

motor vehicle traveling on the roads of this State, day or night, shall display a reflective slow moving vehicle emblem on the rear of the vehicle as specified in this section. The use of the slow moving vehicle emblem shall be in addition to any other lighting device or equipment required by this subchapter.

1. Characteristics. The slow-moving vehicle emblem’s material, location, and mounting must be in accordance with American Society of Agricultural and Biological Engineers (ASABE) standards, must display the manufacturer’s name and address on the emblem, and contain a statement that the emblem meets the standards of ASAE S276.5, as amended and supplemented. The slow-moving vehicle emblem must be visible from a distance of at least 600 feet, day or night, and must be clean, undamaged, and not faded.

2. Location. The slow-moving vehicle emblem must be visible from the rear of the vehicle with the triangle pointed upward, in the center of the vehicle or as near left-center as practical, two to six feet above the ground and securely attached, if not permanently mounted.

3. Towed vehicles. The slow-moving vehicle emblem shall be mounted on any farm tractor, traction equipment, farm machinery, or farm implement drawn by a motor vehicle unless the towing vehicle displays the emblem in such a manner as to be clearly visible.

(b) The provisions of (a) above shall not apply to vehicles traveling at speeds in excess of 25 miles per hour. For such vehicles, the slow-moving vehicle emblem shall be removed.

13:21-12.11 Self-propelled sprayers

(a) A self-propelled sprayer is defined as any vehicle that is self-propelled and designed to apply fertilizer, pesticide, or any other appropriate substance on farmland.

(b) Self-propelled sprayers shall be registered with the New Jersey Motor Vehicle Commission to operate upon a public highway, unless exempt by N.J.S.A. 39:3-26.1.

(c) An applicant for a self-propelled sprayer registration must present:

1. A notarized bill of sale containing the year, make, vehicle identification number, seller’s and buyer’s name and address, date of sale, and purchase price;

2. A pencil tracing or printed-out photograph of the vehicle identification number;

3. An executed BA-49, New Jersey Vehicle Registration Application; and

4. The appropriate registration fee.

(d) Self-propelled sprayers will not be issued a New Jersey certificate of title.

(a)

MOTOR VEHICLE COMMISSION

Licensing Service

Identification Cards for Nondrivers

Adopted Amendment: N.J.A.C. 13:21-16.1

Adopted New Rule: N.J.A.C. 13:21-16.5

Proposed: August 7, 2017, at 49 N.J.R. 2495(a).

Adopted: December 7, 2017, by Raymond P. Martinez, Chairman and Chief Administrator, Motor Vehicle Commission.

Filed: December 20, 2017, as R.2018 d.059, **without change**.

Authority: N.J.S.A. 39:2-3, 39:2A-28, and 39:3-29.9; and P.L. 2016, c. 99.

Effective Date: January 16, 2018.

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 required for the adopted amendment and new rule.

Full text of the adoption follows:

SUBCHAPTER 16. IDENTIFICATION CARDS FOR NONDRIVERS

13:21-16.1 Definitions

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

...
“Emergency shelter for the homeless” means a building or structure in which a public entity or private, nonprofit organization provides shelter, or food and shelter, to individuals and families having neither a home nor the means to obtain a home or other temporary lodging.
...

13:21-16.5 Homeless person, fees waived

Notwithstanding the fees established under N.J.S.A. 39:3-29.7, a nondriver identification card is available for no fee to a homeless person, as defined by N.J.S.A. 39:3-29.7, who submits proof of temporary residence satisfactory to the chief administrator through a social worker or coordinator of an emergency shelter for the homeless where the homeless person has been temporarily residing. The proof of temporary residence shall be in the form of a letter from a social worker or emergency shelter coordinator, on the social worker’s or emergency shelter’s official letterhead, signed by an authorized social worker or emergency shelter coordinator, and dated no more than 10 days prior to the homeless person’s application to the Commission for a no-fee nondriver identification card. The letter must clearly state that the applicant is “without a domicile and is unable to secure permanent and stable housing,” and must include the temporary residence of the applicant.

(b)

MOTOR VEHICLE COMMISSION

Enforcement Service

Equipment for Emergency Vehicles and Other Specified Vehicles; Flashing Amber Lights for Farm Vehicles on any Public Roads

Adopted Amendments: N.J.A.C. 13:24-1.1, 4.1, and 4.2

Proposed: August 7, 2017, at 49 N.J.R. 2497(a).

Adopted: December 7, 2017, by Raymond P. Martinez, Chairman and Chief Administrator, Motor Vehicle Commission.

Filed: December 20, 2017, as R.2018 d.058, **without change**.

Authority: N.J.S.A. 39:2-3, 39:2A-28, 39:3-43, 39:3-50, and 39:3-69.

Effective Date: January 16, 2018.

Expiration Date: June 24, 2018.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

The adopted amendments do not exceed any Federal requirements or standards. Federal law (49 U.S.C. § 30111(a)) provides that the United States Secretary of Transportation shall prescribe motor vehicle safety standards. In accordance with 49 U.S.C. § 30111(a) and its predecessor (15 U.S.C. § 1392), the Secretary of Transportation has established safety standards for motor vehicles and motor vehicle equipment at 49 CFR 571.101. The adopted amendments are consistent with Federal regulations, including the requirements set forth at 49 CFR 571.108 (Federal Motor Vehicle Safety Standard No. 108), which pertains to lamps, reflective devices, and associated equipment and 49 CFR 562 (Lighting and Marking on agricultural equipment), which pertain to the requirements for lighting and marking on farm vehicles. While the Commission is not requiring the lighting and marking on agricultural equipment (as the Federal regulations already address this), the

Commission does need to amend its regulations to allow for the light permit for these vehicles.

