

Minutes by Board Secretary John G. Donnelly of actions taken at the Open Session of the Annual Reorganization meeting of the New Jersey Motor Vehicle Commission (MVC) Board held at Floor 8E, Motor Vehicle Commission Headquarters, 225 East State Street, Trenton, New Jersey on Tuesday, March 11, 2014.

Present:

Raymond P. Martinez, Chairman
Stephen S. Scaturro, Vice-Chairman
Laurette K. Asante, Public Board Member (by speakerphone)
Walter Orcutt, Public Board Member (by speakerphone)
Miriam Weeks, Transportation Commissioner Designee
Gary Poedubicky, Attorney General Designee
James Fruscione, State Treasurer Designee

Board Member Scott Kisch previously had advised the Chairman that he would not be able to attend.

Governor's Authorities Unit Assistant Counsel Christopher Howard and Deputy Attorney General Philip Espinosa attended.

Chairman Raymond P. Martinez convened the Open Session at 2:10 p.m. in accordance with the Open Public Meetings Act, and led the Pledge of Allegiance.

Agenda Approval. Board Member Orcutt moved to accept the proposed agenda, Director Weeks seconded the motion and it was unanimously adopted.

Chairman's Report

The Chairman then presented this report of key Commission activities since the December 17, 2013 Board Meeting:

New Year

Well, it's a new year and the Motor Vehicle Commission remains focused on doing the people's work. So while these incessant snowstorms may slow us down a bit, we continue to be the public face of state government.

Super Bowl

Such was the case last month when a historic 112 million people focused their attention on our great state and on a small, but important, patch of turf inside the Met Life Stadium. While I wasn't called upon to suit up, the Commission was proud to have a role in Super Bowl 48 by working with the NFL to design and produce custom license plates that were used on official event vehicles before, during and after Game Day. There was a lot of pressure on my staff to get this done by kickoff and there was a great deal of work and communication back and forth to bring this project to fruition. I would like to thank the Performance Management Office, our Special Plate Unit and our Communications Team for getting the job done to everyone's satisfaction. While the NFL is certainly one of our

most high profile business partners, the fact is we have a lot of business partners of all sizes and in many industries, and we are always looking for ways that we can make our services more accessible and convenient – both to businesses and to the public.

BUSINESS PORTAL

In January, we added a new, and easily visible, banner on the main page of our website, NJMVC.gov to create one-click access to help our customers in business. Users can more conveniently access the MVC Business Services Portal where they will find information on records, salvage titles, dealership information and services, and much more.

AGENCY SIGNAGE

Visible tools of communication are key to the positive customer service experience as well. We have recently produced and installed new window clings at all of our Motor Vehicle Agencies so that customers can now easily be made aware of our office hours, in many cases without leaving their vehicles. We also created new signs for our agency waiting areas to help assist with heavy volumes and just last week we received delivery of our very own Variable Message Signs that we will use in our parking lots to alert customers to heavy volume days.

WINDOW TINT

We have also seen an opportunity to help those medically in need of our assistance – this time in regard to suncreening, or window tinting. We are reaching out to physicians and encouraging them to assist the MVC and our partners in the law enforcement community by certifying their patients for an approved medical condition before they sign off of their sunscreen application. There are instances where podiatrists are signing off on documentation stating that a driver needs window tinting applied to counteract the effects of glaucoma. This is not only causing these special applications to be granted to those who don't need them, but it is also creating batches of unnecessary applications that have to be reviewed one-by-one. The MVC must ensure that those who are truly in need are not bogged down by abuse of this document.

RESPONSIBLE VEHICLE OWNERSHIP CAMPAIGN

It's definitely been a rough winter and while Puxatawney Phil says we are not out of the woods yet, the MVC is moving forward with messages that are usually tied to warmer days. On March 17, we will begin to air commercials that encourage vehicle owners to take responsibility for the care and maintenance of their vehicle. The :30 second piece suggests that proper car care is green for the environment and puts "green" back in their wallets. We have also incorporated this very important message into NJ Transit bus tail and train platform signs to reinforce the television piece. Along the same vein, we have planned a car care event alongside some of our partners in government and private industry. The Spring Fair for Car Care will take place on April 9 in the Columbus/Mansfield area. Oldies radio WOGL - FM just last week has signed on to be our media partner for this great public service event.

SKIP THE TRIP

Customer Service remains one of our primary areas of focus -- as it should be-- and no where does this message resonate more than in the continuation of our Skip the Trip

program. As you know, thanks to our state-of-the-art security technology, many of New Jersey's citizens can now safely and effortlessly renew their driver's license or non-driver ID through the mail. I am very pleased to report that, to date, 711,000 people have skipped the trip. We are seeing that this is resulting in reduced wait times in our busiest agencies, and we expect the number of participants to continue to rise as even more people receive the invitation to stay home and renew by mail.

