

housing because the proposed amendments concern continuing education requirements for new audiology and speech-language pathology licensees.

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 proposed amendments concern continuing education requirements for new audiology and speech-language pathology licensees.

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

SUBCHAPTER 6. CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS

13:44C-6.2 Allocation of credit

(a) [Applicants] **Except as set forth in (b) below, applicants** for biennial license renewal shall complete 20 credit hours of continuing education related to the practice of audiology or speech-language pathology in the preceding biennial renewal period.

(b) Licensees applying for their first biennial renewal are exempt from the continuing education requirements in (a) above.

[(b)] **(c)** A licensee may obtain continuing education credit hours from the following sources:

1. Giving a new seminar, webinar, teleconference, lecture, or in-service workshop related to the practice of audiology or speech-language pathology: one credit hour per each hour of actual presentation of the seminar, lecture, or workshop, up to a maximum of 10 credit hours.

i. As used in [(b)1] **(c)1** above, “new” means that the licensee has never presented the seminar, lecture, or in-service workshop before in any setting;

2. Teaching a new undergraduate course related to the practice of audiology or speech-language pathology at a college or university accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education, or new graduate course in a college or university accredited by the American Speech-Language-Hearing Association: six credit hours for each new course up to a maximum of 12 credit hours.

i. As used in [(b)2] **(c)2** above, “new” means that the licensee has never taught the course before in any educational setting

3.-9. (No change.)

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Executive and Administrative Service International Registration Plan

**Proposed Amendments: N.J.A.C. 13:18-2.12 and 2.13
Proposed New Rules: N.J.A.C. 13:18-2.24 and 2.25**

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

Authority: N.J.S.A. 39:3-1 et seq., 39:3-6.12, 48:4-3, and 39:2A-1 et seq.

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

Proposal Number: PRN 2014-078.

Submit comments by August 1, 2014, 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

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

The Motor Vehicle Commission (Commission) is proposing amendments to the provisions of N.J.A.C. 13:18-2.12 and 2.13, Executive and Administrative Service - International Registration Plan, to reduce the regulatory burden by agreeing to the request of the regulated community to increase the number of temporary authorizations (TAs) that may be provided to a motor carrier from one to 10.

N.J.A.C. 13:18-2.12 and 2.13 are both amended to provide for the 10 temporary authorizations requested by the regulated community.

Propose new N.J.A.C. 13:18-2.24 prescribes the provider application requirements. In order that the Commission may properly permit individuals and entities to fully and properly complete and issue a trip permit, the application requirements for any entity that wishes to apply to be a provider of the Commission for purposes of distributing trip permits are proposed. Also, subsection (c) provides definitions relating to the application and subsection (d) provides the operating requirements relating to the provider.

Proposed new N.J.A.C. 13:18-2.25 prescribes provider requirements.

The following summarizes the proposed amendments by subchapter:

N.J.A.C. 13:18-2.12(a) provides that a temporary authorization may be issued by the Chief Administrator. Two proposed amendments to subsection (a) would provide that the temporary authorization may be issued by a properly designated agent of the Commission, and that the Commission seal may be electronically affixed in order to represent the temporary authorization as an official document of the Commission. Also, as discussed in general above, the allowance of 10 TAs is added to this subsection.

Subsection (h) provides that TAs may be denied by the Chief Administrator to those whose International Registration Plan (IRP) license has been suspended, revoked, or canceled for any reason. A proposed amendment would provide that TAs may be denied by a properly designated agent of the Commission.

Subsection (i) provides that temporary authorizations may be revoked by the Chief Administrator for any appropriate reason. A proposed amendment would provide that temporary authorizations may be revoked by a properly designated agent of the Commission for any appropriate reason.

Proposed new subsection (l) ensures the State of New Jersey has an in-State address for service of process upon properly designated agents of the Commission.

N.J.A.C. 13:18-2.13(a) provides that a temporary authorization shall be issued upon application to the Commission. The proposed amendments would standardize the terms in the section from “trip permit” to “temporary authorization”; provide that a temporary authorization may be issued by a properly designated agent of the Commission; and that the Commission seal may be electronically affixed in order to represent the temporary authorization as an official document of the Commission. Also, as discussed in general above, the allowance of 10 TAs is added to this subsection.

Subsection (d) provides that temporary authorizations may be denied by the Commission to those whose IRP license has been suspended, revoked, or canceled for any reason. A proposed amendment would provide that temporary authorizations may be denied by a properly designated agent of the Commission and to revise “trip permit” to “TA.”

