

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.

SUBCHAPTER 3. MOTORIZED BICYCLE LICENSES

13:25-3.1 Age requirements; proof of identity and date of birth

(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 in the manner set forth at N.J.A.C. 13:21-8.2 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.

(f) (No change.)

13:25-3.9 Visual acuity test standards

(a) (No change.)

(b) When the vision in 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 registered physician, ophthalmologist, or optometrist must be presented.

(c) When the vision in 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 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 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 PENSIONS AND BENEFITS

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Public Employees' Retirement System Rules

Readoption with Amendments: N.J.A.C. 17:2

Proposed: January 21, 2025, at 57 N.J.R 177(a).

Adopted: April 23, 2025, by Jeff Ignatowitz, Public Employees' Retirement System Board of Trustees.

Filed: April 30, 2025, as R.2025 d.070, **without change**.

Authority: N.J.S.A. 43:15A-1 et seq.

Effective Dates: April 30, 2025, Readoption;
June 2, 2025, Amendments.

Expiration Date: April 30, 2032.

Summary of Public Comments and Agency Responses:

The official comment period ended March 22, 2025. **There were no public comments received.**

Federal Standards Statement

The rules readopted with amendments meet the applicable Federal standards, that is, 26 U.S.C. § 403(b). There are no other Federal standards applicable to the subject matter of this chapter.

Full text of readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 17:2.

Full text of the adopted amendments follow:

SUBCHAPTER 3. INSURANCE AND DEATH BENEFITS

17:2-3.6 Survivor benefits

(a) (No change.)

(b) In the instance of an active member who dies in the performance of duty (accidental death), eligible survivors shall be entitled to benefits on the first day of the month following the member's death. The pension payment shall begin on the first day of the month following the member's death. Survivor benefits shall terminate as of the last day of the month in which the survivor no longer qualifies for such benefits.

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

SUBCHAPTER 5. PURCHASES AND ELIGIBLE SERVICE

17:2-5.1 Eligibility for purchase

(a) Only active members of the System who are currently contributing, or who have contributed within the last two years to the System, shall be eligible to make application for purchase of service credit. Active members who are not currently contributing to the PERS, must purchase their requested service in a lump sum. The purchase request must represent active service in a State-administered retirement system for which the member received a salary and was eligible for enrollment, but the information must be verified by the employer as to salary information, service, and title. Any service credit purchased will be added to a member's total service credit; however, purchasing service credit does not change a member's enrollment date or membership tier.

(b) (No change.)

(c) The Division will make an exception to the MBOS Purchase Application requirement and accept a Purchase Application in printed form pursuant to the following circumstances only:

1. (No change.)

2. A member is applying to purchase a leave of absence for union representation, as this type of purchase must be purchased quarterly; or

3. A member, who is within the 30-day period after the date the Board approved the application for retirement or after the date of the retirement, whichever is later.

(d) (No change.)

(e) The receipt of a public pension or retirement benefit is expressly conditioned upon the rendering of honorable service by a public officer or

employee. Only honorable service can be purchased. Therefore, the Board shall disallow the purchase of all or a portion of former service it deems to be dishonorable, in accordance with N.J.S.A. 43:1-3c.

17:2-5.5 Optional purchases of eligible service

(a) A shared-cost purchase is one in which the member pays only the employee's share and not the employer's share of the purchase. A member may purchase all or a portion of such eligible service. A shared-cost purchase will be calculated on the basis of the actuarial purchase factor established for the member's age at the time of the purchase request times the higher of either the member's current annual base salary or highest fiscal year base salary. The following types of purchases are shared-cost purchases:

1.-2. (No change.)

3. Continuous temporary service without interruption, substitute service, or intermittent service immediately preceding enrollment is eligible for purchase, provided the following conditions are met:

i. (No change.)

ii. Substitute service is eligible provided the employment immediately precedes enrollment in the PERS. Immediately preceding enrollment is defined as employment rendered during the month or biweekly pay period prior to the date of enrollment. The period(s) of substitute service that a member can request to purchase must meet the following criteria:

(1) A year of substitute service wherein a 10-month employee worked at least 10 days per month in each month of employment for an aggregate of 100 days during a regular work year. A 12-month employee is required to have worked at least 10 days per month in each month of employment for an aggregate of 120 days per year;

(2) Substitute service for a period of less than one year immediately preceding enrollment is eligible for purchase provided the member works at least 10 days per month for each month of substitute service immediately preceding enrollment; and

(3) (No change.)

iii. (No change.)

4.-8. (No change.)