The following Agenda Items were presented for approval:

Minutes: December 17, 2013. This item is to fulfill the requirements of The Motor Vehicle Security and Customer Service Act and of the Bylaws to approve the Minutes of each MVC Board Meeting, by approving the Minutes of the MVC Board Meeting of December 17, 2013.

Board Member Orcutt moved the resolution, Director Fruscione seconded it and it was unanimously adopted.

1403-01: Vice-Chairman. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act that MVC Board appoint a Vice-Chairman, by designating Stephen S. Scaturro to serve as Vice-Chairman of the New Jersey Motor Vehicle Commission Board through January 1, 2015. Mr. Scaturro is Director of Consumer Affairs for Ocean County.

Board Member Orcutt moved the resolution with gratitude for Mr. Scaturro's ongoing many years of service, Director Weeks seconded it and, after the Chairman's recognition of Mr. Scaturro's steadfast commitment despite his setbacks with Superstorm Sandy and other past challenges, it was unanimously adopted.

1403-02: Board Secretary. This item is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act for a MVC Board Secretary "who need not be a Board Member," by appointing a current MVC employee, John G. Donnelly, Esq.

Vice-Chairman Scaturro moved the resolution, Director Fruscione seconded it and it was unanimously adopted.

Mr. Donnelly thanked the Board members for the honor of being reappointed Secretary of the Board.

1403-03: Licensing Service Regulation. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Final Adoption of regulations pertaining to motor vehicle dealer applicants. It initially had been approved by the Board as Proposed Amendments in August 2013, and subsequently had a 60-day public comment period. This action conforms the regulations to existing state statutes by

ensuring that anyone selling new motor vehicles must have 1,000 sq. feet of retail space, display space and service equipment. Also, this action makes clear that manufacturers must not sell to the public directly and instead need franchisees. Jeff Pistol, Regulatory Officer in the MVC Office of Regulatory and Legislative Affairs, presented the regulation.

Vice-Chairman Scaturro moved the resolution, Director Weeks seconded it and it was unanimously adopted.

1403-04: Certificate of Public Convenience and Necessity Regulation. This action is to meet the statutory requirement of The Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this Final Adoption concerning routes and related activities that are authorized by MVC with Certificates of Public Convenience and Necessity (CPCN). The MVC Passenger Transportation Advisory Council established by the Board in April 2011 had recommended this regulatory change in order to reduce the regulatory burden, by streamlining the CPCN application process, reducing reporting requirements, and providing use-identifying license plates. Jack Donnelly, Board Secretary, presented the regulation.

Vice-Chairman Scaturro moved the resolution, Director Fruscione seconded it and it was unanimously adopted.

1403-05: ZORF Regulation. This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to implement the Zone Of Rate Freedom (Z.O.R.F.) autobus fares law found at N.J.S.A. 48:4-2.20 to 2.25. Jack Donnelly, Board Secretary, presented the proposed regulation.

Director Weeks moved the resolution, Board Member Asante seconded it and it was unanimously adopted.

Legislative Report. A briefing was provided by Legislative Liaison Donald Dinsmore, including:

Signed by the Governor:

S-3082 (Sacco R32/Pennachio R26/Cunningham D31)/**A-4546** (Prieto D32/Mainor D31/Jiminez D32/ Vainieri Huttler D37) establishes a Bill of Rights for Customers of Certain Autobuses that will be overseen by the Division of Consumer Affairs in the Department of Law & Public Safety. However, MVC will have significant programming costs as the penalties for an owner are placed into Title 39.

A-3804 (Wimberly D35/Mainor D31/Amodeo R2/Johnson D37)/**S-2804** (Rice D28) authorizes a special Omega Psi Phi license plate based upon language that is designed to contain MVC costs.

A-3321 (Burzichelli D3/Ramos D33/Egan D17/Stender D22/Wisniewski D19/Rumana R40)/**S-2597** (Whelan D2/Addiego R8) requires the State's administrative agencies to employ various technologies, including the Internet, listserv technology, and e-mail

services, to streamline the agencies' rule-making notice and comment procedures and facilitate regulatory compliance. The law also requires each State agency to post, in a visible and publicly-accessible place on the agency's Internet website the agency's enabling statutes and regulations, as well as a URL link to those laws and regulations.

S-2555 (Van Drew D1)/**A-1521** (Burzichelli D3 /Rumana R40/Quijano D20) modifies the process for contested case hearings. The MVC had concerns about the provision giving an Administrative Law Judge final decision authority, because the Commission deals with some cases with complex factual histories and legal issues requiring agency expertise, and the bill was amended to remove that language.

