

30 days of the restriction notice by submitting a request for a stay to the Assistant Commissioner at the address at (c)2 above. Such stay request shall include:

1. The date a request for an adjudicatory hearing was filed with the Department;
2. A concise statement of material facts as to why the restriction should be removed, pending the appeal including the irreparable harm the landowner will suffer due to the restriction;
3. The reasonable probability of success of the landowner on the merits of the landowner's case; and
4. The hardship caused by the restriction, if any, and if it is a greater harm than if a stay were not granted.

(f) The Department shall notify the landowner by a letter sent by U.S. mail if a stay has been granted or denied. If the request for a stay is granted, any signage or fencing shall be removed by the Department.

(g) The Department shall notify the landowner by a letter sent by U.S. mail that the request for hearing is granted or denied. If the hearing request is denied, the denial shall provide the reason(s) for the denial. If the hearing request is granted, the Department shall refer the matter to the Office of Administrative Law for a contested case hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(h) A final decision issued by the Commissioner after the hearing in the Office of Administrative Law shall be considered final agency action for purposes of the Administrative Procedure Act and shall be subject to judicial review in the New Jersey Superior Court, Appellate Division, as provided in the Rules of Court.

#### 7:25-4A.6 Penalties

(a) Once the tidal waters, adjacent shoreline, or both, are restricted, a person shall not enter the restricted area. A person shall not allow the person's recreational equipment or pet to enter the restricted area.

(b) A person who violates this section shall be liable to a penalty imposed pursuant to N.J.S.A. 23:2A-10 of not less than \$250.00 and not more than \$25,000 for each violation. Each day during which each violation continues shall constitute an additional, separate, and distinct offense.

(c) A person who damages or removes State property, such as signs, stakes, flags, ropes, or fencing, shall be liable to a penalty imposed pursuant to N.J.S.A. 23:7-9 of not less than \$50.00 and not more than \$1,500 for each violation.

(a)

## CONTAMINATED SITE REMEDIATION AND REDEVELOPMENT

### Notice of Extension of Comment Period

#### Site Remediation Reform Act Amendments, N.J.A.C. 7:26B, 7:26C, 7:26E, and 7:26F

**Take notice** that, pursuant to N.J.A.C. 7:1D-5.1(a), the New Jersey Department of Environmental Protection (Department) is extending the comment period on the notice of proposal of new rules, repeals, and amendments related to the Site Remediation Reform Act amendments (see 56 N.J.R. 2021(a)). The Department is proposing to amend its site remediation rules to codify and implement the provisions at P.L. 2019, c. 263 (the SRRA 2.0 Act), which concerned the remediation of contaminated sites and amended and supplemented various parts of the statutory law. The SRRA 2.0 Act became effective on August 23, 2019, and it included the Site Remediation Reform Act (SRRA), N.J.S.A. 58:10C-1 et seq., and related amendments to ISRA, N.J.S.A. 13:1K-6 et seq., the Spill Compensation Control Act (Spill Act), N.J.S.A. 58:23-11 et seq., and the Brownfield and Contaminated Site Remediation Act (Brownfield Act), N.J.S.A. 58:10B-1 et seq. In addition to amendments related to the SRRA 2.0 Act, the Department is proposing amendments to further simplify the remedial action permit process, streamline implementation of the licensed site remediation professional (LSRP)

program, make technical changes and corrections, and clarify language in the chapters.

The notice of proposal indicated that written comments may be submitted by December 20, 2024. The public comment period is extended until Friday, January 31, 2025.

The Department encourages electronic submittal of comments. Submit comments electronically at [www.nj.gov/dep/rules/comments](http://www.nj.gov/dep/rules/comments). Each comment should be identified by the applicable N.J.A.C. citation, with the commenter's name and affiliation following the comment. In the alternative, comments may be submitted on paper to:

Attn: DEP Docket Number: 12-24-09  
Office of Legal Affairs  
Department of Environmental Protection  
401 East State Street, 7th Floor  
Mail Code 401-04L  
PO Box 402  
Trenton, New Jersey 08625-0402

## TRANSPORTATION

(b)

### MOTOR VEHICLE COMMISSION

#### Motorized Bicycles

#### Proposed Readoption with Amendments: N.J.A.C. 13:25

Authorized By: Latrecia Littles-Floyd, Acting Chair and Chief Administrator, Motor Vehicle Commission.

