

leased by the Commission, in any mailing the Commission conducts, and/or in any publication it produces.

(c) The display of advertising in the interior or on the exterior of any equipment or facility owned or leased by the Commission, in any mailing the Commission conducts, and/or in any publication it produces does not constitute an endorsement by the Commission of any of the products, services, or messages so advertised, unless authorized in writing by the Commission and so stated within the advertisement.

(d) All advertisements shall require the prior written approval of the Chief Administrator of the Motor Vehicle Commission.

(e) The advertiser shall be considered an independent contractor and shall not be deemed to be an agent, servant, employee, or representative of the Commission.

(f) All contracts entered into by the Commission for the purpose of placing advertising in the interior or on the exterior of any Commission equipment, facility, mailing, or publication shall be subject to the competitive bidding requirements of N.J.S.A. 52:34-6 et seq.

(g) In the event the advertiser fails to provide service in accordance with the contract for advertisement(s), the advertiser shall be considered in breach of contract and the advertisement(s) shall be immediately canceled.

(h) The Commission shall designate, in its absolute discretion and at any time, the locations in the interior and/or on the exterior of Commission equipment, facilities, mailings, and/or publications where advertisements may be inserted or displayed.

(i) The Commission may reject, pursuant to N.J.A.C. 13:18-10.2 below, at any time, any advertising copy, whether or not the Commission has previously acknowledged and/or advertised the exact or similar copy.

(j) No advertising space may be used or resold by the advertiser for the promotion, either directly or indirectly, of any business, organization, or enterprise other than the one defined in the advertiser's contract for advertisement.

(k) The advertiser shall protect, defend, and hold harmless the Commission, its agents, and employees, from any suits or actions of every nature and description brought against it by reason of the advertisement.

#### 13:18-10.2 Advertising appropriateness and suitability criteria

(a) The Motor Vehicle Commission (Commission) shall not accept any advertisement(s) to be displayed or maintained in the interior or on the exterior of any equipment or facility owned or leased by the Commission, in any mailing the Commission conducts, and/or in any publication it produces, if the advertisement or information contained in the advertisement:

1. Is false, misleading, deceptive, disrespectful, fraudulent, or libelous;
2. Contains material or language that is profane, or vulgar;
3. Contains obscene material as defined by N.J.S.A. 2C:34-3;
4. Promotes unlawful or illegal goods, services, or activities;
5. Promotes gambling, the sale or use of tobacco or tobacco-related products, or the sale or use of alcoholic beverages;
6. Promotes the sale or use of products designed for use in connection with sexual activity;
7. Depicts or glamorizes violent or antisocial behavior or sexual conduct;
8. Displays weapons;
9. Declares or implies an endorsement by the Commission without prior written authorization by the Commission;
10. Is political, religious, or controversial in nature; or
11. Is not in the best business-interest of the Commission or is not in the best interest of the public.

(b) The Commission shall not allow any of its equipment, facilities, mailings, or publishing to become a public forum for dissemination, debate, or discussion.

#### 13:18-10.3 Advertising Standards Committee; final determination

(a) The Chief Administrator of the Motor Vehicle Commission shall establish a three-member Advertising Standards Committee

(Committee), whose determinations shall inform the Motor Vehicle Commission's final agency determination.

(b) The Committee shall review each advertisement submitted for installation or display to determine whether the advertisement falls within, or may fall within, one or more of the categories set forth in N.J.A.C. 13:18-10.2. The Committee shall promptly provide the Chief Administrator with a report of its determination setting forth the reason(s) for the determination.

(c) The Chief Administrator shall consider the Committee's report, in addition to any other factors deemed relevant by the Chief Administrator, prior to making a determination as to whether the submitted advertising falls within one or more of the categories set forth in N.J.A.C. 13:18-10.2. The determination of the Chief Administrator regarding the appropriateness and suitability of any proposed advertising shall be final.

## TREASURY — GENERAL

### (a)

#### OFFICE OF THE PUBLIC DEFENDER

#### Notice of Proposed Substantial Changes Upon Adoption to Proposed New Rules Fees for Service

#### Proposed Changes: N.J.A.C. 17:39-3

Proposed: April 21, 2014, at 46 N.J.R. 687(a).

Authorized By: Joseph E. Krakora, Public Defender.

