

Regulatory Flexibility Statement

Since licensed midwives are individually licensed by the Board, they may be considered “small businesses” under the Regulatory Flexibility Act (the Act), N.J.S.A. 52:14B-16 et seq.

There are no costs imposed by the proposed amendments and the Board does not believe that licensed midwives will need to employ any professional services to comply with the requirements of the proposed amendments. The proposed amendments do not impose any compliance, recordkeeping, or reporting requirements.

Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the proposed amendments would evoke a change in the average costs associated with housing because the proposed amendments concern licensed midwives using nitrous oxide to provide pain relief.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the proposed amendments would 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 concern licensed midwives using nitrous oxide to provide pain relief.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Board has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

SUBCHAPTER 2A. LIMITED LICENSES: MIDWIFERY

13:35-2A.10 Intrapartum management

- (a) A licensee’s scope of practice during intrapartum stages includes:
 - 1.-3. (No change.)

4. Repairing [first and second degree] **first- and second-degree** episiotomies and lacerations; [and]

- 5. Using local anesthesia[.]; **and**

6. In a health care facility licensed by the Department of Health, administering or facilitating the administration of nitrous oxide for pain relief.

- (b)-(c) (No change.)

13:35A-2A.12 Postpartum care

- (a) A licensee’s scope of practice during the postpartum stage includes:
 1. Assessment and treatment; [and]
 2. Contraceptive services[.]; **and**

3. In a health care facility licensed by the Department of Health, administering or facilitating the administration of nitrous oxide for pain relief.

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Licensing Service

Driver Licenses

Requirements for Standard Driver Licenses and Non-Driver Identification Cards

Proposed Amendments: N.J.A.C. 13:21-6.2, 7.2, 8.1, 8.2, 16.1, and 16.2

Authorized By: Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Authority: N.J.S.A 39:2A-28, 39:2-3.4(a), 39:3-10, 39:3-10o, 39:3-13, 39:3-13.1, 39:3-13.4, and 39:3-29.3.

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

Proposal Number: PRN 2020-072.

Submit comments by September 18, 2020, to:

Kate Tasch, Director
 Legal and Regulatory Affairs
 Motor Vehicle Commission
 225 East State Street
 PO Box 162
 Trenton, NJ 08666-0162
 Or via email to: rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

The Motor Vehicle Commission (Commission) is responsible for ensuring that all New Jersey residents who are of legal age to drive and who are driving New Jersey’s roads are properly trained, tested, licensed, and insured in accordance with New Jersey laws. The Commission’s rules list the requirements for the issuance of driver licenses, permits, and non-driver identification cards.

P.L. 2019, c. 271 declared that the State could improve roadway safety and automobile insurance coverage by making driver licenses and permits available to any safe driver irrespective of immigration status who meets all of the requirements relating to the driver’s ability to safely operate a motor vehicle, and who provides proof of identity, qualifying age, and New Jersey residency. An applicant for a standard basic driver’s license, standard motorcycle license, standard permit, standard probationary license, or standard non-driver identification card is only required to provide information or documentation necessary to determine eligibility for the standard document for which the applicant has applied. P.L. 2019, c. 271 created a status-neutral driver license, permit, and identification card and established the requirement for New Jersey residency. New Jersey law, at N.J.S.A. 39:3-10, requires that the Chief Administrator assess point values for documentation establishing an applicant’s identity, which are designated at N.J.A.C. 13:21-8.2. In an effort to improve the overall safety on the roadways, the proposed amendments make standard driver licenses, permits, and identification cards available to any safe driver, regardless of immigration status, who meets all requirements relating to the driver’s ability to operate a motor vehicle and who provides acceptable documentation establishing proof of identity, age, and New Jersey residency.