Authority: N.J.S.A. 39:2-3, 39:2A-21, 39:2A-28, 39:3-10a, 39:4-14.3c, 39:4-14.3s, and 39:5-30.

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

Proposal Number: PRN 2024-144.

Submit written comments by February 14, 2025, to:

Emily Armstrong, APO  
Attn: Legal Affairs  
Motor Vehicle Commission  
225 East State Street  
PO Box 162  
Trenton, NJ 08666-0162  
or through email to: [MVC.rulecomments@mvc.nj.gov](mailto:MVC.rulecomments@mvc.nj.gov)

The agency proposal follows:

#### Summary

The New Jersey Motor Vehicle Commission (Commission) proposes the readoption with amendments of N.J.A.C. 13:25, Motorized Bicycles, in accordance with N.J.S.A. 52:14B-5.1. The rules proposed for readoption with amendments were scheduled to expire on January 2, 2025. As the Commission timely filed this notice of rules proposed for readoption with amendments, the expiration date was extended 180 days to July 1, 2025, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Commission has reviewed the rules proposed for readoption with amendments and has found them to be necessary and reasonable for the purpose for which they were originally promulgated.

The rules implement various provisions of the Motor Vehicle and Traffic Laws, N.J.S.A. 39:1-1 et seq., concerning the operation of motorized bicycles. The rules proposed for readoption with amendments pertain to the issuance of motorized bicycle learner's permits and motorized bicycle licenses, as well as the operation of motorized bicycles by the holders of such permits or licenses. Many of the rules set forth at N.J.A.C. 13:25 foster highway safety by limiting licensure to those who can demonstrate an ability to operate motorized bicycles safely.

Subchapter 1 sets forth definitions of various words and terms used in the chapter.

Subchapter 2 sets forth requirements that must be met by an applicant seeking to obtain a motorized bicycle learner's permit. The subchapter

also pertains to the issuance of motorized bicycle learner's permits by the Commission. This subchapter sets forth requirements imposed upon applicants for motorized bicycle learner's permits, among which are proof of the applicant's identity and date of birth and prerequisites for the validation of motorized bicycle learner's permits.

Subchapter 3 sets forth requirements that must be met by an applicant seeking to obtain a motorized bicycle license. The subchapter also sets forth several provisions pertaining to the issuance of motorized bicycle licenses by the Commission. This subchapter sets forth age requirements; proof of the applicant's identity and date of birth; permits; physical and mental qualifications; motorized bicycle operating privilege status; written and oral law-knowledge tests; visual acuity test standards; color perception check standards; necessity of motorized bicycle driving tests; motorized bicycle driving test maneuvers; motorized bicycle used in driving demonstration; failure of motorized bicycle driving test; period of validity of motorized bicycle licenses; digitized color picture required on motorized bicycle licenses and the fee for such picture; restoration fees; eye color and weight numerical code charts; and surrender of motorized bicycle licenses.

Subchapter 4 sets forth rules pertaining to the issuance and/or retention of motorized bicycle learner's permits or motorized bicycle licenses with regard to persons who suffer or have suffered from recurrent convulsive seizures, recurrent periods of impaired consciousness, or from impairment or loss of motor coordination due to conditions, such as, but not limited to, epilepsy, in any of its forms. This subchapter also sets forth several provisions pertaining to the Commission's suspension and/or restoration of the motorized bicycle operating privileges of such persons. This subchapter sets forth requirements for the satisfaction of physical qualifications; physically unqualified pending hearing; history of seizures and physician's report; Neurological Disorder Committee; Committee review of case; report of findings; Committee recommendations; restoration qualifications; interval reports of seizures; and driver reexamination.

Subchapter 5 sets forth rules pertaining to the issuance and/or retention of motorized bicycle operating privileges with regard to persons who suffer, or have suffered, from cardiovascular disorders. This subchapter also sets forth provisions pertaining to the Commission's suspension and/or restoration of the motorized bicycle operating privileges of such persons. This subchapter also sets forth rules pertaining to the Cardiovascular Committee; case history and physician's statement; review and recommendation; findings report; consideration of restoration; case referral; interval reports; and driver reexamination.

Subchapter 6 is reserved.

Subchapter 7 pertains to serious motorized bicycle traffic offenses, including rules pertaining to reckless operation; careless operation; and excessive speed.

Subchapter 8 is reserved.

