

(c) A utility's expenditures made prior to the Board's approval of an Infrastructure Investment Program shall not be eligible for accelerated recovery.

(d) Rates approved by the Board for recovery of expenditures under an Infrastructure Investment Program shall be accelerated, and recovered through a separate clause of the utility's Board-approved tariff.

(e) Rates approved by the Board for recovery of expenditures under an Infrastructure Investment Program shall be provisional, subject to refund and interest. Prudence of Infrastructure Investment Program expenditures shall be determined in the utility's next base rate case.

(f) A utility shall file its next base rate case not later than five years after the Board's approval of the Infrastructure Investment Program, although the Board, in its discretion, may require a utility to file its next base rate case within a shorter period.

(g) A utility may continue to file for accelerated recoveries during the approved Infrastructure Investment Program period notwithstanding the filing of the utility's next base rate case.

(h) An earnings test shall be required, where Return on Equity (ROE) shall be determined based on the actual net income of the utility for the most recent 12-month period divided by the average of the beginning and ending common equity balances for the corresponding period.

(i) For any Infrastructure Investment Program approved by the Board, if the calculated ROE exceeds the allowed ROE from the utility's last base rate case by 50 basis points or more, accelerated recovery shall not be allowed for the applicable filing period.

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

**Enforcement Service; Licensing Service
Vehicle Inspection; Motorcycles; Identifying Marks;
Enhanced Motor Vehicle Inspection and
Maintenance Program; Registrations; and Driver
Licenses**

**Proposed Amendments: N.J.A.C. 13:20-7.2, 24.1,
24.10, 24.21, 34.2, 34.3, and 43.2; 13:21-5.5 and
8.14**

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

Authority: N.J.S.A. 39:2A-28 and 39:3-10.34; and P.L. 2016, c. 35.

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

Proposal Number: PRN 2017-159.

Submit written comments by October 6, 2017, to:

Kate Tasch, Administrative Practice Officer
Regulatory and Legislative Affairs
Motor Vehicle Commission
225 East State Street
PO Box 160
Trenton, NJ 08666-0160
or via e-mail to: rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

The public comment period for this notice of proposal will be 60 days, as the notice is not listed in the agency rulemaking calendar. 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 to amend certain provisions of N.J.A.C. 13:20-24, 34, and 43 and 13:21-5 and 8, in order to implement the provisions of P.L. 2016, c. 35, pertaining to autocycles, and pursuant to N.J.S.A. 39:3-10.34.f.

N.J.A.C. 13:20-7.2, Inspection of motor vehicles requirements for motor vehicles, is proposed for amendment to add autocycles to the list of vehicles exempt from inspection requirements.

N.J.A.C. 13:20-24.1 and 24.10, pertaining to safety standards for goggles, face shields, and helmets for motorcycles, are proposed for amendment to apply the rules in these sections to autocycles. The proposed amendments adopt and/or incorporate the relevant Federal standards set forth in the American National Standards Institute (ANSI) specification No. Z87.1-2003 for goggles and face shields, in Federal Motor Vehicle Safety Standards (FMVSS) No. 205 (49 CFR 571.205) for windshields, and in FMVSS No. 218 (49 CFR 571.218) for helmets.

N.J.A.C. 13:20-24.21 is proposed for amendment to clarify the issuance and placement of license plates for autocycles. The plates are to be displayed horizontally, and clearly visible, on the rear of the motorcycle or autocycle. However, if a motorcycle or autocycle is equipped by the manufacturer solely to accommodate a vertically mounted license plate, the license plate may be mounted vertically and must be clearly visible on the rear of the motorcycle or autocycle, with its top fastened along the right vertical edge. In all cases, the license plate must be maintained free from foreign materials and in a clearly legible condition.

N.J.A.C. 13:20-34.2, Registration numbers reserved, and 34.3, Registration numbers excluded, are proposed for amendment to provide for the reservation of specific alphanumeric sequences for license plates issued to autocycles.

N.J.A.C. 13:20-43.2, Inspection requirements for motor vehicles; exempt vehicles, is proposed for amendment to add autocycles to the list of vehicles exempt from enhanced inspection requirements.

N.J.A.C. 13:21-5.5, Motorcycle registration fee, is proposed for amendment to include autocycles in the category of motorcycles for registration purposes.

N.J.A.C. 13:21-8.14, Vehicle used for road test, is proposed for amendment to indicate that autocycles are not approved vehicles for road tests.

