

13:18-3.4 Temporary licensing permit

(a) Upon receipt of a properly completed application and payment of a fee of \$10.00 for two decals per vehicle from a New Jersey IFTA licensee with an account in good standing, the Chief Administrator shall issue in person, by mail, or through a preapproved [third party] **third-party**, an IFTA Temporary Permit for a qualified motor vehicle. A temporary permit shall be valid for a period of 30 consecutive days, beginning with the date of issue to allow a carrier sufficient time to affix permanent decals and carry the identification card **or electronic image of the identification card**.

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

(a)

MOTOR VEHICLE COMMISSION

Enforcement Service

Body Standards for School Buses

Proposed Amendment: N.J.A.C. 13:20-50B.32

Authorized By: Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Authority: N.J.S.A. 39:2-3, 39:2A-21, 39:2A-28, and 39:3B-10 and P.L. 2018, c. 118.

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

Proposal Number: PRN 2019-018.

Submit written comments by April 5, 2019, to:

Kate Tasch, Administrative Practice Officer
Regulatory and Legal 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 this notice of proposal will be 60 days, as the notice of proposal is not listed in the agency rulemaking 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 proposed amendment to N.J.A.C. 13:20-50B.32 sets forth the regulation of seat belts on school buses manufactured on or after February 21, 2019, to be consistent with the enactment of P.L. 2018, c. 118 on August 25, 2018 (which is effective on the 180th day following enactment, February 21, 2019). This section is proposed for amendment to indicate that school buses manufactured between October 1, 1992 and February 20, 2019, shall be equipped with “either a Type 1” lap safety belts or “Type 2” lap and shoulder safety belts, as defined by Federal regulation. N.J.S.A. 39:3B-10 now requires that seat belts for each seating position on school buses be the three-point lap and shoulder seat belt type, rather than the previously mandated lap belt type. P.L. 2018, c. 118 also mandates that the rule shall be amended so as to be in conformity with the statutory amendment, which requires that all school buses manufactured on or after the effective date of February 21, 2019, must be equipped with Type 2 lap and shoulder belts.

Additionally, the proposed amendment conforms with Federal Motor Vehicle Safety Standards (FMVSS) No. 222 (49 CFR § 571.222), which is incorporated herein by reference, as amended and supplemented.

Social Impact

The proposed amendments will have a positive impact because the installation of three-point lap and shoulder seat belts provide greater safety than the currently mandated lap belt seat belts.

Economic Impact

The Motor Vehicle Commission (Commission) anticipates that the proposed amendments will have a minor economic impact on the general public. As part of the legislative process, the General Assembly did a

fiscal analysis on the impact of passage of the bill (June 25, 2018, bill number A4110). The analysis revealed that the bill would impose an increased cost on the manufacturing of new school buses. Because the new configuration causes a loss in seating capacity, more school buses will be required to transport the same number of students. The rerouting of school buses may help to alleviate this problem. While not all the school buses will be purchased exclusively by the school districts, it is assumed that the bulk of the cost will eventually be borne by the districts through contract pricing. Finally, the increased cost can also be weighed against the cost of treating injuries that would decrease with the use of the safer lap and shoulder belts.

Federal Standards Statement

The Federal standards for lap seat belts (known as Type 1) are governed by the same Federal regulations for the new shoulder and lap belts (known as Type 2), namely 49 CFR 571.208 (occupant crash protection), 49 CFR 571.209 (seat belt assemblies), 49 CFR 571.210 (seat belt assembly anchorages), and 49 CFR 571.222 (school bus passenger seating and crash protection), which are incorporated into the rules by reference. These proposed amendments are promulgated due to the enactment of P.L. 2018, c. 118, which imposed the installation of Type 2 seatbelts or other child restraint systems that are in conformity with applicable Federal standards in all school buses manufactured on or after February 21, 2019.

