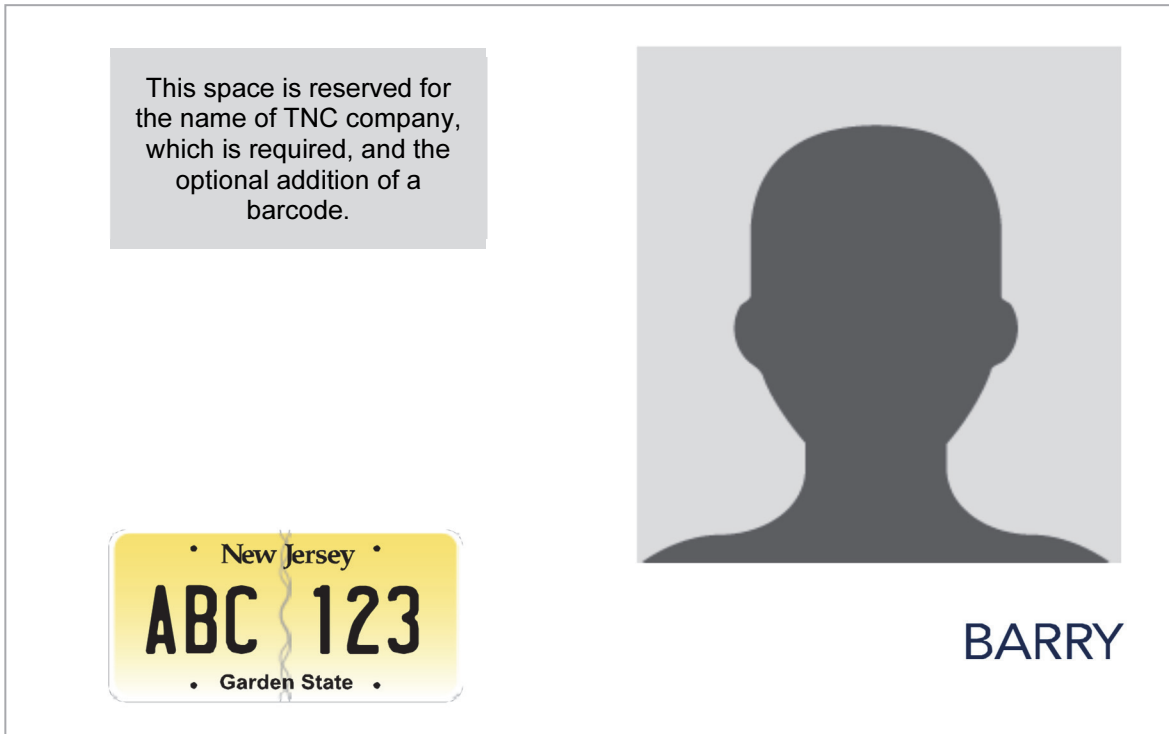


APPENDIX



(a)

**MOTOR VEHICLE COMMISSION
Motorcycle Safety Education Program
Proposed Readoption with Amendments: N.J.A.C.
13:85**

Authority: N.J.S.A. 39:2A-21, 39:2A-28, 39:3-10.31, 27:5F-36, and Reorganization Plan No. 001-2005.

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

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

Proposal Number: PRN 2020-074.

Submit written comments by September 18, 2020, 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 email to rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:85 were scheduled to expire on August 28, 2020. As the Motor Vehicle Commission (Commission) has filed this notice of re-adoption with the Office of Administrative Law prior to that date, the chapter expiration date is extended 180 day to February 24, 2021, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The purpose of this chapter is to continue the Motor Vehicle Commission’s Motorcycle Safety Education Course (“MEC” or “MSE”), to set forth the requirements for participation in, and successful completion of, the course, and to create standards for instructors, including public and private educational institutions, and New Jersey licensed new motorcycle dealers, which are approved by the Chief Administrator to provide the course. The provisions also include the Commission’s continued reimbursement to providers of the MEC for certain expenses incurred while running Commission-approved motorcycle safety education and training classes.

