

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Executive and Administrative Service

International Fuel Tax Agreement Implementation;

International Registration Plan

Electronic Images of Documents

Proposed Amendments: N.J.A.C. 13:18-2.1, 2.10, 2.20, 3.1, 3.2, 3.3, and 3.4

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

Authority: N.J.S.A. 39:1-1, 39:2A-21, 39:3-6.12, 48:4-3, and 54:39A-24.

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

Proposal Number: PRN 2019-019.

Submit comments by April 5, 2019, to:

Kate Tasch, APO
Legal and Regulatory 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, since the notice 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).

The Motor Vehicle Commission (Commission) proposes amendments to the International Registration Plan (IRP), N.J.A.C. 13:18-2.1, 2.10, and 2.20, and the International Fuel Tax Agreement Implementation (IFTA), N.J.A.C. 13:18-3.1, 3.2, 3.3, and 3.4. The IRP is an agreement among states of the United States, the District of Columbia, and provinces of Canada, providing for payment of commercial motor carrier registration fees. IFTA is a fuel tax collection and sharing agreement for the redistribution of fuel taxes paid by interstate commercial carriers.

The proposed amendments to the IRP rules allow the holders of IRP registrations the option to present electronic images of a cab card in lieu of the current paper forms. Drivers would have the option to present either paper credentials or an electronic image of the credentials on a portable

device to law enforcement officials. The proposed amendments to the IFTA rules implement amendments to the IFTA Articles of Agreement to also allow the holders of IFTA licenses the option to present electronic images of IFTA credentials in lieu of the current paper forms. Drivers would have the option to present either paper credentials or an electronic image of these credentials on a portable device to law enforcement officials.

N.J.A.C. 13:18-2.1, Definitions, is proposed for amendment to change the definition of "cab card" to include both a paper and an electronic image of the IRP registrations, as compared to the current paper form only. The word "apportionally" is also proposed for deletion.

N.J.A.C. 13:18-2.10 is proposed for amendment, so that the Commission will issue a cab card in either paper format or as an electronic image upon receipt of payment of all applicable registration fees. The section is also proposed for amendment to delete the word "apportionally."

N.J.A.C. 13:18-2.20 is proposed for amendment to change the current process to replace an existing IRP registration when apportioned license plates have been reported stolen, to clarify that the requirement to return a cab card applies only to cab cards in paper form.

N.J.A.C. 13:18-3.1, Definitions, is proposed for amendment to change the definition of "License" to include both a paper and an electronic image of the IRP registrations, as compared to the current paper form only.

N.J.A.C. 13:18-3.2 is proposed for amendment to include, in the requirements for an agreement application, the option to present electronic images of the IFTA licenses or the current paper forms, at recodified paragraph (a)15. Paragraph (a)8 is proposed for deletion because it is an outdated reference to a physical location for the storage of records, which is no longer required by the IFTA Articles of Agreement. Similarly, recodified paragraph (a)14 is proposed for amendment to delete an outdated reference to a physical location that is no longer required by the IFTA Articles of Agreement. The Articles of Agreement no longer require a designated physical location for the storage of records; however, records must be made available on demand by member jurisdictions.

N.J.A.C. 13:18-3.3 is proposed for amendment to provide that, upon application approval, the Chief Administrator may issue a cab card in either electronic or paper format. If issued in paper form, the cab card must be kept in the licensee's principal place of business; the proposed amendments allow for a photocopy in each vehicle if the licensee does not carry the electronic image of the credential.

N.J.A.C. 13:18-3.4 is proposed for amendment to provide that a temporary license may be issued until the paper forms or the electronic images of the IFTA licenses are provided to the licensee.

Social Impact

The proposed amendments will have a positive social impact. The purpose of the proposed amendments is to reduce the regulatory burden by agreeing to the request of the regulated community to allow the holders

of IFTA licenses and IRP registrations the option to present electronic images of these credentials in lieu of the current paper forms.

Economic Impact

The economic impact on the Commission will be minimal and consists of the costs of oversight and issuance of the IFTA licenses and IRP registrations. Costs may be reduced by changing to electronic formats, which saves time in searching records and potentially in issuing the credentials to motor carriers. The costs to the motor carriers may potentially be reduced by not having to store and manually keep track of paper forms.

Federal Standards Statement

There are no Federal standards applicable to the subject matter of N.J.A.C. 13:18-2 or 3, therefore, no Federal standards analysis is required.

