

subchapter shall be physically segregated from the areas associated with the other business, with secure access limited only to the provider's authorized personnel. The provider shall not move the facilities established under the terms of this subchapter without the prior written approval of the Commission.

4. The provider shall receive no compensation from the Commission for services rendered by the provider pursuant to this subchapter. The provider may charge its customers participation or administrative fees for each transaction.

5. The provider shall not subcontract to fulfill any of its obligations under this subchapter.

6. In accordance with N.J.S.A. 39:2-3.3 et seq., and the Federal Drivers' Privacy Protection Act of 1994 (DPPA), 18 U.S.C. §§ 2721 et seq., the provider and its employees shall not use or retain data or information gained from the Commission unless for the sole purpose of meeting the requirements of this subchapter and internal audit obligations or otherwise without written consent from the Commission. The provider shall also take all steps necessary to protect personal information from theft and other unauthorized use while in its possession. The provider must immediately, within no more than 24 hours of discovery, notify the Commission Security and Investigations Unit and the Office of Motor Carrier Services when a security or DPPA breach has been identified.

7. The provider is required to reconcile, account for, and return all assigned, yet unused, control-numbered inventory to the Commission's warehouse within 20 business days of discontinuing its services pursuant to this subchapter, unless otherwise requested in writing by the Commission.

8. All monies collected by the provider for trip permits issued pursuant to this subchapter must be reported to the Commission at the end of the business day, along with faxed copies and a log of trip permits. The provider shall pay the Commission for each block of 10 blank but control-numbered trip permits. The payment shall be made in the amount of \$250.00 for each block of 10 trip permits by check payable to the Commission and remitted to the Commission Program Manager.

9. The provider shall provide a copy of its current trip permit training program to the Commission, including any written materials, guides, and manuals. The Commission reserves the right to, with and without notice, observe any or all training sessions conducted. The provider shall inform all its customers of any changes in the Commission policies and procedures affecting this subchapter. The provider shall arrange for any additional training that may be required due to audit exceptions, procedures, or other circumstances.

10. The Commission shall email all control-numbered inventory to the provider.

11. The provider shall be authorized and responsible to collect from its customers all fees, payments, surcharges, and other sums in connection with transactions processed through this subchapter.

12. The provider may engage in promotional activities with respect to this subchapter, including the solicitation of potential customers, in person, by mail, telephone, internet, or other media. The provider shall not issue any news releases or promotional activities pertaining to any aspect of the services provided under this subchapter without the prior written consent of the Commission. The provider is prohibited from soliciting participation in this subchapter at motor vehicle agencies or other Commission locations. The provider may use the Commission's name as necessary in connection with its provision of services to its customers, with the prior written approval of the Commission. The provider shall not state or imply that:

- i. The Commission requires the use of the provider's services by members of the public;
- ii. The Commission recommends the use of the provider's services to the exclusion of other similarly available services; or
- iii. The provider is the exclusive provider of such services.

13. The provider shall retain all transactional records and documents relating to this subchapter for three years from the time an activity takes place and shall make those records available for inspection and audit by authorized representatives, agents, or contractors of the State. All documentation, reports, and files shall be kept at the provider's office.

14. The Commission, its authorized representatives, and its agents shall have the right to conduct audits and re-audits of the provider at any

time throughout the provision of services under this subchapter and up to three years after the termination of services as an approved provider under this subchapter. The provider shall provide the Commission with access to its books and records pertaining to transactions performed under this subchapter, for the purposes of audits and re-audits.

15. The provider may issue a corrected control-numbered trip permit, and shall provide the Commission with a corrected copy on the same day.

16. The Commission may, in its sole discretion, deny, terminate, or cancel participation by any provider in the services anticipated in this subchapter if any one or more of the following conditions exists with respect to any such provider:

- i. Failure to follow required or approved payment procedures;
- ii. Failure to comply with any local, State, or Federal law or regulation;
- iii. Misuse of any Commission-controlled inventory item assigned for distribution by a provider;
- iv. Failure to provide requested information or records for the purpose of an audit; and
- v. Any other unacceptable condition or practice identified by the Commission.

13:18-3.21 Provider requirements

(a) A provider shall, notwithstanding any other requirements of this subchapter:

- 1. Be responsible for the professional quality, accuracy, security, and timely completion of trip permits issued pursuant to this subchapter;
- 2. Obtain all required source documents prior to issuance of trip permits, including the location to which the permittee desires the permit to be transmitted;
- 3. Provide daily reports to the Commission of trip permits sold;
- 4. Not be reimbursed in any manner by the Commission for voided trip permits, which are the responsibility and cost of the provider;
- 5. Not resell trip permits whether or not the vehicle is registered in another state that has reciprocity with the State of New Jersey; and
- 6. Not sell, consign, or otherwise transfer any trip permit in its possession to another service organization or to any member of the transportation industry, other than its customer that is otherwise known as a trip permit permittee.

(a)

**MOTOR VEHICLE COMMISSION**

**Person with Diabetes Permitted to Voluntarily Make Notation on License and Identification Cards**

**Adopted New Rules: N.J.A.C. 13:21-8.23 and 16.4**

Proposed: June 2, 2014, at 46 N.J.R. 1329(a).

Adopted: October 14, 2014, by the Motor Vehicle Commission, Raymond P. Martinez, Chairman.

Filed: October 30, 2014, as R.2014 d.178, **without change**.

Authority: N.J.S.A. 39:3-10.8a.

Effective Date: December 1, 2014.