Social Impact

The proposed amendments will have a positive social impact on members of the public who own and/or operate autocycles. The proposed amendments implement recent statutory changes regarding the registration and operation of autocycles, including safety requirements. Thus, these proposed amendments provide guidance for owners and operators of autocycles, and also provide clarification for law enforcement by distinguishing between motorcycles and autocycles.

Economic Impact

All vehicles registered in New Jersey require a valid registration. The autocycle is a new class of vehicle, that is registered as a motorcycle and must be registered for the same registration fee of \$43.50 assessed for motorcycles, in order for the autocycle to be driven on the roads legally. The Commission does not anticipate an increase in expenses for businesses as a result of the proposed amendments because the rules do not introduce any new requirements and autocycles are primarily recreational and not commercial vehicles. There is no need for any person or entity to hire personnel as a result of these changes in rules. The total cost to the Commission to implement the statute and rules pertaining to autocycles is estimated to be less than \$100,000. The main factor impacting the cost is the production of autocycle license plates. In addition, there are modest development costs related to the updating of the Commission's information technology systems, as well as some minimal training costs.

Federal Standards Statement

These amendments are in conformance with Federal regulations. The proposed amendments adopt and/or incorporate the relevant Federal standards set forth in the American National Standards Institute (ANSI) specification No. Z87.1-2003 for goggles and face shields, in the Federal Motor Vehicle Safety Standard (FMVSS) No. 205 (49 CFR 571.205) for windshields, and in the FMVSS No. 218 (49 CFR 571.218) for helmets, which is not changed in these proposed amendments. The proposed amendments do not cause the rules to exceed, or amend any rule that does exceed, Federal standards or requirements.

Jobs Impact

The Commission does not anticipate that the proposed amendments will have any impact on jobs. The rules do not repeal or introduce any new substantive changes to the existing rules other than provide for the regulation of autocycles.

Agriculture Industry Impact

These amendments will have no impact on the agriculture industry. They are not intended to regulate farming, crop, or animal production.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because this rulemaking does not impose reporting, recordkeeping, or other compliance requirements on small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments pertain solely to implementing the act regulating autocycles. Thus, the proposed amendments only affect individuals of the general public and may be of interest to certain law enforcement agencies.

Housing Affordability Impact Analysis

It is not anticipated that the proposed amendments will have any impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the amendments will evoke a change the average costs associated with housing because these rules pertain solely to the registration and operation of autocycles.

Smart Growth Development Impact Analysis

It is not anticipated that the proposed amendments will have any impact on smart growth in New Jersey and there is an extreme unlikelihood that the proposed 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 these rules pertain solely to the registration and operation of autocycles.

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

CHAPTER 20
ENFORCEMENT SERVICE

SUBCHAPTER 7. VEHICLE INSPECTION

13:20-7.2 Inspection of motor vehicles; test frequency; exempt vehicles

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

(c) The following vehicles, some of which may be subject to inspection under other provisions of law or rule, shall be exempt from the inspection requirements of this subchapter:

1.-16. (No change.)

17. Gasoline or bi-fueled model year 2007 or older passenger vehicles with a GVWR of 8,501 to 14,000 pounds; [and]

18. Gasoline or bi-fueled model year 2013 or older passenger vehicles with a GVWR of 14,001 pounds or greater[.]; **and**

19. **Autocycles, as defined by N.J.S.A. 39:1-1 and registered pursuant to N.J.S.A. 39:3-10.34.**

SUBCHAPTER 24. MOTORCYCLES AND AUTOCYCLES

13:20-24.1 Safety standards for goggles and face shields

(a) No person shall sell, offer for sale, or distribute any goggles or face shields for use by the operators of motorcycles **or autocycles**, unless they meet the American [Standard Safety Code] **National Standards Institute** specifications for [head, eye, respiratory] **personal eye and face** protection [22.1-1959] **devices Z87.1-2003**, incorporated herein by reference, as amended and supplemented.

