

N.J.A.C. 13:100-2.3 explains the responsibilities of the classification committee responsible for the initial classification, assignment, transfer, and reassignment of juvenile offenders within the Commission or to the Department of Corrections. The rule sets forth the criteria to be used by the classification committee in making initial assignments to the appropriate secure or non-secure Commission facility and provides a description of the eligibility requirements for assignment to those facilities.

N.J.A.C. 13:100-2.4 sets forth the criteria for juveniles ineligible for assignment to a non-secure facility.

N.J.A.C. 13:100-2.5 and 2.6 delineate the process for emergency and non-emergency transfers of a juvenile.

N.J.A.C. 13:100-2.7 provides the procedure to be used if a juvenile requests a transfer to another Commission facility.

N.J.A.C. 13:100-2.8 provides for the location where classification folders will be maintained for all juveniles assigned to a term of incarceration under the supervision of the Commission and also requires that an electronic back-up file be maintained at the Commission's Office of Classification.

The Commission has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to the authorities cited above, and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted without amendments and shall continue in effect for a seven-year period.

## TRANSPORTATION

### (a)

#### MOTOR VEHICLE COMMISSION

##### Enforcement Service

##### Disabled Veteran and Purple Heart Recipient Placards

##### Adopted New Rules: N.J.A.C. 13:20-9.8 through 9.12

Proposed: April 3, 2017, at 49 N.J.R. 632(a).

Adopted: October 12, 2017, by the Motor Vehicle Commission, Raymond P. Martinez, Chairman and Chief Administrator.

Filed: October 27, 2017, as R.2017 d.204, **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. 39:2A-28 and 39:4-207.10.

Effective Date: November 20, 2017.

Expiration Date: December 4, 2020.

##### Summary of Public Comments and Agency Responses:

The written comments received by the Motor Vehicle Commission (Commission) regarding its April 3, 2017 notice of proposal at 49 N.J.R. 632(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 Commission received written comments from Commander Joseph M. Belardo, Sr., Commander of New Jersey Military Order of the Purple Heart (MOPH); Nicholas C. Paoletti, DAV Chapter 66 Commander; Assemblyman Wayne P. DeAngelo, Deputy Speaker, 14th Legislative District, New Jersey General Assembly; Jean Public; and Assemblyman Daniel R. Benson, 14th District, New Jersey General Assembly, which comments are addressed below:

1. COMMENT: Commander Belardo requests that the MOPH maintain control of coordinating the issuance of the Purple Heart license plates and assume the coordination of the new Purple Heart placards, so as to ensure the plates and/or placards are only distributed to those who qualify, and in keeping with the methodology in place for having special plates approved via a service organization. Commander Belardo states that MOPH has access to a database to which the Commission does not have access, and which contains accurate information as to who is a

Purple Heart recipient. Commander Belardo also requests that MOPH be authorized as the authenticating agency for the control of Purple Heart recipient placards.

Deputy Speaker DeAngelo asks the Commission to incorporate the MOPH in the issuance of placards and ID cards, and suggests that such incorporation in the approval process would help promote the new program to accommodate as many veterans as possible. Deputy Speaker DeAngelo also suggests that the MOPH can work with its own members "to help MVC identify previously unforeseen pitfalls in the application and issuance process and fix those identified flaws."

Assemblyman Benson requests the Commission to review and consider the comments of Commander Belardo from the MOPH.

RESPONSE: The Commission appreciates the comments of Commander Belardo on behalf of the MOPH, Deputy Speaker DeAngelo and Assemblyman Benson. The Commission also appreciates the MOPH's activities in coordination of the organizational MOPH license plate offered to qualifying members of the MOPH organization.

N.J.S.A. 39:4-207.10 provides that a person who is a disabled veteran or a recipient of the Purple Heart is exempt from payment of municipal parking meter fees under certain circumstances, with conditions, when that person displays a disabled veteran or Purple Heart license plate or a placard to be issued by the Commission. Placards will now be offered to disabled veterans and Purple Heart recipients, and N.J.S.A. 39:4-207.10 requires the Commission to promulgate rules to provide for the issuance of those placards. The statute contemplates placards for "disabled veterans" and "Purple Heart recipients," and does not require membership in any organization as a prerequisite.