Conditionally Vetoed by the Governor:

S-71 (Codey D27/Singer R30/Watson Coleman D15) establishes a "Yellow Dot Program" by which a yellow dot affixed to the rear driver side window would alert emergency responders that medical information is in the glove compartment. The Governor's conditional veto deleted any reference to the MVC and inserted language that any local governing body or any county or municipality in this State may establish a Yellow Dot Program. The Senate and Assembly voted to concur with the Governor's recommendations, and it was Approved as P.L. 2013, c.191.

Implementation Update:

P.L. 2013, c. 165 provides for indication of veteran status on driver's licenses and identification cards issued by MVC. Implementation meetings are ongoing.

P.L. 2013, c.139 allows person with diabetes to voluntarily make notation on driver's license. Implementation meetings are ongoing.

P.L. 2013, c.70 increases fine and imposes license suspension for talking or texting on hand-held device while driving. An implementation checklist has been reviewed, and a project manager will be assigned to oversee implementation.

Chairman Martinez thanked Donald for the presentation.

Public Comments:

The following comments were offered by members of the public:

- 1) Mr. Jonathan Chang, Palo Alto CA – represents Tesla, opposes the Final Adoption, says 1000 Tesla cars sold in New Jersey since 2012, and references Tesla comments contained in the Final Adoption.
- 2) Mr. Jim Appleton, Trenton NJ – represents New Jersey Coalition of Automotive Retailers, supports the Final Adoption, and references NJCAR comments contained in the Final Adoption.
- 3) Mr. Praveer Misra, Parsippany NJ – owns a Tesla, and says the Tesla purchasing experience was pleasant as compared to other dealers.
- 4) Mr. Ian Giblin, Princeton NJ – owns a Tesla, opposes today's Final Adoption, and says Tesla manufactures excellent vehicles.
- 5) Mr. Michael Thwaite, Warren NJ – owns a Tesla, and favors the dealer network as-is but supports Tesla's continued growth and service.

- 6) Mr. Dan Dodson, Trenton NJ – owns a Tesla, and says the economy will be hurt without Tesla.
- 7) Mr. Fabio Alvalarez, Parsippany NJ – owns a Tesla, and says Nikola Tesla was a great inventor whose products help our children and our future.
- 8) Mr. Phil Blackwood, Lincroft NJ – owns a Tesla, and says Tesla purchases and services are easy as compared to other dealers.
- 9) Mr. Thomas Moloughney, Chester NJ – opposes today's Final Adoption, sees no reason for this regulation, and supports choice of types of cars.
- 10) Mr. Steven Alcorn, Madison, NJ – opposes today's Final Adoption, and says that MVC's "trust" and "flexibility" is not obvious in this instance.
- 11) Mr. Philip Nechos, Summit NJ – asks that MVC reconsider today's Final Adoption.
- 12) Mr. Kamal Kalsi, Riverdale NJ – opposes the Final Adoption, and says it will stifle competition and innovation.
- 13) Mr. Barry Rosengarten, Perth Amboy, NJ – owns a Tesla, and asks that in the interests of economic growth that MVC reconsider today's Final Adoption.
- 14) Mr. Fred Talari, New Jersey citizen – says that Tesla service is better as compared to other car dealers, sees no reason for an office space, and asks that MVC reconsider today's Final Adoption.
- 15) Ms. Jaci Mandil, Livingston NJ – has an order for a Tesla pending, considers Tesla a good example for her children, and favors a choice of cars.
- 16) Mr. Basem Ramadan, Hillsborough NJ – opposes today's Final Adoption, says that Tesla is innovative as was New Jersey's Thomas Edison, and asks that MVC reconsider today's Final Adoption.
- 17) Mr. Richard Maccia, Manahawkin NJ – owns a Tesla, finds Tesla innovation and service is superb, and says MVC will not find any Tesla owner who is dissatisfied.
- 18) Mr. Alok Jain, Princeton NJ – says Tesla owners have no complaints, and says his purpose in relocating to New Jersey is to create jobs as Tesla creates jobs.
- 19) Mr. Dick Stanton, Franklin Lakes NJ – owns a Tesla, and opposes today's Final Adoption via a written comment submitted by telephone to MVC today.
- 20) Mr. Henry Samek, Pequannock NJ – owns a Tesla, and opposes today's Final Adoption via a written comment submitted by facsimile to MVC today.

Chairman Martinez then noted that no additional members of the public had asked to offer a comment, and thanked the public for their participation today. The Chairman also noted that Board Meetings are an important means of assuring the public that MVC is working to be responsive to their needs.

Chairman Martinez then noted that there was no further business before the Board, and thanked the Board Members and staff for their continuing service.

Adjournment:

Since there were no further comments or business, a motion to adjourn was made by Vice-Chairman Scaturro and seconded by Director Weeks and unanimously adopted at 3:35 p.m.