(b) No person shall operate a motorcycle **or autocycle** without wearing goggles or a face shield, unless the motorcycle **or autocycle** is equipped with a windscreen that meets [American Standard Safety Code specifications for head, eye, respiratory protection 22.1-1959] **Federal Motor Vehicle Safety Standard No. 205 (49 CFR 571.205)**, **incorporated herein by reference, as amended and supplemented.**

13:20-24.10 Adoption and incorporation of Federal Motor Vehicle Safety Standard for motorcycle **and autocycle** helmets

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

13:20-24.21 Motorcycle **and autocycle** license plates and tabs

[Effective at the time the 1970 motorcycle registrations are issued, only] **Only** one license plate and/or one license plate tab shall be issued for each motorcycle **or autocycle**, to be displayed **horizontally, and clearly visible**, on the rear of the motorcycle **or autocycle**. **However, if a motorcycle or autocycle is equipped by the manufacturer solely to accommodate a vertically mounted license plate, the license plate may be mounted vertically and must be clearly visible on the rear of the motorcycle or autocycle, with its top fastened along the right vertical edge. In all cases, the license plate must be maintained free from foreign materials and in a clearly legible condition.**

SUBCHAPTER 34. IDENTIFYING MARKS

13:20-34.2 Registration numbers reserved

(a) The following registration numbers are reserved as specified:

1.-45. (No change.)

46. UW 1000 through UW 9999, 1000 UW through 9999 UW, and UW 10AA through UW 99ZZ, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on United We Stand license plates issued by the Motor Vehicle Commission pursuant to N.J.S.A. 39:3-27.131; [and]

47. GS 1000 through GS 9999, 1000 GS through 9999 GS, and GS 10AA through GS 99ZZ, except that the letters I, O, and Q shall not be utilized in such non-personalized passenger plate combinations; XA 100GS through XZ 999GS in such non-personalized commercial plate combinations; XY 100AA through XY 999AA in such non-personalized farmer plate combinations; FX 10A through FX 99B in such non-personalized farm use plate combinations; and TA 100GS through TA 999GS in such non-personalized farm tractor plate combinations. Designated for use on Promote Agriculture license plates issued by the Motor Vehicle Commission pursuant to N.J.S.A. 39:3-2.116; **and**

48. A1A1A through Z9Z9Z for autocycles.

(b) (No change.)

13:20-34.3 Registration numbers excluded

(a) The following registration numbers shall be excluded from issuance as "particular identifying marks" and, where so indicated, shall be used for the purpose specified:

1.-32. (No change.)

33. EM 1000 through EM 9999 and 1000 EM through 9999 EM for vehicles owned or leased by emergency medical technician-ambulance[.];

34. Except as otherwise provided by this subchapter, any combination consisting of two alphabetic followed by four numeric characters (for example, AB 1234) or four numeric followed by two alphabetic characters (for example, 1234 AB). Designated for use on special organization vehicle registration plates issued by the Motor Vehicle Commission pursuant to N.J.S.A. 39:3-27.35 et seq. and N.J.A.C. 13:20-39[.]; **and**

35. A1A1A through Z9Z9Z for autocycles.

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

SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

13:20-43.2 Inspection requirements for motor vehicles; exempt vehicles

(a) (No change.)

(b) The following vehicles, some of which may be subject to inspection under other provisions of law or rule, shall be exempt from the inspection requirements of this subchapter:

1.-17. (No change.)

18. Gasoline or bi-fueled model year 2007 or older passenger vehicles with a GVWR of 8,501 to 14,000; [and]

19. Gasoline or bi-fueled model year 2013 or older passenger vehicles with a GVWR of 14,001 pounds or greater[.]; **and**

20. Autocycles, as defined by N.J.S.A. 39:1-1 and registered pursuant to N.J.S.A. 39:3-10.34.

CHAPTER 21
LICENSING SERVICE

SUBCHAPTER 5. REGISTRATIONS

13:21-5.5 Motorcycle **and autocycle** registration fee

The applicant for registration for a motorcycle **or autocycle** shall pay to the Commission for each registration a fee of \$43.50.

SUBCHAPTER 8. DRIVER LICENSES

13:21-8.14 Vehicle used for road test

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

(f) The road test cannot be administered in an autocycle.

(a)

MOTOR VEHICLE COMMISSION

Licensing Service—Farm Vehicles

Proposed Amendments: N.J.A.C. 13:21-12.1, 12.3, and 12.4

Proposed New Rules: N.J.A.C. 13:21-12.10 and 12.11

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

Authority: N.J.S.A. 39:2-3, 39:2A-2, 39:2A-21, 39:2A-28, 39:3-24, and 39:3-24.2; and P.L. 2015, c. 292.

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

Proposal Number: PRN 2017-158.

Submit comments by October 6, 2017, to:

Kate Tasch
APO
Motor Vehicle Commission
225 East State Street
PO Box 160
Trenton, NJ 08666-0160
or via e-mail to: rulecomments@mvc.nj.gov

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. The public comment period for this notice of proposal will be 60 days, as this notice is not listed in the agency’s rulemaking calendar.