With respect to disabled veterans and Purple Heart recipients, the Commission currently offers three license plates: disabled veteran military plates that do not require membership in any organization; DAV organizational plates, available only to qualifying members of the organization "Disabled American Veterans, Department of New Jersey"; and MOPH organizational plates, available only to qualifying members of the MOPH organization. In order to qualify for DAV or MOPH plates, an applicant must be a member of the DAV or MOPH service organization and must submit his or her application for DAV or MOPH plates through the service organization. There are no proposed changes to that process, and it is expected that the MOPH will continue in its role as the organizational coordinator for the MOPH organizational plate for its qualifying members. In contrast, N.J.S.A. 39:4-207.10 provides that a person may be qualified for the benefits provided without belonging to a service organization such as MOPH or DAV, and may apply directly to the Commission for the disabled veteran or Purple Heart recipient placard.

Unlike license plates, placards are not offered to organizations, and the requirements for placards are different from those for plates. Currently placards offered in the State are limited to Persons with a Disability (PWAD), nursing home owners, or operators of vehicles used to transport residents, and government and non-profit organizations who work with persons with intellectual disabilities. Administration and issuance of all placards is handled exclusively by the Commission for specific reasons. Placards are subject to abuse, misuse, and fraud because they are easily transportable, and placards, which are offered at no cost to the applicant, are immediately available at the Commission's agencies throughout the State for the convenience of applicants, and all agents are qualified to issue them upon proper application and verification of entitlement including a Commission database check. Thus, the Commission is the appropriate agency to qualify eligibility for and issue placards. Further, Commission personnel are experienced in the review, evaluation, verification, and authentication of documents, including military documents, such as those used by veterans to obtain the veteran designation on driver licenses and identification cards, and the Commission is confident in the ability of its staff to verify disabled veteran and Purple Heart recipient status for the purposes of strictly limiting the issuance of placards to qualified recipients. Additionally, to require vetting through the MOPH or DAV would unnecessarily add an extra step, and, thus, a delay to the process of obtaining a placard.

The Commission appreciates the MOPH's offer to coordinate the authentication and issuance of placards, but must decline this generous offer for the reasons stated above. While the MOPH participates in the

coordination of the MOPH license plate, the application process for placards will not be the same as that for organizational plates. The Commission anticipates and hopes that even though the MOPH will not be authenticating or controlling the issuance of the placards, the MOPH nonetheless will continue to work with the Commission to maintain the current established line of communication as the placard process is initiated and develops.

The Commission envisions participation of the MOPH and DAV organizations with regard to placards in a couple of important ways. It is hoped that MOPH and DAV will still participate and assist their members and the Commission by communicating or advertising the availability of placards, and by making placard applications available to their members. To the extent the organizations maintain databases that enable them to make available to their members copies of the necessary documents for obtaining placards, specifically discharge or separation papers, DD-214s, DD-215s, if issued, disability award letters from the Veteran's Administration, citations awarding the Purple Heart or in the case of an Army veteran, the General Order of the Purple Heart, MOPH and DAV can serve as a vital source of information and assistance to their members. While the Commission will also be promoting the new placards, the assistance of the MOPH and DAV would be invaluable.

2. COMMENT: Commander Belardo suggests that the special plate application form be modified to give the applicant the choice of a special plate, or a placard, or a special plate and placard.

RESPONSE: The Commission appreciates Commander Belardo's suggestion regarding applications, but as noted in the Response to Comment 1, the application process for a placard will not be the same as the current application process for an organizational plate. The requirements for special plates issued to service organizations are different from the requirements for and proofs necessary to obtain a disabled veteran or Purple Heart recipient placard. As such, modification of the organizational plate application to include placards is not a viable option. However, there is no restriction against a qualified applicant holding both an organizational plate and a placard for which that applicant qualifies.

