

(a)

**MOTOR VEHICLE COMMISSION  
REGULATORY AFFAIRS (COMMERCIAL  
PASSENGER TRANSPORTATION)**

**Zone of Rate Freedom**

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

Proposed: February 5, 2018, at 50 N.J.R. 714(a).  
Adopted: June 12, 2018, by the Motor Vehicle Commission, B. Sue  
Fulton, Chair and Chief Administrator.  
Filed: July 12, 2018, as R.2018 d.150, **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: August 6, 2018.  
Expiration Date: September 21, 2024.

**Summary of Public Comment and Agency Response:**  
**No comments were received.**

**Federal Standards Statement**

A Federal standards analysis is not required because the rule that is the subject of this adoption 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. 16:51-3.10, Tariff filings that do not propose increases in charges to customers, or 3.11, 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 2018) or decrease (10 percent for 2018), upgraded to the nearest \$.05.

1. For illustrative purposes, the following chart sets forth the 2018 percentage maximum for increases to particular rates, fares, or charges and the resultant amount as upgraded to the nearest \$.05:

<u>Present Fare</u>	<u>Percent of Increase</u>	<u>Increase Upgraded To Nearest \$.05</u>
\$2.00 or less	10.0%	\$.20
\$2.05-\$2.50	10.0%	\$.25
\$2.55 upward	10.0%	\$.30+

2. For illustrative purposes, the following chart sets forth the 2018 percentage maximum for decreases to particular rates, fares, or charges and the resultant amount as upgraded to the nearest \$.05:

<u>Present Fare</u>	<u>Percent of Decrease</u>	<u>Decrease Upgraded To Nearest \$.05</u>
\$.50 or less	10%	\$.05
\$.55 to \$1.00	10%	\$.10
\$1.05 upward	10%	\$.15+

3. (No change.)

**TREASURY—GENERAL**

(b)

**DIVISION OF STATE LOTTERY**

**Rules of the Lottery Commission**

**Adopted Amendments: N.J.A.C. 17:20-1.1, 1.2, 1.3, 1.4, 2.1, 3.1, 4.1, 4.3, 4.4, 4.5, 4.6, 4.9, 4.10, 4.11, 5.1 through 5.6, 6.1 through 6.6, 7.1, 7.4, 7.12, 9.1, 10.1, 10.2, and 10.3**

**Adopted New Rules: N.J.A.C. 17:20-4.12 and 12**

Proposed: January 2, 2018, at 50 N.J.R. 114(a).  
Adopted: July 12, 2018, by Elizabeth Maher Muoio, State Treasurer.  
Filed: July 12, 2018, as R.2018 d.152, **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. 5:9-14.3.

Effective Date: August 6, 2018.

Expiration Date: December 29, 2022.

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

The following is a summary of the comments received from the public and the Division of State Lottery (Division) responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Neva Pryor, Executive Director, Council on Compulsive Gambling of NJ
2. Sal Risalvato, Executive Director, NJ Gasoline, C-Store, Automotive Association
3. Jeremy P. Kleiman, Saiber LLC Attorneys at law, on behalf of Jackpocket, Inc.
4. Jeremy P. Kleiman, Saiber LLC Attorneys at law, on behalf of Lottoland Ltd., Inc.
5. James Morel, LottoGopher
6. Lloyd D. Levenson, Cooper Levenson, P.A., on behalf of NJ Lotto LLC
7. Dena Rosenzeig, Vice President and Deputy General Counsel, Scientific Games
8. Sal M. Anderton, Porzio Governmental Affairs, LLC, on behalf of Lottery.com
9. Todd Handzo, Senior Client Service Representative, Gaming Laboratories International
10. Jake Perskie, Lotto Payment Association, LLC

1. COMMENT: The commenter believes that proposed N.J.A.C. 17:20-1.3(a)4 is overly broad because, as drafted, it prohibits all “shareholders” of a publicly traded courier service from purchasing New Jersey State Lottery tickets and collecting prizes. The commenter further believes that it is not likely the intent of the proposed rule, as it would be unfeasible for a publicly traded company to comply with its requirements. Accordingly, the commenter requests that the prohibition of proposed N.J.A.C. 17:20-1.3(a)4 be limited to employees and “key personnel” of a courier service, per the amended definition proposed below (additions in bold).

Any individual identified as a **key** courier service personnel, including any owner, partner, shareholder, and **direct** employee of a courier service, **and**, additionally, any person residing in the principal place of abode of such courier service personnel **individuals** is prohibited from purchasing tickets. (5)

RESPONSE: The Division agrees that N.J.A.C. 17:20-1.3(a)4 is overly broad with respect to courier services that are publicly traded companies. Based on the requirements for agents that are publicly traded companies, the threshold is 10 percent or more (see N.J.A.C. 17:20-4.11(b) and the definitions of “instant only agent” and “machine agent” in N.J.A.C. 17:20-2.1). The Division, therefore, will modify the rule upon adoption to limit “shareholders” to “shareholders holding 10 percent or more of company stock.”