Proposed new subsection (e) provides that temporary authorizations may be revoked by the Commission or a properly designated agent of the Commission for any appropriate reason.

Proposed new subsection (g) ensures the State of New Jersey has an in-State address for service of process upon properly designated agents of the Commission.

Social Impact

The proposed amendments and new rules will have a positive social impact. The purpose of the proposed amendments and new rules is to

reduce the regulatory burden by providing the regulated community the option of a block of 10 temporary authorizations that may be provided to a motor carrier. Further, the proposed amendments and new rules add that a properly designated agent of the Commission may participate in the processes related to the issuance of TAs and adds two new sections, one that describes the application for TAs and a second that describes provider requirements.

Economic Impact

The economic impact of the proposed amendments and new rules on the Commission consists of the costs of oversight of the TA, which will be reduced by proposed amendments and new rules. The costs to the motor carriers may be reduced potentially with purchases in blocks of 10 by a potentially increased number of potential vendors who may make the purchases.

Federal Standards Statement

There are no Federal standards applicable to the subject matter of the proposed amendments and new rules.

Jobs Impact

The proposed amendments and new rules are anticipated to result in lower motor carrier costs that could potentially lead to the creation of new jobs.

Agriculture Industry Impact

The proposed amendments and new rules do not have any impact on the agriculture industry in this State.

Regulatory Flexibility Analysis

The proposed amendments and new rules continue reporting and recordkeeping requirements on motor carriers, some of which may be small businesses, as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The recordkeeping requirements pertain to the filing of requests for temporary authorizations. A properly designated provider of the Commission has related reporting and recordkeeping requirements. The proposed amendments and new rules do not require small businesses to engage additional professional services, but instead will reduce such requirements by reducing the number of times they must apply for temporary authorizations.

The proposed amendments and new rules do not necessitate capital and annual expenditures for compliance by small businesses. These requirements are intended to ensure that motor carriers entering the State are recorded for purposes of ensuring law enforcement has a record of their travel within the State. Therefore, there is no differentiation in compliance based on business size.

The Commission has given careful consideration to these matters and has determined that the proposed amendments and new rules are necessary to be applied to all motor carriers who are not otherwise registered as part of the IRP.

Housing Affordability Impact Analysis

The proposed amendments and new rules will have no impact on housing affordability and there is an extreme unlikelihood that they will evoke a change in the average costs associated with housing because they pertain to the filing of requests for temporary authorizations.

Smart Growth Development Impact Analysis

The proposed amendments and new rules will have an insignificant impact on smart growth and there is an extreme unlikelihood that they 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 they pertain to the filing of requests for temporary authorizations.

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

SUBCHAPTER 2. INTERNATIONAL REGISTRATION PLAN

13:18-2.12 Temporary registration; New Jersey-based carrier(s)

(a) A temporary registration credential known as a temporary authorization ([“]TA[”]) shall be issued by the Commission, **or by a properly designated agent of the Commission**, upon receipt of a

properly completed application, in order to provide registrants with a temporary registration for the movement of unregistered vehicles, the transfer of an existing apportioned plate, or the correction of the information on a previously issued cab card. The application shall contain a full explanation of the need for such TA. **A block of 10 TAs may be issued upon application to the Commission by an approved provider. The Commission seal shall be electronically pre-affixed to the TA form prior to mass reproduction.**

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

(d) All vehicles for which [TA’s] TAs have been issued are subject to apportioned and permanent registration as part of the New Jersey fleet of a carrier.

(e)-(g) (No change.)

(h) The Commission, **or a properly designated agent of the Commission**, may refuse to issue a TA authorized by this section to any person or entity that formerly held a license or registration issued by the Commission, **or a properly designated agent of the Commission**, which was suspended, revoked, denied, or cancelled for any reason.

(i) The Commission, **or a properly designated agent of the Commission**, may revoke any TA issued to any person or entity for any appropriate reason.

(j)-(k) (No change.)

(l) A properly designated agent of the Commission shall provide to the Commission the name and address of an entity that will receive service of process for the agent in the State of New Jersey.

13:18-2.13 Temporary registration; [out-of-state] out-of-State carrier(s)

(a) A temporary registration credential known as a [trip permit] **temporary authorization (TA)** shall be issued **by the Commission, or by a properly designated agent of the Commission**, upon application on forms prescribed by the Commission, in lieu of IRP credentials to a vehicle registrant that has been apportionally registered in its base jurisdiction but not in New Jersey. **A block of 10 TAs may be issued upon application to the Commission by an approved provider. The Commission seal shall be electronically pre-affixed to the TA form prior to mass reproduction.**

(b) The [trip permit] TA shall allow both intrastate and interstate movement and shall be valid for the 72-hour period beginning at the time of issue.