The legislation imposes a stricter standard than the corresponding Federal regulations, which require Type 2 shoulder and lap belts for school buses weighing less than 10,000 pounds. The legislation imposes the requirement for Type 2 belts to all school buses, regardless of weight due to safety concerns for students expressed in the statute.

The State standard exceeds the Federal regulation because of the enactment of N.J.S.A. 39:3B-10, as well as the public policy goal of providing for the safety of children while being transported in a school bus. In the passage of the bill, the Legislature performed a financial analysis that determined that there would be an increase in cost in the manufacture of new school buses, but that the increased cost is abated by the lower costs resulting from a decrease in treating injuries.

Jobs Impact

The Commission does not anticipate that the proposed amendments will have any impact on jobs.

Agriculture Industry Impact

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

Regulatory Flexibility Statement

The proposed amendments do not impose any reporting, recordkeeping, or 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 school bus manufacturers affected by the requirements of the proposed amendments are large businesses, not small businesses.

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 in the average costs associated with housing because the proposed amendments pertain solely to the installation of shoulder and lap seat belts on school buses manufactured on or after February 21, 2019.

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 the proposed amendments pertain solely to the installation of shoulder and lap seat belts on school buses manufactured on or after February 21, 2019.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has determined that the proposed amendments will have no impact on pretrial detention, sentencing, probation, or parole

policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

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

SUBCHAPTER 50B. BODY STANDARDS FOR SCHOOL BUSES

13:20-50B.32 Seat belts for driver and passengers

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

(c) Every school bus **as defined in N.J.S.A. 39:1-1 with a manufacturer date of October 1, 1992 through February 20, 2019**, shall be equipped with **either** passenger **Type 1** lap safety belts or **Type 2** lap and shoulder safety belts, **as defined in FMVSS (Federal Motor Vehicle Safety Standards) No. 209 (49 CFR 571.209)** for each seat position [that]. **All school buses as defined in N.J.S.A. 39:1-1 manufactured on or after February 21, 2019, shall be equipped with a Type 2 lap and shoulder safety belt or other child restraint system that is in conformity with applicable Federal standards for each seat position. All seat belts and installation shall conform to FMVSS Nos. 208, 209, [and] 210, and 222 (49 CFR [§§] 571.208, 571.209, [and] 571.210, and 571.222)**, incorporated herein by reference, as amended and supplemented. If safety belt floor installation is used, attachment hardware shall be designed to prevent attaching bolts and other parts from becoming inadvertently disengaged from the floor of the school bus.

(d) (No change.)

(a)

MOTOR VEHICLE COMMISSION

Licensing Service

Title to Vehicles Abandoned on Private Property

Reproposed New Rules: N.J.A.C. 13:21-11

Authorized By: Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Authority: N.J.S.A. 39:2A-21, 39:2A-28, 39:4-56.6, and 39:10-4.

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

Proposal Number: PRN 2019-020.

Submit written comments by April 5, 2019, to:

Kate Tasch, APO
 Legal and Regulatory Affairs
 Motor Vehicle Commission
 225 East State Street
 PO Box 162
 Trenton, New Jersey 08666-0162
 or via e-mail: rulecomments@mvc.nj.gov.

The agency reproposal follows:

Summary

The Motor Vehicle Commission (“MVC” or “Commission”) has provided a 60-day comment period for this notice of reproposal. Therefore, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The MVC is reproposing new rules that will set forth the procedure to sell a vehicle abandoned on private property at public auction and subsequently transfer the title of the abandoned vehicle pursuant to N.J.S.A. 39:4-56.6. These reproposed new rules also allow title to the abandoned vehicle to be issued in the applicant’s name if the vehicle cannot be sold at auction.

The reproposed new rules were originally proposed in the New Jersey Register on October 2, 2017, at 49 N.J.R. 3350(a). During the public comment period for the original notice of proposal, the MVC received written comments from three entities: (1) American Insurance Association; (2) Insurance Council of New Jersey; and (3) Eckert Seamans, Attorneys at Law on behalf of Manheim Remarketing, Inc., and its sister company NextGear Capital, Inc. MVC staff engaged in lengthy and thorough analysis of the comments submitted. The MVC determined

that the issues raised by the commenters did not warrant any changes to the proposed rules. Accordingly, the new rules are reproposed as originally published.

