

# **NEW JERSEY MOTOR VEHICLE COMMISSION**

Minutes by Board Secretary John G. Donnelly of actions taken at the Open Session of the Regular 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 Thursday, June 12, 2014.

## **Present:**

Raymond P. Martinez, Chairman  
Stephen S. Scaturro, Vice-Chairman  
Scott Kisch, 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 (by speakerphone)

Public Board Member Laurette K. Asante advised the Commissioner that she would not be able to participate.

Governor's Authorities Unit Assistant Counsel Peter Simon and Deputy Attorneys General Philip Espinosa and Amy Chung attended.

Chairman Raymond P. Martinez convened the Open Session at 2:05 p.m. in accordance with the Open Public Meetings Act, and led the Pledge of Allegiance.

**Agenda Approval.** Vice-Chairman Scaturro moved to accept the proposed agenda, Board Member Kisch seconded the motion and it was unanimously adopted.

## **Chairman's Report**

The Chairman then presented this report of key Commission activities since the April 10, 2014 Board Meeting:

### Budget Season Comes To A Close

Since my last report to you, the MVC has presented its budget and plans for Fiscal 2015 and now there are some adjustments being made before our overall budget is finalized by OMB. I'd like to thank Carol Hollows, our Director of Financial Management, and Steve Beke for all their hard work in preparing me for my testimony and for sitting beside me -- literally -- as we tackled a few tough budget questions.

### Share The Road Campaign

Two weeks ago we joined forces with our friends from Travel and Tourism and Highway Traffic Safety to formally wrap-up our month-long message of motorcycle safety. Through

the use of television commercials and print and digital signage in some creative venues, we have not only been helping the state promote tourism, we are artfully promoting the message of Share the Road. Our final event was held at the Jersey Shore Outlet Mall where our friends from Harley Davidson of Long Branch were kind enough to provide a motorcycle simulator for shoppers to try to get the feel for what it's like to be on a very powerful bike. Our own Vice-Chair Steve Scaturro even tried out the JumpStart machine as did some folks you might not typically find on the backs of motorcycles. A posterboard is presented in the meeting room of an older woman on a motorcycle.

### Shore Inspection Detail

We know that everyone headed down the shore will not be on a motorcycle -- in fact, some won't be driving vehicles at all. That's why, later this week, we will be joining a multi-jurisdictional effort to make sure the transport vehicles and taxis used in the Monmouth County area are properly maintained and that their drivers are up-to-snuff. This very important niche in the transportation marketplace is relied upon by countless locals and visitors alike to go to dinner, to go to the beach, or even to go out at night -- so this surprise inspection detail will go a long way in keeping a lot of people safe this summer.

### Title Fraud Award

The Shore is really expected to make a huge comeback this year as we just came off our third straight weekend in a row of exceptional weather. And that's a good thing as many communities and those who live in them are just getting back on their feet following the devastation caused by Hurricane Sandy. If you recall, we learned this lesson the hard way last summer when cars that were badly damaged by Sandy began showing up on the lots of some of New Jersey's used car dealerships. The MVC has and continues to work diligently behind the scenes to protect unwitting consumers and now, one of our own is being honored for this. Uke Mannekis from the Division of Security, Investigation and Internal Audit is being nationally recognized for his successful investigations of suspects or individuals that have committed odometer and or title fraud. Uke's body of work was brought to the national spotlight last summer after our Communications Department began working with producers of ABC's 20/20 on an undercover piece about a number of Sandy flood cars that had made it back into the marketplace and were resold to unsuspecting customers as roadworthy vehicles. Not only did Uke and his team close down and bring to justice a very unscrupulous used car dealer, his work and the piece that ran helped to change for the better the operations of one of this nation's largest insurance houses. Congratulations on this one, Uke.

The following Agenda Items were presented for approval:

**Minutes: April 10, 2014.** 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 April 10, 2014.

Director Fruscione moved the resolution, Director Poedubicky seconded it and it was unanimously adopted.

**1406-01: IFTA Regulation.** This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including these proposed amendments of the regulations concerning the International Fuel Tax Agreement (IFTA) by which member jurisdictions track commercial vehicle trips particularly as to motor fuel use. Jack Donnelly, Board Secretary, presented the proposed regulation.

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

**1406-02: Advertising Regulation.** This action is to meet the statutory provision of the Motor Vehicle Security and Customer Service Act to promulgate regulations for the proper functioning of the Commission, including this proposed new rule concerning the MVC's authority to contract for the sale of advertising. Bob Weinstein of the Regulatory and Legislative Affairs Office presented the proposed regulation.