Authority: N.J.S.A. 2A:158A-7(j), 16, and 19.

Submit written comments by October 3, 2014, to:

Andrew Christian Rojas  
First Assistant Public Defender  
Office of the Public Defender  
Hughes Justice Complex  
P.O. Box 850  
Trenton, NJ 08625-0850  
Fax: (609) 777-1795

or via e-mail to: [FlatFee.PublicComments@opd.state.nj.us](mailto:FlatFee.PublicComments@opd.state.nj.us)

**Take notice** that the Office of the Public Defender (OPD) proposed new rules at N.J.A.C. 17:39-3 on April 21, 2014, at 46 N.J.R. 687(a), to replace the current manner in which clients are charged for services rendered on their behalf by the OPD. The public comment period closed June 20, 2014.

The OPD is proposing two substantial changes throughout the new rules based upon further internal discussion. The OPD did not receive any public comments on the original notice of proposal. This notice of proposed substantial changes is published pursuant to N.J.S.A. 52:14B-4.10.

#### Summary of Agency-Initiated Changes:

Upon discussion with staff, the Public Defender has made the following two changes throughout the new rules:

1. At N.J.A.C. 17:39-3.1(b)1i and ii and (b)2i and ii, a change to the lead-in text is made to clarify that the degree of crime indicated is for what the client is initially charged with, not the final charge as of the ultimate disposition. This change simply provides that the fee is based on the initial charges against the clients; and

2. At N.J.A.C. 17:39-3.1(b)1i(1) and (2) and (b)1ii(1) and (2), (b)2i(1) and (b)2ii(1), and (b)3i substitution of the word "disposition" for "plea." This change simply provides additional clarification that the new rules will affect all types of case resolutions, not just pleas.

#### Effect of Proposed Changes on Impact Statements Included in Original Proposal

The changes to the proposed new rules will not affect the impact statements included in the original rule proposal. These changes simply clarify that the new rules will affect all types of case resolutions, not just pleas and that the fee is based on the initial charges against the clients.

None of these changes affect the Social, Economic, Jobs, or Agriculture Industry Impacts; the Federal Standards Statement; the Regulatory Flexibility Statement; or the Housing Affordability or Smart Growth Development Impact Analyses as published in the original proposal.

**Full text** of the proposed substantial changes to the proposed new rules follows (additions to proposal indicated in boldface **thus**; deletions from proposal indicated in brackets [thus]):

CHAPTER 17  
OFFICE OF THE PUBLIC DEFENDER

SUBCHAPTER 1.-2. (RESERVED)

SUBCHAPTER 3. FEES FOR SERVICE

17:39-3.1 Office of the Public Defender fees

- (a) (No change from proposal.)
- (b) In all cases, the Office of the Public Defender will charge its clients a flat fee based on the case type and/or degree of crime. These rates will apply to all attorney and investigator services, including any litigation (experts and transcripts) expenses, provided by the OPD to provide representation to its clients pursuant to N.J.S.A. 2A:158A-7(d). As used in this subsection, "day" shall mean any court day during which any portion of the trial takes place to include jury selection at the front end and deliberations at the back end. The billing rates used in criminal cases are as follows:
  - 1. Criminal Court (Adult):
    - i. [For] **Clients charged with** 1st and 2nd degree crimes:
      - (1) Pre-indictment [plea] **disposition**: \$250.00;
      - (2) Post-indictment [plea] **disposition**: \$500.00;
      - (3)-(4) (No change from proposal.)
    - ii. [For] **Clients charged with** 3rd and 4th degree crimes:
      - (1) Pre-indictment [plea] **disposition**: \$150.00;
      - (2) Post-indictment [plea] **disposition**: \$250.00;
      - (3)-(4) (No change from proposal.)
  - 2. Family Court (Juvenile Delinquency):
    - i. [For] **Clients charged with** 1st and 2nd degree crimes:
      - (1) [Plea] **Disposition**: \$250.00;
      - (2)-(3) (No change from proposal.)
    - ii. [For] **Clients charged with** 3rd and 4th degree crimes:
      - (1) [Plea] **Disposition**: \$150.00;
      - (2)-(3) (No change from proposal.)
  - 3. Drug Court:
    - i. [Plea] **Disposition**: \$250.00;
    - ii. (No change from proposal.)
  - 4.-7. (No change from proposal.)
  - (c)-(g) (No change from proposal.)