(b) The types of purchases indicated at (b)1 through 3 below are considered to be full-cost purchases. A member may purchase all or a portion of such eligible service. The lump sum purchase cost shall be calculated on the basis of the actuarial purchase factor established for the member's nearest age at the time of the purchase request times the higher of either the member's current annual base salary or highest fiscal year base salary. The computed lump sum purchase cost shall then be doubled to establish the full cost to the member. This cost is calculated in this manner, as N.J.S.A. 43:15A-73.1 provides that the employer shall not be liable for any costs of purchasing this service; therefore, the member must pay both the employee and employer share.

1. (No change.)

2. Employment with the Federal government, provided the member is not receiving or eligible to receive a retirement benefit from the Federal retirement system for the same period of time.

i. (No change.)

ii. For purchase applications received November 1, 2008 or later, U.S. Government purchases, military purchases pursuant to P.L. 2008, c. 89, and out-of-State purchases cannot be used to qualify for post-retirement medical benefits, pursuant to N.J.S.A. 43:15A-73.1; and

3. (No change.)

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

17:2-5.8 Per diem credit

For the purchase of granting prior service credit for service performed on a per diem, hourly, on-call, or as-needed basis, credit shall be prorated and granted on the basis of at least 10 days in one calendar month equals one month of credit.

17:2-5.11 Service ineligible for purchase

(a) A member will not be granted, nor may a member purchase, prior service or membership credit, including, but not limited to, the following situations:

1.-4. (No change.)

5. A period of time when a member was on a suspension without pay during his or her employment;

6. Any public service that was not eligible for either compulsory or optional enrollment in a public-administered retirement system at the time the service was rendered;

7. A period of service deemed not creditable by the retirement system; or

8. Any service for which the criteria for purchase is unable to be verified.

(b) Private employment is not eligible for purchase.

SUBCHAPTER 6. RETIREMENTS

17:2-6.1 Applications

(a)-(f) (No change.)

(g) In addition to the requirements at (a) through (f) above, the following shall apply when an application for disability retirement is filed:

1. An application for a physical disability retirement must be supported by at least two medical reports. One must be provided by the member's personal or treating physician on a form prescribed by the Division. The other may be either hospital records supporting the claim of disability or a report from a second physician on a form prescribed by the Division. The medical condition described on the member's retirement application must correspond to the medical reports submitted in support of the member's disability retirement application. Further, in the case of a member filing for an accidental disability retirement, only those disabilities associated with the purportedly disabling event shall be considered. A member applying for disability retirement may only amend or change the medical condition on their application prior to evaluation by an independent medical examiner arranged by the Division. Once the member has been evaluated by an independent medical examiner as arranged by the Division, the member seeking to amend or change their claimed medical condition must withdraw their application and file a new application for a future retirement date. If the member is denied an accidental disability retirement application, but qualifies for an ordinary disability retirement based on the disabilities associated with the purportedly disabling event identified on the original accidental disability application, no additional application needs to be filed, pursuant to (g)6 below. The required documentation must be received within six months of the date of filing the disability retirement application. If it is not received, the retirement will be canceled and the member will be required to complete a new disability application for a future retirement date;

2. An application for a mental health disability retirement must be supported by at least two medical reports. One must be provided by the member's personal or treating psychiatrist or psychologist on a form prescribed by the Division. The other "medical report" may be in the form of either hospital records supporting the claim of disability, a report from a second psychiatrist or psychologist on a form prescribed by the Division, or a report from the member's personal or treating physician, or licensed clinical social worker. The required documentation must be received within six months of the date of filing the disability retirement application. If it is not received, the retirement will be canceled and the member will be required to complete a new disability retirement application for a future retirement date. The medical condition described on the member's retirement application must correspond to the medical reports submitted in support of the member's disability retirement application. A member applying for disability retirement may only amend or change the medical condition on their application prior to evaluation by an independent medical examiner arranged by the Division. Once the member has been evaluated by an independent medical examiner, as arranged by the Division, the member seeking to amend or change their claimed medical condition must withdraw their application and file a new application for a future retirement date. Further, in the case of a member filing for an accidental disability retirement, only those disabilities associated with the purportedly disabling event shall be considered;

3.-6. (No change.)

(i)-(j) (No change.)

17:2-6.10 Involuntary disability application

(a) If an application for an accidental disability retirement benefit or for an ordinary disability retirement benefit is filed by an employer for one of its employees enrolled in the System before May 21, 2010, the member will be promptly notified by letter that:

1.-2. (No change.)

3. The member has a period of 30 days to contest the involuntary disability retirement by submitting a written statement before the Board acts on the employer's application. If not contested, the member may be required to submit additional documentation upon request to assist in processing the application. This may include signing a HIPAA release and medical questionnaire, when requested as part of the application process;

4.-6. (No change.)