3. COMMENT: Commander Paoletti requests that DAV and Prisoner of War (POW) plates be recognized within the regulations.

RESPONSE: The Commission appreciates Commander Paoletti's comments. However, the proposed new rules must conform to the statutory requirements of N.J.S.A. 39:4-207.10, which is limited to "disabled veteran's or Purple Heart license plates or a placard issued by the New Jersey Motor Vehicle Commission ..." The new law does not include POW and DAV plates. Nevertheless, a person entitled to POW or DAV plates may apply for a placard, because the language of the bill simply reads "disabled veteran," and does not require or prohibit the applicant veteran from being a member of any organization. Accordingly, as long as the veteran applying for the placard is service-related disabled, can provide the Commission with the necessary award of disability letter from the Veteran's Administration, and meets the other qualifications and requirements, he or she may apply for a placard.

4. COMMENT: Commander Paoletti inquires regarding the economic impact on the MVC for educating personnel, additional workload for handling of the required documents, and the "vetting process."

RESPONSE: The Commission appreciates Commander Paoletti's comments. The Commission anticipates a minimal economic impact on the Commission in relation to implementation of the law and rules. The Commission currently administers and issues all placards in the State, at no cost to applicants, and all agents are qualified to issue the placards upon proper application and verification of entitlement. Thus, Commission employees are already experienced in determining eligibility for and issuing placards. Further, Commission personnel are experienced in the review, evaluation, verification, and authentication of documents, including military documents, such as those used for veterans to obtain the veteran designation on driver licenses and identification cards, and the Commission is confident in the ability of its staff to be able to verify disabled veteran and Purple Heart recipient status for the purposes of the issuance of placards to qualified recipients, at minimal expense to the Commission.

5. COMMENT: Commander Paoletti inquires why the proposed regulations do not address why the DAV plates and POW plates are not

included in the categories of persons entitled to limited free municipal meter parking.

RESPONSE: The Commission appreciates the comments of Commander Paoletti. However, the Commission is constrained by the applicable law as written, and the law does not include DAV or POW plates.

6. COMMENT: Jean Public does not believe that free parking for disabled veterans and Purple Heart recipients is fair to the people of New Jersey. Jean Public comments that there is no indication that anticipated placard recipients cannot walk from their cars or need an exemption from municipal parking meter fees.

RESPONSE: The Commission has considered the comments of Jean Public; however, the Commission is bound by the law. The Commission is required to issue placards in accordance with N.J.S.A. 39:4-207.10 (P.L. 2015, c. 218).

7. COMMENT: Assemblyman Wayne P. DeAngelo, who authored the subject law in the General Assembly, commented on the legislative intent of the law, stating that the law is part of an "effort to give back to New Jersey's servicemen and women." He further commented that "This program seeks to provide an easily accessible benefit to disabled veterans and Purple Heart (sic) here in New Jersey." Finally, he commented that "In New Jersey, we have been fortunate to partner with terrific veterans' organizations throughout the state and create a way for their members to honor their organization's contributions to their community."

RESPONSE: The Commission appreciates the comments of Assemblyman DeAngelo regarding the intent of the Legislature in passing the applicable law, and in response thereto, the Commission reviewed the proposed rules with an eye towards honoring that legislative intent as stated by the author of the law. In so doing it was discovered that while the proposed rules provided by definition that disabled veterans were required to be residents of the State for entitlement to a placard, the rules inadvertently did not contain an equivalent definition including a residency clause for Purple Heart recipients. This inconsistency is noted to be incompatible with the stated legislative intent of the law, which is to honor the servicemen and women of New Jersey, and as such an equivalent residency requirement for Purple Heart recipients is added to carry out the legislative intent and to apply consistency to the issuance of placards to all deserving New Jersey disabled veterans and Purple Heart recipients.