The chapter contains rules on the following topics: N.J.A.C. 13:85-1: purpose and scope; definitions; establishment of MSE courses and levels of instruction; and annual in-service and rider preparations courses. N.J.A.C. 13:85-2: qualifications to participate in MSE courses; a requirement that participants under the age of 18 submit written and notarized parental permission for participation in the MSE course; identification of the protective gear required to be worn by participants and rider coaches in range training and instruction in the MSE course; participation requirements, and motorcycle criteria for the motorcycles permitted to be used as training motorcycles in the Basic Skills Level (BSL) course; requirements for participation in the Basic Rider Course (“BRC” or “BRC 2”) 2 level course; and requirements for participation in the Additional Practice Riding (APR) course. N.J.A.C. 13:85-3: the requirements for successful completion of the three courses, BSL, BRC, and APR. In addition, the chapter contains, at N.J.A.C. 13:85-4, standards for registration fees for participation in the courses; standards for making course scheduling information available to the public; the use and maintenance of registration forms, attendance rosters, and a written record of participant performance in the courses; and the Commission’s option to supplement the course schedule with additional classes as required. N.J.A.C. 13:85-5 sets forth the application requirements for MSE course providers to participate in the MSE program; program standards and requirements for providers; insurance requirements for course providers; provider facilities and equipment standards; and equipment standards; provider reporting and

records requirements; requirements for providers to establish written procedures for medical emergencies; organization of classes with participant numbers not to exceed 12 and rider coach to participant requirements; requirements for class meetings; standards for range layouts and equipment; requirements for motorcycle inspection by rider coaches prior to range instruction; minimum rest periods during classes; standards for participant testing; a prohibition against a provider advertising its authority or making representations regarding eligibility for waiver of road testing; a prohibition against a provider requiring a participant to join any club, organization, association, or other group to successfully complete a course, and a prohibition against any solicitation; standards relating to the Motorcycle Safety Foundation Rider Coach Preparation (RCP) course; standards for tuition for courses; standards regarding the Commission’s denial of an application for approval to offer an MSE course; and the form of notification by the Commission of noncompliance by a provider, including the provider’s opportunity to respond, and standards for suspension of approval to a provider to offer courses.

N.J.A.C. 13:85-1.3(b) is proposed to be amended to update the reference to the Motorcycle Safety Foundation (MSF) BRC Rider Coach Guide, which was updated in January 2018, and sets the correct standards to be followed.

N.J.A.C. 13:85-1.3(d) would similarly be amended to incorporate the updated MSF BRC Rider Coach Guide reference.

N.J.A.C. 13:85-5.1(k) is proposed to be amended to reflect that, in the event motorcycles are to be returned or surrendered to the Commission, those vehicles in which the Commission has an ownership interest will still be referred to as being “returned,” but those vehicles in which the Commission does not have an ownership interest will instead be “surrendered” to the Commission.

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

Social Impact

The rules proposed for readoption with amendments enhance the safety of the public by continuing the established mechanism for, among other things, the operation of motorcycle safety courses, standards for participation in courses, course standards, instructor standards, standards for use of funds to purchase equipment, and with the proposed amendments, the return of equipment in which the Commission has an ownership interest. It is proposed to be expanded to include the word “surrender” for motorcycles not owned by the Commission, where the motorcycle must be forfeited to the Commission because the provider has breached its agreement with the Commission or has not complied with this chapter.

Motorcycle courses enable riders to learn proper operation and safety as it relates to the operation of cycles on the road, and enables experienced riders to further hone their skills, which in turn makes the roads safer for all who drive on them. The continued need for voluntary motorcycle safety education courses remains strong and serves as an important component of the State’s overall highway traffic safety program, which is aimed at reducing accidents and fatalities.

With regard to the proposed amendments, forfeiture also enhances safety to the public by ensuring the use of motorcycles by providers only when they are in compliance with their agreement with the Commission and the rules. In addition, reference to the current MSF BRC Rider Coach Guide is essential to and enhances the safety of coaches, riders, and the motoring public as a whole, by incorporating the most up-to-date industry standards.