In addition to licenses to operate vehicles, the Commission issues boat operator licenses. N.J.S.A. 12:7-72 authorizes the Commission to issue boat operator licenses upon proper application and N.J.A.C. 13:82-8.20 sets forth the required documentation, which is the same as that required for standard driver licenses and non-driver identification cards. An applicant may apply for only a boat operator license, or for a boat endorsement on either a standard license or a REAL ID license (pursuant to the requirements designated at N.J.A.C. 13:21-8.2A). Although the Motor Vehicle Commission is responsible for determining what documentation is required to obtain a boat operator license, the New Jersey Boat Regulatory Commission in the New Jersey State Division of

State Police's Marine Services Bureau (Boat Regulatory Commission) promulgates all rules regarding boating operations. In light of this, and to ensure consistency of both agencies' rules, the Boat Regulatory Commission will consider a notice of proposal (at an upcoming meeting) that mirrors the Motor Vehicle Commission's proposed amendments in this rulemaking, thereby amending N.J.A.C. 13:82-8.20.

The proposed amendments further clarify the privacy and non-disclosure standards to be used by the Commission in issuing any standard permit, driver license, or identification card.

Chapter 21, Licensing, Subchapter 6, Examination Permits, sets forth the various requirements for the issuance of examination permits and identifies specific standards for such permits, including prerequisites for validation and associated expiration dates related to validation. Proposed amendments at N.J.A.C. 13:21-6.2 would eliminate the requirement that a person submit proof that his or her presence in the United States is authorized under Federal law, replacing it with the requirement that the applicant submit proof of New Jersey residency.

Chapter 21, Licensing, Subchapter 7, Special Learner's Permit, sets forth the various requirements for the issuance of a special learner's permit and further identifies specifications for issuance of permits, including road test appointment criteria and prerequisites for validation of permits. Proposed amendments at N.J.A.C. 13:21-7.2 would substitute proof of New Jersey residency for the existing requirement that a person submit proof that his or her presence in the United States is authorized under Federal law.

Chapter 21, Licensing, Subchapter 8, Driver Licenses, sets forth the various requirements governing the issuance of a standard driver license, permit, and non-driver identification card, and provides that all applicants, regardless of their legal status in the United States, shall establish proof of identity, date of birth, and New Jersey residency by submitting acceptable documentation from a pre-approved list established by the Commission.

N.J.A.C. 13:21-8.1 is proposed for amendment to add a definition for the term "standard."

The section heading for N.J.A.C. 13:21-8.2, Non-Real ID age requirements; proof of identity and date of birth; proof that presence in United States is authorized under Federal law; proof of address, is proposed for amendment to remove references to Non-Real ID and add the term "standard," which is referenced throughout the section and is used to identify any document, including a permit, license, or non-driver identification card that is acceptable for driving and most identification purposes, but not acceptable for REAL ID purposes as determined by the Federal government. The section heading is also proposed for amendment to remove the language indicating that the section contains requirements that a driver license applicant establish legal presence in the United States.

Subsection (a) is proposed for amendment to remove references to non-REAL ID and to replace them with the term "standard," which shall be used to identify any document that is not acceptable for REAL ID purposes and is marked as such, and further clarifies that New Jersey allows an applicant to apply for either a standard document or a REAL ID document, as long as the applicant meets eligibility requirements. Subsection (a) is further amended to state that applicants for a standard commercial driver license must also meet the requirements at N.J.A.C. 13:21-23.

Subsection (b) is proposed for amendment to require that in addition to providing proof of identity and date of birth, persons applying for a standard license, permit, or non-driver identification card, shall establish proof of his or her Social Security number and New Jersey residency by submitting a combination of primary or secondary documents from a pre-approved list of acceptable documents, designated at subsections (c) and (d); however, the amendment further proposes an alternative exception for those applicants who do not have a Social Security number by allowing those applicants to provide either proof of an Individual Taxpayer Identification Number (ITIN) or proof of their ineligibility to receive a Social Security number. The proposed amendment, therefore, eliminates all references to the requirement for applicants for a standard driver license or identification card to establish his or her legal presence in the United States. Subsection (b) is further amended to require that any document issued by a country other than the United States shall be verified by the applicable consulate. In addition, any documents that are not

written in English shall be accompanied by a certified translation in English.

