

The rules proposed for readoption with amendments do not require small businesses to engage additional professional services for compliance therewith. The records are of a kind that are maintained in the ordinary course of business; therefore, the rules proposed for readoption with amendments do not impose additional reporting or recordkeeping burdens on small businesses, nor do they necessitate initial capital and annual expenditures for reporting or recordkeeping compliance by small businesses, other than as discussed above.

The Commission rules are intended to ensure that persons sentenced to use an ignition interlock device have a reliable resource to aid them in complying with their sentences, that indigent persons are not precluded by cost from participating in the program and that the devices used are in compliance with the NHTSA Model Specifications and are consistent in their design and operability. The DWI sentencing program has as its goal the deterrence of DWI recidivism, thereby promoting the health and safety of the public. The Commission has determined that the uniform application of rules to all manufacturers, regardless of business size, is necessary to ensure that the conduct of manufacturers meets these reliability, safety, and fairness goals. Therefore, the Commission has provided no distinction in the rules based on business size.

Housing Affordability Impact Analysis

Housing affordability will not be impacted by the rules proposed for readoption with amendments and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing. The rules are concerned with driver management and control, including the administrative hearing process for taking action against errant drivers, and the use and installation of BAIIDs where ordered by courts.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments will have no impact on smart growth development because they do not impose any requirements on housing units, affordable housing, or new construction within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The rules are concerned with driver management and control, including the administrative hearing process for taking action against errant drivers, and the use and installation of BAIIDs where ordered by courts.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:19-1 through 9 and 11.

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

SUBCHAPTER 6. INSTALLATION AND USE OF IGNITION INTERLOCK DEVICES

13:19-6.4 Requirements for use of BAIIDS installed to meet sentencing requirements

(a) In order to have a driver license restored, an offender required by the court to have a BAIID installed as part of a sentence imposed under N.J.S.A. 39:4-50 and 39:4-50.17 shall have installed, in [every motor vehicle the offender owns, leases, or regularly operates] **the motor vehicle principally operated by the offender during and following the expiration of the period of license suspension imposed**, a BAIID that has been certified by the Chief Administrator under N.J.A.C. 13:19-6.7, **and for the duration of the court’s order, an offender shall drive no vehicle other than one in which an interlock device has been installed pursuant to the order.**

(b)-(d) (No change.)

13:19-6.11 Service center requirements

(a) (No change.)

(b) Each service center shall:

1.-2. (No change.)

3. Display in a place visible to BAIID customers a sign **or certificate** provided by the Commission that states “New Jersey Approved Ignition Interlock Service Center”;

4.-17. (No change.)

(c) (No change.)

(a)

**MOTOR VEHICLE COMMISSION
Licensing Service**

Proposed Amendments: N.J.A.C. 13:21-7.3, 8.7, 8.8, and 8.15

Authorized By: Raymond P. Martinez, Chairman and Chief Administrator, Motor Vehicle Commission.

Authority: N.J.S.A. 39:2A-28 and 39:3-10.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-271.

Submit comments by February 2, 2018, to:

Kate Tasch, APO
Regulatory and Legislative Affairs
Motor Vehicle Commission
225 East State Street
PO Box 160
Trenton, NJ 08666-0160
or via e-mail to rulecomments@mvc.nj.gov.

The agency proposal follows:

Summary

The public comment period for the notice of proposal will be 60 days, as the notice is not listed in the agency calendar. This notice of proposal is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

The Motor Vehicle Commission (Commission) proposes amendments to the provisions of N.J.A.C. 13:21-7.3, as well as N.J.A.C. 13:21-8.7, 8.8, and 8.15. N.J.A.C. 13:21-7.3 specifies provisions regarding road test appointment requirements. N.J.A.C. 13:21-8.7 specifies provisions for taking an oral law-knowledge test in English or a foreign language. N.J.A.C. 13:21-8.8 specifies provisions regarding special examinations for those who are deaf or hard of hearing. N.J.A.C. 13:21-8.15 specifies prohibitions regarding accompanying a driver to the testing area.

N.J.A.C. 13:21-7.3 is proposed for amendment to delete the provision that an oral law-knowledge test may be administered by the Commission to a deaf or hard of hearing applicant through an interpreter, as this language is included in N.J.A.C. 13:21-8.8.