Subchapter 9 sets forth rules pertaining to motorized bicycle operator protective helmets, including rules pertaining to the approval of helmets; helmet approval specifications; reflectorized surface on helmets; identification label on helmets; and helmet retention system.

The proposed amendments are summarized below.

N.J.A.C. 13:25-1.1 is proposed for amendment to expand the definition of "motorized bicycle" to include a pedal bicycle having an electric motor, as set forth in the definition of "motorized bicycle" at N.J.S.A. 39:1-1, as amended at P.L. 2019, c. 271.

N.J.A.C. 13:25-3.1 is proposed for amendment to reflect changes at N.J.S.A. 39:3-10 and N.J.A.C. 13:21-8.2, which no longer require applicants to provide proof of lawful presence in the United States, as of January 1, 2021, to obtain a standard document (license, permit, or non-driver identification card).

N.J.A.C. 13:25-3.9 is proposed for amendment to update the visual acuity test standards to be consistent with the standard at N.J.A.C. 13:21-8.10, which addresses the required visual acuity for driver's licenses.

N.J.A.C. 13:25-3.15 is proposed for amendment to conform the motorized bicycle license renewal dates to N.J.S.A. 39:3-10.1, which was amended in 2017, and sets forth that the license shall expire, except as otherwise provided, during the fourth calendar year following the date in which the license was issued and on the same calendar day as the person's date of birth, but if the person's date of birth does not correspond to a

calendar day of the fourth calendar year (that is, a February 29 birthday in a non-leap year), the license shall expire on the last day of the person's birth month.

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

#### **Social Impact**

The proposed readoption of N.J.A.C. 13:25 with amendments will have a beneficial social impact on the public, since several of the rules proposed for readoption with amendments enhance highway safety. Applicants for motorized bicycle learner's permits are required to meet certain prerequisites before receiving a permit. Applicants for motorized bicycle licenses are likewise required to meet certain requirements before being issued a motorized bicycle license. Persons may be disqualified from operating a motorized bicycle when their vision poses an unreasonable risk to the safety of other motorists.

#### **Economic Impact**

The rules proposed for readoption with amendments are not expected to have any economic impact on the general public.

#### **Jobs Impact**

The Commission does not anticipate that the rules proposed for readoption with amendments will have any impact on jobs.

#### **Federal Standards Statement**

A Federal standards analysis is not required because the subject matter of the rules proposed for readoption with amendments is authorized pursuant to State law and is not subject to Federal requirements or standards.

#### **Agriculture Industry Impact**

The rules proposed for readoption with amendments will have no impact on the agriculture industry in New Jersey.

#### **Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the rules proposed for readoption with 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.

#### **Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments will have no impact on the affordability of housing and there is an extreme unlikelihood that the rules proposed for readoption with amendments would evoke a change in the average costs associated with housing, as the rules proposed for readoption with amendments pertain to the operation of motorized bicycles.

#### **Smart Growth Development Impact Analysis**

The Commission does not anticipate that the rules proposed for readoption with amendments will have an impact on smart growth as there is an extreme unlikelihood that it will evoke a change in housing production within Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan because the rules proposed for readoption with amendments concern only the operation of motorized bicycles.

#### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The rules proposed for readoption with amendments will have no impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State, as the rules pertain solely to the operation of motorized bicycles. Accordingly, no further analysis is required.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:25.

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

## SUBCHAPTER 1. DEFINITIONS

## 13:25-1.1 Definitions

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

“Motorized bicycle” means a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 c.c. or said motor is rated at no more than 1.5 brake horsepower **or is powered by an electric drive motor** and said bicycle is capable of a maximum speed of no more than 25 miles per hour on a flat surface **or a pedal bicycle having an electric motor that is capable of propelling the bicycle in excess of 20 miles per hour with a maximum motor-powered speed of no more than 28 miles per hour. This term shall not include a low-speed electric bicycle or low-speed electric scooter as defined at N.J.S.A. 39:1-1.**

[“Motorized bicycle” means a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 c.c. or said motor is rated at no more than 1.5 brake horsepower and said bicycle is capable of a maximum speed of no more than 25 miles per hour on a flat surface.]

## SUBCHAPTER 3. MOTORIZED BICYCLE LICENSES

## 13:25-3.1 Age requirements; proof of identity and date of birth[; proof that presence in United States is authorized under Federal law]

(a) (No change.)