Expiration Date: December 4, 2020.

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

**No comments were received.**

**Federal Standards Statement**

No comparable Federal law or regulation exists; therefore, a Federal standards analysis is not applicable to this rulemaking.

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

SUBCHAPTER 8. DRIVER LICENSES

13:21-8.23 Medical notation(s)

(a) Upon application for a driver license, duplicate driver license, or renewal of a driver license, an applicant who is an insulin dependent diabetic may, if eligible, request that a notation of the applicant's medical condition be placed upon the applicant's driver license. The applicant

shall submit a completed driver license application; an executed Request for Insulin Dependent Designation form provided by the Commission; and a prescription from a physician, physician assistant, or nurse practitioner licensed in this State or a bordering state, or a physician stationed at a military or naval installation located in this State who is licensed to practice in any state, stating that the applicant is an insulin dependent diabetic. The prescription must be signed and dated within the immediately preceding 60 days.

(b) If the applicant for a driver license with the insulin dependent diabetic notation possesses an unexpired driver license at the time of application for the insulin dependent diabetic notation, the applicant will be required to purchase a duplicate driver license and pay the fee set forth at N.J.S.A. 39:3-31.

(c) Upon receipt of a properly completed application for a driver license with the insulin dependent diabetic notation, the Commission shall issue a driver license bearing the notation that the holder of the license is an insulin dependent diabetic.

(d) Any person with the insulin dependent diabetic notation on his or her driver license may request that the Commission remove the notation by completing and executing a Request for Insulin Dependent Designation form provided by the Commission, requesting the removal of the notation. If the person possesses an unexpired driver license, the person will be required to purchase a duplicate driver license and pay the fee set forth at N.J.S.A. 39:3-31.

SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

13:21-16.4 Medical notation(s)

(a) Upon application for a nondriver identification card, duplicate nondriver identification card or renewal of a nondriver identification card, an applicant who is an insulin dependent diabetic may, if eligible, request that a notation of the applicant's medical condition be placed upon the applicant's nondriver identification card. The applicant shall submit a completed nondriver identification card application; an executed Request for Insulin Dependent Designation form provided by the Commission; and a prescription from a physician, physician assistant, or nurse practitioner licensed in this State or a bordering state, or a physician stationed at a military or naval installation located in this State who is licensed to practice in any state, stating that the applicant is an insulin dependent diabetic. The prescription must be signed and dated within the immediately preceding 60 days.

(b) If the applicant for a nondriver identification card with the insulin dependent diabetic notation possesses an unexpired nondriver identification card at the time of application for the insulin dependent diabetic notation, the applicant will be required to purchase a duplicate nondriver identification card and pay the fee set forth at N.J.S.A. 39:3-29.7.

(c) Upon receipt of a properly completed application for a nondriver identification card with the insulin dependent diabetic notation, the Commission shall issue a nondriver identification card bearing the notation that the holder of the nondriver identification card is an insulin dependent diabetic.

(d) Any person with the insulin dependent diabetic notation on his or her nondriver identification card may request that the Commission remove the notation by completing and executing a Request for Insulin Dependent Designation form provided by the Commission, requesting the removal of the notation. If the person possesses an unexpired nondriver identification card, the person will be required to purchase a duplicate nondriver identification card and pay the fee set forth at N.J.S.A. 39:3-29.7.

(a)

MOTOR VEHICLE COMMISSION REGULATORY AFFAIRS (COMMERCIAL PASSENGER TRANSPORTATION)

Zone of Rate Freedom

Adopted Amendment: N.J.A.C. 16:53D-1.1

Proposed: May 5, 2014, at 46 N.J.R. 755(a).

Adopted: October 14, 2014, by the Motor Vehicle Commission, Raymond P. Martinez, Chairman.

Filed: October 29, 2014, as R.2014 d.177, without change.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 48:2-21, and 48:4-2.20 through 2.25.

Effective Date: December 1, 2014.

Expiration Date: September 21, 2017.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendment is dictated by State statutes and is not subject to Federal requirements or standards.

Full text of the adoption follows:

SUBCHAPTER 1. GENERAL PROVISIONS

16:53D-1.1 General provisions

(a) Any regular route autobus carrier operating within the State, which carrier seeks to revise its rates, fares, or charges in effect as of the time of the promulgation of this rule, shall not be required to conform with N.J.A.C. 16:51-3.12, Tariff filings, that do not propose increases in charges to customers, or 3.13, Tariff petitions, that propose increases in charges to customers, provided the increase or decrease in the rate, fare, or charge, or the aggregate of increases and decreases in any single rate, fare, or charge is not more than the maximum percentage increase (10 percent for 2014) or decrease (10 percent for 2014), upgraded to the nearest \$.05.

1. For illustrative purposes, the following chart sets forth the 2014 percentage maximum for increases to particular rates, fares, or charges and the resultant amount as upgraded to the nearest \$.05:

Table with 3 columns: Present Fare, Percent of Increase, Increase Upgraded To Nearest \$.05. Rows include \$2.00 or less, \$2.05-\$ 2.50, and \$2.55 upward.

2. For illustrative purposes, the following chart sets forth the 2014 percentage maximum for decreases to particular rates, fares, or charges and the resultant amount as upgraded to the nearest \$.05:

Table with 3 columns: Present Fare, Percent of Decrease, Decrease Upgraded To Nearest \$.05. Rows include \$.50 or less, \$.55-\$ 1.00, and \$1.05 upward.

3. (No change.)