

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Executive and Administrative Service International Fuel Tax Agreement Implementation; International Registration Plan Electronic Images of Documents

Adopted Amendments: N.J.A.C. 13:18-2.1, 2.10, 2.20, 3.1, 3.2, 3.3, and 3.4

Proposed: February 4, 2019, at 51 N.J.R. 159(a).

Adopted: June 11, 2019, by the Motor Vehicle Commission, B. Sue
Fulton, Chair and Chief Administrator.

Filed: July 11, 2019, as R.2019 d.084, **without change**.

Authority: N.J.S.A. 39:1-1, 39:2A-21, 39:3-6.12, 48:4-3, and
54:39A-24.

Effective Date: August 5, 2019.

Expiration Date: August 30, 2025.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

There are no Federal standards applicable to the subject matter of
N.J.A.C. 13:18-2 or 3, therefore, no Federal standards analysis is required.

Full text of the adoption follows:

SUBCHAPTER 2. INTERNATIONAL REGISTRATION PLAN

13:18-2.1 Definitions

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

...
“Cab card” means a registration card, in the form of a paper card or
electronic image, issued by the base jurisdiction for a vehicle of an
apportioned fleet that identifies the vehicle, base plate, registered weight
by jurisdiction, and the jurisdictions in which a vehicle is registered.
...

13:18-2.10 Apportioned license plates; registration certificate (cab card)

(a) Upon receipt of payment for all applicable apportioned and non-
apportioned registration fees, the Commission shall issue a certificate of
registration (cab card), in the form of a paper card or electronic image,
and two license plates marked “Apportioned” for each vehicle. Such
license plates shall be displayed as required by N.J.S.A. 39:3-33.

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

(d) The cab card issued for an apportioned vehicle shall contain a list
of the member jurisdictions in which the vehicle is registered and the
corresponding weight in pounds (for states) and kilograms (for Canadian
provinces), in addition to all other required information.

1. (No change.)

2. The original cab card, whether in the form of a paper card or
electronic image, is to be carried in the vehicle.

3. (No change.)

13:18-2.20 Replacement credentials

(a) (No change.)

(b) If an apportioned license plate has been reported as stolen, the
corresponding apportioned cab card, if issued in paper form, shall be
returned to the Commission.

(c)-(d) (No change.)

SUBCHAPTER 3. INTERNATIONAL FUEL TAX AGREEMENT IMPLEMENTATION

13:18-3.1 Definitions

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

...

“License” means the cab card or identification card issued by the Chief
Administrator, in the form of a paper card or electronic image, to a motor
carrier who has made successful application to the Chief Administrator
for IFTA credentials.

...

13:18-3.2 Agreement Application

(a) Any motor carrier based in New Jersey and operating one or more
qualified motor vehicle(s) in at least one other jurisdiction (that is,
engaged in interstate operations) shall file an Agreement Application with
the Commission on forms and in a manner prescribed by the Chief
Administrator. The application shall contain the following information:

1.-7. (No change.)

Recodify existing 9.-14. as 8.-13. (No change in text.)

14. A declaration of the locations if the applicant maintains bulk
storage;

15. A declaration that the applicant agrees to comply with all the
reporting, payment, recordkeeping, and license/identification require-
ments specified in the Agreement, including the option to present an
electronic image of the IFTA license in lieu of the paper form; and

16. (No change in text.)

(b)-(h) (No change.)

13:18-3.3 Identification card/license; identification markers/decals

(a) For each approved application for IFTA credentials, the Chief
Administrator shall issue one license identification cab card per fleet in
paper and/or electronic form and two identification marker/decals for each
vehicle listed on the application as part of that particular fleet.

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

(d) The original cab card (license), if issued in paper form, shall be kept
in the licensee’s principal place of business. The licensee may photocopy
the card and carry such photocopy in each qualified vehicle or carry an
electronic image of the credentials in lieu of the paper form.

(e) The form and content of the license and decal shall be as specified
in the IFTA Articles of Agreement.

(f)-(n) (No change.)