(b) As a condition for obtaining a motorized bicycle license, all applicants 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] in the manner set forth [in] **at N.J.A.C. 13:21-8.2[(a), (b) and (c)] or 8.2A.**

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

(e) 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 motorized bicycle in this State pursuant to (d) above but for the fact that he or she is not the holder of a driver’s license or motorized bicycle license from the country in which he or she resides shall be eligible to make application for a New Jersey motorized bicycle license or learner’s permit. [The Chief Administrator shall suspend or revoke any motorized bicycle license or learner’s permit issued pursuant to this subsection upon expiration of the license or permit holder’s lawful presence in the United States unless it is demonstrated that the person’s continued presence in the United States is authorized under Federal law.]

(f) (No change.)

## 13:25-3.9 Visual acuity test standards

(a) (No change.)

(b) When the vision in [either] **both** eyes is less than 20/50 and cannot be improved by means of corrective lenses, a certificate adequately explaining the deficiency and signed by a [New Jersey] registered physician, ophthalmologist, or optometrist must be presented.

(c) When the vision in [either] **both** eyes is less than 20/50 and corrective lenses will improve the vision, then corrective lenses will be required to be worn while operating a motorized bicycle; except where corrective lenses show an improvement, but wearing lenses would be detrimental to the applicant’s visual well being, a statement to this effect, signed by a [New Jersey] registered physician, ophthalmologist, or optometrist, must be presented.

(d)-(e) (No change.)

## 13:25-3.15 Period of validity of motorized bicycle license; digitized color picture; fee

(a) Every motorized bicycle license shall have a digitized color picture of the licensee and shall expire [on the last day of the 48th calendar month following the calendar month in which the license was issued] **during the fourth calendar year following the date in which the license was issued and on the same calendar day as the person’s date of birth. If the person’s date of birth does not correspond to a calendar day of the**

**fourth calendar year (that is, a February 29 birthday in a non-leap year), the license shall expire on the last day of the person’s birth month.**

(b) (No change.)

## TREASURY—GENERAL

(a)

## DIVISION OF REVENUE AND ENTERPRISE SYSTEMS

## Socially and Economically Disadvantaged Business Certification

## Proposed New Rules: N.J.A.C. 17:51

Authorized By: Elizabeth Maher Muoio, State Treasurer.

Authority: P.L. 2023, c. 300.

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

Proposal Number: PRN 2024-145.

Submit comments by February 14, 2025, electronically, to the New Jersey Department of the Treasury at [http://www.state.nj.us/treas/treas\\_comments.shtml](http://www.state.nj.us/treas/treas_comments.shtml).

The Department encourages electronic submittal of comments. In the alternative, comments may be submitted on paper to:

Peter Lowicki  
Deputy Director  
Division of Revenue and Enterprise Services  
33 West State Street  
Trenton, NJ 08608  
[peter.lowicki@treas.nj.gov](mailto:peter.lowicki@treas.nj.gov)

The agency proposal follows:

## Summary

P.L. 2023, c. 300 (the Act), establishes a program within the Department of the Treasury (Department) for qualified business enterprise owners that are socially and economically disadvantaged to apply for certification as a “qualified business enterprise.”

The purpose of the Act and this chapter is to set forth the manner in which the Department may assist in providing equal opportunity for socially and economically disadvantaged businesses to participate in the State’s certification program. By obtaining a certification, qualified business enterprises may be eligible to participate in select set-aside or goal-based contracting initiatives offered by State agencies. Additionally, certification provides State-backed documentation of socially and economically disadvantaged business status, which can be beneficial in pursuing contracting opportunities at the local and Federal level, as well as with the private sector.

The Department seeks to propose new rules to operationalize the requirements of the Act. The Department is allowing a 60-day comment period for this notice of proposal; therefore, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

The following is a summary of the provisions of each section of the proposed new chapter:

N.J.A.C. 17:51-1.1 sets forth the scope of the Department’s role in the certification of socially and economically disadvantaged businesses.

N.J.A.C. 17:51-1.2 sets forth the definitions used in this subchapter to reflect operational practices and business requirements, as well as to incorporate definitions from the statute. In addition, the definitions specify rights of appeal or challenge to certification determinations.

N.J.A.C. 17:51-1.3 outlines the standards of certification for socially and economically disadvantaged businesses, covering both the social and economic dimensions of certification.

N.J.A.C. 17:51-1.4 sets forth the certification procedures for socially and economically disadvantaged businesses. Included are elements, such as: online filing of applications; required documentation; initial and