N.J.A.C. 13:21-8.7 is proposed for amendment to delete the use of a full-time college professor or a person from the clergy as interpreters because these sources of interpreters are not always certified interpreters approved by the New Jersey Administrative Office of the Courts’ (Language Service Section) Registry of Interpreters and Agencies. The Commission also proposes to add new provisions regarding the securing of an interpreter and payment provisions for the interpreter’s services. Currently, the Commission only reimburses interpreters up to a certain amount, which amount the Commission has determined is insufficient to fully reimburse interpreters for their services.

N.J.A.C. 13:21-8.8 is proposed for amendment to delete and replace the term “hearing-impaired” and hourly rate of payment for an interpreter. The Commission also proposes to add provisions regarding the securing of an interpreter and payment procedure for the interpreter’s services.

N.J.A.C. 13:21-8.15 is proposed for amendment to include a new subsection (c) that allows an approved interpreter to provide instructions immediately before and immediately after the road test for a deaf or hard of hearing or limited English proficient applicant. N.J.A.C. 13:21-8.15(c), which pertains to unauthorized persons in the vehicle during the road test, is proposed for recodification as subsection (d).

Social Impact

The proposed amendments will have a positive social impact on the public because the proposed amendments will provide for better access

to interpreters for deaf or hard of hearing and limited English proficient applicants.

The proposed amendments also provide that the Commission will secure an interpreter for a deaf or hard of hearing applicant who is unable to read the test after the applicant first attempts to take the written law-knowledge test using American Sign Language. The Commission will also provide an interpreter to the applicant if the applicant does not understand American Sign Language, without the applicant having to first attempt the test in American Sign Language. After the interpreter services are rendered, the Commission will pay the interpreter's fees, provided the interpreter submits a properly completed application for payment to the Commission.

Lastly, the proposed amendments allow an approved interpreter to provide instructions immediately before and immediately after the road test for a deaf or hard of hearing or limited English proficient applicant, allowing for an easier flow of communication between the applicant and the examiner as well as safer driving conditions for those on the roads and those participating in the road test.

Economic Impact

The proposed amendments will not have an economic impact on the general public. The Commission may see a slight increase in expenses because those qualifying applicants will have better access to interpreters and the payment process will be simplified, therefore encouraging more deaf or hard of hearing and limited English proficient individuals to apply for permits and driver licenses.

Federal Standards Statement

The proposed amendments are subject to, but do not exceed, Federal requirements or standards. The rules proposed for amendment are subject to Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq., which applies to State and local government bodies and protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities. Similarly, they are subject to Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving Federal financial assistance, as well as corresponding regulations at 28 CFR Subpart 42.101. The proposed amendments will provide for better access to interpreters for deaf or hard of hearing and limited English proficient applicants; the proposed amendments provide that the Commission will secure an interpreter for deaf or hard of hearing or limited English proficient applicants and translators for those with limited English proficiency.

Jobs Impact

The Commission does not anticipate that there will be a generation of jobs or a loss of jobs as a result of the proposed amendments.

Agriculture Industry Impact

The Commission does not anticipate that there will be any impact on the agriculture industry because the proposed amendments pertain solely to test administration for deaf or hard of hearing and limited English proficient applicants.

Regulatory Flexibility Analysis

The proposed amendments require recordkeeping from those who provide interpreting services, the majority of which may be defined as small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The recordkeeping requirements pertain to documentation of the fee charged for interpretive services, which will be paid by the Commission. The proposed amendments do not require small businesses to engage additional professional services. The proposed amendments do not necessitate significant capital and annual expenditures for compliance by small businesses. These requirements are intended to ensure that the State is only paying what is due the interpreters, and, in order to accomplish this, there must be documentation of the fees for which the interpreters are seeking payment. There is no differentiation in compliance based on business size. The Commission has given careful consideration to these matters and has determined that the proposed amendments must be applied to all interpreters approved by the Commission to provide services to the

Commission's customers. The proposed amendments impose no additional reporting or compliance requirements.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on the affordability of housing and they will not evoke a change in the average costs associated with housing because the proposed amendments pertain solely to test administration to deaf or hard of hearing and limited English proficient applicants.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on smart growth and will not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments pertain solely to test administration to deaf or hard of hearing and limited English proficient applicants.