13:18-3.4 Temporary licensing permit

(a) Upon receipt of a properly completed application and payment of a
fee of \$10.00 for two decals per vehicle from a New Jersey IFTA licensee
with an account in good standing, the Chief Administrator shall issue in
person, by mail, or through a preapproved third-party, an IFTA
Temporary Permit for a qualified motor vehicle. A temporary permit shall
be valid for a period of 30 consecutive days, beginning with the date of
issue to allow a carrier sufficient time to affix permanent decals and carry
the identification card or electronic image of the identification card.

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

(b)

MOTOR VEHICLE COMMISSION

Enforcement Service Body Standards for School Buses

Adopted Amendment: N.J.A.C. 13:20-50B.32

Proposed: February 4, 2019, at 51 N.J.R. 161(a).

Adopted: July 3, 2019, by the Motor Vehicle Commission, B. Sue
Fulton, Chair and Chief Administrator.

Filed: July 5, 2019, as R.2019 d.082, **without change**.

Authority: N.J.S.A. 39:2-3, 39:2A-21, 39:2A-28, and 39:3B-10 and
P.L. 2018, c. 118.

Effective Date: August 5, 2019.

Expiration Date: December 4, 2020.

Summary of Public Comments and Agency Responses:

The written comments received by the Motor Vehicle Commission
(MVC) regarding its February 4, 2019, notice of proposal are available for
inspection at the Office of the Chief Administrator, Motor Vehicle
Commission, 225 East State Street, 9th Floor, Trenton, New Jersey.

COMMENT: Michael A. Vrancik, Director Governmental Relations, New Jersey School Boards Association stated that the proposed regulation does not provide any source of funds to meet the needs of the mandate. The commenter estimated that it may cost up to an additional \$20,000 per bus for the required Type 2 lap and shoulder belts. In addition to the direct increase in manufacturing costs, mandatory installation of lap and shoulder belts on all school buses is likely to reduce seating capacity on the vehicles. Consequently, school districts may have to purchase additional vehicles and hire more drivers to serve the same number of students. The commenter asks the MVC to identify a funding source to meet the costs of the requirement.

RESPONSE: The rule is promulgated in accordance with the statute enacted in 2018 (P.L. 2018, c. 118). According to the Legislative Fiscal Estimate, the marginal increase in cost to purchase a new school bus with lap and shoulder belts is approximately \$5,000 per school bus. Further, the Legislature considered the reduced seating capacity and the need for additional school buses and drivers and fuel costs in passing the legislation. The reduced seating capacity will depend on the configuration chosen by the school district and the selected route and the amount of congestion for those routes. Additionally, not all school buses will be purchased exclusively by school districts. Some buses will be purchased by private companies that supply school buses on a service contract basis.

Federal Standards Statement

The Federal standards for lap seat belts (known as Type 1) are governed by the same Federal regulations for the new shoulder and lap belts (known as Type 2), namely 49 CFR 571.208 (occupant crash protection), 571.209 (seat belt assemblies), 571.210 (seat belt assembly anchorages), and 571.222 (school bus passenger seating and crash protection), which are incorporated into the rules by reference. These amendments are being adopted pursuant to the enactment of P.L. 2018, c. 118, which imposed the installation of Type 2 seatbelts or other child restraint systems that are in conformity with applicable Federal standards in all school buses manufactured after February 21, 2019.

The legislation imposes a stricter standard than the corresponding Federal regulations, which require Type 2 shoulder and lap belts for school buses weighing less than 10,000 pounds. The legislation imposes the requirement for Type 2 belts to all school buses regardless of weight due to safety concerns for students expressed in the statute.

The State standard exceeds the Federal regulation because of the enactment of N.J.S.A. 39:3B-10, as well as the public policy goal of providing for the safety of children while being transported in a school bus. In the passage of the bill, the Legislature performed a financial analysis that determined that there would be an increase in cost in the manufacture of new school buses, but that the increased cost is abated by the lower costs resulting from a decrease in treating injuries.