(c) The [trip permit] TA shall contain all the information required by the Commission. The date and time of issue and expiration shall be shown. The [trip permit] TA shall be carried in the cab of the vehicle for which such permit is issued and is not transferable.

(d) The Commission, **or a properly designated agent of the Commission**, may refuse to issue a [trip permit] TA to any person or entity that formerly held a license or registration issued by the Commission, **or a properly designated agent of the Commission**, which was suspended, revoked, denied, or cancelled for any reason.

(e) The Commission, or a properly designated agent of the Commission, may revoke any TA issued to any person or entity for any appropriate reason.

([e]) (f) The fee for a [Trip Permit] TA shall be \$25.00.

(g) A properly designated agent of the Commission shall provide to the Commission the name and address of an entity that will receive service of process for the agent in the State of New Jersey.

13:18-2.24 Application for provider license; contents; related requirements

(a) Application for a provider license to provide TAs shall be made in a format prescribed by the Commission. The application shall be submitted to the Office of Motor Carrier Services, New Jersey Motor Vehicle Commission, 225 East State Street, Trenton, New Jersey 08666.

(b) The application shall be on 8 ½ inches by 11 inches paper to be supplied by the applicant and shall include the following information:

1. The names, addresses, and business telephone numbers of the applicant’s principals, partners, or corporate officers, and the name, address, and business telephone number of the officer(s) or employee(s) who will serve as a daily contact;

2. The name, address, and business telephone number of a registered agent designated to receive service of process on behalf of the applicant. The agent must be located and available at a physical street address within the State of New Jersey during normal business hours;

3. The name, address, and business telephone number of the individual(s) authorized to transmit TA reports to the Commission;

4. The applicant's Federal Tax Identification Number;

5. The applicant's State Tax Identification Number;

6. The applicant's email address, address for inquiries, and telephone number;

7. An inventory security plan that shall include, at a minimum:

i. Acknowledgement via email to the Commission of receipt via email of the control numbers;

ii. Daily reporting of all sequentially-issued control numbers for TAs by emailing the Commission a scanned image of the completed permit forms to the Commission email address designated by the Commission;

iii. An explanation of how to monitor and secure all assigned inventory under its control;

iv. Assurance that only trained employees may handle and inspect inventory, and only as needed to maintain an electronic perpetual inventory of all TA control-numbered items;

v. Assurance that each inventory item is traceable by the TA control-number, from acceptance through issuance or assignment to the provider's customers; and

vi. A statement that the provider shall permit the Commission access to the provider's inventory system and daily reporting mechanism for the purpose of performing audit(s);

8. When application is made by an individual, the application shall be signed and sworn to by the individual. In the case of a partnership, the application shall be signed and sworn to by all partners. In the case of a corporation, the application shall be signed and sworn to by the president and attested to by the secretary; and

9. The provider must notify the Commission, in writing, within five business days of any change in the information submitted as part of the application.

(c) Definitions. The following words and terms shall have the following meanings as used in this section, unless the context clearly indicates otherwise.

"Block" means a block of 10 blank control-numbered TAs issued by the Commission to approved providers.

"Controlled inventory" means specific items created, regulated, verified, and supplied by the Commission to allow providers to process transactions. Controlled inventory consists of blank but control-numbered TAs.

"Motor vehicle record" means any document or record that pertains to a motor vehicle operator's permit, driver's license, vehicle registration, title, identification card, and customer information maintained in any format by the Commission.

"Permittee" means a person who needs a TA.

"Person" means a natural person, firm or co-partnership, corporation, association, or other artificial body, and their members, officers, agents, employees, or other representatives.

"Personal information" means as defined at N.J.S.A. 39:2-3.3.

"Provider" means a person authorized by the Commission to buy blocks of 10 blank control-numbered TAs consistent with N.J.S.A. 39:3-6.12 and this chapter.

"Seal" means the Commission seal adopted by the Commission Board on June 3, 2003, pursuant to N.J.S.A. 39:2A-13.a(2), which shall be electronically pre-affixed to the TA prior to mass reproduction.

