

Effective Dates: January 10, 2017, Readoption;  
February 6, 2017, Amendments.  
Expiration Date: January 10, 2024.

**Summary of Public Comment and Agency Response:**

The official comment period ended November 5, 2016. **The Division received no comments on the notice of proposal.**

**Federal Standards Statement**

A Federal standards analysis is not required because the rules readopted with amendments are not promulgated under the authority of, or in order to implement, comply with, or participate in any program under Federal law. The rules are promulgated under the authority of New Jersey law, P.L. 2003, c. 76, as amended by P.L. 2015, c. 2, which does not incorporate or refer to Federal law, standards, or requirements, although the rules use the National Do-Not-Call Registry.

However, to the extent that the rules promulgated by the Federal Trade Commission (FTC) at 16 CFR 310 and the rules promulgated by the Federal Communications Commission at 47 CFR 64 and 68 may be considered Federal standards, the Division believes that the rules readopted with amendments are consistent with these Federal standards.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:45D.

**Full text** of the adopted amendments follows:

**SUBCHAPTER 4. PROHIBITED ACTIVITIES; PERMITTED CALLS; PENALTIES**

**13:45D-4.1 Prohibited activities**

(a) A telemarketer shall not make or cause to be made any unsolicited telemarketing sales calls to a customer:

1. After three months from the date the customer's telephone number first appears on the no telemarketing call list;
2. Between the hours of 9:00 P.M. and 8:00 A.M., local time of the customer; or

3. Whose telephone number has been identified as belonging to a commercial mobile service device, except that a telemarketer that is a commercial mobile services company may call its customer using its commercial mobile services if its customer will not incur telecommunication charges or a usage allocation deduction as a result of such call and the call is directly related to the commercial mobile services of the commercial mobile services company, unless the customer has stated to the commercial mobile services company that the customer no longer desires to receive these calls.

(b) A telemarketer shall not make or cause to be made any telemarketing sales calls to a customer using a blocking device or a service which intentionally blocks the customer's use of a caller identification service or device.

(c) A telemarketer shall not make or cause to be made any telemarketing sales calls to an existing customer on the no telemarketing call list on behalf of:

- 1.–2. (No change.)

## TRANSPORTATION

### (a)

#### MOTOR VEHICLE COMMISSION

#### Executive and Administrative Service Rulemaking Petition Procedures

#### Adopted New Rules: N.J.A.C. 13:18-4

Proposed: August 15, 2016, at 48 N.J.R. 1604(a).

Adopted: December 13, 2016, by the Motor Vehicle Commission, Raymond P. Martinez, Chairman.

Filed: January 3, 2017 as R.2017 d.021, **without change**.

Authority: N.J.S.A. 39:2A-1 et seq., and 52:14B-1 et seq.

Effective Date: February 6, 2017.

Expiration Date: March 9, 2018.

**Summary of Public Comment and Agency Response:**

**No comments were received.**

**Federal Standards Statement**

There are no Federal standards applicable to the subject matter of the adopted new subchapter.

**Full text** of the adopted new rules follows:

**SUBCHAPTER 4. RULEMAKING PETITION PROCEDURES**

**13:18-4.1 Rulemaking petition procedures**

(a) An interested person may petition the Motor Vehicle Commission ("Commission") to adopt a new rule or amend or repeal an existing rule.

(b) Each petition must be in writing, signed by the petitioner, and state clearly and concisely:

1. The full name and address of the petitioner;
2. The substance or nature of the rulemaking that is requested;
3. The problem or purpose that is the subject of the request;
4. The petitioner's interest in the request, including any relevant organization affiliation or economic interest;
5. The statutory authority under which the Commission may take the requested action;
6. Existing Federal or State statutes and rules that the petitioner believes may be pertinent to the request;
7. If amendment or repeal is sought, citation of the rule for which the petition is made, using N.J.A.C. references, where applicable; and
8. The petition may include the text of the proposed new rule, amended rule, or repealed rule.