Subsection (c) is proposed for amendment to expand the list of acceptable primary and secondary documents that may be submitted for issuance of a standard driver license or identification card by any applicant. The proposed amendment removes all existing references distinguishing between the required documentation for applicants that are United States citizens versus those who are not. Subsection (c) further proposes to incorporate a variety of documents, including certain documents issued by a country other than the United States, such as a consular identification card, birth certificate, driver license from another country, Social Security card, W-2 form, or ITIN card, all of which could be used to prove an applicant's identity. Accepting additional reliable documents provides customers more options to prove their identity in order to get a standard driver license. The subsection is also proposed for amendment to clarify the requirement that all documents presented must be valid and current or not expired more than three years.

Subsection (d) is proposed for amendment and expands the list of acceptable documents that may be submitted to prove an applicant's principal residence, including a deed and certain tax documents, such as a New Jersey income tax refund.

Subsection (g) is proposed for deletion because while New Jersey residency is required, lawful presence is not.

Recodified subsection (h) is proposed for amendment to set forth that each applicant for a new standard document must have his or her photograph taken by the Commission, but the applicant may reuse the photograph that was initially taken, but only for one, four-year renewal of the standard document.

Recodified subsection (i) is proposed for amendment to clarify that the Commission is prohibited from scanning and/or retaining any primary and/or secondary documents submitted by the applicant for issuance of a standard document, unless necessary for investigating fraud.

Chapter 21, Licensing, Subchapter 16, Identification Card for Non-Drivers, sets forth the various requirements for the issuance of non-driver identification cards and further identifies specific standards for such cards, including medical notations for persons exhibiting certain medical conditions and the waiver of issuance fees for persons who are homeless.

At N.J.A.C. 13:21-16.1, the definition of "non-driver identification card" is proposed for amendment to clarify that persons 14, rather than 17, years of age or older, who are residents of New Jersey are eligible to apply for a non-driver identification card. This section is further amended to include the definition of "standard" when used to describe an identification card issued by the Commission under the provisions of this subchapter.

N.J.A.C. 13:21-16.2 is proposed for amendment to eliminate the requirement that a person applying for a standard non-driver identification card must submit proof that his or her presence in the United States is authorized under Federal law. The amendment applies only to standard non-driver identification cards. It does not alter the existing requirements for persons applying for a REAL ID non-driver identification card, who shall submit proof of identity, Social Security number, two proofs of New Jersey residency, lawful presence, and date of birth, pursuant to N.J.A.C. 13:21-8.2A.

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

Social Impact

The Commission anticipates that the proposed amendments will positively impact approximately 450,000 of New Jersey's immigrant population by extending the privilege of operating a motor vehicle to any New Jersey resident, regardless of their immigration status, who qualifies for a driver license or permit by providing the required documentation to establish his or her identity and residence, and by demonstrating that he or she is a safe driver.

The Commission anticipates that this expanded access to drive and operate a motor vehicle in New Jersey will vastly improve the quality of everyday life for New Jersey's immigrant population of residents by specifically increasing individuals' accessibility to work, school, medical

care, activities, and other outlets that provide basic necessities for State residents. This enhanced accessibility will help foster continuous job growth and educational opportunities Statewide, thereby bettering the lives of all New Jersey families.

Furthermore, the proposed rulemaking is expected to increase the number of insured drivers on the roadways, positively impacting driving conditions and promoting overall safer roadways for all New Jersey residents. The Commission anticipates that the proposed amendments will result in an increase in the number of New Jersey residents applying for a driver license or permit, for which the Commission ensures the proper training and testing before issuing. New Jersey law requires all drivers operating a motor vehicle that is registered in the State to carry mandatory automobile insurance to protect the driver against liability and provide personal injury protection in the event of an automobile accident. Thus, in addition to the expected increase in the total number of properly tested, trained, and licensed drivers on roadways, the proposed rulemaking is expected to minimize the overall risk on the roadways and, thereby, enhance safety for all New Jersey drivers.