TREASURY — TAXATION

(a)

DIVISION OF TAXATION

**\$250.00 Property Tax Deduction for Veterans, Surviving Spouses of Veterans, Surviving Spouses of Servicepersons, Surviving Registered Domestic Partners of Veterans, and Surviving Registered Domestic Partners of Servicepersons Proposed Readoption with Amendments: N.J.A.C. 18:27**

**Proposed Repeal: N.J.A.C. 18:27-3.6**

Authorized By: Michael Bryan, Director, Division of Taxation.  
 Authority: N.J.S.A. 54:4-8.10 et seq., specifically 54:4-8.19.  
 Calendar Reference: See Summary below for explanation of exception to calendar requirement.  
 Proposal Number: PRN 2014-125.

Submit comments by October 3, 2014, to:

Mitchell Smith, Administrative Practice Officer  
 Regulatory Services Branch  
 Division of Taxation  
 PO Box 269  
 50 Barrack Street  
 Trenton, NJ 08695-0269  
 E-mail: [Tax.rulemakingcomments@treas.state.nj.us](mailto:Tax.rulemakingcomments@treas.state.nj.us)

The agency proposal follows:

**Summary**

Pursuant to Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1.d(1), N.J.A.C. 18:27 expires on November 1, 2014. The Division of Taxation (Division) has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purposes for which they have been proposed. The rules proposed for readoption with amendments to take into account judicial interpretations and statutory changes affecting the veterans' property tax deduction law, N.J.S.A. 54:4-8.10 et seq.

**Existing Rules**

- The rules proposed for readoption are summarized as follows:
  - N.J.A.C. 18:27-1.1 sets forth definitions of the words and phrases needed for eligibility determinations.
  - N.J.A.C. 18:27-2.1 provides that veterans or the unmarried surviving spouses or domestic partners of such veterans are granted a property tax deduction on their real and personal property in which they have a legal interest.
  - N.J.A.C. 18:27-2.2 sets forth the conditions by which a veteran, surviving spouse, or domestic partner may qualify for the property tax deduction.
  - N.J.A.C. 18:27-2.3 provides that if the surviving spouse remarries or domestic partner enters a new registered domestic partnership, they lose the deduction.
  - N.J.A.C. 18:27-2.4 provides that the claimant veteran, surviving spouse, or domestic partner must all be residents of New Jersey to qualify for the deduction.
  - N.J.A.C. 18:27-2.5 reiterates that eligibility for the deduction is predicated on the veteran having been honorably discharged or released from full-time active duty under honorable circumstances. The rule further provides that a veteran who remains in the armed forces cannot qualify for the deduction, but a veteran who once received the requisite discharge and later re-enters the armed forces, does not lose a deduction previously granted.
  - N.J.A.C. 18:27-2.6 provides that a disenrollment certificate or a form of release terminating temporary service or deferring military induction, or a clemency discharge, does not meet the qualifications for an honorable discharge for exemption eligibility.

- N.J.A.C. 18:27-2.7 lists the branches of the Armed Forces of the United States to which a qualifying veteran must have belonged, based on information provided by the New Jersey Department of Military and Veterans' Affairs.
- N.J.A.C. 18:27-2.8 lists those organizations and individuals that are not considered part of the Armed Forces based on information provided by the New Jersey Department of Military and Veterans' Affairs.
- N.J.A.C. 18:27-2.9 sets forth the terms by which real property ownership is eligible for deduction status by a claimant. A claimant may be entitled to a proportionate share of the deduction as a tenant in common.
- N.J.A.C. 18:27-2.10 provides that a vested life estate in real property meets the prerequisite of a qualifying ownership interest.
- N.J.A.C. 18:27-2.11 provides the deduction to an otherwise qualified claimant who is a purchaser under an executory contract of sale who is in possession of land to which the deduction is to apply.
- N.J.A.C. 18:27-2.12 provides that certain tenant shareholders in cooperatives (co-ops) or mutual housing corporations may be entitled to the deduction based on their proportionate share of taxes.
- N.J.A.C. 18:27-2.13 provides for eligibility for the deduction to apply to real property where title is held by a partnership to the extent of the eligible claimant's interest in the partnership.