Board Member Orcutt moved the resolution, Vice-Chairman Scaturro seconded it and it was unanimously adopted.

**Legislative Report.** A summary of legislative activity since the April 2014 Motor Vehicle Commission (MVC) Board Meeting was provided by Legislative Liaison Donald Dinsmore, as follows:

**Bills Sent to Governor's Desk:**

**S-846/S-504Scs** (Norcross D5/Holzapfel R10) and **A-2725/A-1185Acs** (Mukherji D33/Wolfe R10/McGluckin R10/Mainor D31) enhances the penalty for leaving the scene of boating accident. The bill for the first time makes boating standards the same as automobile standards for leaving the scene of an accident, and enhances the penalties for failure of an operator to assist persons affected by an accident. The increased penalties include fines and possible imprisonment, but no Boat or Driver license suspension. The Commission has no objection to this bill.

**Bills Near the Governor's Desk:**

*(Passed one House of the Legislature and reported from committee in second House.)*

**A-1676Aca** (Johnson D37/Bramnick R21/Webber R26/Munoz R2/ Bucco R25/Garcia D33/Casagrande R11) and **S-1524Scs** (Weinberg D37/Kean R21/Gordon D38) provides that crime victims do not have to pay fees to obtain records relating to the crime and that requests for such records are not public information. The Driver Privacy Protection Act (N.J.S.A. 39:2-3.3 et. seq.) exempts documents from public access unless certain procedures are followed, therefore any request posed to MVC for personal information is shielded by section 9 of the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.). The bill passed the full Assembly (77-0-1) and has been reported from a Senate Committee with amendments. The Commission takes no position on this bill.

**S-826Sca** (Beach D6) and **A-387Sca** (Tucker D28) makes consent to register with Selective Service part of driver's license application process for males under age 26. The bill has been amended to adopt suggestions from the MVC. These amendments remove the requirement that an electronic format be used by the MVC to forward the personal information of certain applicants to the Selective Service System. The amendments also change references to "provisional" driver's license to "probationary" driver's license. In addition, the amendments also change the effective date from the first day of the 7th month after enactment to the first day of the 12th month after enactment. The bill passed the full Assembly (77-0) and has been reported from one Senate Committee while being referred to a second Senate Committee. The Commission has no objection as amended.

**Implementation Update:**

**Indication of veteran status on driver licenses and identification cards issued by MVC- (P.L. 2013, c. 165):** Implementation meetings are ongoing. Gina Sine is the project manager for this initiative. Executive Staff was presented with a power point which outlined decisions that are needed to move the project forward.

**Person with diabetes to voluntarily make notation on driver license- (P.L. 2013, c.139):** Implementation meetings are ongoing. Gina Sine is the project manager for this implementation initiative. There are no enhancements needed to the driver license, just the ID card and some communications activities.

**Additional autobus owner and operator responsibilities - (P.L. 2013, c.224):** An Executive Sponsor has been assigned and it is anticipated that a project manager will be assigned to oversee implementation.

**Amends "Administrative Procedure Act" to require State agencies to use various electronic technologies in rule-making procedures – (P.L. 2013, c.259):** The project manager Ira Kupersmit reports that the implementation team has been meeting regularly. The project is on time and on budget. It is anticipated that the project will meet the July 1<sup>st</sup> implementation date.

Chairman Martinez thanked Donald for the presentation.

**Public Comments:**

One member of the public sought to make a public comment, as follows:

Darryl T. Garvin, Esq., 38 Central Ave., Midland Park, NJ 07432, who spoke on behalf of his client Richard DeMarco of EZ Car Titles, 1358 Hooper Ave., Toms River, NJ 08753. Mr. Garvin questions N.J.S.A. 39:4-56.6 procedures of MVC for unattended vehicles, and courteously answered questions from the Board Members. Mr. Garvin also kindly provided copies of his recent written inquiry and MVC response for the Board Members' review.

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

Chairman Martinez also recalled for those present that New Jersey Department of Transportation Commissioner Jim Simpson has left the Department for new opportunities in the private sector. He lauded Commissioner Simpson for his superb ability to improve the State's multimodal system at one of the most difficult times in the transportation field, and noted that New Jersey's citizens will benefit for years to come from his work.

**Adjournment:**

Since there were no further comments or business, a motion to adjourn was made by Board Member Orcutt and seconded by Director Weeks and unanimously adopted at 2:45 p.m.