Economic Impact

The proposed amendments will not have a direct economic impact on the general public. The rules proposed for readoption with amendments will allow certain public or private entities to continue to provide motorcycle safety education to participants and will also continue to allow the offset of certain approved costs associated with providing necessary equipment.

Jobs Impact

The Commission does not anticipate that any jobs will be generated or lost within the Commission itself as a result of the rules proposed for readoption with amendments. It is possible, however, that some jobs may be retained by those individuals who provide instruction.

Federal Standards Statement

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

Agriculture Industry Impact

The Commission does not anticipate that there will be any impact on the agriculture industry as a result of the rules proposed for readoption with amendments.

Regulatory Flexibility Analysis

Some course providers may be small businesses within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., in that they employ less than 100 full-time employees. The cost of compliance with the rules proposed for readoption with amendments will be administrative in nature; no professional services are required to comply. The reporting requirements imposed on providers by the rules must be uniform to ensure adherence to the standards of the Motorcycle Safety Foundation and the Commission. Additionally, the proposed amendments do not increase reporting requirements. The recordkeeping requirements are designed to maintain the essential information needed by the Commission in regard to a participant with a minimum of adverse economic impact on providers that may be small businesses.

Housing Affordability Impact Analysis

The rules proposed for readoption with 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 to motorcycle safety education and licensing.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules 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 motorcycle safety education and licensing.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:85.

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

SUBCHAPTER 1. PURPOSE, SCOPE, AND DEFINITIONS

13:85-1.3 Establishment of MSE course/levels of instruction

(a) (No change.)

(b) The Chief Administrator hereby adopts and incorporates by reference as the curriculum for each level of instruction and training the following:

1. For the Basic Skills Level course, the sequence of units identified in Appendix A to this chapter, developed by the MSF as set forth in the [April 2005] **January 2018** MSF BRC Rider Coach Guide, as amended and supplemented.

2. For the Experienced Level course, the sequence of units identified in Appendix B to this chapter, developed by the MSF as set forth in the May 2003 MSF BRC 2 Suite Rider Coach Range and Classroom Cards, as amended and supplemented, and as set forth in the [April 2005] **January 2018** MSF BRC Rider Coach Guide, as amended and supplemented.

3. For the Additional Practice Riding Course, the sequence of units identified in Appendix C to this chapter, developed by the MSF as set forth in the [April 2005] **January 2018** MSF BRC Rider Coach Guide, as amended and supplemented.

4. (No change.)

(c) (No change.)

(d) Except where this chapter indicates otherwise, classroom and range instruction in the MSE course and the facilities and equipment used to provide the course shall be provided in accordance with the standards and requirements established by the MSF for the presentation of the MSF BRC, BRC 2 Suite, and Additional Practice Riding Course units as set forth in the [April 2005] **January 2018** MSF BRC Rider Coach Guide, as amended and supplemented, and in the May 2003 MSF BRC 2 Suite Rider Coach Range and Classroom Cards, as amended and supplemented.

SUBCHAPTER 5. MSE COURSES OFFERED BY PROVIDERS

13:85-5.1 MSE course providers

(a)-(j) (No change.)

(k) The following concern range instructional materials, participant and range safety, and reimbursement requirements:

1.-7. (No change.)

8. All equipment and motorcycles purchased with funds that are reimbursed pursuant to the Motorcycle Safety Education Fund Reimbursement Program must be for safety, education, and training purposes only, as described below:

i.-iii. (No change.)

iv. All motorcycles purchased pursuant to this section must be properly registered and insured by the provider from the time of receipt until the motorcycle is returned **or surrendered** to the possession of the Commission, at a location designated by the Commission. Insurance certificates for motorcycles purchased pursuant to this section must include the Commission as an additional insured party. Every provider must provide the Commission with a copy of a valid declaration of insurance for each motorcycle purchased pursuant to this section, and shall provide the Commission, when any change is made, including renewals, a copy of the insurance declaration indicating such changes. The provider shall be responsible for any and all transportation costs relating to returning **or surrendering** any and all motorcycles; and

v. Should any of the following events occur:

(1)-(4) (No change.)

