

(d) (No change.)

13:45A-17A.8 Refusal to issue[,]; suspension[,]; or revocation of registration; hearing; other sanctions

(a) The Director may refuse to issue or renew, or may suspend or revoke any registration issued by the Division upon proof that an applicant or registrant or any of its officers, directors, principals, or persons with an ownership interest of 10 percent or more in the entity:

1.-8. (No change.)

9. [(Reserved)] **Has failed to comply with the badge requirements set forth in N.J.A.C. 13:45A-17A.14. It shall be an affirmative defense to a charge of failing to return a badge to the State-authorized vendor that the entity used its best efforts to collect and surrender the badge;**

10.-13. (No change.)

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

13:45A-17A.9 Reinstatement of suspended registration

A registration that is suspended by the Director may be reinstated upon the home elevation contractor satisfying the conditions for reinstatement as determined by the Director and paying all outstanding fees, fines, penalties, and restitution, including the payment of the reinstatement fee specified in N.J.A.C. 13:45A-17A.13. **If a suspended registration is reinstated, all individuals associated with the reinstated entity required to wear badges pursuant to N.J.A.C. 13:45A-17A.14 shall obtain new badges.**

13:45A-17A.14 [(Reserved)] **Identification badges**

(a) **On or after six months after the award of the contract for badge creation and other ancillary services related to the badges, each individual performing, engaging, or attempting to engage in the sale of home elevations shall wear an identification badge on the upper left corner of the individual's torso in a plainly visible fashion. An individual shall not engage in the sale of home improvements or elevations until the individual has obtained and is wearing a valid identification badge.**

(b) **For the purpose of identifying those individuals who are required to obtain and wear an identification badge, each entity shall, upon registration, complete a badge declaration setting forth the name and address of residence of each individual who will perform, engage, or attempt to engage in the sales of home elevations or home improvements on behalf of the entity. Access to the electronic form shall be available by logging on to the Division website. The name, address, and contact information for the State-authorized vendor or vendors issuing identification badges shall be posted on the Division website.**

(c) **An individual shall not be issued a badge unless:**

1. **The registration of the entity with which the individual is associated is in good standing;**

2. **The individual is listed on the entity's badge declaration, as supplemented and amended from time to time;**

3. **The badge fee has been paid by the entity to the vendor; and**

4. **The individual presents to the State-authorized vendor a form of government-issued photo identification containing the individual's current address of residence, which shall match the address listed on the entity's badge declaration.**

(d) **The Division, through the State-authorized vendor or vendors, shall issue an identification badge that shall be unalterable and shall include the following information:**

1. **The name, color photograph, and signature of the individual to whom the badge has been issued;**

2. **The business name and registration number of the entity;**

3. **The badge's expiration date; and**

4. **A clear and visible statement that the badge is not for an electrical contractor, plumbing contractor, or HVACR contractor.**

(e) **The badge shall be valid for two years. Each entity on whose behalf a badge has been issued shall apply for renewal of the badge at least 45 days prior to its expiration date, at which time the entity shall pay the badge renewal fee and shall obtain from the State-authorized vendor a new badge showing an updated photo and expiration date. An entity that permits an individual required to have**

a badge to work without a valid badge shall be deemed to be in violation of this subchapter within the meaning of N.J.A.C. 13:45A-17A.8 and shall also be subject to the penalty provisions of N.J.S.A. 56:8-143.

(f) **Identification badges are not transferable. Upon termination of an association between an entity and an individual to whom an identification badge was issued, the entity shall:**

1. **Inform the Division within three business days of the date of termination by logging on to the Division's website and amending the badge declaration; and**

2. **Collect the individual's identification badge and surrender it to the State-authorized vendor for destruction within three business days of the date of termination.**

i. **Failure of an entity to collect and surrender an identification badge shall be deemed to be a violation within the meaning of N.J.A.C. 13:45A-17A.8. The address for surrender shall be set forth on the Division's website.**

(g) **If an individual's badge is lost or stolen, or a badge holder has legally changed his or her name through marriage or court order, the entity with which the individual is associated shall, within three business days of the event, report the event to the Division by logging on to the Division's website and:**

