

determine whether or not there exists probable cause to find that the alleged conduct that served as a basis for the preliminary suspension occurred, and whether or not that conduct constitutes sufficient basis to find an emergent situation justifying the continuation of a preliminary suspension.

(c) Along with the notice of immediate suspension, the Commission will issue a notice of proposed final suspension, revocation, or other agency action.

(d) The TNC will be afforded an opportunity to request a hearing concerning the proposed final agency action pursuant to N.J.A.C. 13:21-26.4.

13:21-26.7 Display of identifying marker

(a) A TNC shall issue an identifying marker to every TNC driver, which shall be displayed by the TNC driver in accordance with N.J.S.A. 39:5H-23.b, on the driver's personal vehicle when the driver logs on to the TNC's digital network as a driver or provides a prearranged ride.

(b) The identifying marker shall be sufficient to allow a passenger, government official, or member of the public to identify the TNC with which the vehicle is affiliated, and shall be of such size, shape, and color or color-contrast as to be readily identifiable during daylight hours from a distance of 50 feet while the vehicle is not in motion and shall be reflective, illuminated, or otherwise patently visible in darkness.

(c) The TNC's identifying marker may be removable, but no person shall operate their personal vehicle as a TNC driver without displaying the TNC identifying marker in accordance with this section.

(d) No person shall operate a vehicle bearing a TNC's identifying marker issued in accordance with this section without the authorization of the TNC issuing the identifying marker.

TREASURY—GENERAL

(a)

**DIVISION OF PENSIONS AND BENEFITS
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Notice of Administrative Correction
Public Employees' Retirement System
Withdrawal and Return; Contributory Insurance
N.J.A.C. 17:2-3.8**

Take notice that the Board of Trustees of the Public Employees' Retirement System (Board) has discovered an error in the text of N.J.A.C. 17:2-3.8. Effective January 16, 2018, the Board proposed and adopted the readoption of N.J.A.C. 17:2 with amendments and a repeal and new rule (see 49 N.J.R. 2189(a); 50 N.J.R. 646(a)). As part of the amendments, the Board proposed to delete a New Jersey Administrative Code cross-reference at N.J.A.C. 17:2-3.8(b) and replace it with a statutory cross-reference to N.J.S.A. 43:15C-8 and add a new sentence after the new cross-reference.

The Board specifically summarized the change in its notice of proposal as "provid[ing] the correct statutory citation for conversion of group life insurance ... [t]he current citation references a rule that incorrectly addresses group life insurance conversions [N.J.A.C. 17:2-3.13(b)] and is proposed to be [deleted]." (See 49 N.J.R. 2192.) During the public comment period, the Board received a comment specifically addressing the above change. The Board responded with a discussion about how the enactment of P.L. 1995, c. 221 amended N.J.S.A. 43:15A-93. All references in the response to the comment are to N.J.S.A. 43:15A-93, not N.J.S.A. 43:15C-8. N.J.S.A. 43:15C-1 et seq., of which N.J.S.A. 43:15C-8 is a part, pertains to the Defined Contribution Retirement Program, not the Public Employees' Retirement System (PERS). The proper statutory authority for PERS, as noted by both the commenter and the Board in the notice of adoption comment and response is N.J.S.A. 43:15A-1 et seq., of which N.J.S.A. 43:15A-93 is a part. The Board has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

SUBCHAPTER 3. INSURANCE AND DEATH BENEFITS

17:2-3.8 Withdrawal and return; contributory insurance

(a) (No change.)

(b) If a member is covered by group life insurance during employment, the coverage shall cease 31 days subsequent to the member's termination date from employment, regardless of the cause of termination. A member may convert the life insurance at the member's expense as set forth in N.J.S.A. 43:[15C-8]**15A-93**. The converted individual policy will not take effect until the expiration of the group life insurance policy at the conclusion of the 31-day grace period.

TREASURY—TAXATION

(b)

DIVISION OF TAXATION

Luxury Tax

Readoption with Amendments: N.J.A.C. 18:25

Adopted Repeal: N.J.A.C. 18:25-1.3

Proposed: June 18, 2018, at 50 N.J.R. 1426(a).

Adopted: October 24, 2018, by John J. Ficara, Acting Director, Division of Taxation.

Filed: October 24, 2018, as R.2018 d.199, **without change**.

Authority: N.J.S.A. 54:32B-24 and 54:32B-24.1.

Effective Dates: October 24, 2018, Readoption; November 19, 2018, Amendments and Repeal.

Expiration Date: October 24, 2025.

Summary of Public Comment and Agency Response:
No comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the authority for the rules readopted with amendments and a repeal is based on N.J.S.A. 54:32B-24. The rules readopted with amendments and a repeal are, therefore, independent from any Federal standards or requirements.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 18:25.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

18:25-1.2 Definitions

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

"Apartment" means a complete housekeeping unit of real property, either constructed or modified for such use, which has as part of its permanent physical design, kitchen and bath facilities located within such unit.

...

"Luxury tax" means the Retail Sales Tax in Fourth Class Cities, N.J.S.A. 40:48-8.15 et seq. (P.L. 1947, c. 71).

...

"Retail sale" or "sale at retail" means and includes:

1. Any sale in the ordinary course of business for consumption of whiskey, beer, or other alcoholic beverages by the drink in restaurants, cafes, bars, hotels, and other similar establishments;

2. Any cover charge, minimum charge, entertainment, or other similar charge made to any patron of any restaurant, cafe, bar, hotel, or other similar establishment;

3. (No change.)

4. The hiring of any rolling chair, beach chair, or cabana; and