

(a)

**MOTOR VEHICLE COMMISSION
Enforcement Service
Equipment for Emergency Vehicles and Other
Specified Vehicles; Flashing Amber Lights for
Farm Vehicles on any Public Roads
Proposed Amendments: N.J.A.C. 13:24-1.1, 4.1, and
4.2**

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

Authority: N.J.S.A. 39:2-3, 39:2A-28, 39:3-43, 39:3-50, and 39:3-69.

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

Proposal Number: PRN 2017-160.

Submit comments by October 6, 2017, to:

Kate Tasch, APO
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

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

The Motor Vehicle Commission (“the Commission” or “MVC”) proposes amendments to the provisions of N.J.A.C. 13:24-1.1, 4.1, and 4.2. The Commission proposes amendments in accordance with 49 U.S.C. § 3011(a) and 49 CFR 562, which, as of June 22, 2017, requires newly manufactured agricultural equipment that may be operated on a public road to meet certain lighting requirements, including flashing amber lights. The Commission believes the proposed amendments will improve daytime and nighttime visibility of farm vehicles on public roads.

N.J.A.C. 13:24-1.1 is a list of definitions of various words and terms used in N.J.A.C. 13:24. N.J.A.C. 13:24-4.1 pertains to amber flashing light permit eligibility, and N.J.A.C. 13:24-4.2 pertains to amber flashing light permit application procedures. The Commission proposes to amend N.J.A.C. 13:24-1.1 by adding definitions “farm vehicle” and “public road.” N.J.A.C. 13:24-4.1 is proposed for amendment by the addition of new paragraph (a)8 that allows for the issuance of an amber light permit for any farm vehicle that may be operated on a public road. The Commission proposes to amend N.J.A.C. 13:24-4.2 by adding new subsection (f) pertaining to permit application procedures for farm vehicles.

Social Impact

The proposed amendments will promote public interest in highway safety by allowing for the use of flashing amber lights on farm vehicles while being operated on public roads. The use of flashing amber lights improves visibility of farm vehicles on public roads, thus, reducing the possibility for accidents, injuries, and property damage.

Economic Impact

Applicants seeking a flashing amber light permit pursuant to N.J.A.C. 13:24-4 will be subject to a \$25.00 fee for initial issuance and for each subsequent renewal of the permit for each vehicle.

The Commission does not anticipate a significant economic impact related to the issuance of flashing amber light permits because the \$25.00 permit fee will offset expenses incurred by the Commission as part of the process of issuing flashing amber light permits.

Federal Standards Statement

The proposed amendments do not exceed any Federal requirements or standards. Federal law (49 U.S.C. § 30111(a)) provides that the United States Secretary of Transportation shall prescribe motor vehicle safety standards. In accordance with 49 U.S.C. § 30111(a) and its predecessor (15 U.S.C. § 1392), the Secretary of Transportation has established safety standards for motor vehicles and motor vehicle equipment at 49 CFR Part 571.101. The proposed amendments are consistent with Federal regulations, including the requirements set forth at 49 CFR 571.108 (Federal Motor Vehicle Safety Standard No. 108), which pertains to lamps, reflective devices, and associated equipment and 49 CFR 562 (Lighting and Marking on agricultural equipment), which pertain to the requirements for lighting and marking on farm vehicles.

Jobs Impact

The Commission does not anticipate that any jobs will be generated or lost as a result of the proposed amendments.

Agriculture Industry Impact

The proposed amendments will not have any adverse impact on the agricultural industry. The proposed amendments will increase the safety of those operating farm vehicles on public roads when using a flashing amber light. The proposed amendments will also increase the safety of the public traveling those roadways.

Regulatory Flexibility Analysis

The proposed amendments do not impose any reporting or recordkeeping 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 require that an application for a permit be submitted, with the statutorily mandated fee, by those seeking a flashing amber light permit. There is no reporting or recordkeeping requirement associated with the application for the permit.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on the affordability of housing and they will not evoke a change in the average costs associated with housing because the rules pertain solely to flashing amber lights for farm vehicles while being operated on the public roads.

Smart Growth Development Impact Analysis

It is not anticipated that the proposed amendments to the rules will have an 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 to flashing amber lights for farm vehicles while being operated on the public roads.

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

SUBCHAPTER 1. DEFINITIONS

13:24-1.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

...
“Farm vehicle” means any farm or agricultural tractor, self-propelled machine, or implement, or any combination thereof, that is primarily designed for farm or agricultural operations.
 ...

...
“Public road” means any road, street, or highway under the jurisdiction of, and maintained by, a public authority and open to public travel.
 ...

SUBCHAPTER 4. FLASHING AMBER LIGHT PERMITS

13:24-4.1 Permit eligibility

(a) Owners or lessees of the following types of vehicles are eligible for flashing amber light permits.

1.-7. (No change.)

8. Farm vehicles:

i. A flashing amber light may be used by a farm vehicle while traveling on a public road.

(b)-(f) (No change.)

13:24-4.2 Permit application procedure

(a) (No change.)

(b) Except as otherwise provided in (c), (d) [and], (e), and (f) below, the application, after completion, is to be signed by the chief law enforcement official in the municipality in which the service is being provided. Thereafter, the application should be submitted to the Commission together with the fee specified in N.J.S.A. 39:3-50(d).

(c)-(e) (No change.)

(f) **The application, after completion, is to be signed by the chief law enforcement official in the municipality in which the farm is located. Thereafter, the application should be submitted to the Commission together with the fee specified in N.J.S.A. 39:3-50(d).**

[(f)] (g) (No change in text.)

