

Commission’s enabling statutes, rules, and mission or that continuing the waiver would jeopardize public safety or welfare.

(a)

MOTOR VEHICLE COMMISSION

Electronic Lien and Titling Program

Adopted Amendments: N.J.A.C. 13:21-3.6, 3.7, and 3.9

Proposed: August 3, 2015, at 47 N.J.R. 1902(a).
 Adopted: June 29, 2016, by Raymond P. Martinez, Chairman and Chief Administrator, Motor Vehicle Commission.
 Filed: July 1, 2016, as R.2016 d.087, **without change**.
 Authority: N.J.S.A. 39:2-3.3 et seq., 39:2-3.8, and 39:10-1 et seq.
 Effective Date: August 1, 2016.
 Expiration Date: December 4, 2020.

Summary of Public Comments and Agency Responses:

The written comments received by the Motor Vehicle Commission (the Commission) regarding its August 3, 2015, notice of proposal at 47 N.J.R. 1902(a) are available for inspection at the Office of the Chief Administrator, Regulatory and Legislative Affairs, Motor Vehicle Commission, 225 East State Street, 9th Floor, Trenton, New Jersey. The Motor Vehicle Commission received the following written comments from Dealertrack Technologies (DT) regarding the changes proposed to N.J.A.C. 13:21-3.7.

1. COMMENT: The proposed wording implies that if the lien isn’t filed electronically, an Electronic Lien and Titling (ELT)-participating lienholder would not receive an electronic title. Likewise, the proposed wording “through an electronic lien function” doesn’t seem to support the paper submission of a lien by a non-ELT-participating dealer or lender.

RESPONSE: There are currently three methods by which a lien can be added to a vehicle: 1. the Dealer Services Program; 2. the Dealer Online Services Program; and 3. at a Commission Agency. The ELT Program will not change the methods by which a lien can be added; therefore, paper submissions to add liens will still be accepted at Commission agencies. Regardless of which method is used to add a lien to a title, if the subject lien holder is an ELT participant, the entity will receive an electronic title.

2. COMMENT: Will ELT-participating lenders be able to add their own liens through the “add lien function”?

RESPONSE: No. All liens will need to be added through one of the three current methods: 1. the Dealer Services Program; 2. the Dealer Online Services Program; and 3. at an MVC Agency. In the future, the MVC may add other methods to electronically add a lien.

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 adoption follows:

13:21-3.6 Form of the Electronic Lien and Titling Program
 (a) Pursuant to the authority granted under N.J.S.A. 39:10-1 et seq. and 39:2-3.8, the Chief Administrator may establish an Electronic Lien and Titling Program for the issuance and use of electronic titles.

- 1. (No change.)
- Recodify existing 3.-4. as 2.-3. (No change in text.)

13:21-3.7 Notation of security interest at time of sale
 (a) When a new motor vehicle is sold in this State, if in connection with such sale, a security interest is taken or retained by the seller to secure all or a part of the purchase price of the motor vehicle, or is taken by a person who, by making an advance or incurring an obligation, gives value to enable the purchaser to acquire rights in the motor vehicle, and that seller retaining a security interest or person making an advance or incurring an obligation giving value to enable the purchaser to acquire rights in the motor vehicle is a participating lien holder in the Electronic

Lien and Titling Program, that person or entity shall electronically deliver to the Commission the name and business address of the secured party noted through an electronic add lien function. Upon notification of the creation of a security interest, the Chief Administrator shall make notation of the security interest and an electronic title shall be sent through a service provider to the participating lien holder.

- (b) (No change.)

13:21-3.9 Electronic title; perfection of a security interest
 The notation of the name and business or residence address of a secured party or his or her assignee, on the electronic title, as provided in N.J.S.A. 39:10-8 and 39:10-9, and the proper presentation of documents from the purchase of a motor vehicle to the Chief Administrator, in accordance with N.J.S.A. 39:10-11, and the compliance with the requirements of sections C. and D. of N.J.S.A. 39:10-11 shall be in lieu of all filing requirements imposed by chapter 9 of Title 12A of the New Jersey Statutes and shall constitute the perfection of a security interest in the motor vehicle, and the rights and remedies of the debtors and the secured parties in respect to such security interest shall, except as otherwise expressly provided for by N.J.S.A. 39:10-1 et seq., or in this subchapter, be subject to and governed by chapter 9 of Title 12A of the New Jersey Statutes.

OTHER AGENCIES

(b)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Notice of Readoption

Definitions, Service, Construction

Readoption with Technical Changes: N.J.A.C. 19:10

Authority: N.J.S.A. 34:13A-5.4(e), 34:13A-6(b), and 34:13A-11.
 Authorized By: P. Kelly Hatfield, Chair, Public Employment Relations Commission.

Effective Date: July 1, 2016.
 New Expiration Date: July 1, 2023.

Take notice that pursuant to Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 19:10 were to expire on September 24, 2016. The rules contained in N.J.A.C. 19:10 define terms (Subchapter 1); set forth service and filing requirements (Subchapter 2); provide how Commission rules should be construed and applied (Subchapter 3); allow delegation of the Commission’s authority (Subchapter 4); describe how the Commission is organized (Subchapter 5); and provide for the filing of rulemaking petitions by interested parties (Subchapter 6). The Commission is readopting these rules with technical changes to replace “Chairman” and “Chairman of the Commission” with the gender-neutral “Commission Chair” or “Chair,” respectively.

The Commission has determined that the chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which it was first promulgated and should be readopted with technical changes.

Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 19:10 is readopted and shall continue in effect for a seven-year period.

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

SUBCHAPTER 1. DEFINITIONS

19:10-1.1 Definitions

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

...
 [“Chairman”] **“Chair”** means the full-time member of the Public Employment Relations Commission who is its chief executive officer and administrator and is also the chief executive officer and administrator of the Division of Public Employment Relations.