Economic Impact

The proposed amendments will have a direct economic impact on the State. The Commission anticipates that the proposed rulemaking will result in a significant increase in the number of standard licenses, permits, and non-driver identification cards applied for and issued to New Jersey residents, creating the need for updated programming and software changes associated with the change in requirements for the standard license. As a result, the Commission expects to incur costs to implement the new software and programming throughout State motor vehicle agencies, the majority of which costs it expects to incur within the first two fiscal years after the effective date of the proposed amendments.

Moreover, as the proposed amendments seek to extend the issuance of standard licenses and permits to a population of New Jersey residents who have not had the ability to apply for them before, the Commission expects to incur costs to use increased translation services to assist with the process of publishing the driver knowledge tests and other documents in the three most commonly spoken languages throughout the State, as required by N.J.S.A. 39:3-10.

The economic impact to individuals who apply for a driver license, permit, or identification card will be the cost of the document plus any required driver education and automobile insurance.

Despite incurring increased costs as a result of the proposed rulemaking, the costs will be offset by the increase of revenue generated by the fees collected from the significant number of new standard licenses, permits, and identification cards issued to New Jersey residents. Overall, the economic impact of the proposed amendments will be positive and is expected to stimulate the State economy by boosting future economic growth.

Jobs Impact

The Commission anticipates that the proposed amendments will have a positive impact on jobs throughout the State. With more people able to drive to work locations, more people may be able to obtain employment and increase the available pool of workers in New Jersey. Also, as the proposed amendments will result in the need for translation services to be offered, there may be an increase in the number of translator jobs, which will positively benefit New Jersey’s economy by promoting job growth.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendments are not proposed to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Agriculture Industry Impact

The proposed amendments are anticipated to have little to no impact on the agriculture industry in New Jersey as the proposed changes impact the issuance of standard driver licenses, permits, and non-driver identification cards. However, the proposed amendments may allow additional individuals to obtain licenses to commute to agricultural employment sites or operate agricultural equipment requiring a license.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments would impose no reporting, recordkeeping, or other compliance requirements upon small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rulemaking governs the requirements associated with the issuance of basic standard driver licenses, permits, and non-driver identification cards to individuals.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on housing affordability or on the average cost of housing in the State because the rules pertain to the issuance of standard driver licenses, permits, and non-driver identification cards.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would 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 only pertain to the issuance of driver licenses, permits, and non-driver identification cards.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies required.

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

SUBCHAPTER 6. EXAMINATION PERMITS

13:21-6.2 Requirements for issuance of examination permits

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the [regulations] **rules** promulgated thereunder, no examination permit shall be issued by the Commission unless the applicant therefor submits proof of identity, date of birth, and [address, and] proof [that the applicant’s presence in the United States is authorized under Federal law] **of New Jersey residency**, in the manner set forth [in] **at** N.J.A.C. 13:21-8.2(a), (b), [and] (c), **and (d)**.

SUBCHAPTER 7. SPECIAL LEARNER’S PERMITS

13:21-7.2 Requirements for issuance of special learner’s permits

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the [regulations] **rules** promulgated thereunder, no special learner’s permit shall be issued by the Commission unless the applicant therefor submits proof of identity, date of birth, and [address, and proof that the applicant’s presence in the United States is authorized under Federal law] **proof of New Jersey residency**, in the manner set forth [in] **at** N.J.A.C. 13:21-8.2(a), (b), [and] (c), **and (d)**.

SUBCHAPTER 8. DRIVER LICENSES

13:21-8.1 Definitions

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

...
“Standard” means, when used to describe any permit or license to operate a motor vehicle or any identification card issued by the Commission under the provisions of this subchapter, that the permit, license, or identification card is not acceptable for REAL ID purposes as determined by the Federal government and is marked as such.
 ...