Full text of the adoption follows:

SUBCHAPTER 1. DEFINITIONS

13:24-1.1 Definitions

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

...
 “Farm vehicle” means any farm or agricultural tractor, self-propelled machine, or implement, or any combination thereof, that is primarily designed for farm or agricultural operations.

...
 “Public road” means any road, street, or highway under the jurisdiction of, and maintained by, a public authority and open to public travel.

SUBCHAPTER 4. FLASHING AMBER LIGHT PERMITS

13:24-4.1 Permit eligibility

(a) Owners or lessees of the following types of vehicles are eligible for flashing amber light permits.

1.-7. (No change.)

8. Farm vehicles:

i. A flashing amber light may be used by a farm vehicle while traveling on a public road.

(b)-(f) (No change.)

13:24-4.2 Permit application procedure

(a) (No change.)

(b) Except as otherwise provided in (c), (d), (e), and (f) below, the application, after completion, is to be signed by the chief law enforcement official in the municipality in which the service is being provided. Thereafter, the application should be submitted to the Commission together with the fee specified in N.J.S.A. 39:3-50(d).

(c)-(e) (No change.)

(f) The application, after completion, is to be signed by the chief law enforcement official in the municipality in which the farm is located. Thereafter, the application should be submitted to the Commission together with the fee specified in N.J.S.A. 39:3-50(d).

(g) (No change in text.)

service credit to be paid in full at least 30 days prior to the member’s retirement date. The commenter expresses opposition to this amendment because it unnecessarily renders it more difficult for pension system members to complete a purchase of service credit. The commenter notes that members may purposely set their retirement date for the month after they complete the purchase of service credit; if a member must complete payment for the purchase 30 days prior to his or her retirement date, the member will have to make a double payment.

Further, the commenter asserts that it does not state anywhere that a purchase of service credit must be completed 30 days prior to retirement. The commenter notes that the Division’s Fact Sheet #1 outlines the types of purchases and the procedures for making purchases. Currently it states that “... if you retire before completing all of the scheduled payments, you will automatically receive prorated credit for the amount of service you have paid for or you can pay the remaining balance in a lump-sum and receive full credit.” It does not state anywhere on the fact sheet that a purchase must be completely paid for 30 days prior to retirement.

Finally, the commenter notes that since pension payments are not actually due and payable until 30 days after the retirement date, a completion of payment for the purchase by the retirement date allows for time to adjust the payment by the time the retirement is due and payable. Further, the Division will process other retirement changes that impact the pension payment, such as a change in the beneficiary or pension option, up until the point that the pension is due and payable.

RESPONSE: The Division thanks the commenter for the comments dated October 2, 2017. However, members must complete their purchase of service credit 30 days prior to the retirement date to ensure that they qualify for the proper retirement benefit on the requested date of retirement. If service credit must be prorated, it may cause members to no longer qualify for the retirement benefit, and this information must be reported to the members before the member’s last day of employment in case they need to work a little longer to qualify for the benefit. Furthermore, to ensure that members are paid their first retirement check on a timely basis (including time for board approval), it is imperative that all arrears balances be satisfied at least 30 days prior to retirement. In addition, members have the option of paying off an arrears balance in other ways, such as through a pension loan, which can be carried into retirement, or through a direct rollover or trustee-to-trustee transfer of tax-deferred funds from a qualified retirement plan.

On the basis of the reasons stated above, N.J.A.C. 17:1-4.1 will be adopted as proposed. Once the rule is adopted, the purchase fact sheets will be updated to reflect the amended rule.

Federal Standards Statement

The adopted amendments meet, but do not exceed, the applicable Federal standards, that is, 26 U.S.C. §§ 401(a), 403(b), and 414(d). There are no other Federal standards applicable to the subject matter of this chapter; therefore, a Federal standards analysis is not required.

Full text of the adopted amendments follows:

SUBCHAPTER 4. PURCHASES AND ELIGIBLE SERVICE

17:1-4.1 Purchases; cancellation, interest on outstanding purchases, or cash discount requested

(a)-(b) (No change.)

(c) For a member who has authorized a purchase of service credit on or after September 8, 1998, and who is inactive, or becomes inactive, the following provisions shall apply:

1. A member who authorizes a purchase that requires installment payments but who has not had installment payments made toward that purchase for two years due to inactivity in the account, shall receive written notice from the Division that the remainder of the purchase will be canceled. The member shall receive a pro rata credit for the service purchased to the date that the installment payments ceased. Any subsequent requests to purchase the remaining service credit shall be based on the laws and rules in effect on the date that the subsequent request is received.

2. The member may request to pay, in full, the cash discount value of the outstanding arrearage for the purchase within 60 days of the Division

TREASURY—GENERAL

(a)

DIVISION OF PENSIONS AND BENEFITS

General Administration

Purchases and Eligible Service

Adopted Amendment: N.J.A.C. 17:1-4.1

Proposed: September 18, 2017, at 49 N.J.R. 3098(b).

Adopted: December 14, 2017, by John Megariotis, Acting Director, Division of Pensions and Benefits.

Filed: December 14, 2017, as R.2018 d.027 without change.

Authority: N.J.S.A. 52:14-15.1a (P.L. 1996, c. 8) and 52:18A-96 et seq.

Effective Date: January 16, 2018.

Expiration Date: May 17, 2023.

Summary of Public Comment and Agency Response:

Comments on the notice of the proposed amendment were received from Sarah Favinger, Associate Director, on behalf of the New Jersey Education Association (NJEA).

1. COMMENT: The commenter expresses several major concerns about the proposed amendments to N.J.A.C. 17:1-4.1. The commenter states that proposed N.J.A.C. 17:1-4.1(d) will require all purchases of