

Farm owners intending to operate or tow farm vehicles on public highways will be required to purchase and properly display slow-moving vehicle emblems on farm tractors, traction equipment, farm machinery, or farm implements and any farm tractors, traction equipment, farm machinery, or farm implements drawn by a motor vehicle while traveling on the public highways.

The initial compliance cost is difficult to estimate and will vary widely from farm to farm depending on the number of slow-moving vehicle emblems each farm needs to purchase. Slow-moving vehicle emblems are widely available for sale and cost, on average, under \$20.00 each, and may be transferred between vehicles. Accordingly, any cost of compliance is minimal and will not require the business to employ professional services.

Additionally, slow-moving vehicle emblems must meet certain standards established by the American Society of Agricultural Biological Engineers and be properly mounted to be an effective safety device. Accordingly, exemptions from all or part of the proposed amendments and new rules are not in the best interest of the public health, safety, or welfare.

Housing Affordability Impact Analysis

The proposed amendments and new rules will have no impact on the affordability of housing and will not evoke a change in the average costs associated with housing because the proposed amendments and new rules pertain solely to the operation of farm vehicles while traveling on public highways.

Smart Growth Development Impact Analysis

The proposed amendments and new rules will have no impact on smart growth and will not 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 and new rules pertain solely to the operation of farm vehicles while traveling on public highways.

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

SUBCHAPTER 12. FARM VEHICLES

13:21-12.1 Vehicles exempted from statutory provisions

Within the restrictions listed in this [Subchapter] **subchapter**, vehicles registered under the provisions of N.J.S.A. 39:3-24 [(self-propelled farm tractors, traction equipment, farm machinery and implements being operated singly or while drawing other farm implements or machinery),] and [N.J.S.A.] 39:3-25 [(farmer trucks, while drawing a farm implement or machine)] may be operated on highways of this State singly or while drawing one piece of farm machinery or implement, except that a farm tractor may draw two pieces of farm machinery or implements, one of which may carry a load, and such vehicles or combinations in either case may exceed the commercial vehicle dimension limitations as provided for under N.J.S.A. 39:3-84.

13:21-12.3 Hours of travel; visibility requirements

(a) [Such vehicles as described in Section 12.1 (Vehicles exempted from statutory provisions) of this Chapter] **Vehicles registered pursuant to N.J.S.A. 39:3-24 shall not be operated on a public highway at any time between sunset and sunrise, except for vehicles being operated under contract with a municipality to remove snow or vehicles equipped with proper safety lighting, during the three hours before sunrise and the three hours after sunset.**

(b) (No change.)

13:21-12.4 Distance of travel

The vehicle or vehicles shall not be used to traverse a distance exceeding [15] **50** miles of highway in traveling from one farm or portion thereof, to another farm or portion thereof, both owned or managed by the registered owner of the vehicle or vehicles.

13:21-12.10 [(Reserved)] **Slow moving vehicle emblem**

(a) **A vehicle, not for hire, used exclusively as a farm tractor, traction equipment, farm machinery, or farm implement and any farm tractor, traction equipment, farm machinery, or farm**

implement drawn by a motor vehicle traveling on the roads of this State, day or night, shall display a reflective slow moving vehicle emblem on the rear of the vehicle as specified in this section. The use of the slow moving vehicle emblem shall be in addition to any other lighting device or equipment required by this subchapter.

1. **Characteristics. The slow-moving vehicle emblem's material, location, and mounting must be in accordance with American Society of Agricultural and Biological Engineers (ASABE) standards, must display the manufacturer's name and address on the emblem, and contain a statement that the emblem meets the standards of ASAE S276.5, as amended and supplemented. The slow-moving vehicle emblem must be visible from a distance of at least 600 feet, day or night, and must be clean, undamaged, and not faded.**

2. **Location. The slow-moving vehicle emblem must be visible from the rear of the vehicle with the triangle pointed upward, in the center of the vehicle or as near left-center as practical, two to six feet above the ground and securely attached, if not permanently mounted.**

3. **Towed vehicles. The slow-moving vehicle emblem shall be mounted on any farm tractor, traction equipment, farm machinery, or farm implement drawn by a motor vehicle unless the towing vehicle displays the emblem in such a manner as to be clearly visible.**

(b) **The provisions of (a) above shall not apply to vehicles traveling at speeds in excess of 25 miles per hour. For such vehicles, the slow-moving vehicle emblem shall be removed.**

13:21-12.11 **Self-propelled sprayers**

(a) **A self-propelled sprayer is defined as any vehicle that is self-propelled and designed to apply fertilizer, pesticide, or any other appropriate substance on farmland.**

(b) **Self-propelled sprayers shall be registered with the New Jersey Motor Vehicle Commission to operate upon a public highway, unless exempt by N.J.S.A. 39:3-26.1.**

(c) **An applicant for a self-propelled sprayer registration must present:**

1. **A notarized bill of sale containing the year, make, vehicle identification number, seller's and buyer's name and address, date of sale, and purchase price;**

2. **A pencil tracing or printed-out photograph of the vehicle identification number;**

3. **An executed BA-49, New Jersey Vehicle Registration Application; and**

4. **The appropriate registration fee.**

(d) **Self-propelled sprayers will not be issued a New Jersey certificate of title.**

(a)

MOTOR VEHICLE COMMISSION

Licensing Service

Identification Cards for Nondrivers

Proposed Amendment: N.J.A.C. 13:21-16.1

Proposed New Rule: N.J.A.C. 13:21-16.5

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

Authority: N.J.S.A. 39:2-3, 39:2A-28, and 39:3-29.9; and P.L. 2016, c. 99.