13:21-8.2 [Non-Real ID] **Standard driver license and identification card**; age requirements; proof of identity and date of birth; [proof that presence in United States is authorized under Federal law] **proof of Social Security number**; proof of [address] **New Jersey residency**

(a) A [non-REAL ID] **standard** document (special learner permit, examination permit, driver license, commercial driver license, or non-

driver identification card) will indicate that it is not acceptable for [official] **REAL ID** purposes as determined by the Federal government. New Jersey allows each applicant to choose whether to apply for a [non-REAL ID] **standard document** (requirements are listed in this section) or a REAL ID document (requirements are listed [in] at N.J.A.C. 13:21-8.2A). **Applicants for a standard commercial driver license shall also meet the requirements at N.J.A.C. 13:21-23.**

(b) Each applicant for a **standard document** (license, permit, or non-driver identification card) shall be required to furnish to the Commission, upon request, proof of identity and date of birth, and proof [that the applicant’s presence in the United States is authorized under Federal law] **of New Jersey residency**. Such proof may be established by submission of the original or certified (by the issuing authority) copy of the primary and/or secondary documents that are listed [in] at (c) **and (d)** below, as follows:

1.-5. (No change.)

6. The Commission shall refuse to grant any permit, [or] license, or non-driver identification card, if the Commission has reasonable cause to believe that a document is altered, false, or otherwise invalid. **Documents issued by a country other than the United States shall be verified by the applicable consulate.**

[7. An applicant who is not a United States citizen must submit proof of continued legal presence in the United States, as evidenced by a document listed in (c)1ii below or by a document issued by the United States Department of Homeland Security or another Federal agency that establishes the applicant’s legal right to be in the United States as of the time the proof is presented.]

7. Each applicant must submit proof of his or her Social Security number, as evidenced by a document listed at (c)3 below. However, if the applicant does not have a Social Security number, he or she shall either:

i. Submit satisfactory proof of an Individual Taxpayer Identification Number, as evidenced by a document listed at (c)4 below; or

ii. Submit an official letter from the Social Security Administration demonstrating that the person is not eligible to receive a Social Security number.

8. For persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity or date of birth, Commission-authorized personnel may review, approve, or accept documentation that proves the applicant’s identity and date of birth[, and that the applicant’s presence in the United States is authorized under Federal law].

9.-10. (No change.)

11. Documents that are not written in English shall be accompanied by a certified translation in English.

(c) The following are acceptable documents; **all primary and secondary documents presented shall be valid, and current or expired for no more than three years:**

1. Primary documents:

i. [A United States citizen] **An applicant** must submit at least one document from the following list:

| <u>Document</u> | <u>Value</u> |
|---------------------------------------------------------------------------------------------------------------------------------------|--------------|
| ... | |
| United States passport [(current or expired less than three years)] | 4 |
| New Jersey digitized driver license [(current or expired less than three years)] | 4 |
| [Valid] New Jersey non-driver digitized identification card | 4 |
| [Valid] United States military photo identification [card] (Common Access Card) | 4 |
| Original birth certificate from any country | 4 |
| Photo driver license issued by country other than the United States, must be presented with another government-issued document | 4 |
| Photo driver license issued by any state, including the District of Columbia | 4 |

...
 [ii. A person who is not a United States citizen must submit at least one document from the following list to establish lawful presence in the United States:

| <u>Document</u> | <u>Value</u> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| [Current] Permanent Resident Card (Form I-551) [with expiration date and with United States Citizenship and Immigration Services (USCIS) verification] | 4 |
| [Foreign passports with USCIS verification and with valid record of arrival/departure (Form I-94) or valid I-551 stamp in passport] | 4] |
| Passport from applicant’s country of citizenship with validation | 4 |
| Consular identification card | 4 |
| ... | |
| [Valid] I-94 stamped “Refugee,” “Parolee,” “Asylee,” or “Notice of Action” (Form I-797 approved petition) by USCIS | 4 |
| [Valid] I-94 with attached photo stamped “Processed for I-551 . . .” by USCIS | 4 |
| [Current photo] Photo employment authorization card (Form I-688B or I-766) (must be presented with a valid Social Security card or proof of an ITIN) | [3] 4 |
| [Current Permanent Resident Card (Form I-551) without expiration date and with USCIS verification] | 2] |
| Photo Temporary Resident Card (Form I-688) | [2] 4 |
| 2. Secondary documents: | |
| i. [United States citizens and persons who are not United States citizens] Applicants must submit at least one document from the list below: | |
| <u>Document</u> | <u>Value</u> |
| [Valid] New Jersey digitized driver license [(a secondary document for non-United States citizens only)] | [4] 3 |
| Special learner’s permit with digitized image [(a secondary document for non-United States citizens only)] | [4] 3 |
| Examination permit with digitized image [(a secondary document for non-United States citizens only)] | [4] 3 |
| Probationary license with digitized image [(a secondary document for non-United States citizens only)] | [4] 3 |
| Photo driver license issued by another state, including the District of Columbia | 3 |
| ... | |
| Civil marriage or civil union license or certificate or divorce decree | 3 |
| Document issued by United States Department of Homeland Security | 3 |
| [Current] United States [military dependent] Uniformed Services photo identification card | 3 |
| United States [military photo retiree] Civilian Retiree photo identification card | 3 |
| Veteran’s Administration universal access photo identification card | 3 |
| Official school or college photo identification card with transcript or school records (with applicant’s date of birth) from any country | 3 |
| ... | |
| [Valid] United States government employee driver license | 2 |
| [Valid] United States government employee photo identification card | 2 |
| ... | |
| [United States school photo identification card with transcript or school records] | 2 |
| United States college photo identification card with transcript | 2 |
| Current New Jersey non-digitized photo driver license | 1 |
| Current photo driver license of any other state of the United States including the District of Columbia | 1] |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Certified adoption records from a country other than the United States | 2 |
| Driving privilege card with photo issued by another state or municipality, including the District of Columbia | 1 |
| ... | |
| High school diploma or GED (general equivalency diploma), college diploma, or trade school degree, from any country | 1 |
| ... | |
| [Current health] Health insurance card or [current] prescription card | 1 |
| [Current employee] Employee identification card accompanied by a printed pay stub from applicant's employment in the United States | 1 |
| ... | |
| [Veteran's Administration universal access photo identification card | 1] |
| | |
| 3. An applicant may submit any of the following documents to establish proof of Social Security number: | |
| i. Social Security card (no copies or laminations); | |
| ii. W-2 form issued within the past year; | |
| iii. Pay stub (must include full name and full Social Security number) issued within the past year; | |
| iv. SSA-1099 form (issued within the past year); or | |
| v. Non-SSA-1099 form (issued within the past year). | |
| 4. An applicant may submit either of the following documents as acceptable proof of an Individual Tax Identification Number: | |
| i. Official letter from the IRS verifying the applicant's ITIN; | |
| ii. ITIN card (no copies or laminations); or | |
| iii. New Jersey income tax refund displaying ITIN. | |
| (d) Each applicant must present for inspection [an] one acceptable proof of [address] principal residence document, which may be, but is not limited to, the following: | |
| 1. (No change.) | |
| 2. A property tax bill, statement, or receipt issued within [last] the past year ; | |
| 3. Any letter or correspondence (including tax bills) received from the Federal Internal Revenue Service or any state tax office within the past year, including a New Jersey income tax refund displaying applicant's address ; | |
| 4. (No change.) | |
| 5. An original, unexpired lease or rental agreement with the name of the applicant listed as the lessee or renter; | |
| 6. (No change.) | |
| 7. A checking or savings account statement (bank or credit union) issued within the last 60 days; [or] | |
| 8. A certification, verifying the address of an applicant under 18 years of age who does not have his or her own proof of address verification, from a parent or guardian[.]; or | |
| 9. A deed or title to real property displaying applicant's name. | |
| (e)-(f) (No change.) | |
| [(g) Any person from a foreign country who is in New Jersey for a period of one year or less and who would be entitled to operate a motor vehicle in this State pursuant to (f) above but for the fact that he or she is not the holder of a driver license from the country in which he or she resides shall be eligible to make application for a New Jersey driver license or permit. If a New Jersey driver license or permit is issued, the Commission shall fix the expiration date at a date based on the period in which the person is authorized to be present in the United States under Federal immigration laws. The Commission may renew the driver license or permit only if it is demonstrated that the person's continued presence in the United States is authorized under Federal law.] | |
| [(h)] (g) (No change in text.) | |
| [(i)] (h) The Commission shall take a photo of each applicant for a new or renewed [non-REAL ID-compliant] standard special learner permit with photo, examination permit with photo, driver license, commercial driver license, or non-driver identification card upon submission of the application, except that the Commission may use a stored photo once | |