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

SUBCHAPTER 7. SPECIAL LEARNER'S PERMITS

13:21-7.3 Road test appointment requirements

(a) Road test appointments may be granted and recorded on the special learner's permit prior to the 17th birthday of the applicant provided that:

1. (No change.)

2. The student has passed the law-knowledge test administered by a representative of the Commission, and submits an approval certificate indicating that he or she has passed. [An oral law-knowledge test may be administered by the Commission to a student having a hearing impairment. An interpreter of sign language approved by the New Jersey Division of the Deaf and Hard of Hearing, Interpreter Referral Service shall accompany the student to the oral test.]

3.-5. (No change.)

SUBCHAPTER 8. DRIVER LICENSES

13:21-8.7 Law-knowledge tests; oral; English language; foreign language

(a) Oral tests shall be administered **through the Driver and Road Test Scoring System (DARTSS) terminals at driving test centers** to driver license applicants who are unable to read the English language or a foreign language or who experience difficulty in understanding the English language in such a manner that they are unable to complete the written test.

(b)-(d) (No change.)

(e) Foreign language oral testing shall be administered in the same manner as English language oral testing. The questions shall be read to the applicant in the applicant's language [by a translator] **through the DARTSS terminal** from the standard computer test. [The translator must be either a full-time college professor, a person from the clergy or a person who is listed on the New Jersey Administrative Office of the Courts' (Language Service Section) Registry of Interpreters and Agencies.] **If the DARTSS terminal does not provide the applicant's specific language, the applicant shall inform the Commission of the need for an interpreter at least two weeks in advance of the date the applicant intends to take the written knowledge test. The applicant shall call the Motor Vehicle Commission's customer service phone number at (609) 292-6500 to request a foreign language interpreter. The Commission will secure an approved interpreter. The Commission will pay the interpreter's fees after receipt of a properly executed payment voucher from the interpreter. The payment voucher must be on a form approved by the Commission.**

(f) (No change.)

13:21-8.8 Special examination; [hearing-impaired] deaf or hard of hearing

(a) A special test will be administered to driver license applicants who are [hearing-impaired] **deaf or hard of hearing** and unable to read and understand the English or foreign language written test. **The special test will be administered using American Sign Language through**

the Driver and Road Test Scoring System (DARTSS) terminal at the Commission’s driving test centers. If the applicant understands American Sign Language, the applicant must first attempt to complete the test using the DARTSS terminal. If the applicant’s first attempt to complete the test using the DARTSS terminal is unsuccessful, the Commission will secure an American Sign Language interpreter at the applicant’s request. If the applicant does not understand American Sign Language, the applicant is not required to attempt the test using the DARTSS terminal and may instead request an interpreter to administer the test to the applicant in the sign language the applicant understands. The applicant shall inform the Commission of the need for an interpreter at least two weeks in advance of the date the applicant will need an interpreter for the written law-knowledge test pursuant to this section. The applicant shall call the Motor Vehicle Commission’s customer service phone number at (609) 292-6500 to request an interpreter for the deaf or hard of hearing.

(b)-(e) (No change.)

(f) The Commission shall pay the interpreter’s fees [for hearing-impaired applicants. An approved interpreter shall be paid at the interpreter’s customary rate, not to exceed \$55.00 per hour,] plus \$0.31 per mile for travel over 25 miles round trip, **after receipt of a properly executed payment voucher from the interpreter. The payment voucher must be on a form approved by the Commission.** The supervisor shall ascertain the total hours of service and the miles traveled in excess of 25 miles. Approved interpreters shall be paid a minimum of two hours.

13:21-8.15 Accompanying driver

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

(c) An approved interpreter may provide instructions to the applicant immediately before and immediately after the road test for a deaf or hard of hearing or limited English proficient applicant but shall not accompany the applicant in the vehicle during the road test. The applicant shall contact the Commission at least two weeks in advance of the scheduled road test date and advise the Commission that the applicant is in need of an interpreter. The Commission shall secure an interpreter. The Commission will pay the interpreter’s fees after receipt of a properly executed payment voucher from the interpreter. The payment voucher must be on a form approved by the Commission.

[(c)] (d) (No change in text.)

TREASURY—GENERAL

(a)

UNCLAIMED PROPERTY ADMINISTRATION

Unclaimed Personal Property

Proposed Amendment: N.J.A.C. 17:18-3.1

Proposed New Rule: N.J.A.C. 17:18-3.3

Authorized By: Steven R. Harris, Administrator, Unclaimed Property Administration.