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

Proposal Number: PRN 2017-161.

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

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 (“the Commission” or “the MVC”) proposes amendments to its rules pertaining to nondriver identification cards, to implement the provisions of P.L. 2016, c. 99, allowing for the chief administrator to waive the fee for nondriver identification cards issued to homeless persons who submit proof of temporary residence to the Commission.

N.J.A.C. 13:21-16.1 is a list of definitions of various words and terms used in N.J.A.C. 13:21-16. The Commission proposes to amend N.J.A.C. 13:21-16.1 to add the term “emergency shelter for the homeless” to the list of definitions. The Commission has adopted the definition of “emergency shelter for the homeless,” found at N.J.S.A. 55:13C-2, “Emergency Shelter for the Homeless.”

The Commission also proposes new N.J.A.C. 13:21-16.5, which sets forth the procedure a homeless person must follow in order to obtain a no-fee nondriver identification card.

Social Impact

The Commission anticipates that the proposed amendment and new rule will have a positive social impact on the public, as the proposed amendment and new rule will provide qualified applicants a waiver of the nondriver identification card fee and, thus, eliminate a financial obstacle for homeless individuals in New Jersey who wish to receive a nondriver identification card. Easier access to an official government identification card for homeless persons will enable better access to employment, public assistance, transportation, medical care, and housing, as well as numerous other resources, where identification is required.

Economic Impact

The Commission believes the proposed amendment and new rule will have a positive economic impact on homeless persons, as obtaining an official government identification card will give homeless persons easier access to financial and social resources.

Overall, the Commission anticipates that the proposed amendment and new rule will have a minimal economic impact on the Commission. The Commission anticipates some loss of revenue due to the fee waiver. The fee for a nondriver identification card is \$24.00. While the Commission cannot predict the number of homeless persons who may apply for the fee waiver, if 6,950 (half of the estimated 13,900 homeless persons in New Jersey) homeless persons apply for the no-fee nondriver identification card, the Commission would lose an estimated \$166,800 in initial application fees, and \$166,800 at each renewal.

Federal Standards Statement

No comparable Federal law or regulation exists; therefore, a Federal standards analysis is not necessary for this rulemaking.

Jobs Impact

The Commission anticipates minimal job growth in relation to the proposed amendment and new rule. The proposed amendment and new rule set forth a process the Commission will use to waive the fees for homeless persons who apply for a nondriver identification card. Those who obtain a no-fee nondriver identification card, who previously did not have the funds to obtain the nondriver identification card, will now have a government-issued identification, which may help those persons in pursuing employment.

The Commission does not anticipate job growth within the Commission as a result of the proposed amendment and new rule. The same individuals processing and issuing nondriver identification cards to paying customers will be processing and issuing no-fee nondriver identification cards to homeless persons, and it is not anticipated that the

Commission will need to hire any additional staff to address any increase in applications.

Agriculture Industry Impact

The proposed amendment and new rule will have no impact on the agriculture industry in New Jersey, as the proposed amendment and new rule pertain solely to the issuance of no-fee nondriver identification cards to qualified homeless persons.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendment and new rule do not impose reporting, recordkeeping, or other compliance requirements on small businesses. The proposed amendment and new rule relate solely to waiving fees for nondriver identification cards issued to homeless persons.

Housing Affordability Impact Analysis

The proposed amendment and new rule will not have any impact on the affordability of housing in New Jersey, and it is extremely unlikely that the proposed amendment and new rule would evoke a change in the average costs associated with housing because the proposed amendment and new rule relate solely to waiving fees for nondriver identification cards issued to homeless persons.

Smart Growth Development Impact Analysis

The proposed amendment and new rule will have no impact on smart growth and there is an extreme unlikelihood that the proposed amendment and new rule 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 and new rule relate solely to waiving fees for nondriver identification cards issued to homeless persons.

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

SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

13:21-16.1 Definitions

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

...
“Emergency shelter for the homeless” means a building or structure in which a public entity or private, nonprofit organization provides shelter, or food and shelter, to individuals and families having neither a home nor the means to obtain a home or other temporary lodging.
 ...

13:21-16.5 Homeless person, fees waived

Notwithstanding the fees established under N.J.S.A. 39:3-29.7, a nondriver identification card is available for no fee to a homeless person, as defined by N.J.S.A. 39:3-29.7, who submits proof of temporary residence satisfactory to the chief administrator through a social worker or coordinator of an emergency shelter for the homeless where the homeless person has been temporarily residing. The proof of temporary residence shall be in the form of a letter from a social worker or emergency shelter coordinator, on the social worker’s or emergency shelter’s official letterhead, signed by an authorized social worker or emergency shelter coordinator, and dated no more than 10 days prior to the homeless person’s application to the Commission for a no-fee nondriver identification card. The letter must clearly state that the applicant is “without a domicile and is unable to secure permanent and stable housing,” and must include the temporary residence of the applicant.