17:2-6.26 Disability retirement applications; examinations; physicians

(a) In addition to the reports required with the application pursuant to N.J.A.C. 17:2-6.1(g)1 and 2, applicants for a disability retirement shall submit with their applications all the medical information they can supply relative to their disability, including reports of their personal physicians and consulting physicians, hospital records, diagnostic test results, and any other medical information that would assist the independent medical examiner, Medical Review Board, and the Board in determining eligibility of the applicants for a disability retirement. The Division shall forward the applications and the accompanying medical information to the Medical Review Board. Further, the member may be required to sign a HIPAA release and medical questionnaire, when requested as part of the application process.

1. (No change.)

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

(f) The member's disability retirement application will be processed on the basis of the medical conditions described on the submitted application. The member may only amend or change the medical condition on their application prior to evaluation by an independent medical examiner arranged by the Division. Once the member has been evaluated by an independent medical examiner, as arranged by the Division, the member seeking to amend or change their claimed medical condition must withdraw their application and file a new application for a future retirement date. If the disability retirement application is denied, the member may file an appeal within 45 days, based on the medical conditions described on the submitted application. An applicant who files an appeal of a denial of disability retirement may qualify for a deferred retirement during the pendency of the appeal in the Office of Administrative Law. An applicant that wishes to accept the deferred retirement must include a written statement accepting deferred retirement at the time of the appeal.

(g) (No change.)

(a)

DIVISION OF REVENUE AND ENTERPRISE SYSTEMS

Socially and Economically Disadvantaged Business Certification

Adopted New Rules: N.J.A.C. 17:51

Proposed: December 16, 2024, at 56 N.J.R. 2329(a).

Adopted: April 29, 2025, by Elizabeth Maher Muoio, State Treasurer.

Filed: April 29, 2025, as R.2025 d.068, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.5).

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

Effective Date: June 2, 2025.

Expiration Date: June 2, 2032.

Summary of Public Comment and Agency Response:

The official comment period ended April 25, 2025. **No comments were received.**

Federal Standards Statement

There are no Federal standards or requirements applicable to the adopted new rules. As a result, an explanation or analysis of the adopted new rules pursuant to Executive Order No. 27 (1994) is not required.

Full text of the adopted new rules follows (addition to proposal indicated in boldface with asterisks ***thus***; deletion from proposal indicated in brackets with asterisks *[thus]*):

CHAPTER 51

SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESS CERTIFICATION

SUBCHAPTER 1. CERTIFICATION

17:51-1.1 Application and scope

This subchapter is promulgated by the Department of the Treasury to implement the certification provisions at P.L. 2023, c. 300 (the Act). The Act creates a program for qualified socially and economically disadvantaged business owners. The program is intended to promote equal opportunity for socially and economically disadvantaged businesses to participate in State contracting agency goal-based purchasing and procurement processes. Certification of businesses as socially and economically disadvantaged (qualified business enterprise) will enable such firms to participate in the contracting agency programs. Accordingly, the Department will administer a certification program and monitor the policies and practices through which socially and economically disadvantaged businesses may be certified.

17:51-1.2 Definitions

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

"Appeal" means a timely filed written challenge to a denial or revocation of a certification as a socially and economically disadvantaged business.

"Applicant" means an owner, or their authorized representative, who applies for certification as a socially and economically disadvantaged business, in accordance with the provisions at P.L. 2023, c. 300, and this chapter.

"Business" means an entity organized for profit including, but not limited to, an individual or individuals, sole proprietorship, partnership, limited liability company, corporation, or joint venture.

"Certification" means a determination by the Department that an applicant has met the standards as a socially and economically disadvantaged business pursuant to the Act and this chapter.

"Control" means authority over the affairs of a business, including, but not limited to, capital investment, property acquisition, employee hiring, contract negotiations, legal matters, officer and Department selection, operating responsibility, financial transactions, and the rights of other shareholders or joint partners.

"Day" or "business day" means any weekday, excluding Saturdays, Sundays, State or Federal legal holidays, and State-mandated furlough days.

"Denial" means an administrative decision by the Department to reject an application for reasons such as the submission being incomplete, inaccurate, or failing to meet the eligibility standard for a socially and economically disadvantaged business.

"Department" means the Department of the Treasury.

"Economically disadvantaged" means that the owner or owners of a business enterprise demonstrate that the ability to compete for State contracts has been impaired due to diminished capital and credit opportunities, as compared to others in the same or similar line of business who are not socially disadvantaged; and demonstrate a personal net worth that does not exceed the level established by the Department in this chapter, but does not include equity in any personal residence or business for which the person is applying for certification.

"Hearing officer" means a State of New Jersey, Department of the Treasury employee designated by the New Jersey State Treasurer to hear cases involving an appeal of a denial of a certification or a challenge to a certification, pursuant to the provisions of this chapter, and to render decisions on those appeals and challenges.

"Qualified business enterprise" means a business that has its principal place of business in the State, is independently owned and operated, meets all other qualifications as established in accordance with this chapter, and is certified for participation in the program by the Department.