(c) The petition shall be submitted to:

Administrative Practice Officer  
Regulatory and Legislative Affairs  
Motor Vehicle Commission  
225 East State Street  
PO Box 162  
Trenton, NJ 08666-0162  
or via e-mail to [rulecomments@mvc.nj.gov](mailto:rulecomments@mvc.nj.gov).

(d) Any document submitted to the Commission that is not in substantial compliance with (a) through (c) above shall not be deemed to be a petition for rulemaking requiring further agency action pursuant to this subchapter, the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1.30.

(e) Within 15 days of receipt of a petition submitted in substantial compliance with (a) through (c) above, the Commission will file a notice of petition with the Office of Administrative Law for publication in the New Jersey Register. The notice of petition will include:

1. The name of the petitioner;
2. The substance or nature of the rulemaking action that is requested;
3. The problem or purpose that is the subject of the request; and
4. The date the petition was received.

(f) The Commission will make available on its website at [www.njmvc.gov](http://www.njmvc.gov) all petitions for rulemaking received and all notices of action filed with the Office of Administrative Law, pursuant to N.J.A.C. 1:30-4.1(d).

**13:18-4.2 Commission response to petition**

(a) Within 60 days of receipt of a rulemaking petition, the Commission shall either:

1. Deny the petition, in which case the agency shall provide a written statement of its reasons to the petitioner, and include such reasons in its notice of action;
2. Grant the petition and initiate a rulemaking proceeding within 90 days of the granting of the petition; or
3. Refer the matter for further deliberations, the nature of which shall be specified to the petitioner and in the notice of action and which shall conclude within 90 days of such referral. Upon conclusion of such further deliberations, the Commission shall either deny the petition or grant the petition and initiate a rulemaking proceeding within 90 days. The Commission shall mail the results of these further deliberations to

the petitioner and submit the results to the Office of Administrative Law for publication in the New Jersey Register.

(b) A specific period of more than 90 days for further deliberations under (a)3 above and/or to initiate a rulemaking proceeding under (a)2 or 3 above may be agreed upon, in writing, by the petitioner and the agency. An agreement to extend either period, or both periods, shall constitute an action on the petition subject to the notice requirements of (c) below.

(c) Within 60 days of receiving the petition, the Commission shall mail to the petitioner, and file with the Office of Administrative Law for publication in the New Jersey Register, a notice of action on the petition which shall include:

1. The name of the petitioner;
2. The Register citation for the notice of petition;
3. The signature of the Commission's Chief Administrator, signifying that the petition was duly considered pursuant to law;
4. The nature or substance of the Commission action upon the petition; and
5. A brief statement of reasons for the Commission action.

#### 13:18-4.3 Failure to respond to petition

If the Commission fails to act in accordance with the time frames set forth in N.J.A.C. 13:18-4.2(a), the petitioner may request, in writing, a public hearing on the petition by submitting a request to the Director of the Office of Administrative Law pursuant to N.J.A.C. 1:30-4.3.

## TREASURY—TAXATION

### (a)

#### DIVISION OF TAXATION

#### County Boards of Taxation

#### Readoption with Amendments: N.J.A.C. 18:12A

Proposed: August 15, 2016, at 48 N.J.R. 1605(a).

Adopted: December 23, 2016, by John J. Ficara, Acting Director, Division of Taxation.

Filed: December 23, 2016, as R.2017 d.017, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 54:1-35, 54:1-35.35, 54:3-14, 54:4-26, and 54:4-35.

Effective Dates: December 23, 2016, Readoption;  
February 6, 2017, Amendments.

Expiration Date: December 23, 2023.

#### Summary of Public Comment and Agency Response:

The Division of Taxation received written comments from Robert M. Vance, CTA, Tax Administrator for Somerset County, on behalf of the New Jersey Association of County Tax Boards Task Force members and Martin W. Lynch, President, AMANJ.