Jobs Impact

It is not anticipated that the proposed amendments would result in an increase or a decrease in jobs.

Agriculture Industry Impact

The proposed amendments do not have any impact on the agriculture industry in this State.

Regulatory Flexibility Statement

The proposed amendments continue, but do not impose any new reporting, recordkeeping, or compliance requirements on motor carriers, some of which may be defined as small businesses, as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The continued recordkeeping requirements pertain to the tracking of IFTA licenses and IRP registrations. The proposed amendments may reduce requirements on small businesses to engage professional services by reducing the number of paper forms. As indicated in the Summary above, the proposed amendments reduce the regulatory burden, at the licensees' option, by allowing for licensees to maintain electronic copies of cab cards.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on housing affordability and there is an extreme unlikelihood that the proposed amendments will evoke a change in the average costs associated with housing because the proposed amendments pertain to electronic vehicle registrations.

Smart Growth Development Impact Analysis

It is not anticipated that the proposed amendments will have an impact on smart growth 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 to electronic vehicle registrations.

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 2. INTERNATIONAL REGISTRATION PLAN

13:18-2.1 Definitions

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

...
 "Cab card" means a registration card, **in the form of a paper card or electronic image**, issued by the base jurisdiction for a vehicle of an apportioned fleet [which] **that** identifies the vehicle, base plate, registered weight by jurisdiction, and the jurisdictions [where] **in which** a vehicle is [apportionally] registered.
 ...

13:18-2.10 Apportioned license plates; registration certificate (["cab card"])

(a) Upon receipt of payment for all applicable apportioned and non-apportioned registration fees, the Commission shall issue a certificate of registration (["cab card"]), **in the form of a paper card or electronic image**, and two license plates marked "Apportioned" for each vehicle. Such license plates shall be displayed as required by N.J.S.A. 39:3-33.

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

(d) The cab card issued for an apportioned vehicle shall contain a list of the member jurisdictions [for] **in** which the vehicle is [apportionally] registered and the corresponding weight in pounds (for states) and kilograms (for Canadian provinces), in addition to all other required information.

1. (No change.)

2. The original cab card, **whether in the form of a paper card or electronic image**, is to be carried in the vehicle.

3. (No change.)

13:18-2.20 Replacement credentials

(a) (No change.)

(b) If an apportioned license plate has been reported as stolen, the corresponding apportioned cab card, **if issued in paper form**, shall be returned to the Commission.

(c)-(d) (No change.)

SUBCHAPTER 3. INTERNATIONAL FUEL TAX AGREEMENT IMPLEMENTATION

13:18-3.1 Definitions

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

...
 "License" means the cab card or identification card issued by the Chief Administrator, **in the form of a paper card or electronic image**, to a motor carrier who has made successful application to the Chief Administrator for IFTA credentials.
 ...

13:18-3.2 Agreement [application] **Application**

(a) Any motor carrier based in New Jersey and operating one or more qualified motor vehicle(s) in at least one other jurisdiction (that is, engaged in interstate operations) shall file an Agreement Application with the Commission on forms and in a manner prescribed by the Chief Administrator. The application shall contain the following information:

1.-7. (No change.)

[8. The location of records for audit purposes;]

Recodify existing 9.-14. as **8.-13.** (No change in text.)

[15.] **14.** A declaration of the [jurisdictions in which the applicant plans to operate qualified motor vehicles, and the fuel type(s)] **locations** if the applicant maintains bulk storage [in other jurisdictions];

[16.] **15.** A declaration that the applicant agrees to comply with all the reporting, payment, recordkeeping, and license/identification requirements specified in the Agreement, **including the option to present an electronic image of the IFTA license in lieu of the paper form**; and

[17.] **16.** (No change in text.)

(b)-(h) (No change.)

13:18-3.3 Identification card/license; identification markers/decals

(a) For each approved application for IFTA credentials, the Chief Administrator shall issue one license identification cab card per fleet **in paper and/or electronic form** and two identification marker/decals for each vehicle listed on the application as part of that particular fleet.

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

(d) The original cab card (license), **if issued in paper form**, shall be kept in the licensee's principal place of business. The licensee [shall] **may** photocopy the card and carry such photocopy in each qualified vehicle **or carry an electronic image of the credentials in lieu of the paper form.**

(e) The form and content of the license and decal shall be as specified in the **IFTA Articles of Agreement.**

(f)-(n) (No change.)

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