The comments submitted are summarized below and followed by the Commission’s responses thereto. The numbers in parentheses after each comment correspond to the commenter’s number above to indicate the source of the comment.

1. COMMENT: The commenters recommend that N.J.A.C. 13:21-11.6 require the applicant to also verify with the National Insurance Crime Bureau (NICB) that the vehicle is not listed as stolen in the NICB database to ensure that the interests of all parties are protected, including insurers. Additionally, the commenters recommend that the applicant search the Insurance Service Organization (ISO) for the insurer of record and to ascertain if the vehicle is related to an open claim or, in the alternative, have the Commission cross-reference the vehicle identification number (VIN) with the insurer of record and notify the insurer that the vehicle has been reported abandoned. (1 and 2)

RESPONSE: The Commission declines to change the proposed new rules as requested because the requirement is overly burdensome, would require an additional expense, and is unlikely to result in any additional claims being asserted regarding the abandoned vehicle. A vehicle that has been reported stolen will appear in a national search of the vehicle identification number pursuant to reproposed new N.J.A.C. 13:21-11.8. Additionally, if during the application process it is revealed that the vehicle has been stolen, N.J.A.C. 13:21-11.8 allows the Commission to reject the application.

It is very likely that the majority of applicants do not have access to the ISO database, which can only be searched for a fee. Requiring the MVC to match all applications’ VINs to the vehicle insurance of record and to notify the insured that the vehicle has been reported abandoned would be overly burdensome, as the Commission does not maintain an individual driver insurance policy database. The duty to notify the insurance company that a vehicle is stolen or damaged lies with the insured and not the Commission. The abandoned on private property process will reveal the owner and lienholder who will be notified as to the vehicle’s whereabouts and the intent that the vehicle will be sold at auction. The identified owner and lien holder may then notify the insurance company, should the vehicle be the subject of an insurance claim. Additionally, insurance companies can monitor the required newspaper advertisements, which contain the vehicle’s vehicle identification number, to ascertain if a vehicle that is to be sold at auction is the subject of an insurance claim.

2. COMMENT: The commenters recommend that the proposed regulations contain a requirement that the applicant act on the application within a reasonable period of time in order to reduce excessive storage fees, and if the applicant does not provide notice within a reasonable time, that storage fees be capped at 30 days. (1 and 2)

RESPONSE: The Commission does not have the authority to impose time frames outside of those required by statute or to cap storage fees and, therefore, declines to include the provisions requested. Under N.J.S.A. 39:4-56.6, Abandonment of vehicle on private property; removal by owner of property; costs; sale of vehicle, a vehicle is not considered abandoned until the vehicle remains unclaimed for 90 days. This statute also requires the vehicle to be sold pursuant to N.J.S.A. 2A:44-20 through 31. These statutes also require that certain notices regarding the sale of the vehicle be sent and/or posted and that the auction be advertised in newspaper publications, all of which are in addition to the 90-day waiting period. Neither statute requires an applicant to act within a reasonable time frame or places a cap on storage fees.

3. COMMENT: The commenters request that the proposed regulations contain language to require an applicant to exercise good faith in choosing an auction venue that is likely to garner the highest proceeds. (1 and 2)

RESPONSE: The Commission does not have the authority to require an applicant to choose an auction venue that is likely to garner the highest proceeds nor the expertise to determine what auction venue will likely garner the highest proceeds, and, therefore, declines to change the new rules as requested. N.J.S.A. 2A:44-29 only requires the vehicle to “be sold at public auction.”

4. COMMENT: A commenter requests the proposed regulations codify that wholesale auctions are deemed an appropriate place to sell an abandoned vehicle consistent with decades long practice and consistent