#### Summary of Agency-Initiated Changes:

The Commission made several edits and minor changes in this final adoption to make clear that in accordance with the intent of the Legislature, disabled veterans and Purple Heart recipients must be residents of the State to qualify for placards; that applicants may apply by mail and need not go to an agency for the transaction; to further clarify that applicants may submit originals or photocopies of the documents submitted with their application to the Commission; and to correct an oversight and make clear that an applicant need only submit a DD-215 as part of the application, if a DD-215 was issued. The changes were made for the benefit of the public and placard applicants by eliminating the need for an in-person visit to an agency to apply for and obtain a placard, and by removing the extra step of requiring a certified copy of the necessary document for obtaining a placard. Allowing applicants to apply by mail also benefits the public by eliminating any additional traffic in the agencies related to the placards.

Additionally, the subchapter heading for Subchapter 9 is recommended to change from "Persons with a Disability Parking Privileges," to "Special Parking License Plates and Placards," to more accurately reflect the rules set forth within the subchapter.

These changes are technical in nature, are consistent with the legislative intent of the applicable law, and do not enlarge or curtail the scope of the rules, or what will be affected by the rules, or change what is mandated by the rules.

#### Federal Standards Statement

A Federal standards analysis is not required because the subject matter of the adopted new rules is authorized under State law and is not subject to Federal requirements or standards. There are no equivalent

Federal law standards concerning placards for disabled veterans or Purple Heart recipients.

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

SUBCHAPTER 9. **\*[PERSONS WITH A DISABILITY PARKING PRIVILEGES]\* \*SPECIAL PARKING LICENSE PLATES AND PLACARDS\***

13:20-9.8 Definitions

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

“Disabled veteran” shall mean any citizen and resident of this State now or hereafter honorably discharged or released under honorable circumstances from active service in any branch of the Armed Services of the United States and who has been or shall be declared by the United States Veterans Administration, or its successor, to have a service-connected disability.

“ID card” shall mean a placard identification card issued in conjunction with a disabled veteran placard or a Purple Heart recipient placard for the sole purpose of demonstrating the identification of the person to whom a placard was issued.

“Purple Heart recipient” shall mean **\*any citizen and resident of this State who is or was\*** a member of the Armed Services of the United States **\*and\*** who, while serving under competent authority in a capacity with one of the United States Armed Services **\*[has been]\* \*was\*** wounded and awarded the Purple Heart medal.

“Veteran” shall mean a person who has been honorably discharged from any branch of the active military service of the United States.

13:20-9.9 Application and qualifications for disabled veteran and Purple Heart recipient placards

(a) Applications for placards and ID cards will be accepted only if submitted on the form approved by the Chief Administrator.

(b) The Chief Administrator shall require the following from an applicant who is a disabled veteran:

1. The original<sup>\*</sup>[, certified copy,]<sup>\*</sup> or **\*a\*** photocopy of the applicant’s discharge or separation papers; the original<sup>\*</sup>[, certified copy,]<sup>\*</sup> or **\*a\*** photocopy of the recipient’s DD-214; the original<sup>\*</sup>[, certified copy,]<sup>\*</sup> or **\*a\*** photocopy of the recipient’s DD-215<sup>\*</sup>, **if issued\***; or the equivalent;

2. The original<sup>\*</sup>[, certified copy,]<sup>\*</sup> or **\*a\*** photocopy of the applicant’s award of disability letter from the Veteran’s Administration; or

3. Other proof satisfactory to the Chief Administrator that the applicant is a disabled veteran.

(c) The Chief Administrator shall require the following from an applicant who is a Purple Heart recipient:

1. The original<sup>\*</sup>[, certified copy,]<sup>\*</sup> or **\*a\*** photocopy of the applicant’s DD-214; the original<sup>\*</sup>[, certified copy,]<sup>\*</sup> or **\*a\*** photocopy of the recipient’s DD-215<sup>\*</sup>, **if issued\***; the original<sup>\*</sup>[, certified copy,]<sup>\*</sup> or **\*a\*** photocopy of the recipient’s citation awarding the Purple Heart, or in the case of an Army veteran only, the original<sup>\*</sup>[, certified copy,]<sup>\*</sup> or **\*a\*** photocopy of the applicant’s General Order for the Purple Heart; or