(d) The operating requirements shall be as follows:

1. The provider shall maintain all motor vehicle inventory and transactional materials in a secure location with limited access by the provider's personnel, until fully and properly completed and issued to a specifically-identified commercial vehicle for purposes that fully comply with the requirements of this subchapter.

2. The provider is prohibited from issuing TAs to any person or entity in excess of six trips in a 12-month period.

3. The provider shall obtain and maintain a secure facility suitable for performing all services required under this subchapter. All costs incurred by the provider in purchasing, leasing, or renting, or renovating the required premises shall be borne solely by the provider. If the office space is shared by another business, all operations performed under this subchapter shall be physically segregated from the areas associated with the other business, with secure access limited only to the provider's authorized personnel. The provider shall not move the facilities established under the terms of this subchapter without the prior written approval of the Commission.

4. The provider shall receive no compensation from the Commission for services rendered by the provider pursuant to this subchapter. The provider may charge its customers participation or administrative fees for each transaction.

5. The provider shall not subcontract to fulfill any of its obligations under this subchapter.

6. In accordance with N.J.S.A. 39:2-3.3 et seq., and the Federal Drivers' Privacy Protection Act of 1994 (DPPA), 18 U.S.C. §§ 2721 et seq., the provider and its employees shall not use or retain data or information gained from the Commission unless for the sole purpose of meeting the requirements of this subchapter and internal audit obligations or otherwise, without written consent from the Commission. The provider shall also take all steps necessary to protect personal information from theft and other unauthorized use while in its possession. The provider must immediately, within no more than 24 hours of discovery, notify the Commission Security and Investigations Unit and the Office of Motor Carrier Services when a security or DPPA breach has been identified.

7. The provider is required to reconcile, account for, and return all assigned, yet unused, control-numbered inventory to the Commission's warehouse within 20 business days of discontinuing its services pursuant to this subchapter, unless otherwise requested in writing by the Commission.

8. All monies collected by the provider for TAs issued pursuant to this subchapter must be reported to the Commission at the end of the business day, along with faxed copies and a log of TAs. The provider shall pay the Commission for each block of 10 blank but control-numbered TAs. The payment shall be made in the amount of \$250.00 for each block of 10 TAs by check payable to the Commission and remitted to the Commission Program Manager.

9. The provider shall provide a copy of its current TA training program to the Commission, including any written materials, guides, and manuals. The Commission reserves the right to, with and without notice, observe any or all training sessions conducted. The provider shall inform all its customers of any changes in the Commission policies and procedures affecting this subchapter. The provider shall arrange for any additional training that may be required due to audit exceptions, procedures, or other circumstances.

10. The Commission shall email all control-numbered inventory to the provider.

11. The provider shall be authorized and responsible to collect from its customers all fees, payments, surcharges, and other sums in connection with transactions processed through this subchapter.

12. The provider may engage in promotional activities with respect to this subchapter, including the solicitation of potential customers, in person, by mail, telephone, internet, or other media. The provider shall not issue any news releases or promotional activities pertaining to any aspect of the services provided under this subchapter without the prior written consent of the Commission. The provider is prohibited from soliciting participation in this subchapter at motor vehicle agencies or other Commission locations. The provider may use the Commission's name as necessary in connection with its provision of services to its customers, with the prior written approval of the Commission. The provider shall not state or imply that:

i. The Commission requires the use of the provider's services by members of the public;

ii. The Commission recommends the use of the provider's services to the exclusion of other similarly available services; or

iii. The provider is the exclusive provider of such services.

13. The provider shall retain all transactional records and documents relating to this subchapter for three years from the time an activity takes place and shall make those records available for inspection and audit by authorized representatives, agents, or contractors of the State. All documentation, reports, and files shall be kept at the provider's office.

14. The Commission, its authorized representatives, and its agents shall have the right to conduct audits and re-audits of the provider at any time throughout the provision of services under this subchapter and up to three years after the termination of services as an approved provider under this subchapter. The provider shall provide the Commission with access to its books and records pertaining to transactions performed under this subchapter, for the purposes of audits and re-audits.

15. The provider may issue a corrected control-numbered TA, and shall provide the Commission with a corrected copy on the same day.

16. The Commission may, in its sole discretion, deny, terminate, or cancel participation by any provider in the services anticipated in this subchapter if any one or more of the following conditions exists with respect to any such provider:

- i. Failure to follow required or approved payment procedures;
- ii. Failure to comply with any local, State, or Federal law or regulation;
- iii. Misuse of any Commission-controlled inventory item assigned for distribution by a provider;
- iv. Failure to provide requested information or records for the purpose of an audit; or
- v. Any other unacceptable condition or practice identified by the Commission.