(5) Provider failing to maintain insurance on any motorcycles purchased or failing to include the Commission as an additional insured party on the insurance policy pursuant to the Motorcycle Safety Education Fund Reimbursement Program, all equipment and motorcycles purchased pursuant to the Motorcycle Safety Education Fund Reimbursement Program shall be returned **or surrendered** immediately to the Commission at a location designated by the Commission and legal title shall transfer to the Commission.

vi. If a provider is required to return **or surrender** all equipment and motorcycles to the Commission in accordance with (k)8v above, the provider shall be responsible for all transportation-related costs and for supplying the Commission with all title and registration documents for the motorcycles being returned **or surrendered** to the Commission. If a provider fails to return **or surrender** all motorcycles, equipment, and title and registration documents purchased pursuant to the Program, to the location designated by the Commission, then the Commission shall cause the motorcycles and equipment to be taken from the location or premises of the provider or the location where such motorcycles are stored or taken by the provider, in addition to any other available remedy. In such event, the provider shall be responsible for any and all transportation costs.

9.-11. (No change.)

OTHER AGENCIES

(a)

ELECTION LAW ENFORCEMENT COMMISSION Regulations of the Election Law Enforcement Commission

Electronic Filing and Campaign Cost Index Adjustments

Proposed Repeals and New Rules: N.J.A.C. 19:25-3.1, 3.2, and 3.3

Proposed Repeals: N.J.A.C. 19:25-1.10, 20.9B, and 20.9C

Proposed Amendments: N.J.A.C. 19:25-1.7, 2.1, 4.4, 4.5, 4.7, 6.2, 8.1, 8.4, 8.6, 8.6A, 8.8, 8.9, 8.10, 8.12, 9.2, 9.3, 9.4, 9.4A, 9.6, 10.2A, 12.2, 12.7, 12.8A, 14.4, 17.3, 19.7, 21.2, 21.3, 21.4, 21.5, and 26.5

Proposed New Rule: N.J.A.C. 19:25-3.4

Authorized By: Election Law Enforcement Commission, Jeffrey M. Brindle, Executive Director.

Authority: N.J.S.A. 19:44A-6.b.

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

Proposal Number: PRN 2020-065.

The sitting New Jersey Election Law Enforcement Commission will conduct a **public hearing** concerning this notice of proposal on Tuesday, October 20, 2020, at 11:00 A.M. at:

Election Law Enforcement Commission
25 South Stockton St., 5th floor
Trenton, New Jersey 08608

Persons wishing to testify are requested to reserve time to speak by contacting Administrative Assistant Elbia L. Zeppetelli at (609) 292-8700 no later than Friday, October 16, 2020.

Submit written comments by October 21, 2020, to:

Benjamin Kachuriner, Esq., Assistant Legal Counsel
Election Law Enforcement Commission
PO Box 185
Trenton, New Jersey 08625-0185
Email: elec.rulemaking@elec.nj.gov

The agency proposal follows:

Summary

The New Jersey Election Law Enforcement Commission (Commission) proposes repeals, amendments, and new rules to require electronic filing for all individuals and/or entities that file with the Commission, effective January 1, 2021, and to implement campaign cost index adjustments.

As the Commission has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Electronic Filing

The Uniform Electronic Transactions Act (UETA), N.J.S.A. 12A:12-17 and 12A:12-18, authorizes State agencies to accept electronically filed reports. In 2004 and 2005, the Commission adopted rules authorizing electronically filed reports for candidates and committees. The Commission then transitioned toward requiring electronic filing for many filers. In 2012, the Commission instituted a mandatory electronic filing program for governmental affairs agents and represented entities. Currently, certain candidates for Governor, Senate, and General Assembly and business entities filing a business entity disclosure statement are also required to file electronically.

As the trend to file electronically continued, the Commission also continued to update and upgrade its electronic filing capabilities. In 2018, the Commission implemented a new electronic filing system for all campaign finance and lobbying reports. By the end of 2020, any