Mr. Vance's comments are summarized as follows:

COMMENT: The New Jersey Association of County Tax Boards (NJATCB) formed a committee in January of 2015, and has been participating in discussions with the Division of Taxation (Division) regarding the proposed revisions to N.J.A.C. 18:12A with regard to annual reassessments.

RESPONSE: The Division thanks the NJACTB for its input on the proposed rules.

COMMENT: The NJACTB suggests that the Division clarify the wording of the proposed amendments to N.J.A.C. 18:12A-1.14(i) to convey that it is for annual reassessments. At subparagraph (i)2i, it may be better to include the word "annually" at the end of the sentence. At subparagraph (i)2ii, the phrase "proposed district wide reassessment" should be replaced with "proposed annual reassessment program" because the intent to allow annual reassessments to commence within five years of either the completion of a revaluation or a district-wide

reassessment, and this subparagraph does not pertain to district-wide reassessment programs.

RESPONSE: The Division agrees with these suggestions because the intent of the amendments was to provide for regulations governing annual reassessments. Furthermore, "district-wide reassessment" was a typographical error and the Division agrees to change the word to "annual reassessment program."

COMMENT: The NJACTB requests that new N.J.A.C. 18:12A-1.14(i)2iii be added to state: "At the conclusion of each annual reassessment program, a minimum of (10% or 20%) of the line items must be changed in value in order for the program to be credited by the Director for recognition on the Director's Annual Table of Equalized Valuations and to allow for the use of the page 8 formula in calculating the annual equalization ratio."

RESPONSE: The Division appreciates the commenter's suggestion but does not agree that it is necessary to add a new section at this time.

Mr. Lynch's comments are summarized as follows:

COMMENT: It is recommended that the bracketed area of N.J.A.C. 18:12A-1.14(c)3ii should remain and the four-year time frame should be changed to five years. The municipalities should have the ability to conduct a reassessment within five years of the implementation of a revaluation or reassessment, as long as the inspections have been completed within five years.

RESPONSE: The Division disagrees with this suggestion. The commenters' suggestion is to add language that is unnecessary because the Divisions' amendment is less restrictive. It does not give a strict time frame. Furthermore, compliance provisions can be found in N.J.A.C. 18:12A-1.14(c)3iii.

COMMENT: It is recommended that the requirement in N.J.A.C. 18:12A-1.14(c)3iii of filing an AFR annually to document the inspection process should be removed and replaced with a provision that allows for the submission of Form AFR after the completion of the reassessment projects and for information to be submitted to the county tax administrator on a monthly basis for all of the work performed for the reassessment project.

RESPONSE: The Division of Taxation disagrees with this suggestion. The filing of Form AFR prior to the reassessment process project start allows the county tax administrator, who is the day-to-day supervisor, the assessor, and the Division of Taxation to approve the project and to monitor the work done to ensure completeness and accuracy. The assessor can file Form AFR and specify the tax year implementation date. The amendment was proposed in order to help reduce costs for municipalities and reduce an avenue of abuse. However, the Division agrees that it should be clearer that the list of block and lot of the properties inspection continue to be submitted by the assessor annually to the county tax administrator until the reassessment project is complete.

#### Federal Standards Statement

A Federal standards analysis is not required because the authority for the rules readopted with amendments is based on N.J.S.A. 54:1-35a et seq., 54:1-35.35 et seq., and 54:4-23. The rules readopted with amendments are, therefore, independent from any Federal standards or requirements.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 18:12A.

**Full text** of the adopted amendments follows (additions to proposal indicated in boldface with asterisks \***thus**\*; deletions from proposal indicated in brackets with asterisks \*[thus]\*):

#### 18:12A-1.1 Offices

(a) The permanent office of each county board of taxation shall be a place designated by the county board of taxation and shall be open each day during the regular prevailing business hours of the respective county and/or as otherwise determined by the board.

(b) (No change.)