diabetic "shall be done in accordance with procedures prescribed by the chief administrator."

Proposed new N.J.A.C. 13:21-8.23 sets forth the process by which a person may apply to have an insulin dependent diabetic notation placed on his or her driver license and the process by which the person may have the notation removed from the driver license.

Proposed new N.J.A.C. 13:21-16.4 sets forth the process by which a person may apply to have an insulin dependent diabetic notation placed on his or her nondriver identification card and the process by which the person may have the notation removed from the nondriver identification card.

Social Impact

The Commission anticipates that the proposed new rules will have a positive social impact on the citizens of New Jersey, the law enforcement community, and medical professionals. A person who is an insulin dependent diabetic may now place a notation on his or her driver license or nondriver identification card that will assist law enforcement and medical professional providers to identify him or her as an insulin dependent diabetic and provide the person with necessary medical attention should that person be unable to communicate due to diabetic seizure.

Economic Impact

The proposed new rules should not have a significant economic impact on persons who are insulin dependent diabetics. A person who is an insulin dependent diabetic and would like to have a notation placed on his or her driver license or nondriver identification card will have to obtain a prescription from a medical professional indicating the medical condition. The person may be charged a co-pay for a visit to the medical

professional to obtain the prescription. However, the Commission encourages applicants to obtain their medical prescriptions with a regularly scheduled medical professional appointment to avoid additional co-pays. Further, the proposed new rules do not require the applicant to undergo a physical examination at the time of obtaining the prescription. If the medical professional is aware that the applicant is an insulin dependent diabetic, the medical professional may provide the prescription without a full examination, thereby limiting any economic impact on the applicant. The list of medical professionals who can provide the prescription includes physician assistants and nurse practitioners, which will further limit the economic impact on the applicant. Finally, the request to place the notation on the applicant's driver license or nondriver identification card is completely voluntary.

The Commission also gave careful consideration to requiring the applicant to purchase a duplicate license at a cost of \$11.00 if the applicant already has a valid driver license or nondriver identification card and wishes to place the notation on his or her license or card prior to the expiration of the license or card. Issuance of a new driver license or nondriver identification card requires the use of time and material, which the Commission must be reimbursed for. If the applicant wishes to avoid the duplicate license fee for issuance of a new driver license or nondriver identification card with the notation, the applicant can wait until his or her current driver license or nondriver identification card expires to apply to have the notation added.

Overall, the Commission anticipates that the proposed new rules will have a neutral economic impact on the Commission. The Commission does not anticipate that there will be a large population of insulin dependent diabetics who will request the insulin dependent diabetic notation.

Federal Standards Statement

No comparable Federal law or regulation exists; therefore a Federal standards analysis is not applicable to this rulemaking.

Jobs Impact

The Commission anticipates minimal job growth in relation to the new rules. The new rules set forth a process the Commission will use to permit an applicant for a driver license or nondriver identification card to place a notation on the applicant's license or card that the applicant is an insulin dependent diabetic. This may result in the need for additional resources within the Commission.

Agriculture Industry Impact

The proposed new rules will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis is not required because the proposed new rules do not impose reporting, recordkeeping, or other compliance requirements on small businesses. The proposed new rules relate solely to voluntarily notifying the Commission of a medical condition and having that medical condition noted on the driver license or nondriver identification card of an individual.

Housing Affordability Impact Analysis

The proposed new rules 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 proposed new rules relate solely to voluntarily notifying the Commission of a medical condition and having that medical condition noted on the driver license or nondriver identification card of an individual.

Smart Growth Development Impact Analysis

The proposed new rules will have no impact on smart growth and there is an extreme unlikelihood that the new 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 proposed new rules relate solely to voluntarily notifying the Commission of a medical condition and having that medical condition noted on the driver license or nondriver identification card of an individual.

Full text of the proposed new rules follows (additions indicated in boldface thus):

SUBCHAPTER 8. DRIVER LICENSES

13:21-8.23 Medical notation(s)

(a) Upon application for a driver license, duplicate driver license, or renewal of a driver license, an applicant who is an insulin dependent diabetic may, if eligible, request that a notation of the applicant's medical condition be placed upon the applicant's driver license. The applicant shall submit a completed driver license application; an executed Request for Insulin Dependent Designation form provided by the Commission; and a prescription from a 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 is an insulin dependent diabetic. The prescription must be signed and dated within the immediately preceding 60 days.

(b) If the applicant for a driver license with the insulin dependent diabetic notation possesses an unexpired driver license at the time of application for the insulin dependent diabetic notation, the applicant will be required to purchase a duplicate driver license and pay the fee set forth at N.J.S.A. 39:3-31.

(c) Upon receipt of a properly completed application for a driver license with the insulin dependent diabetic notation, the Commission shall issue a driver license bearing the notation that the holder of the license is an insulin dependent diabetic.

(d) Any person with the insulin dependent diabetic notation on his or her driver license may request that the Commission remove the notation by completing and executing a Request for Insulin Dependent Designation form provided by the Commission, requesting the removal of the notation. If the person possesses an unexpired driver license, the person will be required to purchase a duplicate driver license and pay the fee set forth at N.J.S.A. 39:3-31.

SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

13:21-16.4 Medical notation(s)

(a) Upon application for a nondriver identification card, duplicate nondriver identification card or renewal of a nondriver identification card, an applicant who is an insulin dependent diabetic may, if eligible, request that a notation of the applicant's medical condition be placed upon the applicant's nondriver identification card. The applicant shall submit a completed nondriver identification card application; an executed Request for Insulin Dependent Designation form provided by the Commission; and a prescription from a 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 is an insulin dependent diabetic. The prescription must be signed and dated within the immediately preceding 60 days.

(b) If the applicant for a nondriver identification card with the insulin dependent diabetic notation possesses an unexpired nondriver identification card at the time of application for the insulin dependent diabetic notation, the applicant will be required to purchase a duplicate nondriver identification card and pay the fee set forth at N.J.S.A. 39:3-29.7.

(c) Upon receipt of a properly completed application for a nondriver identification card with the insulin dependent diabetic notation, the Commission shall issue a nondriver identification card bearing the notation that the holder of the nondriver identification card is an insulin dependent diabetic.

(d) Any person with the insulin dependent diabetic notation on his or her nondriver identification card may request that the Commission remove the notation by completing and executing a Request for Insulin Dependent Designation form provided by the Commission, requesting the removal of the notation. If the person possesses an unexpired nondriver identification card, the person will be required to purchase a duplicate nondriver identification card and pay the fee set forth at N.J.S.A. 39:3-29.7.