1. **In the case of a name change, amend the badge declaration; or**

2. **In the case of a lost or stolen badge, report the loss or theft.**

i. **In the case of a lost or stolen badge, the individual shall not perform, engage, or attempt to engage in the sales of home elevations on behalf of the entity until the individual obtains and is wearing a new badge.**

(h) **An entity whose registration has been suspended or revoked, or has not been renewed shall, within three business days of that suspension, revocation, or nonrenewal, surrender all identification badges issued under the registration number of the entity to the State-authorized vendor. The address for surrender shall be set forth on the Division's website. All surrendered badges shall be destroyed. Any subsequent reinstatement of registration shall require the issuance of a new badge.**

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Enforcement Service

Personalized License Plates

Proposed Amendment: N.J.A.C. 13:20-34.3

Proposed New Rule: N.J.A.C. 13:20-34.1

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

Authority: N.J.S.A. 39:3-33, 39:3-33.3, and 39:3-33.7.

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

Proposal Number: PRN 2016-023.

Submit comments by April 1, 2016, 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

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.

The Motor Vehicle Commission (Commission) proposes amendments and a new rule concerning the denial of personalized license plate requests that have been deemed inappropriate for a marker printed by a department of the State of New Jersey and required to be openly displayed on a vehicle as part of New Jersey law. N.J.S.A. 39:3-33 provides that “the owner of an automobile which is driven on the public highways of this State shall display ... an identification mark or marks to be furnished by the [Commission].” Since 1906, license plates have been used in New Jersey as a means to link a vehicle to a person and determine how many vehicles are on the road.¹ N.J.S.A. 39:3-33.3 allows the Commission to accept applications requesting particular identifying marks to be assigned as their registration number for numbers not otherwise in use or otherwise reserved.

The proposed amendments and new rule are intended to put the general public on notice that there are certain alpha-numeric combinations that, when requested, will be denied by the Commission because the requested combination falls into one of the proposed categories that have been deemed inappropriate. Though the Commission recognizes and supports the public’s ability to request particular identifying marks, keen focus must remain on the primary purpose of the license plate, which is to identify a vehicle and, thus, a person to whom that vehicle is associated. Requested license plate combinations that deter or detract from that primary purpose are unnecessarily detrimental to the State and the motoring public. Thus, the Commission proposes these amendments as guidelines for the issuance of personalized plate combinations.

Specifically, the Commission proposes new N.J.A.C. 13:20-34.1 to include the purpose of the registration marks issued by the Commission, which are primarily for use by the Commission, law enforcement, and motor vehicle and traffic safety, and, secondarily, for motorists to display personalized plates with an alpha-numeric mark requested by them.

In addition, the Commission proposes to amend N.J.A.C. 13:20-34.3 to allow the Chief Administrator to deny a request for a particular combination or recall a plate that has been issued if the Commission deems the meaning of the requested alpha-numeric combination to be part of an enumerated category.

New N.J.A.C. 13:20-34.3(c) is proposed to allow the Chief Administrator to take administrative action against an individual who refuses to comply with a plate recall pursuant to new N.J.A.C. 13:20-34.3(b).

Social Impact

The proposed amendments and new rule will have a positive social impact on the general motoring public because they provide clear standards under which prohibited plate requests may be denied, thereby limiting the number of prohibited plates that are printed and placed on vehicles. The proposed amendments and new rule would further offer guidance to those contemplating a personalized plate request, as the categories will help an individual avoid making a request that would fall under a prohibited category.

The proposed amendments and new rule may have a small impact on individuals requesting personalized license plate combinations. A 2008 survey conducted by the American Association of Motor Vehicle Administrators (AAMVA) and License To Roam reported that 6.88 percent of New Jersey registered vehicles (totaling approximately 429,000 vehicles) have personalized plates.² The proposed amendments and new rule would directly affect only a small percentage of that group, as the majority of personalized plate requests would not fall into the enumerated, prohibited categories, and as such, would be approved by the Commission.

Economic Impact

The proposed amendments and new rule will not have an economic impact on the general public. The Commission does not anticipate an increase in expenses as a result of the proposed amendments and new rule because they pertain solely to defining categories under which personalized license plate requests can be denied.