13:18-2.25 Provider requirements

(a) A provider shall, notwithstanding any other requirements of this subchapter:

- 1. Be responsible for the professional quality, accuracy, security, and timely completion of TAs issued pursuant to this subchapter;
- 2. Obtain all required source documents prior to issuance of TAs, including the location to which the permittee desires the permit to be transmitted;
- 3. Provide daily reports to the Commission of TAs sold;
- 4. Not be reimbursed in any manner by the Commission for voided TAs, which are the responsibility and cost of the provider;
- 5. Not resell TAs whether or not the vehicle is registered in another state that has reciprocity with the State of New Jersey; and
- 6. Not sell, consign, or otherwise transfer any TAs in its possession to another service organization or to any member of the transportation industry, other than its customer that is otherwise known as a TA permittee.

(a)

**MOTOR VEHICLE COMMISSION
Executive and Administrative Service
International Fuel Tax Agreement Implementation
Proposed Amendment: N.J.A.C. 13:18-3.5
Proposed New Rules: N.J.A.C. 13:18-3.20 and 3.21**

Authorized By: Raymond P. Martinez, Chairman and Chief Administrator, Motor Vehicle Commission.
Authority: N.J.S.A. 39:1-1 et seq., 54:39A-24, and 39:2A-1 et seq.
Calendar Reference: See Summary below for explanation of exception to calendar requirement.
Proposal Number: PRN 2014-079.

Submit comments by August 1, 2014, 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

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

The Motor Vehicle Commission (Commission) is proposing amendments to the provisions of N.J.A.C. 13:18-3, Executive and Administrative Service - International Fuel Tax Agreement Implementation. Amendments are proposed in order to: 1. reduce the regulatory burden by agreeing to the request of the regulated community to have the option of purchasing either one trip permit, or a block of 10 trip permits; and 2. permit individuals or entities to act as a "provider" of trip permits to their customers who are motor carriers, as a matter of convenience to those motor carriers who would like to use a provider as an intermediary with the Commission in obtaining trip permits that motor carriers need to operate legally.

N.J.A.C. 13:18-3.5(a) provides that a trip permit shall be issued by the Chief Administrator upon application. The proposed amendments to subsection (a) prescribe that the trip permit may be offered by an approved provider of the Commission, either one trip permit or a block of 10 trip permits may be had, and the Commission seal shall be electronically affixed in order to represent the trip permit as an official document of the Commission. The current practice of the Commission providing one trip permit at a time would continue, but the option for the Commission to provide a block of 10 trip permits upon receipt of a request from a provider would be allowed.

Subsection (b) provides that a trip permit is valid for 96 hours. A proposed amendment provides that the trip permit may be offered by an approved provider of the Commission.

Subsection (e) provides that trip permits may not be provided to those whose International Fuel Tax Agreement (IFTA) license has been suspended, revoked, or canceled for any reason. A proposed amendment provides that the trip permit may be offered by an approved provider of the Commission.

Proposed new subsection (f) would allow the Commission to revoke a trip permit for any appropriate reason.

Proposed new N.J.A.C. 13:18-3.20 prescribes the provider application requirements. In order that the Commission may properly permit individuals and entities to fully and properly complete and issue a trip permit, the application requirements for any entity that wishes to apply to be a provider of the Commission for purposes of distributing trip permits are proposed. Also, subsection (c) provides definitions relating to the application and subsection (d) provides operating requirements relating to the provider.

Proposed new N.J.A.C. 13:18-3.21 prescribes provider requirements.

Social Impact

The proposed amendments and new rules will have a positive social impact. The purpose of these proposed amendments and new rules is to reduce the regulatory burden by providing the regulated community the option of a block of 10 trip permits that may be provided to a motor carrier. Further, the proposed amendments and new rules add that a properly designated agent of the Commission may participate in the processes related to the issuance of trip permits and adds two new sections, one that describes the application for trip permits and a second that describes provider requirements.

Economic Impact

The economic impact of the proposed amendments and new rules on the Commission consists of the costs of oversight of the trip permit, which will be reduced by these proposed amendments and new rules. The costs to the motor carriers may be reduced potentially with purchases in blocks of 10 by a potentially increased number of potential vendors who may make the purchases.

Federal Standards Statement

There are no Federal standards applicable to the subject matter of the proposed amendments and new rules.