

of the social networking condition, and on an annual basis thereafter, to determine if the condition remains warranted.

(b) The District Parole Supervisor, or designee, shall review the social networking condition utilizing the criteria specified at (c) below.

(c) The review of the social networking condition shall include, but not be limited to, an assessment as to whether:

1. There is a reasonable basis to preclude an offender from using any computer and/or device to create any social networking profile or from access to any social networking service or chat room in the offender's name or any other name;

2. Social networking is consistent with the continued rehabilitation of the offender and will not compromise public safety;

3. The offender is in compliance with the conditions of supervision;

4. The offender has met the goals listed in his or her Case Plan Agreement and is progressing in a pro-social manner; and

5. The offender's treatment provider, if the offender is presently participating in counseling, is of the opinion that social networking will promote the rehabilitation of the offender and assist the offender's re-entry efforts.

(d) Upon completion of the review of the social networking condition, the District Parole Supervisor, or designee, shall determine whether to continue or vacate the social networking condition.

(e) If the District Parole Supervisor, or designee, determines to continue the social networking condition, the continuation shall conform with the procedures at N.J.A.C. 10A:72-15.2 and 15.3. However, if the offender contests the justification supporting the extension of the social networking condition, the social networking condition shall remain in effect until the Board panel has reviewed the offender's case and determined whether to continue or vacate the extension of the social networking condition.

(f) If the District Parole Supervisor, or designee, determines to vacate the social networking condition, the District Parole Supervisor, or designee, shall notify the offender in writing of the decision. The decision shall also be recorded in the chronological supervision report.

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Requirements for Standard Driver Licenses and Non-Driver Identification Cards

Proposed Amendment: N.J.A.C. 13:21-8.2

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

Authority: N.J.S.A. 39:2A-28, 39:2-3.4(a), 39:3-10, 39:3-10o, 39:3-13, 39:3-13.1, 39:3-13.4, and 39:3-29.3.

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

Proposal Number: PRN 2021-017.

Submit comments by April 17, 2021, to:

Kate Tasch, Director
Legal and Regulatory Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, NJ 08666-0162
or via email to: rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

The Motor Vehicle Commission (Commission) is responsible for ensuring that all New Jersey residents who are of legal age to drive and who are driving on New Jersey's roads are properly trained, tested,

licensed, and insured in accordance with New Jersey laws. The Commission's rules list the requirements for the issuance of driver licenses, permits, and non-driver identification cards.

P.L. 2019, c. 271 (the act) declared that the State could improve roadway safety and automobile insurance coverage by making driver licenses and permits available to any safe driver, irrespective of immigration status, who meets all the requirements relating to the driver's ability to safely operate a motor vehicle, and who provides proof of identity, qualifying age, and New Jersey residency. An applicant for a standard basic driver's license, standard motorcycle license, standard permit, standard probationary license, or standard non-driver identification card is only required to provide information or documentation necessary to determine eligibility for the standard document for which the applicant has applied. The act created a status-neutral driver's license, permit, and identification card and established the requirement for New Jersey residency. New Jersey law, at N.J.S.A. 39:3-10, requires that the Chief Administrator assess point values for documentation establishing an applicant's identity, which are designated at N.J.A.C. 13:21-8.2.

Effective February 16, 2021, the Commission adopted rules to make standard driver licenses, permits, and identification cards available to any safe driver, regardless of immigration status, who meets all of the requirements relating to the driver's ability to operate a motor vehicle and who provides acceptable documentation establishing proof of identity, age, and New Jersey residency.

In addition to licenses to operate vehicles, the Commission issues boat operator licenses. N.J.S.A. 12:7-72 authorizes the Commission to issue boat operator licenses upon proper application and N.J.A.C. 13:82-8.20 sets forth the required documentation, which is the same as that required for standard driver licenses and non-driver identification cards. Although the Motor Vehicle Commission is responsible for determining what documentation is required to obtain a boat operator license, the New Jersey Boat Regulatory Commission in the New Jersey State Division of State Police's Marine Services Bureau (Boat Regulatory Commission) promulgates all rules regarding boating operations. To ensure consistency of both agencies' rules, the Boat Regulatory Commission will consider a notice of proposal (at an upcoming meeting) that mirrors the Motor Vehicle Commission's proposed amendments in this rulemaking, thereby amending N.J.A.C. 13:82-8.20.

In response to comments received to the notice of proposal that was adopted on June 4, 2020, the Commission determined that an affidavit of the type used in a number of other states would meet the statutory requirement for those who cannot get a Social Security number to indicate that they are not eligible, where, along with meeting all of the point-related standards on primary and secondary documents in the rule, the person establishes on an affidavit form supplied by the Commission that the person is not eligible to receive a Social Security number.

Therefore, the Commission proposes to replace existing N.J.A.C. 13:21-8.2(b)7ii to delete the existing requirement for a Social Security Administration letter of ineligibility and add a requirement to supply an affidavit on a form provided by the Commission, attesting to the person's ineligibility for a Social Security number.

This notice of proposal is exempted 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.

Social Impact

The Commission anticipates that the proposed amendments will positively impact a significant number of the approximately 450,000 members of New Jersey's immigrant population by extending the privilege of operating a motor vehicle to any New Jersey resident, regardless of their immigration status, who cannot supply a current Individual Taxpayer Identification Number (ITIN), Social Security number, or a Social Security Administration letter denying issuance of a Social Security number, but can meet all the other primary and secondary documentation requirements to qualify for a driver's license, identification card or permit, and can (for license applicants) demonstrate they are safe drivers.

The Commission anticipates that this expanded access to drive and operate a motor vehicle in New Jersey will vastly improve the quality of everyday life for New Jersey’s immigrant population of residents by specifically increasing individuals’ accessibility to work, school, medical care, activities, and other outlets that provide basic necessities for State residents. This enhanced accessibility will help foster continuous job growth and educational opportunities Statewide, thereby bettering the lives of all New Jersey families.

Furthermore, the proposed rulemaking is expected to increase the number of insured drivers on the roadways, positively impacting driving conditions, and promoting overall safer roadways for all New Jersey residents. The Commission anticipates that the proposed amendments will result in an increase in the number of New Jersey residents applying for a driver’s license or permit, for which the Commission ensures the proper training and testing before issuing. New Jersey law requires all drivers operating a motor vehicle that is registered in the State to carry mandatory automobile insurance to protect the driver against liability and provide personal injury protection in the event of an automobile accident. Thus, in addition to the expected increase in the total number of properly tested, trained, and licensed drivers on roadways, the proposed rulemaking is expected to minimize the overall risk on the roadways and, thereby, enhance safety for all New Jersey drivers.

Economic Impact

The proposed amendments will have a direct economic impact on the State. The Commission anticipates that the proposed rulemaking will result in a significant increase in the number of standard licenses, permits, and non-driver identification cards applied for and issued to New Jersey residents, creating the need for updated programming and software changes associated with the change in requirements for the standard documents. As a result, the Commission expects to incur costs to implement the new software and programming throughout State motor vehicle agencies, the majority of which costs it expects to incur within the first two fiscal years after the effective date of the proposed amendments.

The economic impact to individuals who apply for a driver’s license, permit, or identification card will be the cost of the document plus any required driver education and automobile insurance. Some of this impact should be offset by the increased access to work that having a license often creates for residents.

Despite incurring increased costs as a result of the proposed rulemaking, the costs will be offset by the increase of revenue generated by the fees collected from the significant number of new standard licenses, permits, and identification cards issued to New Jersey residents. Overall, the economic impact of the proposed amendments will be positive and is expected to stimulate the State economy by boosting future economic growth.

Jobs Impact

The Commission anticipates that the proposed amendments will have a positive impact on jobs throughout the State. With more people able to drive to work locations, more people may be able to obtain employment and increase the available pool of workers in New Jersey. Also, as the proposed amendments will result in the need for translation services to be offered, there may be an increase in the number of translator jobs, which will positively benefit New Jersey’s economy by promoting job growth.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendments are not proposed to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Agriculture Industry Impact

The proposed amendments are anticipated to have little to no impact on the agriculture industry in New Jersey as the proposed changes impact the issuance of standard driver licenses, permits, and non-driver identification cards. However, the proposed amendments may allow additional individuals to obtain licenses to commute to agricultural employment sites or operate agricultural equipment requiring a license.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments would impose no reporting, recordkeeping, or other compliance requirements upon small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rulemaking governs the requirements associated with the issuance of basic standard driver licenses, permits, and non-driver identification cards to individuals.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on housing affordability or on the average cost of housing in the State because the rules pertain to the issuance of standard driver licenses, permits, and non-driver identification cards.

Smart Growth Development Impact Analysis

The proposed 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 proposed amendments only pertain to the issuance of driver licenses, permits, and non-driver identification cards.

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 required.

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

SUBCHAPTER 8. DRIVER LICENSES

13:21-8.2 Standard driver license and identification card; age requirements; proof of identity and date of birth; proof of Social Security number; proof of New Jersey residency

(a) (No change.)

(b) Each applicant for a standard document (license, permit, or non-driver identification card) shall be required to furnish to the Commission, upon request, proof of identity and date of birth, and proof of New Jersey residency. Such proof may be established by submission of the original or certified (by the issuing authority) copy of the primary and/or secondary documents that are listed at (c) and (d) below, as follows:

1.-6. (No change.)

7. Each applicant must submit proof of their Social Security number, as evidenced by a document listed at (c)3 below. However, if the applicant does not have a Social Security number, he or she shall either:

i. (No change.)

[ii. Submit an official letter from the Social Security Administration demonstrating that the person is not eligible to receive a Social Security number.]

ii. Submit an affidavit certifying that they are ineligible for, and do not have, a Social Security number and do not have an Individual Taxpayer Identification Number. A form for this affidavit shall be provided by the Commission and shall be notarized, or signed in front of the Commission agent, and shall bear notice that the making of false statements therein is punishable by law.

8.-11. (No change.)

(c)-(i) (No change.)