Federal Standards Statement

The proposed amendments and new rule have no comparable Federal standard that can be applied; therefore, a Federal standards analysis is not required for this rulemaking.

Jobs Impact

The Commission does not anticipate that the proposed amendments and new rule will have any impact on jobs. The amendments and new rule pertain solely to defining categories under which personalized license plate requests can be denied.

Agriculture Industry Impact

The Commission does not anticipate that there will be any impact on the agriculture industry as a result of the proposed amendments and new rule. The amendments and new rule pertain solely to defining categories under which personalized license plate requests can be denied.

Regulatory Flexibility Statement

A Regulatory flexibility analysis is not required because this proposed amendment and new rule do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments and new rule pertain solely to defining categories under which personalized license plate requests can be denied. Thus, the proposed amendments and new rule only affect individuals of the general public and may be of interest to certain law enforcement agencies.

Housing Affordability Impact Analysis

The proposed amendments and new rule will have no impact on affordable housing and they will not evoke a change in the average costs associated with housing because the amendments and new rule pertain solely to defining categories under which personalized license plate requests can be denied.

Smart Growth Development Impact Analysis

The proposed amendments and new rule 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 amendments and new rule pertain solely to defining categories under which personalized license plate requests can be denied.

¹ New Jersey Division of Motor Vehicles, The New Jersey License Plate Story (1985), available at <http://njplates.moini.net/nj1985.pdf>.

² AAMVA - LCNS2ROM™ VANITY LICENSE PLATES SURVEY: U.S. By American Association of Motor Vehicle Administrators (aamva.org) and LCNS2ROM - LICENSE TO ROAM™ (lcns2rom.com), <http://www.lcns2rom.com/vanityplatesurvey.htm>.

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

13:20-34.1 Purpose

The primary purpose of registration marks is to provide a State-issued, visible and unique alpha-numeric identification mark for display in a uniform manner on each motor vehicle registered by the Commission. Registration marks are used primarily for Commission, law enforcement, motor vehicle and traffic safety, and other identification purposes. A secondary purpose, only for those motor vehicle owners who opt for and pay the appropriate fee pursuant to N.J.A.C. 13:20-34.5(a)2, is to display personalized, State-issued, visible and unique alpha-numeric identification marks of their own request, in a uniform manner on each motor vehicle registered by the Commission. Personalized marks are also for Commission, law enforcement, motor vehicle and traffic safety, and other identification purposes. The Chief Administrator exercises sole control, in accordance with this subchapter, to determine which registration marks shall be issued.

13:20-[34.1]34.1A (No change in text.)

13:20-34.3 Registration numbers excluded

(a) The following registration numbers shall be excluded from issuance as “particular identifying marks” and, where so indicated, shall be used for the purpose specified:

1.-33. (No change.)

34. Except as otherwise provided by this subchapter, any combination consisting of two alphabetic followed by four numeric characters (for example, AB 1234) or four numeric followed by two alphabetic characters (for example, 1234 AB). Designated for use on special organization vehicle registration plates issued by the Motor Vehicle Commission pursuant to N.J.S.A. 39:3-27.35 et seq. and N.J.A.C. 13:20-39[;].

[35. Any combination of alphabetic characters or numbers, or both, that may carry connotations offensive to good taste and decency.]

(b) The Chief Administrator shall deny an application for a personalized license plate or shall recall a personalized plate previously issued if the Chief Administrator determines the plate configuration to be:

1. Potentially misleading to law enforcement;
2. Previously issued or almost identical to another plate previously issued so as to create confusion;
3. A combination giving the appearance that the vehicle is associated with law enforcement or other government entities;
4. Profane, obscene, or vulgar;
5. Containing sexual innuendo or sexual connotations;
6. A reference to excretory functions;
7. A racial, ethnic, religious, lifestyle, or gender epithet;
8. Related to illegal drugs or substances;
9. Related to illegal activities;
10. Libelous or slanderous;
11. Directed to and likely to incite imminent lawless action;
12. Words which inflict injury or tend to incite an immediate breach of the peace;
13. Contrary to the Commission’s mission to promote motor vehicle and traffic safety;
14. A combination that is currently reserved for other plate types pursuant to N.J.A.C. 13:20-34.2, this section, or as determined by the Chief Administrator; or
15. Likely to interfere with the primary purpose of registration marks.