2. Other proof satisfactory to the Chief Administrator that the applicant is a recipient of the Purple Heart.

(d) Each disabled veteran placard and associated ID card shall expire on the last day of the 36th month after **\*[it was]\* \*they were\*** issued. At such time, and not in excess of 90 days prior, the holder of a disabled veteran placard and ID card shall resubmit a full application in accordance with the requirements of this section. Applications **\*[must]\* \*may\*** be made in person at a Commission agency location<sup>\*</sup>, **or by mail, sent to the address indicated on the application\***. Upon receipt of the application and satisfaction that all necessary information has been submitted, the Chief Administrator will issue a new disabled veteran placard and ID card to the applicant.

(e) Each Purple Heart recipient placard and **\*associated\*** ID card shall expire on the last day of the 36th month after **\*[it was]\* \*they were\*** issued. At such time, and not in excess of 90 days prior, the holder of a Purple Heart recipient placard and ID card shall resubmit a full application in accordance with the requirements of this section. Applications **\*[must]\* \*may\*** be made in person at a Commission agency location<sup>\*</sup>, **or by mail, sent to the address indicated on the application\***. Upon receipt of the application and satisfaction that all necessary information has been submitted, the Chief Administrator will issue a new Purple Heart recipient placard and ID card to the applicant.

(f) In the event that a disabled veteran who applied for and was granted a disabled veteran placard and ID card dies, a member of their immediate family or other person on their behalf, shall immediately return the disabled veteran placard and ID card to any Commission agency.

(g) In the event that a Purple Heart recipient who applied for and was granted a Purple Heart recipient placard and ID card dies, a member of their immediate family, or other person on their behalf, shall immediately return the Purple Heart recipient placard and ID card to any Commission agency.

13:20-9.10 Limitation on number of disabled veteran and Purple Heart recipient placards and ID cards

(a) Only one disabled veteran placard and ID card may be issued to a disabled veteran.

(b) Only one Purple Heart recipient placard and ID card may be issued to a recipient of the Purple Heart, regardless of the number of Purple Heart medals that recipient received.

(c) If any person is eligible for both a disabled veteran placard and a Purple Heart recipient placard, along with the associated ID cards, that person must select which of the two available placards and ID cards he or she will request, as that person may only be issued either one disabled veteran placard and ID card or one Purple Heart recipient placard and ID card.

13:20-9.11 Placards for passenger vehicles or motorcycles

Placards for disabled veterans and Purple Heart recipients shall be issued for use on passenger vehicles or motorcycles only and in no event shall such placards be issued for or used on any vehicle that is used for commercial purposes.

13:20-9.12 Display of placards and ID cards

(a) A disabled veteran or Purple Heart recipient placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a municipal parking meter space. When there is no rearview mirror, the placard shall be displayed on the dashboard of the vehicle.

(b) A disabled veteran or Purple Heart recipient placard does not entitle the placard holder to park in a designated persons with disabilities parking space. In order to park in such a spot, the placard holder must be independently entitled to such parking by virtue of a qualifying disability and possession of an ID card and either a persons with a disability placard or persons with disability license plates that demonstrate such entitlement. If parked in a designated persons with disabilities parking space, the placard holder must carry on their person a disability ID card and the vehicle must display either the persons with a disability placard or the qualifying disability license plates.

(c) Whenever a vehicle uses a disabled veteran or Purple Heart recipient plate or placard as justification for parking at a municipal meter free of charge in one location for up to 24 hours, the person for, or to whom, the plate or placard was issued and is being displayed, shall be present as either the driver of, or a passenger in, the vehicle, and shall carry his or her disabled veteran or Purple Heart recipient ID card and upon request from a law enforcement officer, shall present such card.