

Smart Growth Development Impact Analysis

The proposed amendment will have no impact on the achievement of smart growth development in the State of New Jersey because it affects the regulation of casinos in Atlantic City.

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

13:69-4.2 Determination of confidential status

(a) Except as provided by N.J.S.A. 5:12-74.1.d, all information and data furnished to or obtained by the Division which relates to the internal controls specified in N.J.S.A. 5:12-99.a, **gross revenue by table game type and slot machine denomination except on an annual basis**, or [to] the earnings or revenue of any applicant, registrant, or licensee, or which pertains to an applicant's criminal record, family, or background, shall be presumed to be confidential and shall not be released or disclosed to any person except in accordance with the provisions of this subchapter.

(b) (No change.)

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Executive and Administrative Service (International Fuel Tax Agreement Implementation) Tax Reports; Penalties; Interest

Proposed Amendment: N.J.A.C. 13:18-3.7

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

Authority: N.J.S.A. 39:1 and 54:39A-24 and P.L. 2003 c. 13.

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

Proposal Number: PRN 2014-128.

Submit comments by October 3, 2014, to:

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

or via e-mail to: rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

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

The Motor Vehicle Commission (Commission) proposes an amendment to the provisions of N.J.A.C. 13:18-3, Executive and Administrative Service - International Fuel Tax Agreement Implementation. The Commission proposes an amendment to N.J.A.C. 13:18-3.7 in order to conform to revised International Fuel Tax Agreement (IFTA) annual interest rate requirements.

N.J.A.C. 13:18-3.7 is proposed for amendment in order to abide by N.J.S.A. 54:39A-24.b(4), which requires Commission rules to be consistent with IFTA Articles of Agreement. The existing rule sets the interest rate on late filing of IFTA taxes at one percent per month. That language is proposed to be replaced with language incorporating by reference, as amended and supplemented, the IFTA Articles of Agreement Section 1230.100 and provides an internet link to where the current rate may be found. The new formula in the IFTA Articles of Agreement will result in a decreased interest rate payment for calendar year 2014. The new formula is derived from the annual underpayment rate established under Section 6621(a)(2) of the Internal Revenue Code, adjusted on an annual basis on January 1 of each year. The net result this year is a reduction from 12 percent annually to five percent annually.

Social Impact

The proposed amendment will have a positive social impact. The purpose of the proposed amendment is to conform to IFTA's interest rate requirements, which will produce a rate reduction this year.

Economic Impact

The economic impact on the Commission consists of the costs of oversight of the trip permit, which will not change with the proposed amendment. The costs to the motor carriers may be reduced by offering an interest rate reduction consistent with the IFTA Articles of Agreement.

Federal Standards Statement

There are no Federal standards applicable to the subject matter of N.J.A.C. 13:18-3.7.

Jobs Impact

The proposed amendment is anticipated to result in lower motor carrier costs that could potentially lead to the creation of new jobs.

Agriculture Industry Impact

The proposed amendment does not have any impact on the agriculture industry in this State.

Regulatory Flexibility Statement

The proposed amendment does not impose any new reporting, recordkeeping, or compliance requirements on motor carriers. The proposed amendment updates calculation of late filing interest rates for fuel taxes to incorporate by reference IFTA rates.

Housing Affordability Impact Analysis

The proposed amendment will have no impact on housing affordability and there is an extreme unlikelihood that it will evoke a change in the average costs associated with housing because the proposed amendment pertains to interest rates for late filing for fuel taxes charged to motor carriers.

Smart Growth Development Impact Analysis

It is not anticipated that the proposed amendment will have an impact on smart growth and there is an extreme unlikelihood that the amendment 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 amendment pertains to interest rates for late filing for fuel taxes charged to motor carriers.

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

SUBCHAPTER 3. INTERNATIONAL FUEL TAX AGREEMENT IMPLEMENTATION

13:18-3.7 Tax reports; penalties; interest

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

(c) For a fleet based in the United States, interest shall [accrue at the rate of one percent per month or fraction thereof] **be set at the rate established in the IFTA Articles of Agreement, Section R1230.100, which is incorporated herein by reference, as amended and supplemented, and can be found at <http://www.iftach.org/>**, calculated from the date the tax was due until the tax is paid. The interest shall be computed on the tax due each member jurisdiction. For a fleet based in a Canadian jurisdiction, interest shall accrue at a rate equal to the Canadian Federal Treasury Bill rate, plus two percent, and adjusted every calendar year quarter, calculated from the date tax was due until the tax is paid. All interest collected shall be remitted to the appropriate jurisdictions.

(d) (No change.)