to renew a standard driver license for a period not exceeding four additional years.

[(j)] (i) Commission staff members are authorized to scan all applications presented or accepted toward satisfying document requirements. All scanned images will be retained electronically in accordance with N.J.S.A. 47:3-15 et seq., and N.J.A.C. 15:3-2.1 through 2.7 and 4.1 through 4.11. **Commission staff members may not retain copies, scanned images, or records of any kind of primary or secondary documents submitted to establish eligibility to obtain a standard document, except when necessary for purposes of investigating identity fraud, driver's license fraud, or non-driver identification card fraud pursuant to N.J.S.A. 39:2-3.4.a.**

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.

... "Nondriver identification card" means an identification card issued by the Chief Administrator of the Motor Vehicle Commission to a person whose state of residence is New Jersey and who is [17] **14** years of age or older and who is not the holder of a valid examination or special learner's permit or a valid driver license, in accordance with N.J.S.A. 39:3-29.2 et seq.

"Standard" means, when used to describe an identification card issued by the Commission under the provisions of this subchapter, **that the issuance of the identification card is not acceptable for REAL ID purposes and is marked as such.**

13:21-16.2 Requirements for issuance of nondriver identification cards;

In addition to any other requirements imposed by Title 39 of the Revised Statutes and the [regulations] **rules** promulgated thereunder, no **standard** nondriver identification card shall be issued by the Commission, unless the applicant therefor submits, upon request, proof of identity [and], date of birth [and proof that the applicant's presence in the United States is authorized under Federal law], **and proof of New Jersey residency in the manner set forth [in] at N.J.A.C. 13:21-8.2(a), (b), [and] (c), and (d). No REAL ID nondriver identification card shall be issued by the Commission unless the applicant therefor submits, upon request, requirements including proof of identity, Social Security number, New Jersey residency with two proofs of address, and date of birth, as set forth at N.J.A.C. 13:21-8.2A.**

(a)

MOTOR VEHICLE COMMISSION
License and Registration Renewals, Duplicates,
Interim Driver Licenses, Non-Driver Identification
Cards, and Restorations
Proposed Amendment: N.J.A.C. 13:21-9.5
Proposed New Rules: N.J.A.C. 13:21-9.19, 9.20, and 9.21

Authorized By: B. Sue Fulton, Chair and Chief Administrator,
 Motor Vehicle Commission.
 Authority: N.J.S.A. 39:2A-21, 39:2A-13, 39:2A-28, and 39:2A-36.1.
 Calendar Reference: See Summary below for explanation of
 exception to calendar requirement.
 Proposal Number: PRN 2020-073.

Submit written comments by September 18, 2020, to:
 Kate Tasch, APO Legal and Regulatory Affairs
 Motor Vehicle Commission
 225 East State Street
 PO Box 162
 Trenton, New Jersey 08666-0162