Authority: N.J.S.A. 46:30B-107.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-268.

Submit written comments by February 2, 2018, to:

Robert H. Davidson
 Administrative Practice Officer
 Unclaimed Property Administration
 PO Box 214
 50 West State Street, 6th Floor
 Trenton, NJ 08625-0214
 E-mail: unclaimedproperty@treas.nj.gov

The agency proposal follows:

Summary

The Department of the Treasury, Unclaimed Property Administration (UPA), proposes an amendment and a new rule to implement certain provisions of the Uniform Unclaimed Property Act (Act), N.J.S.A. 46:30B-1 et seq., governing unclaimed property, including the provisions of P.L. 2010, c. 25, as further amended by P.L. 2012, c. 14 and P.L. 2015, c. 8, implementing new language related to stored value cards.

N.J.A.C. 17:18-3.1 is proposed for amendment to include definitions for the following new terms: “charitable program,” “consideration,” “customer loyalty program,” “face value,” “holder,” “issuer of a stored value card,” “last known address,” “promotional program,” “purchaser,” “seller,” and “stored value card.” These new definitions are necessary as a result of the adoption of P.L. 2010, c. 25. The definition of “Uniform Unclaimed Property Act” is also proposed for amendment to make clear what is meant by references to the “Act.”

N.J.A.C. 17:18-3.3 is a proposed new rule. It is intended to implement the part of P.L. 2010, c. 25, as amended by P.L. 2012, c. 14 and further amended by P.L. 2015, c. 8, pertaining to stored value cards. Proposed new subsection (a) explains the exemption for reporting stored value cards sold for merchandise or services prior to the effective date of the Act (July 1, 2010), as well as exemptions for reporting stored value cards issued under a promotional, customer loyalty, or charitable program for which there is no consideration tendered or where stored value cards issued in the preceding year beginning July 1 through June 30, are sold with an aggregate total value of \$250,000 or less.

Proposed new subsection (b) further differentiates the requirements for reporting stored value cards issued by retailers on or after July 1, 2010, that may be redeemed for merchandise or services only at their stores or on their websites from those stored value cards issued by banks and other financial institutions that may be redeemed at multiple merchants. Retailers that issue stored value cards that may be redeemed for merchandise or services only will be required to escheat 60 percent of the value of the unused balance if there is no consumer-generated activity for five years or longer. Proposed new subsection (c) provides that banks and other financial service companies that issue stored value cards that may be redeemed at multiple merchants (general purpose reloadable cards) will be required to escheat the full value of the unused balance if there is no consumer-generated activity for five years or longer. In addition, these banks and financial institutions may charge fees other than for activation or replacement.

Proposed new subsection (d) further requires that funds associated with stored value cards issued on or after December 1, 2012, shall be valid until redemption and shall not expire. In addition, under proposed new subsection (e), beginning September 1, 2012, if a stored value card is issued as a gift card or gift certificate that as a result of its usage has a residual value of \$5.00 or less, at the owner’s request the merchant or other entity redeeming the card must refund the balance in cash to the owner.

Consistent with the Act, proposed new subsections (b), (h), and (i) also reiterate that there shall not be any dormancy charges or fees, abandoned property charges or fees, unclaimed property charges or fees, balance inquiry fees, escheat charges or fees, inactivity charges or fees, or any similar charges, fees, or penalties for inactivity imposed with respect to the card. Proposed new subsection (f) also makes clear that abandoned stored value cards may also be exempt from reporting requirements as the State Treasurer may determine pursuant to N.J.S.A. 46:30B-42.1.f.

Subject to the exemptions noted above, proposed new subsection (a) restates the statutory requirement that the issuer or seller of a stored value card must report and remit the unused balance of the card, if and when deemed abandoned, to the State of New Jersey if the last known address on the records of the seller is located in New Jersey. Also, proposed new subsection (g) states that since a related bank account is opened for stored value cards issued for the purposes of wage payments, the appropriate dormancy period would be three years from the last transaction date as these stored value card funds are treated as bank accounts pursuant to N.J.S.A. 46:30B-18. Proposed new subsection (h) states that stored value cards issued in lieu of a refund for merchandise returned without a receipt are subject to reporting under the requirements