Full text of the adoption follows:

SUBCHAPTER 50B. BODY STANDARDS FOR SCHOOL BUSES

13:20-50B.32 Seat belts for driver and passengers

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

(c) Every school bus as defined in N.J.S.A. 39:1-1 with a manufacturer date of October 1, 1992 through February 20, 2019, shall be equipped with either passenger Type 1 lap safety belts or Type 2 lap and shoulder safety belts, as defined in FMVSS (Federal Motor Vehicle Safety Standards) No. 209 (49 CFR 571.209) for each seat position. All school buses as defined in N.J.S.A. 39:1-1 manufactured on or after February 21, 2019, shall be equipped with a Type 2 lap and shoulder safety belt or other child restraint system that is in conformity with applicable Federal standards for each seat position. All seat belts and installation shall conform to FMVSS Nos. 208, 209, 210, and 222 (49 CFR 571.208, 571.209, 571.210, and 571.222), incorporated herein by reference, as amended and supplemented. If safety belt floor installation is used, attachment hardware shall be designed to prevent attaching bolts and other parts from becoming inadvertently disengaged from the floor of the school bus.

(d) (No change.)

(a)

MOTOR VEHICLE COMMISSION

Licensing Service

Title to Vehicles Abandoned on Private Property

Adopted New Rules: N.J.A.C. 13:21-11

Proposed: February 4, 2019, at 51 N.J.R. 162(a).

Adopted: July 3, 2019, by the Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Filed: July 5, 2019, as R.2019 d.081, **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. 39:2A-21, 39:2A-28, 39:4-56.6, and 39:10-4.

Effective Date: August 5, 2019.

Expiration Date: December 4, 2020.

Summary of Public Comments and Agency Responses:

The written comments received by the Motor Vehicle Commission (MVC) regarding its February 4, 2019, notice of proposal are available for inspection at the Office of the Chief Administrator, Motor Vehicle Commission, 225 East State Street, 9th Floor, Trenton, New Jersey. The following individuals submitted timely written comments to the Commission regarding that notice of proposal:

1. John H. Glass, President, Garden State Towing Association, Inc.
2. Michael Sassano, Jr., Recovery Solutions and Title, L.L.C.

The submitted comments are summarized below and followed by the Commission's response thereto. The numbers in parentheses after each comment correspond to the commenter numbers above to indicate the source of the comment.

1. COMMENT: The commenters recommended that in the application for certificate of title, N.J.A.C. 13:21-11.6(a)1i, the applicant be permitted to conduct a lien search with the National Motor Vehicle Title Information System (NMVTIS) prior to searching for the record in the neighboring five states specified in the regulation. If the record is found in the NMVTIS search, it could save the cost of conducting a search in the five states. (1 and 2)

RESPONSE: Because the intention of the regulation is to locate the record of ownership, the Commission will change the rule on adoption to permit a lien search first to be conducted with NMVTIS. If no record is found, the applicant will then be required to conduct the lien search in the five neighboring states.

2. COMMENT: The commenters recommended that the Abandoned Vehicle Notice be reduced from 90 days to 60 days, stating that 60 days is sufficient to respond to the notice. The commenters point out that the time for abandoned vehicle provisions for vehicles on public property is 15 days if applying for a junk title and 20 days for standard titles. (1 and 2)

RESPONSE: The Commission does not have the authority to impose time frames outside of those required by statute and, therefore, declines to include the provision requested. Under N.J.S.A. 39:4-56.6, Abandonment of vehicle on private property; removal by owner of property; costs; sale of vehicle, a vehicle is not considered abandoned until the vehicle remains unclaimed for 90 days.

3. COMMENT: The commenters requested separate procedures for junk vehicles. Additionally, the commenters requested an expedited process with a 30- to 45-day notice period. (1 and 2)

RESPONSE: As mentioned in the Response to Comment 2, N.J.S.A. 39:4-56.6 requires a 90-day notice period. Therefore, the Commission declines to provide any additional procedures at this time.

4. COMMENT: A commenter raised a concern about the statute pertaining to abandoned vehicles at a public agency, N.J.S.A. 39:10A-1 through 7. The commenter would like towing companies to be allowed to perform the function of a municipality or public agency in bringing an abandoned vehicle on public property to auction. (2)

RESPONSE: The Commission does not have the authority to change the statute on abandoned vehicles at a public agency. The commenter is seeking for the Commission to issue a directive allowing a towing company to act as a public agency.