The Motor Vehicle Commission (Commission) proposes amendments to implement certain provisions of P.L. 2015, c. 292, which amended N.J.S.A. 39:3-24 (“Farm tractors, traction equipment; registration; operation; emblem; fee”) and 39:3-25 (“Farmer license plate, issuance, fee, expiration”). P.L. 2015, c. 292 requires the Commission to design a slow-moving vehicle emblem, adopt rules for the emblem’s specifications and placement, set the distance permitted to be travelled by vehicles registered under N.J.S.A. 39:3-24 upon the public roadways, and adopt rules for the registration of self-propelled sprayers.

N.J.A.C. 13:21-12.1 lists vehicles within the scope of the subchapter addressing the use of the public highways by vehicles registered as farm vehicles. N.J.A.C. 13:21-12.1 is proposed for amendment to delete the specific listing of vehicles included, so that the rule will include vans, sport utility vehicles, or similar vehicles engaged in the carrying or transportation of farm products and farm supplies, pursuant to P.L. 2015, c. 292.

N.J.A.C. 13:21-12.3, which addresses hours of travel and visibility requirements, is proposed for amendment to allow vehicles registered pursuant to N.J.S.A. 39:3-24 to operate three hours before sunrise and

after sunset, as long as the vehicle is equipped with proper safety lighting, consistent with P.L. 2015, c. 292.

The Commission proposes to amend N.J.A.C. 13:21-12.4, which currently restricts farm vehicle travel to 15 miles of highway, to allow farm vehicles to travel on public highways for a distance not exceeding 50 miles pursuant to P.L. 2015, c. 292.

The Commission proposes new N.J.A.C. 13:21-12.10 to provide specifications for slow-moving vehicle emblems and standards for the display of the emblems.

The Commission proposes new N.J.A.C. 13:21-12.11, which addresses the registration requirements for self-propelled sprayers, pursuant to P.L. 2015, c. 292.

Social Impact

The proposed amendments and new rules will have a positive social impact on the motoring public and on farmers and agricultural schools that need to move farm tractors, traction equipment, farm machinery, and farm implements on the public highways. The proposed amendments and new rules increase safety by increasing the visibility of farm vehicles traveling on the public highways, and also increase convenience to the agricultural community by adding other types of vehicles that may qualify for farmer plates, expanding the hours certain vehicles may travel on the public highways, and increasing the distance farm vehicles may travel on the public highways.

The proposed amendments and new rules also provide clarity and guidance regarding the registration of self-propelled sprayers.

Economic Impact

The proposed amendments and new rules will have a minimal economic impact on the agricultural community. Farmers who operate or tow farm vehicles on public highways will have to purchase a slow-moving vehicle emblem that meets certain specifications as set forth in the rules. The emblems are readily available and, on average, cost less than \$20.00 each. The safety precautions provided to the operators of farm vehicles and the motoring public far outweigh the minimal cost of purchasing slow moving vehicle emblems. In addition, the \$16.50 registration fee for self-propelled sprayers operated on public highways is modest, and justified in light of the public interest in registering vehicles traveling the public highways. There is no registration requirement for self-propelled sprayers that are operated exclusively on private property.

Federal Standards Statement

The proposed amendments and new rules have no comparable Federal standard that can be applied; therefore, a Federal standards analysis is not required for this rulemaking.

Jobs Impact

The Commission does not anticipate that the proposed amendments and new rules will have any impact on jobs in the agricultural community or the Commission. These proposed amendments and new rules merely expand the types of vehicles that are eligible for farmer plates, increase the time and distance certain vehicles can operate on public highways, and increase the safety of public highway travel.

Agriculture Industry Impact

The proposed amendments and new rules, which expand the types of vehicles that are eligible for farmer plates, increase the time and the distance certain vehicles may operate on public highways, allow for the registration of self-propelled sprayers, and increase safety by requiring slow-moving vehicle emblems, will have a positive impact on the agricultural industry in New Jersey in terms of increased safety and convenience. The only negative impact is the minimal cost of the slow-moving vehicle emblem and the registration fee for self-propelled sprayers, both of which are outweighed by the public benefits of these requirements, and the benefits to the agricultural community.

Regulatory Flexibility Analysis

The proposed amendments and new rules do not impose any reporting or recordkeeping requirements on small businesses. The proposed amendments and new rules do impose new compliance requirements on the agricultural industry in New Jersey, of which many are expected to be defined as small business pursuant to N.J.S.A. 52:14B-16 et seq.