TREASURY—TAXATION**(a)****DIVISION OF TAXATION****Local Property Tax: General****Proposed Readoption with Amendments: N.J.A.C. 18:12****Proposed Repeal: N.J.A.C. 18:12-4.3**

Authorized By: John J. Ficara, Acting Director, Division of Taxation.

Authority: N.J.S.A. 54:1-35.1, 54:1-35.35, 54:3-14, 54:4-1, 54:4-8.66d, 54:4-23.21, 54:4-26, and 54:50-1.

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

Proposal Number: PRN 2017-127.

Submit written comments by October 6, 2017, to:

Elizabeth J. Lipari
Administrative Practice Officer
Division of Taxation
PO Box 269
50 Barrack Street
Trenton, NJ 08695-0269
E-mail: Tax.RuleMakingComments@treas.nj.gov.

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, N.J.A.C. 18:12 was scheduled to expire on January 27, 2018. As the Division of Taxation (Division) has filed this notice of readoption with the Office of Administrative Law prior to that date, the expiration date of the chapter is extended 180 days to July 26, 2018, pursuant to N.J.S.A. 52:14B-5.1.c(2). The rules proposed for readoption with amendments fulfill the statutory mandates of N.J.S.A. 54:1-35.1, 54:1-35.35, 54:3-14, 54:4-1, 54:4-8.66d, 54:4-23.21, 54:4-26, and 54:50-1. These statutes govern the administration of local property taxation in general. The Division has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated.

The rules proposed for readoption with amendments make grammatical, consistency, and plain language changes in order to make the rules easier to understand. The following technical changes are proposed: gender-specific pronouns have been amended to eliminate gender designations or to provide gender-neutral phrasing; incorrect punctuation has been corrected; the names of forms have been capitalized for consistency; extraneous words and punctuation have been eliminated; peculiar words or phrases have been replaced with plain language; the term “municipal tax assessor” was replaced with “assessor” because of the creation of the position of county tax assessor

by the Property Tax Assessment Reform Act, N.J.S.A. 54:1-86 et seq.; the phrase “pretax year” has been replaced with “pre-tax year”; and “Director, Division of Taxation” has been replaced with “Director of the Division of Taxation” for consistency.

The rules proposed for readoption are summarized as follows:

N.J.A.C. 18:12-1.1 sets forth categories of real estate transactions that are not to be used in determining assessment-sales ratios used in the Director’s Table of Equalized Assessed Valuation, subject to exceptions listed under N.J.A.C. 18:12-1.1(b).

N.J.A.C. 18:12-2.1 requires the assessor to classify each line item in the tax list according to categories designated by the applicable property classification code symbol set forth in the rule.

N.J.A.C. 18:12-2.2 sets forth property classifications with definitions.

N.J.A.C. 18:12-2.3(a) requires the assessor to prepare a summary of property valuations appearing on the tax list with an alphabetical list of taxpayers by name.

N.J.A.C. 18:12-2.3(b) requires the assessor to prepare a summary of deduction amounts for senior citizens, disabled citizens, and their surviving spouses, and for veterans and their surviving spouses and the surviving spouses of servicepersons, along with the number of parcels and exemption amounts for specified property exemption categories. N.J.A.C. 18:12-2.3(c) requires the assessor to prepare a summary of special tax districts.

N.J.A.C. 18:12-2.4 requires the assessor to include in the tax list the applicable building description code designations set forth in the rule for each line item.

N.J.A.C. 18:12-2.5 requires the tax list to show parcels of assessed farmland that are classified partly “Class 3B” and partly “Class 3A,” as separate line items with real property improvements included as Class 3A.

N.J.A.C. 18:12-2.6 requires designations on the tax list for approved tax deductions for senior citizens, disabled citizens, and their surviving spouses, and for veterans and their surviving spouses, and the surviving spouses of servicepersons.

N.J.A.C. 18:12-2.7 requires the assessor for certain taxing districts to prepare an annual tax list indicating whether each parcel of property, in part or in whole, is located within the boundaries of the Hackensack Meadowlands District. Any parcel so located is to be designated as such.

N.J.A.C. 18:12-2.8 sets forth the real property tax list and accompanying instructions describing the format and content, including page and column headings, specific property exemptions, special tax codes, property classification summary, and assessor’s affidavit.

N.J.A.C. 18:12-3.1(a) requires assessors to enter the name of the owners, value, and a description of all churches, cemeteries, public buildings, and other real properties exempt from taxation, in the exempt property list.

N.J.A.C. 18:12-3.1(b) provides for the format of the information contained in the exempt property list.

N.J.A.C. 18:12-4.1 provides definitions for the terms “contract,” “Director,” and “firm” as they relate to revaluation of real property by appraisal firms.

N.J.A.C. 18:12-4.2 requires the Director of the Division of Taxation to establish assessment standards to be used in the valuation and revaluation of real property and to prescribe minimum qualifications for firms providing such services. This subsection also requires any municipality contracting for such services to submit the contract, prior to execution, to the Director for a 30-day review period. Assignments or transfers of the contract may not occur without the written consent of all contractual parties, including the surety company, county board of taxation, and the Director. Finally, this section prohibits any other changes in the contract without the mutual consent of the contracting parties and the written permission of the surety company and the Director.

N.J.A.C. 18:12-4.3 is reserved.

N.J.A.C. 18:12-4.4 requires an appraisal firm seeking approval from the Director to become a revaluation firm to provide annually certain financial, personnel, and other information about the firm.

N.J.A.C. 18:12-4.5 requires that revaluation contracts submitted to the Director for review must include a provision that no county board of taxation commissioner or employee have any interest as an officer,