(c) Failure to return a personalized plate within 15 days of recall under (b) above may result in revocation of a registration certificate for any personalized plate the Chief Administrator has recalled pursuant to N.J.S.A. 39:5-30.

Cecelia Haney, Administrative Practice Officer
New Jersey Schools Development Authority
PO Box 991
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The agency proposal follows:

Summary

The New Jersey Schools Development Authority (SDA) proposes to readopt with amendments N.J.A.C. 19:34, Preconstruction Activities.

Chapter 34, which implements Section 5 of the Educational Facilities Construction and Financing Act (EFCFA), P.L. 2000, c. 72 (N.J.S.A. 18A:7G-1 et seq.), as amended, and P.L. 2007, c. 137 (N.J.S.A. 52:18A-235 et seq.), (the “Act”), governs the SDA’s funding and undertaking of preconstruction activities including land acquisition, was previously readopted by the SDA with amendments and repeals on December 8, 2008, and is scheduled to expire on June 5, 2016, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The Chapter 34 rules proposed for readoption with amendments outline the standards and procedures for the Authority’s undertaking and funding of preconstruction activities on behalf of SDA school districts. Pursuant to N.J.S.A. 18A:7G-5, preconstruction activities are those activities required to prepare an application for commissioner approval of a school facilities project and include, site identification, investigation and acquisition, feasibility studies, land-related design work, design work, site remediation, demolition, and acquisition of temporary facilities. This chapter details the roles and responsibilities of SDA school districts and the Development Authority and standards and procedures with respect to site identification, feasibility analysis, investigation, and acquisition. Also provided for are standards governing the relocation of residential and commercial parties displaced by SDA site acquisitions, as well as the procedures for the Authority’s procurement of temporary facilities to support a school facilities project.

The SDA has reviewed Chapter 34 and has determined that, with the addition of the proposed amendments described herein, this chapter remains adequate, reasonable, and necessary for the purposes for which it was originally promulgated: to provide standards and procedures for the Authority’s undertaking and funding of preconstruction activities on behalf of SDA school districts.

As the SDA has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

A summary of the proposed substantive amendments follows.

Chapter 34. Preconstruction Activities

N.J.A.C. 19:34-1.1 Purpose and applicability of rules

This section is proposed for readoption with an amendment to delete the superfluous term “Development Authority” used with reference to SDA. This section states that the purpose of the rules is to provide guidance on the undertaking of preconstruction activities by the Authority for and on behalf of SDA school districts, and, further, sets forth a non-exclusive list of the types of preconstruction activities that are expressly provided for in N.J.S.A. 18A:7G-5. Another stated purpose of the rules is to provide opportunities for input from SDA school district officials, members of the public, and stakeholders during the preconstruction phase of school facilities projects, in accordance with N.J.S.A. 52:18A-235h.

This section specifies that the rules shall apply only to SDA school districts, which are those districts required to use the Authority to construct their school facilities projects. This section further specifies that Department of Education’s determination of the educational priority ranking of the projects in that school district and the Authority’s determination of the sequencing of the subject facilities project, pursuant to a Statewide strategic plan, are both preconditions for the Authority’s undertaking of preconstruction activities on behalf of an SDA school district.

N.J.A.C. 19:34-1.2 Definitions

This section sets forth the meaning of the words and terms used throughout this chapter. Amendments to the section include changes to

OTHER AGENCIES

(a)

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

Preconstruction Activities

Proposed Readoption with Amendments: N.J.A.C. 19:34

Authorized By: New Jersey Schools Development Authority, Charles B. McKenna, Chief Executive Officer.

Authority: P.L. 2007, c. 137, § 4k (N.J.S.A. 52:18A-238.k; 52:18A-240) (rulemaking authority), P.L. 2000, c. 72 (N.J.S.A. 18A:7G-1 et seq.), and P.L. 2007, c. 137 (N.J.S.A. 52:18A-235 et seq.) (enabling statutes).

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

Proposal Number: PRN 2016-021.

Submit written comments via mail, e-mail, or facsimile by April 1, 2016, to: