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[Second Reprint]

**ASSEMBLY, No. 4243**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED NOVEMBER 30, 2009

**Sponsored by:**

**Assemblywoman CONNIE WAGNER**

**District 38 (Bergen)**

**Assemblywoman ELEASE EVANS**

**District 35 (Bergen and Passaic)**

**Assemblyman SCOTT T. RUMANA**

**District 40 (Bergen, Essex and Passaic)**

**Co-Sponsored by:**

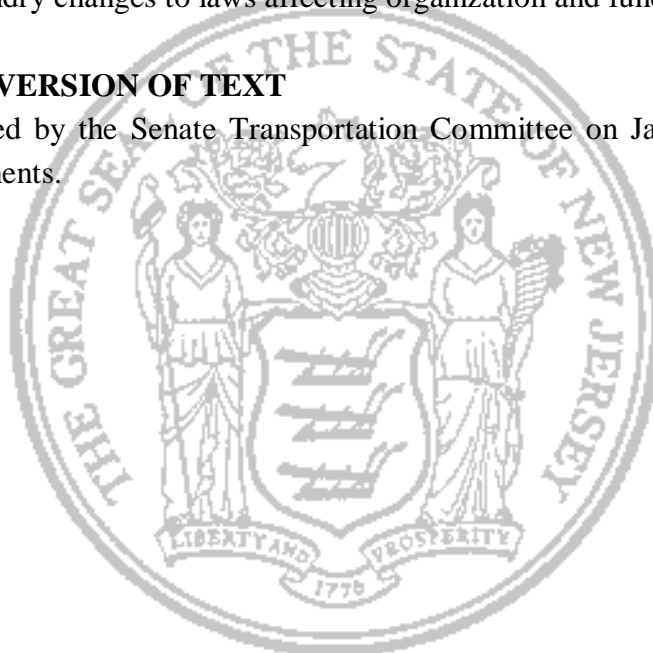
**Senators Sacco and Ciesla**

**SYNOPSIS**

Makes sundry changes to laws affecting organization and functions of MVC.

**CURRENT VERSION OF TEXT**

As reported by the Senate Transportation Committee on January 7, 2010,  
with amendments.



**(Sponsorship Updated As Of: 1/12/2010)**

1 AN ACT concerning the New Jersey Motor Vehicle Commission,  
2 amending various parts of Title 39 of the Revised Statutes and  
3 repealing R.S.39:11-3.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 10 of P.L.2003, c.13 (39:2A-10) is amended to read  
9 as follows:

10 10. The Deputy Chief Administrator shall assist the chief  
11 administrator in the day-to-day administration of the commission  
12 and shall have all of the powers and duties of the chief  
13 administrator, as authorized and assigned by the chief administrator.

14 The deputy chief administrator shall carry out all of the chief  
15 administrator's duties and responsibilities during the chief  
16 administrator's absence, disqualification or inability to serve, and  
17 shall perform such other duties and responsibilities as the chief  
18 administrator shall determine and assign. If a vacancy occurs in the  
19 office of the chief administrator for any reason, the deputy chief  
20 administrator shall become acting chief administrator to serve until  
21 a successor is appointed in accordance with section 13 of P.L.2003,  
22 c.13 (C.39:2A-12). The deputy chief administrator shall serve at  
23 the pleasure of the chief administrator and shall receive such salary  
24 as fixed by the chief administrator in accordance with the table of  
25 organization. The deputy chief administrator shall be in the State  
26 unclassified service.

27 (cf: P.L.2003, c.13, s.10)

28

29 2. Section 12 of P.L.2003, c.13 (C.39:2A-12) is amended to  
30 read as follows:

31 12. a. Except as otherwise provided by law, the commission  
32 shall be governed by a board which shall consist of the following  
33 eight members:

34 (1) The Commissioner of Transportation, who shall serve as an  
35 ex officio voting member;

36 (2) The State Attorney General, who shall serve as an ex officio  
37 voting member;

38 (3) The Chair of the board who shall be a nonvoting member  
39 and who shall also be the person appointed and serving as the chief  
40 administrator. The **Chair** chief administrator shall be appointed  
41 by the Governor with the advice and consent of the Senate. The  
42 **Chair** chief administrator shall serve at the pleasure of the  
43 Governor during the Governor's term of office, and shall receive  
44 such salary as shall be fixed by the Governor which is not greater

EXPLANATION – Matter enclosed in bold-faced brackets **[ thus ]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ATR committee amendments adopted December 3, 2009.

<sup>2</sup>Senate STR committee amendments adopted January 7, 2010.

1 than the salary of a cabinet-level official of the State. Prior to  
2 nomination, the Governor shall cause the Attorney General to  
3 conduct an inquiry into the nominee's background, financial  
4 stability, integrity and responsibility and reputation for good  
5 character, honesty and integrity. The person appointed and serving  
6 as **[Chair shall also be Chief Administrator of the commission and]**  
7 chief administrator shall devote full time to the performance of the  
8 duties of that position. The **[Chief Administrator]** chief  
9 administrator shall be in the State unclassified service;

10 (4) The State Treasurer, who shall serve as an ex officio voting  
11 member; and

12 (5) Four public members who shall be appointed by the  
13 Governor with the advice and consent of the Senate, not more than  
14 two of whom shall be of the same political party. The public  
15 members shall be voting members and serve for a term of four  
16 years. These members shall be New Jersey residents who shall  
17 provide appropriate geographic representation from throughout the  
18 State and who shall have experience and familiarity with public  
19 safety, customer service, security, or business operations. At least  
20 one member shall reside in a northern county (Bergen, Essex,  
21 Hudson, Morris, Passaic, Union, Sussex and Warren), at least one  
22 member shall reside in a central county (Hunterdon, Mercer,  
23 Middlesex, Monmouth and Somerset), and at least one member  
24 shall reside in a southern county (Atlantic, Burlington, Camden,  
25 Cape May, Cumberland, Gloucester, Ocean and Salem).

26 b. Appointments of public members to the board shall be for  
27 terms of four years, except that in filling each vacancy, among the  
28 several public members, that first arises by expiration of the  
29 respective terms of those members following the effective date of  
30 P.L.2007, c.335 (C.39:2A-36.1 et al.), appointments shall be for  
31 terms as follows: one member for four years, one member for three  
32 years, one member for two years, and one member for one year. A  
33 public member may be appointed for any number of successive  
34 terms. The board may elect a secretary and a treasurer, who need  
35 not be members, and the same person may be elected to serve both  
36 as secretary and treasurer.

37 c. Each ex officio member of the board may designate two  
38 employees of the member's department or agency, who may  
39 represent the member at meetings of the board. A designee may  
40 lawfully vote and otherwise act on behalf of the member. The  
41 designation shall be in writing delivered to the board and shall  
42 continue in effect until revoked or amended by writing delivered to  
43 the board.

44 d. Each public member shall continue in office after the  
45 expiration of the member's term until a successor is appointed and  
46 qualified. The successor shall be appointed in like manner for the  
47 unexpired term only.

1 e. A vacancy in the membership of the board occurring other  
2 than by expiration of term shall be filled in the same manner as the  
3 original appointment, but for the unexpired term only.  
4 (cf: P.L.2007, c.335, s.2)

5  
6 3. Section 13 of P.L.2003, c.13 (C.39:2A-13) is amended to  
7 read as follows:

8 13. a. In addition to any powers and duties conferred upon it  
9 elsewhere in this act, the board shall be authorized to:

10 (1) Make, amend and repeal bylaws not inconsistent with State  
11 and federal law;

12 (2) Adopt an official seal;

13 (3) Maintain an office at such place or places within the State as  
14 it may designate;

15 (4) Apply for and accept grants from the State or federal  
16 government, or any agency thereof, or grants, gifts or other  
17 contributions from any foundation, corporation, association or  
18 individual, or any private source, and comply with the terms,  
19 conditions and limitations thereof, as necessary and proper to carry  
20 out the purposes of this act;

21 (5) Delegate to the chief administrator and any other officers of  
22 the commission such powers and duties as necessary and proper to  
23 carry out the purposes of this act;

24 (6) Operate, lease, license or contract in such manner as to  
25 produce revenue for the commission, as provided in this act,  
26 including engaging in advertising services pursuant to section 35 of  
27 P.L.2003, c.13 (C.39:2A-33);

28 (7) Accept and use any funds available to the commission;

29 (8) Enter into agreements or contracts to pay for goods from and  
30 services rendered by any public or private entity, and receive  
31 payment for services rendered to any public or private entity,  
32 including advertising services provided pursuant to section 35 of  
33 P.L.2003, c.13 (C.39:2A-33); and

34 (9) Enter into agreements or contracts, execute any and all  
35 instruments, and do and perform acts or things necessary,  
36 convenient or desirable for the purposes of the commission, or to  
37 carry out any power expressly or implicitly given in this act.

38 b. The board is further authorized to:

39 (1) Review and approve a statement of the vision, mission, and  
40 goals of the commission, as submitted by the chief administrator;

41 (2) Review and approve the strategic business plan of the  
42 commission which shall include the commission's long-term  
43 objectives, policies, and programs, including a facilities  
44 improvement and management plan and a table of organization, as  
45 submitted by the chief administrator;

46 (3) Review and approve the annual budget of the commission as  
47 submitted by the chief administrator and ensure that projected

1 revenues and service charges are sufficient to adequately fund the  
2 commission both in the short and long-term;

3 (4) Receive reports and recommendations from **the Advisory**  
4 **Councils** any advisory council created pursuant to **this act**  
5 section 26 of P.L.2003, c.13 (C.39:2A-26) and provide policy  
6 direction related thereto to the chief administrator;

7 (5) Review and recommend all capital purchases and  
8 construction projects undertaken by the commission;

9 (6) Review any proposed bill, joint resolution or concurrent  
10 resolution introduced in either House of the Legislature which  
11 establishes or modifies any motor vehicle statute or regulation in  
12 this State. Such a review shall include, but not be limited to, an  
13 analysis of the fiscal impact of the bill or resolution on the  
14 commission and any comments upon or recommendations  
15 concerning the legislation including rejection, modification or  
16 approval. Additionally, the board shall suggest alternatives to the  
17 legislation which it deems may be appropriate; and

18 (7) Recommend to the Governor and the Legislature any  
19 statutory changes it deems appropriate, including, but not limited to,  
20 any revisions to fees or service charges or changes to programs, in  
21 order to insure the proper functioning and operation of the  
22 commission.

23 c. Except as provided in this section and section 21 of  
24 P.L.2003, c.13 (C.39:2A-21), all administrative functions, powers  
25 and duties of the commission may be exercised by the chief  
26 administrator and any reference to the commission in any law, rule  
27 or regulation may for this purpose be deemed to refer to the chief  
28 administrator.

29 (cf: P.L.2007, c.335, s.3)

30

31 <sup>2</sup>[4. Section 26 of P.L.2003, c.13 (C.39:2A-26) is amended to  
32 read as follows:

33 26. **There are created within the commission five advisory**  
34 **councils, which shall** The chief administrator may create and  
35 establish as necessary within the commission advisory councils to  
36 examine issues affecting or identified by the commission. Such  
37 councils may provide the board with advice, technical expertise,  
38 information, guidance, and recommendations **in four general**  
39 **areas** concerning such issues. The board **shall** may designate  
40 the appropriate State and local government representatives, interest  
41 group representatives, technical experts, and constituent  
42 representatives as appropriate to serve on the councils. Federal  
43 government representatives and representatives of national  
44 organizations shall be asked to serve, and if willing, **shall** may  
45 be designated by the board to serve. All council members shall be  
46 designated by board action **and shall serve on rotating terms so as**  
47 **to provide stability and continuity on each council**. The Chair, or

- 1 the Chair's designee, shall serve on each council. **【The】** Such  
2 councils shall meet and report to the board as frequently as the  
3 board requests. **【The councils are as follows:**
- 4 a. The Safety Advisory Council, which shall advise the board  
5 regarding the commission's policies, operating practices, regulations  
6 and standards in regard to driver, motor vehicle and traffic safety  
7 and consider new initiatives or legislation to enhance the safety of  
8 the motoring public.
- 9 b. The Customer Service Advisory Council, which shall advise  
10 the board regarding the commission's policies, operating practices,  
11 employee communications, regulations, and standards in providing  
12 appropriate customer service. The council shall: examine  
13 benchmarking performance and level of service standards for the  
14 Contact Center; examine internal communications to ensure  
15 consistency and systematic application; make recommendations  
16 regarding marketing and the dissemination of information to the  
17 public to re-establish a robust marketing and public information  
18 program which informs and educates public consumers; and advise  
19 on all aspects of customer service at the commission.
- 20 c. The Security and Privacy Advisory Council, which shall:  
21 advise the board as to how to effectively maintain the commission's  
22 system and business processes in the securest manner; help the  
23 board to address the commission's most serious security breaches;  
24 advise as to new or modified programs needed to achieve  
25 heightened security; and recommend methods to curtail fraudulent  
26 and criminal activities that present threats to the State's security as  
27 well as measures to protect the privacy of driver information,  
28 including but not limited to the Driver's Privacy Protection Act of  
29 1994, Pub.L.103-322.
- 30 d. The Business Advisory Council, which shall advise the  
31 board on improvements in the commission's business practices  
32 which affect its public and private partners, regulated entities,  
33 interest groups, businesses, and constituents in providing motor  
34 vehicle services.
- 35 e. The Technology Advisory Council, which shall advise the  
36 board on the latest and best technological services and equipment to  
37 ensure continued modernization of the commission's facilities,  
38 equipment, operations, security, and customer service.
- 39 In addition to the five councils created above, the chief  
40 administrator may create and establish as necessary within the  
41 commission any other advisory council to examine issues affecting  
42 or identified by the commission. The members of such councils  
43 shall be designated, serve, meet and report to the board as provided  
44 for the members of the five councils created above. **】**
- 45 (cf: P.L.2007, c.335, s.13) **】**<sup>2</sup>



1       24. Section 26 of P.L.2003, c.13 (C.39:2A-26) is amended to  
2 read as follows:

3       26. There ~~are~~ is created within the commission ~~five~~ one  
4 advisory ~~councils~~ council, which shall provide the board with  
5 advice, technical expertise, information, guidance, and  
6 recommendations in ~~four general areas~~ the area of security and  
7 privacy. The board shall designate the appropriate State and local  
8 government representatives, interest group representatives,  
9 technical experts, and constituent representatives as appropriate to  
10 serve on the ~~councils~~ council. Federal government  
11 representatives and representatives of national organizations shall  
12 be asked to serve, and if willing, ~~shall~~ may be designated by the  
13 board to serve. All council members shall be designated by board  
14 action ~~and shall serve on rotating terms so as to provide stability~~  
15 ~~and continuity on each council~~. The Chair, or the Chair's  
16 designee, shall serve on ~~each~~ the council. The ~~councils~~ council  
17 shall meet and report to the board as frequently as the board  
18 requests. The ~~councils are~~ council is as follows:

19       a. ~~【The Safety Advisory Council, which shall advise the board~~  
20 ~~regarding the commission's policies, operating practices, regulations~~  
21 ~~and standards in regard to driver, motor vehicle and traffic safety~~  
22 ~~and consider new initiatives or legislation to enhance the safety of~~  
23 ~~the motoring public.】 (Deleted by amendment, P.L. , c. ).~~

24       b. ~~【The Customer Service Advisory Council, which shall~~  
25 ~~advise the board regarding the commission's policies, operating~~  
26 ~~practices, employee communications, regulations, and standards in~~  
27 ~~providing appropriate customer service. The council shall:~~  
28 ~~examine benchmarking performance and level of service standards~~  
29 ~~for the Contact Center; examine internal communications to ensure~~  
30 ~~consistency and systematic application; make recommendations~~  
31 ~~regarding marketing and the dissemination of information to the~~  
32 ~~public to re-establish a robust marketing and public information~~  
33 ~~program which informs and educates public consumers; and advise~~  
34 ~~on all aspects of customer service at the commission.】 (Deleted by~~  
35 ~~amendment, P.L. , c. ).~~

36       c. The Security and Privacy Advisory Council, which shall:  
37 advise the board as to how to effectively maintain the commission's  
38 system and business processes in the securest manner; help the  
39 board to address the commission's most serious security breaches;  
40 advise as to new or modified programs needed to achieve  
41 heightened security; and recommend methods to curtail fraudulent  
42 and criminal activities that present threats to the State's security as  
43 well as measures to protect the privacy of driver information,  
44 including but not limited to the Driver's Privacy Protection Act of  
45 1994, Pub.L.103-322.

1 d. ~~【The Business Advisory Council, which shall advise the~~  
2 ~~board on improvements in the commission's business practices~~  
3 ~~which affect its public and private partners, regulated entities,~~  
4 ~~interest groups, businesses, and constituents in providing motor~~  
5 ~~vehicle services.】 (Deleted by amendment, P.L. , c. ).~~

6 e. ~~【The Technology Advisory Council, which shall advise the~~  
7 ~~board on the latest and best technological services and equipment to~~  
8 ~~ensure continued modernization of the commission's facilities,~~  
9 ~~equipment, operations, security, and customer service.】 (Deleted by~~  
10 ~~amendment, P.L. , c. ).~~

11 In addition to the ~~【five councils】~~ council created above, the  
12 chief administrator may create and establish as necessary within the  
13 commission any other advisory council to examine issues affecting  
14 or identified by the commission. The members of such councils  
15 shall be designated, serve, meet and report to the board as provided  
16 for the members of the ~~【five councils】~~ council created above. The  
17 Chair or Chair's designee shall serve on each council. The Safety  
18 Advisory Council, the Customer Service Advisory Council, the  
19 Business Advisory Council, and the Technology Advisory Council  
20 are abolished.<sup>2</sup>

21 (cf: P.L.2007, c.335, s.13)

22  
23 5. Section 35 of P.L.2003, c.13 (C.39:2A-33) is amended to  
24 read as follows:

25 35. a. The commission may contract for ancillary services at  
26 facilities used by the commission, including but not limited to food  
27 and beverage concessions, service concessions that would be  
28 beneficial to its customers, and information services that would be  
29 of interest or informative to its customers, such as television  
30 displays, public service displays, and the like.

31 b. In entering into a contract pursuant to ~~【this section】~~  
32 subsection a. of this section, the commission shall award a contract  
33 on the basis of competitive public bids or proposals to the  
34 responsible bidder or proposer whose bid or proposal is determined  
35 to be in the best interest of the State, price and other factors  
36 considered.

37 c. The commission may also sell, lease, or otherwise contract  
38 for advertising in or on its equipment or facilities, in any mailing it  
39 conducts, or in any publication it produces, including, but not  
40 limited to, the New Jersey Driver Manual distributed pursuant to  
41 R.S.39:3-41.

42 d. The commission is authorized to receive funds from ~~【the~~  
43 ~~contract】~~ contracts entered into pursuant to subsections a. and c. of  
44 this section and shall have the right to use the same. The revenue  
45 shall not be subject to appropriation as Direct State Services by the  
46 Legislature. In addition, this revenue shall not be restricted from  
47 use by the commission in any manner except as provided by law.

1 This revenue shall be used in the furtherance of commission  
2 purposes. This revenue shall be considered revenue of the  
3 commission and shall not be subject to the calculation of  
4 proportional revenue remitted to the commission pursuant to section  
5 105 of **[this act]** P.L.2003, c.13 (C.39:2A-36).

6 e. In accordance with the "Administrative Procedure Act,"  
7 P.L.1968, c.401 (C.52:14B-1 et seq.), the commission shall  
8 promulgate rules and regulations necessary to effectuate the  
9 purposes of this section, including, but not limited to, the criteria  
10 for determining the appropriateness of any advertising and the  
11 suitability of any advertising message.

12 (cf: P.L.2003, c.13, s.35)

13

14 <sup>2</sup>[<sup>1</sup>6. Section 16 of P.L.2007, c.335 (C.39:2A-36.1) is  
15 amended to read as follows:

16 16. a. On and after the effective date of P.L.2007, c.335  
17 (C.39:2A-36.1 et al.), the board may, by regulation adopted  
18 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
19 (C.52:14B-1 et seq.), increase fees and surcharges collected  
20 pursuant to the following statutes, notwithstanding any law, rule, or  
21 regulation to the contrary:

22 Section 4 of P.L.1995, c.401 (C.12:7-73); section 24 of  
23 P.L.1984, c.152 (C.12:7A-24); section 28 of P.L.1984, c.152  
24 (C.12:7A-28); section 1 of P.L.1983, c.65 (C.17:29A-33); section 6  
25 of P.L.1983, c.65 (C.17:29A-35); section 9 of P.L.1998, c.108  
26 (C.27:5F-42); R.S.39:2-10; section 1 of P.L.1969, c.301 (C.39:3-  
27 4b); section 2 of P.L.1969, c.301 (C.39:3-4c); section 2 of  
28 P.L.1968, c.439 (C.39:3-8.1); section 1 of P.L.1992, c.87 (C.39:3-  
29 8.2); section 23 of P.L.1975, c.180 (C.39:3-10a); section 1 of  
30 P.L.1977, c.23 (C.39:3-10b); section 1 of P.L.1979, c.261 (C.39:3-  
31 10f); section 22 of P.L.1990, c.103 (C.39:3-10.30); R.S.39:3-13;  
32 R.S.39:3-18; R.S.39:3-19; section 2 of P.L.1974, c.162 (C.39:3-  
33 19.2); section 12 of P.L.1979, c.224 (C.39:3-19.5); R.S.39:3-20;  
34 section 1 of P.L.1973, c.319 (C.39:3-20.1); R.S.39:3-21; R.S.39:3-  
35 24; R.S.39:3-25; R.S.39:3-26; section 2 of P.L.1964, c.195 (C.39:3-  
36 27.4); section 2 of P.L.1968, c.247 (C.39:3-27.6); section 2 of  
37 P.L.1977, c.369 (C.39:3-27.9); section 2 of P.L.1979, c.457  
38 (C.39:3-27.16); section 2 of P.L.1981, c.139 (C.39:3-27.19);  
39 R.S.39:3-28; R.S.39:3-30; R.S.39:3-31; section 1 of P.L.1961, c.77  
40 (C.39:3-31.1); R.S.39:3-32; section 1 of P.L.1999, c.192 (C.39:3-  
41 33a); section 1 of P.L.2001, c.35 (C.39:3-33b); section 2 of  
42 P.L.1959, c.56 (C.39:3-33.4); section 4 of P.L.1959, c.56 (C.39:3-  
43 33.6); R.S.39:3-36; section 1 of P.L.1979, c.314 (C.39:3-54.14);  
44 section 2 of P.L.1999, c.308 (C.39:3-75.2); R.S.39:3-84; section 2  
45 of P.L.1999, c.396 (C.39:3-84.7); section 3 of P.L.1973, c.307  
46 (C.39:3C-3); section 10 of P.L.1983, c.105 (C.39:4-14.3j); section  
47 23 of P.L.1983, c.105 (C.39:4-14.3w); R.S.39:4-26; R.S.39:4-30;  
48 section 11 of P.L.1985, c.14 (C.39:4-139.12); section 1 of P.L.1972,

1 c.38 (C.39:5-30.4); section 31 of P.L.1994, c.60 (C.39:5-36.1);  
2 section 20 of P.L.1952, c.173 (C.39:6-42); section 2 of P.L.1983,  
3 c.141 (C.39:6B-3); R.S.39:7-3; section 3 of P.L.1975, c.156  
4 (C.39:8-11); section 8 of P.L.1975, c.156 (C.39:8-16); section 9 of  
5 P.L.1975, c.156 (C.39:8-17); section 15 of P.L.1975, c.156 (C.39:8-  
6 23); section 5 of P.L.1995, c.112 (C.39:8-45); section 7 of  
7 P.L.1995, c.112 (C.39:8-47); section 12 of P.L.1995, c.112 (C.39:8-  
8 52); section 11 of P.L.1995, c.157 (C.39:8-69); section 13 of  
9 P.L.1995, c.112 (C.39:8-53); section 14 of P.L.1995, c.112 (C.39:8-  
10 54); R.S.39:10-11; R.S.39:10-12; R.S.39:10-14; R.S.39:10-16;  
11 R.S.39:10-19; R.S.39:10-25; section 5 of P.L.1983, c.323 (C.39:10-  
12 35); section 8 of P.L.1983, c.455 (C.39:10A-15); R.S.39:11-6;  
13 R.S.39:11-8; section 2 of P.L.1951, c.216 (C.39:12-2); section 5 of  
14 P.L.1951, c.216 (C.39:12-5); and section 2 of P.L.1983, c.360  
15 (C.39:13-2).

16 b. (1) In determining an appropriate increase of any fee or  
17 surcharge pursuant to subsection a. of this section, the board shall  
18 consider at least the following factors: (a) the year in which the fee  
19 or surcharge was last increased; (b) the actual costs to the State of  
20 New Jersey for administering any transaction, process, filing,  
21 registration, inspection, audit, or any license, permit, or other  
22 document issuance, for which the fee or surcharge is collected; and  
23 (c) the annual percentage increase in the Consumer Price Index or  
24 other similar relevant index.

25 No fee or surcharge set forth in this section shall be increased by  
26 regulation more than once during any five-year period, and no such  
27 fee or surcharge shall be increased beyond an amount that exceeds  
28 the actual costs to the State of New Jersey for administering any  
29 transaction, process, filing, registration, inspection, audit, or any  
30 license, permit, or other document issuance, for which the fee or  
31 surcharge is collected.

32 (2) All increases in a fee or surcharge after the first increase  
33 shall also be subject to the following limitation: the increase shall  
34 not exceed the cumulative annual percentage increase in the  
35 Consumer Price Index for the five fiscal years prior to the date of  
36 the proposed subsequent increase.

37 (3) All increases in fees or surcharges imposed by regulation  
38 proposed to be adopted in a calendar year shall be consolidated in  
39 one single regulatory proposal in that calendar year.

40 (4) As used in this section, the "Consumer Price Index" means  
41 the consumer price index for all urban consumers in the New York  
42 City and Philadelphia areas as reported by the Department of Labor  
43 or successor index.

44 c. Pursuant to subsection b. of section 105 of P.L.2003, c.13  
45 (C.39:2A-36), 100 percent of the increased revenues collected from  
46 such increase shall be remitted to the commission.<sup>1</sup>

47 (cf: P.L.2007, c.335, s.16)]<sup>2</sup>

1       <sup>1</sup>[6.] <sup>2</sup>[7. <sup>1</sup>] 6.<sup>2</sup> Section 1 of P.L.1969, c.261 (C.39:5-30.2) is  
2 amended to read as follows:

3       1. Any moving violation of the motor vehicle law which carries  
4 with it a penalty of suspension or revocation of a driver's license  
5 may ~~[, after the effective date of this act,]~~ be subject to review by  
6 the ~~【director】~~ chief administrator. The ~~【director】~~ chief  
7 administrator, in his or his designee's discretion, may permit a  
8 driver subject to suspension or revocation to elect to attend a  
9 ~~【Division of Motor Vehicles】~~ New Jersey Motor Vehicle  
10 Commission Driver Improvement Program in lieu of all or part of a  
11 period of suspension. This discretionary authority shall not apply to  
12 those sections of the motor vehicle law which require the  
13 imposition of a mandatory suspension term. In addition to, or in  
14 lieu of, the Driver Improvement Program offered by the  
15 commission, the chief administrator may authorize a drivers' school  
16 licensed pursuant to section 2 of P.L.1951, c.216 (C.39:12-2) or any  
17 statewide safety organization to provide a Driver Improvement  
18 Program, the course of which shall be subject to the oversight of,  
19 and any guidelines established by, the commission. The authority  
20 of the chief administrator to suspend, revoke, or deny issuance of an  
21 initial or renewal license to operate a driving school, or an  
22 instructor's license, and to assess fines, pursuant to P.L.1951, c.216  
23 (C.39:12-1 et seq.) shall apply to any violations related to the  
24 administration of a Driver Improvement Program.

25 (cf: P.L.1977, c.27, s.1)

26

27       <sup>1</sup>[7.] <sup>2</sup>[8. <sup>1</sup>] 7.<sup>2</sup> Section 1 of P.L.1972, c.38 (C.39:5-30.4) is  
28 amended to read as follows:

29       1. Persons attending a ~~【Division of Motor Vehicles】~~ Driver  
30 Improvement Program offered by the New Jersey Motor Vehicle  
31 Commission, an approved drivers' school, or a statewide safety  
32 organization, as approved by the commission, shall pay such fee  
33 ~~【therefor not to exceed \$100,】~~ 'therefor not to exceed \$100.'<sup>1</sup> as  
34 prescribed in regulations promulgated by the ~~【director】~~ chief  
35 administrator. The driver's license of any person failing to pay the  
36 prescribed fee shall be subject to suspension or revocation.

37 (cf: P.L.1994, c.60, s.24)

38

39       <sup>1</sup>[8.] <sup>2</sup>[9. <sup>1</sup>] 8.<sup>2</sup> R.S.39:11-2 is amended to read as follows:

40       39:11-2. The terms "motor vehicle junk business" or "motor  
41 vehicle junk yard" shall mean and describe any business and any  
42 place of storage or deposit ~~【adjacent to or visible from a State~~  
43 highway, which displays, or in or upon which there are displayed,  
44 to the public view,】 of two or more unregistered motor vehicles  
45 which, in the opinion of the commission, are unfit for  
46 reconditioning for use for highway transportation, or used parts of  
47 motor vehicles or material which has been a part of a motor vehicle,

1 the sum of which parts or material shall, in the opinion of the  
2 commission, be equal in bulk to two or more motor vehicles <sup>2</sup>, but  
3 shall not include a salvage pool or auto auction whose primary  
4 business is the sale of total loss vehicles on behalf of insurance  
5 companies<sup>2</sup>.

6 (cf: P.L.2003, c.13, s.65)

7

8 <sup>1</sup>[9.] <sup>2</sup>[10.<sup>1</sup>] 9.<sup>2</sup> R.S.39:11-4 is amended to read as follows:

9 39:11-4. **Before making application to the commission for a**  
10 **license for the** A motor vehicle junk business or motor vehicle  
11 junk yard  **[, the applicant]** shall  **[first]** obtain a permit or  
12 certificate approving its proposed location from the governing body  
13 or zoning commission of the municipality in which it is proposed to  
14 establish or maintain the junk yard or business.

15 (cf: P.L.2003, c.13, s.67)

16

17 <sup>1</sup>[10. R.S.39:11-6 is amended to read as follows:

18 39:11-6. Upon request of the governing body or zoning  
19 commission, as the case may be, of the municipality in which the  
20 yard or business is proposed to be located, the commission shall  
21 hold a public hearing within the municipality not less than three nor  
22 more than five weeks from the date of the application. Notice of  
23 the hearing shall be given to the applicant and to the council or  
24 mayor, by mail, postage prepaid, and be published once in a  
25 newspaper having a circulation within the municipality, not less  
26 than seven days before the date of the hearing. The hearing shall be  
27 conducted by the commission or its authorized representative, and  
28 the applicant shall pay to the commission or its representative a fee  
29  **[of twenty-five dollars,]** to be determined by the chief  
30 administrator, which shall include the costs of the notices and the  
31 expenses of the hearing. Upon the conclusion of the hearing, the  
32 commission shall, within five days, recommend in writing to the  
33 governing body or the zoning commission, as the case may be, the  
34 granting or refusal of the local permit or certificate of approval,  
35 giving its reasons for the recommendation.

36 (cf: P.L.2003, c.13, s.68)]<sup>1</sup>

37

38 <sup>2</sup>[11.] 10.<sup>2</sup> R.S.39:11-7 is amended to read as follows:

39 39:11-7. **Application for a State license for the motor vehicle**  
40 **junk yard or business shall be made to the commission, in writing,**  
41 **upon a form to be supplied by it. With the application there shall be**  
42 **submitted a local permit or certificate of approval, as hereinbefore**  
43 **described, and the application shall be accompanied by the amount**  
44 **of the fees herein fixed for the license applied for.]** The  
45 commission or its representative,  **[upon receipt of the application,**  
46 **shall]** in connection with a request for a hearing made by a  
47 municipal governing body or zoning commission pursuant to

1 R.S.39:11-6, may examine the location of the motor vehicle junk  
2 yard or business proposed to be established or maintained [, and  
3 shall grant the license if in its judgment there is no valid reason why  
4 it should not be granted]. The commission [in granting the  
5 license,] may [impose upon the establishment or maintenance of  
6 the yard or business,] recommend such conditions as it deems  
7 advisable, having regard to the depreciation of surrounding property  
8 and the health, safety, and general welfare of the public [, and no  
9 license for the junk yard or business shall be issued until these  
10 conditions have been complied with].

11 (cf: P.L.2003, c.13, s.69)

12

13 <sup>2</sup>[12.] 11.<sup>2</sup>R.S.39:11-8 is amended to read as follows:

14 39:11-8. [An applicant for the license shall pay to the  
15 commission a] A fee [of \$50.00] <sup>1</sup>[to be determined by the  
16 commission] of \$50<sup>1</sup> shall be paid <sup>1</sup>'by the applicant<sup>1</sup> to the  
17 commission for the examination of the proposed location of each  
18 motor vehicle junk yard or business [and a license fee therefor of  
19 \$100.00. No license shall be effective for more than one year from  
20 the date of issue].

21 (cf: P.L.2003, c.13, s.70)

22

23 <sup>2</sup>[13.] 12.<sup>2</sup>R.S.39:11-9 is amended to read as follows:

24 39:11-9. Every person [holding a license issued in accordance  
25 with this chapter] owning or operating a motor vehicle junk  
26 business or motor vehicle junk yard and [a dealer's license issued in  
27 accordance with subtitle 1 of this title (R.S.39:1-1 et seq.),] who is  
28 also licensed as a motor vehicle dealer pursuant to the provisions of  
29 R.S.39:10-19 shall certify to the commission, upon the sale by him  
30 of a motor vehicle, that, at the time of the sale, the motor vehicle  
31 was or was not, as the case may be, in suitable condition to be  
32 operated on the highways.

33 (cf: P.L.2003, c.13, s.71)

34

35 <sup>2</sup>[14.] 13.<sup>2</sup>R.S.39:11-11 is amended to read as follows:

36 39:11-11. A person who violates any provision of [R.S.39:11-3  
37 or] R.S.39:11-9 of this Title shall be fined not less than [ \$25.00 ]  
38 \$25 nor more than [ \$100.00 ] \$100 or be imprisoned not more than  
39 90 days, or both.

40 The provisions of said [sections] section shall be enforced and  
41 all penalties for the violation thereof shall be recovered in  
42 accordance with the provisions of "The Penalty Enforcement Law  
43 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) and in addition to  
44 the provisions and remedies therein contained, the following  
45 provisions and remedies shall be applicable in any proceeding  
46 brought for a violation of any of the provisions of said sections:

- 1 a. The several municipal courts shall have jurisdiction of any  
2 such proceeding, in addition to the courts prescribed in "The  
3 Penalty Enforcement Law of 1999";
- 4 b. The complaint in any such proceeding may be made on  
5 information and belief by the commission, or any police or peace  
6 officer of any municipality, any county or the State;
- 7 c. A warrant may issue in lieu of summons;
- 8 d. Any police or peace officer shall be empowered to serve and  
9 execute process in any such proceeding;
- 10 e. The hearing in any such proceeding shall be without a jury;
- 11 f. Any such proceeding may be brought in the name of the  
12 commission or in the name of the State of New Jersey; and
- 13 g. Any sums received in payment of any fines imposed in any  
14 such proceeding shall be paid to the commission and shall be paid  
15 by it into the State treasury[;]
- 16 h. The director or judge before whom any hearing under said  
17 sections is had may revoke the license of any person to maintain a  
18 motor vehicle junk yard when such person shall have been guilty of  
19 such willful violation of any of the said provisions as shall in the  
20 discretion of the commission or judge justify such revocation].  
21 (cf: P.L.2003, c.13, s.73)

22

23 <sup>2</sup>14. (New section) Nothing in P.L. , c. (pending before the  
24 Legislature as this bill) shall be construed to permit the New Jersey  
25 Motor Vehicle Commission to increase fees and surcharges beyond  
26 the amounts authorized by law as of the effective date of P.L. , c.  
27 (pending before the Legislature as this bill).<sup>2</sup>

28

29 15. R.S.39:11-3 is repealed.

30

31 16. This act shall take effect immediately.



# ASSEMBLY, No. 4243

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 30, 2009

**Sponsored by:**

**Assemblywoman CONNIE WAGNER**

**District 38 (Bergen)**

**SYNOPSIS**

Makes sundry changes to laws affecting organization and functions of MVC.

**CURRENT VERSION OF TEXT**

As introduced.



A4243 WAGNER

2

1 AN ACT concerning the New Jersey Motor Vehicle Commission,  
2 amending various parts of Title 39 of the Revised Statutes and  
3 repealing R.S.39:11-3.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 10 of P.L.2003, c.13 (39:2A-10) is amended to read  
9 as follows:

10 10. The Deputy Chief Administrator shall assist the chief  
11 administrator in the day-to-day administration of the commission  
12 and shall have all of the powers and duties of the chief  
13 administrator, as authorized and assigned by the chief administrator.

14 The deputy chief administrator shall carry out all of the chief  
15 administrator's duties and responsibilities during the chief  
16 administrator's absence, disqualification or inability to serve, and  
17 shall perform such other duties and responsibilities as the chief  
18 administrator shall determine and assign. If a vacancy occurs in the  
19 office of the chief administrator for any reason, the deputy chief  
20 administrator shall become acting chief administrator to serve until  
21 a successor is appointed in accordance with section 13 of P.L.2003,  
22 c.13 (C.39:2A-12). The deputy chief administrator shall serve at  
23 the pleasure of the chief administrator and shall receive such salary  
24 as fixed by the chief administrator in accordance with the table of  
25 organization. The deputy chief administrator shall be in the State  
26 unclassified service.

27 (cf: P.L.2003, c.13, s.10)

28

29 2. Section 12 of P.L.2003, c.13 (C.39:2A-12) is amended to  
30 read as follows:

31 12. a. Except as otherwise provided by law, the commission  
32 shall be governed by a board which shall consist of the following  
33 eight members:

34 (1) The Commissioner of Transportation, who shall serve as an  
35 ex officio voting member;

36 (2) The State Attorney General, who shall serve as an ex officio  
37 voting member;

38 (3) The Chair of the board who shall be a nonvoting member  
39 and who shall also be the person appointed and serving as the chief  
40 administrator. The **[Chair]** chief administrator shall be appointed  
41 by the Governor with the advice and consent of the Senate. The  
42 **[Chair]** chief administrator shall serve at the pleasure of the  
43 Governor during the Governor's term of office, and shall receive  
44 such salary as shall be fixed by the Governor which is not greater  
45 than the salary of a cabinet-level official of the State. Prior to

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 nomination, the Governor shall cause the Attorney General to  
2 conduct an inquiry into the nominee's background, financial  
3 stability, integrity and responsibility and reputation for good  
4 character, honesty and integrity. The person appointed and serving  
5 as **Chair** shall also be Chief Administrator of the commission and  
6 chief administrator shall devote full time to the performance of the  
7 duties of that position. The **Chief Administrator** chief  
8 administrator shall be in the State unclassified service;

9 (4) The State Treasurer, who shall serve as an ex officio voting  
10 member; and

11 (5) Four public members who shall be appointed by the  
12 Governor with the advice and consent of the Senate, not more than  
13 two of whom shall be of the same political party. The public  
14 members shall be voting members and serve for a term of four  
15 years. These members shall be New Jersey residents who shall  
16 provide appropriate geographic representation from throughout the  
17 State and who shall have experience and familiarity with public  
18 safety, customer service, security, or business operations. At least  
19 one member shall reside in a northern county (Bergen, Essex,  
20 Hudson, Morris, Passaic, Union, Sussex and Warren), at least one  
21 member shall reside in a central county (Hunterdon, Mercer,  
22 Middlesex, Monmouth and Somerset), and at least one member  
23 shall reside in a southern county (Atlantic, Burlington, Camden,  
24 Cape May, Cumberland, Gloucester, Ocean and Salem).

25 b. Appointments of public members to the board shall be for  
26 terms of four years, except that in filling each vacancy, among the  
27 several public members, that first arises by expiration of the  
28 respective terms of those members following the effective date of  
29 P.L.2007, c.335 (C.39:2A-36.1 et al.), appointments shall be for  
30 terms as follows: one member for four years, one member for three  
31 years, one member for two years, and one member for one year. A  
32 public member may be appointed for any number of successive  
33 terms. The board may elect a secretary and a treasurer, who need  
34 not be members, and the same person may be elected to serve both  
35 as secretary and treasurer.

36 c. Each ex officio member of the board may designate two  
37 employees of the member's department or agency, who may  
38 represent the member at meetings of the board. A designee may  
39 lawfully vote and otherwise act on behalf of the member. The  
40 designation shall be in writing delivered to the board and shall  
41 continue in effect until revoked or amended by writing delivered to  
42 the board.

43 d. Each public member shall continue in office after the  
44 expiration of the member's term until a successor is appointed and  
45 qualified. The successor shall be appointed in like manner for the  
46 unexpired term only.

A4243 WAGNER

4

1 e. A vacancy in the membership of the board occurring other  
2 than by expiration of term shall be filled in the same manner as the  
3 original appointment, but for the unexpired term only.

4 (cf: P.L.2007, c.335, s.2)

5

6 3. Section 13 of P.L.2003, c.13 (C.39:2A-13) is amended to  
7 read as follows:

8 13. a. In addition to any powers and duties conferred upon it  
9 elsewhere in this act, the board shall be authorized to:

10 (1) Make, amend and repeal bylaws not inconsistent with State  
11 and federal law;

12 (2) Adopt an official seal;

13 (3) Maintain an office at such place or places within the State as  
14 it may designate;

15 (4) Apply for and accept grants from the State or federal  
16 government, or any agency thereof, or grants, gifts or other  
17 contributions from any foundation, corporation, association or  
18 individual, or any private source, and comply with the terms,  
19 conditions and limitations thereof, as necessary and proper to carry  
20 out the purposes of this act;

21 (5) Delegate to the chief administrator and any other officers of  
22 the commission such powers and duties as necessary and proper to  
23 carry out the purposes of this act;

24 (6) Operate, lease, license or contract in such manner as to  
25 produce revenue for the commission, as provided in this act,  
26 including engaging in advertising services pursuant to section 35 of  
27 P.L.2003, c.13 (C.39:2A-33);

28 (7) Accept and use any funds available to the commission;

29 (8) Enter into agreements or contracts to pay for goods from and  
30 services rendered by any public or private entity, and receive  
31 payment for services rendered to any public or private entity,  
32 including advertising services provided pursuant to section 35 of  
33 P.L.2003, c.13 (C.39:2A-33); and

34 (9) Enter into agreements or contracts, execute any and all  
35 instruments, and do and perform acts or things necessary,  
36 convenient or desirable for the purposes of the commission, or to  
37 carry out any power expressly or implicitly given in this act.

38 b. The board is further authorized to:

39 (1) Review and approve a statement of the vision, mission, and  
40 goals of the commission, as submitted by the chief administrator;

41 (2) Review and approve the strategic business plan of the  
42 commission which shall include the commission's long-term  
43 objectives, policies, and programs, including a facilities  
44 improvement and management plan and a table of organization, as  
45 submitted by the chief administrator;

46 (3) Review and approve the annual budget of the commission as  
47 submitted by the chief administrator and ensure that projected

1 revenues and service charges are sufficient to adequately fund the  
2 commission both in the short and long-term;

3 (4) Receive reports and recommendations from **the Advisory**  
4 **Councils** any advisory council created pursuant to **this act**  
5 section 26 of P.L.2003, c.13 (C.39:2A-26) and provide policy  
6 direction related thereto to the chief administrator;

7 (5) Review and recommend all capital purchases and  
8 construction projects undertaken by the commission;

9 (6) Review any proposed bill, joint resolution or concurrent  
10 resolution introduced in either House of the Legislature which  
11 establishes or modifies any motor vehicle statute or regulation in  
12 this State. Such a review shall include, but not be limited to, an  
13 analysis of the fiscal impact of the bill or resolution on the  
14 commission and any comments upon or recommendations  
15 concerning the legislation including rejection, modification or  
16 approval. Additionally, the board shall suggest alternatives to the  
17 legislation which it deems may be appropriate; and

18 (7) Recommend to the Governor and the Legislature any  
19 statutory changes it deems appropriate, including, but not limited to,  
20 any revisions to fees or service charges or changes to programs, in  
21 order to insure the proper functioning and operation of the  
22 commission.

23 c. Except as provided in this section and section 21 of  
24 P.L.2003, c.13 (C.39:2A-21), all administrative functions, powers  
25 and duties of the commission may be exercised by the chief  
26 administrator and any reference to the commission in any law, rule  
27 or regulation may for this purpose be deemed to refer to the chief  
28 administrator.

29 (cf: P.L.2007, c.335, s.3)

30

31 4. Section 26 of P.L.2003, c.13 (C.39:2A-26) is amended to  
32 read as follows:

33 26. **There are created within the commission five advisory**  
34 **councils, which shall** The chief administrator may create and  
35 establish as necessary within the commission advisory councils to  
36 examine issues affecting or identified by the commission. Such  
37 councils may provide the board with advice, technical expertise,  
38 information, guidance, and recommendations **in four general**  
39 **areas** concerning such issues. The board **shall** may designate  
40 the appropriate State and local government representatives, interest  
41 group representatives, technical experts, and constituent  
42 representatives as appropriate to serve on the councils. Federal  
43 government representatives and representatives of national  
44 organizations shall be asked to serve, and if willing, **shall** may  
45 be designated by the board to serve. All council members shall be  
46 designated by board action **and shall serve on rotating terms so as**  
47 **to provide stability and continuity on each council**. The Chair, or

1 the Chair's designee, shall serve on each council. **【The】** Such  
2 councils shall meet and report to the board as frequently as the  
3 board requests. **【The councils are as follows:**

4 a. The Safety Advisory Council, which shall advise the board  
5 regarding the commission's policies, operating practices, regulations  
6 and standards in regard to driver, motor vehicle and traffic safety  
7 and consider new initiatives or legislation to enhance the safety of  
8 the motoring public.

9 b. The Customer Service Advisory Council, which shall advise  
10 the board regarding the commission's policies, operating practices,  
11 employee communications, regulations, and standards in providing  
12 appropriate customer service. The council shall: examine  
13 benchmarking performance and level of service standards for the  
14 Contact Center; examine internal communications to ensure  
15 consistency and systematic application; make recommendations  
16 regarding marketing and the dissemination of information to the  
17 public to re-establish a robust marketing and public information  
18 program which informs and educates public consumers; and advise  
19 on all aspects of customer service at the commission.

20 c. The Security and Privacy Advisory Council, which shall:  
21 advise the board as to how to effectively maintain the commission's  
22 system and business processes in the securest manner; help the  
23 board to address the commission's most serious security breaches;  
24 advise as to new or modified programs needed to achieve  
25 heightened security; and recommend methods to curtail fraudulent  
26 and criminal activities that present threats to the State's security as  
27 well as measures to protect the privacy of driver information,  
28 including but not limited to the Driver's Privacy Protection Act of  
29 1994, Pub.L.103-322.

30 d. The Business Advisory Council, which shall advise the  
31 board on improvements in the commission's business practices  
32 which affect its public and private partners, regulated entities,  
33 interest groups, businesses, and constituents in providing motor  
34 vehicle services.

35 e. The Technology Advisory Council, which shall advise the  
36 board on the latest and best technological services and equipment to  
37 ensure continued modernization of the commission's facilities,  
38 equipment, operations, security, and customer service.

39 In addition to the five councils created above, the chief  
40 administrator may create and establish as necessary within the  
41 commission any other advisory council to examine issues affecting  
42 or identified by the commission. The members of such councils  
43 shall be designated, serve, meet and report to the board as provided  
44 for the members of the five councils created above. **】**

45 (cf: P.L.2007, c.335, s.13)

46

47 5. Section 35 of P.L.2003, c.13 (C.39:2A-33) is amended to  
48 read as follows:

1 35. a. The commission may contract for ancillary services at  
2 facilities used by the commission, including but not limited to food  
3 and beverage concessions, service concessions that would be  
4 beneficial to its customers, and information services that would be  
5 of interest or informative to its customers, such as television  
6 displays, public service displays, and the like.

7 b. In entering into a contract pursuant to **[this section]**  
8 subsection a. of this section, the commission shall award a contract  
9 on the basis of competitive public bids or proposals to the  
10 responsible bidder or proposer whose bid or proposal is determined  
11 to be in the best interest of the State, price and other factors  
12 considered.

13 c. The commission may also sell, lease, or otherwise contract  
14 for advertising in or on its equipment or facilities, in any mailing it  
15 conducts, or in any publication it produces, including, but not  
16 limited to, the New Jersey Driver Manual distributed pursuant to  
17 R.S.39:3-41.

18 d. The commission is authorized to receive funds from **[the**  
19 **contract]** contracts entered into pursuant to subsections a. and c. of  
20 this section and shall have the right to use the same. The revenue  
21 shall not be subject to appropriation as Direct State Services by the  
22 Legislature. In addition, this revenue shall not be restricted from  
23 use by the commission in any manner except as provided by law.  
24 This revenue shall be used in the furtherance of commission  
25 purposes. This revenue shall be considered revenue of the  
26 commission and shall not be subject to the calculation of  
27 proportional revenue remitted to the commission pursuant to section  
28 105 of **[this act]** P.L.2003, c.13 (C.39:2A-36).

29 e. In accordance with the "Administrative Procedure Act,"  
30 P.L.1968, c.401 (C.52:14B-1 et seq.), the commission shall  
31 promulgate rules and regulations necessary to effectuate the  
32 purposes of this section, including, but not limited to, the criteria  
33 for determining the appropriateness of any advertising and the  
34 suitability of any advertising message.

35 (cf: P.L.2003, c.13, s.35)

36  
37 6. Section 1 of P.L.1969, c.261 (C.39:5-30.2) is amended to  
38 read as follows:

39 1. Any moving violation of the motor vehicle law which carries  
40 with it a penalty of suspension or revocation of a driver's license  
41 may **[, after the effective date of this act,]** be subject to review by  
42 the **[director]** chief administrator. The **[director]** chief  
43 administrator, in his or his designee's discretion, may permit a  
44 driver subject to suspension or revocation to elect to attend a  
45 **[Division of Motor Vehicles]** New Jersey Motor Vehicle  
46 Commission Driver Improvement Program in lieu of all or part of a  
47 period of suspension. This discretionary authority shall not apply to

1 those sections of the motor vehicle law which require the  
2 imposition of a mandatory suspension term. In addition to, or in  
3 lieu of, the Driver Improvement Program offered by the  
4 commission, the chief administrator may authorize a drivers' school  
5 licensed pursuant to section 2 of P.L.1951, c.216 (C.39:12-2) or any  
6 statewide safety organization to provide a Driver Improvement  
7 Program, the course of which shall be subject to the oversight of,  
8 and any guidelines established by, the commission. The authority  
9 of the chief administrator to suspend, revoke, or deny issuance of an  
10 initial or renewal license to operate a driving school, or an  
11 instructor's license, and to assess fines, pursuant to P.L.1951, c.216  
12 (C.39:12-1 et seq.) shall apply to any violations related to the  
13 administration of a Driver Improvement Program.

14 (cf: P.L.1977, c.27, s.1)

15

16 7. Section 1 of P.L.1972, c.38 (C.39:5-30.4) is amended to read  
17 as follows:

18 1. Persons attending a **【Division of Motor Vehicles】** Driver  
19 Improvement Program offered by the New Jersey Motor Vehicle  
20 Commission, an approved drivers' school, or a statewide safety  
21 organization, as approved by the commission, shall pay such fee  
22 **【therefor not to exceed \$100,】** as prescribed in regulations  
23 promulgated by the **【director】** chief administrator. The driver's  
24 license of any person failing to pay the prescribed fee shall be  
25 subject to suspension or revocation.

26 (cf: P.L.1994, c.60, s.24)

27

28 8. R.S.39:11-2 is amended to read as follows:

29 39:11-2. The terms "motor vehicle junk business" or "motor  
30 vehicle junk yard" shall mean and describe any business and any  
31 place of storage or deposit **【adjacent to or visible from a State**  
32 **highway, which displays, or in or upon which there are displayed,**  
33 **to the public view,】** of two or more unregistered motor vehicles  
34 which, in the opinion of the commission, are unfit for  
35 reconditioning for use for highway transportation, or used parts of  
36 motor vehicles or material which has been a part of a motor vehicle,  
37 the sum of which parts or material shall, in the opinion of the  
38 commission, be equal in bulk to two or more motor vehicles.

39 (cf: P.L.2003, c.13, s.65)

40

41 9. R.S.39:11-4 is amended to read as follows:

42 39:11-4. **【Before making application to the commission for a**  
43 **license for the】** A motor vehicle junk business or motor vehicle  
44 junk yard **【, the applicant】** shall **【first】** obtain a permit or  
45 certificate approving its proposed location from the governing body  
46 or zoning commission of the municipality in which it is proposed to



1 establish or maintain the junk yard or business.  
2 (cf: P.L.2003, c.13, s.67)

3

4 10. R.S.39:11-6 is amended to read as follows:

5 39:11-6. Upon request of the governing body or zoning  
6 commission, as the case may be, of the municipality in which the  
7 yard or business is proposed to be located, the commission shall  
8 hold a public hearing within the municipality not less than three nor  
9 more than five weeks from the date of the application. Notice of  
10 the hearing shall be given to the applicant and to the council or  
11 mayor, by mail, postage prepaid, and be published once in a  
12 newspaper having a circulation within the municipality, not less  
13 than seven days before the date of the hearing. The hearing shall be  
14 conducted by the commission or its authorized representative, and  
15 the applicant shall pay to the commission or its representative a fee  
16 【of twenty-five dollars,】 to be determined by the chief  
17 administrator, which shall include the costs of the notices and the  
18 expenses of the hearing. Upon the conclusion of the hearing, the  
19 commission shall, within five days, recommend in writing to the  
20 governing body or the zoning commission, as the case may be, the  
21 granting or refusal of the local permit or certificate of approval,  
22 giving its reasons for the recommendation.

23 (cf: P.L.2003, c.13, s.68)

24

25 11. R.S.39:11-7 is amended to read as follows:

26 39:11-7. **【Application for a State license for the motor vehicle**  
27 **junk yard or business shall be made to the commission, in writing,**  
28 **upon a form to be supplied by it. With the application there shall be**  
29 **submitted a local permit or certificate of approval, as hereinbefore**  
30 **described, and the application shall be accompanied by the amount**  
31 **of the fees herein fixed for the license applied for.】** The  
32 commission or its representative, **【upon receipt of the application,**  
33 **shall】** in connection with a request for a hearing made by a  
34 municipal governing body or zoning commission pursuant to  
35 R.S.39:11-6, may examine the location of the motor vehicle junk  
36 yard or business proposed to be established or maintained **【,** and  
37 shall grant the license if in its judgment there is no valid reason why  
38 it should not be granted**】**. The commission **【in granting the**  
39 **license,】** may **【impose upon the establishment or maintenance of**  
40 **the yard or business,】** recommend such conditions as it deems  
41 advisable, having regard to the depreciation of surrounding property  
42 and the health, safety, and general welfare of the public **【,** and no  
43 license for the junk yard or business shall be issued until these  
44 conditions have been complied with**】**.

45 (cf: P.L.2003, c.13, s.69)

46

47 12. R.S.39:11-8 is amended to read as follows:

1 39:11-8. [An applicant for the license shall pay to the  
2 commission a] A fee [of \$50.00] to be determined by the  
3 commission shall be paid to the commission for the examination of  
4 the proposed location of each motor vehicle junk yard or business  
5 [and a license fee therefor of \$100.00. No license shall be effective  
6 for more than one year from the date of issue].

7 (cf: P.L.2003, c.13, s.70)

8

9 13. R.S.39:11-9 is amended to read as follows:

10 39:11-9. Every person [holding a license issued in accordance  
11 with this chapter] owning or operating a motor vehicle junk  
12 business or motor vehicle junk yard and [a dealer's license issued in  
13 accordance with subtitle 1 of this title (R.S.39:1-1 et seq.),] who is  
14 also licensed as a motor vehicle dealer pursuant to the provisions of  
15 R.S.39:10-19 shall certify to the commission, upon the sale by him  
16 of a motor vehicle, that, at the time of the sale, the motor vehicle  
17 was or was not, as the case may be, in suitable condition to be  
18 operated on the highways.

19 (cf: P.L.2003, c.13, s.71)

20

21 14. R.S.39:11-11 is amended to read as follows:

22 39:11-11. A person who violates any provision of [R.S.39:11-3  
23 or] R.S.39:11-9 of this Title shall be fined not less than [\$25.00]  
24 \$25 nor more than [\$100.00] \$100 or be imprisoned not more than  
25 90 days, or both.

26 The provisions of said [sections] section shall be enforced and  
27 all penalties for the violation thereof shall be recovered in  
28 accordance with the provisions of "The Penalty Enforcement Law  
29 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) and in addition to  
30 the provisions and remedies therein contained, the following  
31 provisions and remedies shall be applicable in any proceeding  
32 brought for a violation of any of the provisions of said sections:

33 a. The several municipal courts shall have jurisdiction of any  
34 such proceeding, in addition to the courts prescribed in "The  
35 Penalty Enforcement Law of 1999";

36 b. The complaint in any such proceeding may be made on  
37 information and belief by the commission, or any police or peace  
38 officer of any municipality, any county or the State;

39 c. A warrant may issue in lieu of summons;

40 d. Any police or peace officer shall be empowered to serve and  
41 execute process in any such proceeding;

42 e. The hearing in any such proceeding shall be without a jury;

43 f. Any such proceeding may be brought in the name of the  
44 commission or in the name of the State of New Jersey; and

45 g. Any sums received in payment of any fines imposed in any  
46 such proceeding shall be paid to the commission and shall be paid  
47 by it into the State treasury[;]

1 h. The director or judge before whom any hearing under said  
2 sections is had may revoke the license of any person to maintain a  
3 motor vehicle junk yard when such person shall have been guilty of  
4 such willful violation of any of the said provisions as shall in the  
5 discretion of the commission or judge justify such revocation].

6 (cf: P.L.2003, c.13, s.73)

7  
8 15. R.S.39:11-3 is repealed.

9  
10 16. This act shall take effect immediately.

11  
12  
13 STATEMENT

14  
15 This bill makes various revisions to the laws concerning the  
16 organization and certain functions of the New Jersey Motor Vehicle  
17 Commission ("MVC"). The main provisions of the bill are  
18 described below:

19  
20 Deputy Chief Administrator of the MVC

21 The bill provides that the Deputy Chief Administrator of the  
22 MVC shall become Acting Chief Administrator in the event of a  
23 vacancy in the position of chief administrator, and shall serve in  
24 such position until a successor is appointed. The bill also clarifies  
25 that it is the chief administrator, rather than the Chair of the Board  
26 of the MVC, who is appointed by and who serves at the pleasure of  
27 the Governor. These provisions would grant the deputy chief  
28 administrator all of the powers of the chief administrator while  
29 serving in the capacity of acting chief administrator, including the  
30 authority to serve as the Chair.

31  
32 Advertising Services

33 The bill explicitly authorizes the board of the MVC to engage in  
34 advertising services, and receive payments for advertising services  
35 provided to a public or private entity, for MVC revenue purposes.  
36 The bill permits the MVC to sell, lease, or otherwise contract for  
37 advertising in or on its equipment or facilities, in any mailing it  
38 conducts, or in any publication it produces. The bill directs the  
39 MVC to adopt rules establishing the criteria for determining the  
40 appropriateness of any advertising and the suitability of any  
41 advertising message.

42  
43 MVC Advisory Councils

44 The bill abolishes the five statutorily-established advisory  
45 councils of the MVC (Safety, Customer Service, Security and  
46 Privacy, Business, and Technology). As provided under existing  
47 law, the authority of the chief administrator to establish additional  
48 advisory councils as necessary, is left unchanged. This provision is

1 intended to give the chief administrator greater flexibility to  
2 determine the types of advisory councils that will provide policy  
3 guidance and direction to the MVC.  
4

5 Driver Improvement Program

6 The bill permits licensed drivers' schools and MVC-approved  
7 statewide safety organizations to offer a Driver Improvement  
8 Program which may be attended by drivers in lieu of a period of  
9 driver's license suspension. Any such program shall be subject to  
10 the oversight of, and any guidelines established by, the MVC.  
11 Under existing law, a Driver Improvement Program may only be  
12 offered by the MVC. The bill also changes the fee for a Driver  
13 Improvement Program from \$100 to an amount that shall be  
14 determined by the chief administrator.  
15

16 Motor Vehicle Junk Yards

17 The bill broadens the definition of a "motor vehicle junk  
18 business" or "motor vehicle junk yard" so it is no longer limited to  
19 motor vehicle junk businesses or yards that are adjacent to or  
20 visible from a State highway. The bill repeals the requirement that  
21 a motor vehicle junk yard or business be licensed by the MVC and  
22 makes changes to other sections of the motor vehicle junk yard  
23 statutes to account for this repealer. With respect to a hearing on  
24 the approval of a proposed location for a motor vehicle junk yard or  
25 business that shall be held by the MVC at the request of a governing  
26 body or zoning commission, the bill changes the fee that a person  
27 applying for such approval of a proposed location for a motor  
28 vehicle junk yard or business must pay to the MVC from \$25 to an  
29 amount to be determined by the chief administrator. The bill also  
30 changes the fee that an applicant shall pay to the MVC for an  
31 examination of the proposed motor vehicle junk yard or business  
32 location from \$50 to an amount to be determined by the chief  
33 administrator.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 4243**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 3, 2009

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Assembly Bill No. 4243.

As reported, this amended bill makes various revisions to the laws concerning the organization and certain functions of the New Jersey Motor Vehicle Commission (“MVC”). The main provisions of the bill are described below:

Deputy Chief Administrator of the MVC

The bill provides that the Deputy Chief Administrator of the MVC shall become Acting Chief Administrator in the event of a vacancy in the position of chief administrator, and shall serve in such position until a successor is appointed. The bill also clarifies that it is the chief administrator, rather than the Chair of the Board of the MVC, who is appointed by and who serves at the pleasure of the Governor. These provisions would grant the deputy chief administrator all of the powers of the chief administrator while serving in the capacity of acting chief administrator, including the authority to serve as the Chair.

Advertising Services

The bill explicitly authorizes the board of the MVC to engage in advertising services, and receive payments for advertising services provided to a public or private entity, for MVC revenue purposes. The bill permits the MVC to sell, lease, or otherwise contract for advertising in or on its equipment or facilities, in any mailing it conducts, or in any publication it produces. The bill directs the MVC to adopt rules establishing the criteria for determining the appropriateness of any advertising and the suitability of any advertising message.

MVC Advisory Councils

The bill abolishes the five statutorily-established advisory councils of the MVC (Safety, Customer Service, Security and Privacy,

Business, and Technology). As provided under existing law, the authority of the chief administrator to establish additional advisory councils as necessary, is left unchanged. This provision is intended to give the chief administrator greater flexibility to determine the types of advisory councils that will provide policy guidance and direction to the MVC.

#### Driver Improvement Program

The bill permits licensed drivers' schools and MVC-approved statewide safety organizations to offer a Driver Improvement Program which may be attended by drivers in lieu of a period of driver's license suspension. Any such program shall be subject to the oversight of, and any guidelines established by, the MVC. Under existing law, a Driver Improvement Program may only be offered by the MVC.

#### Motor Vehicle Junk Yards

The bill broadens the definition of a "motor vehicle junk business" or "motor vehicle junk yard" so it is no longer limited to motor vehicle junk businesses or yards that are adjacent to or visible from a State highway. The bill repeals provision for a motor vehicle junk yard or business to be licensed by the MVC and makes changes to other sections of the motor vehicle junk yard statutes in accordance with this repealer.

#### COMMITTEE AMENDMENTS

The committee amended the bill to restore the existing fees that shall be paid to the MVC for the following:

- (1) a Driver Improvement Program (not more than \$100);
- (2) a hearing held by the MVC on the proposed location of a motor vehicle junk yard or business (\$25); and
- (3) an examination by the MVC of a proposed junk yard or business location (\$50).

Existing law already allows the board of the MVC to increase the fees for (1) and (3) above through regulation. The committee amended the bill to permit the board to increase the fee for (2) above through regulation as well.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 4243

with committee amendments

# STATE OF NEW JERSEY

DATED: JANUARY 7, 2010

The Senate Transportation Committee reports favorably and with committee amendments Assembly Bill No. 4243(1R).

This amended bill makes various revisions to the laws concerning the organization and certain functions of the New Jersey Motor Vehicle Commission (“MVC”). The main provisions of the bill are described below:

### Deputy Chief Administrator of the MVC

The bill provides that the Deputy Chief Administrator of the MVC shall become Acting Chief Administrator in the event of a vacancy in the position of chief administrator, and shall serve in such position until a successor is appointed. The bill also clarifies that it is the chief administrator, rather than the Chair of the Board of the MVC, who is appointed by and who serves at the pleasure of the Governor. These provisions would grant the deputy chief administrator all of the powers of the chief administrator while serving in the capacity of acting chief administrator, including the authority to serve as the Chair.

### Advertising Services

The bill explicitly authorizes the board of the MVC to engage in advertising services, and receive payments for advertising services provided to a public or private entity, for MVC revenue purposes. The bill permits the MVC to sell, lease, or otherwise contract for advertising in or on its equipment or facilities, in any mailing it conducts, or in any publication it produces. The bill directs the MVC to adopt rules establishing the criteria for determining the appropriateness of any advertising and the suitability of any advertising message.

### MVC Advisory Councils

The bill abolishes four of the five statutorily-established advisory councils of the MVC (Safety, Customer Service, Business, and Technology). The Security and Privacy Advisory Council is retained

as a statutorily-established advisory council. As provided under existing law, the authority of the chief administrator to establish additional advisory councils as necessary, is left unchanged. This provision is intended to give the chief administrator greater flexibility to determine the types of advisory councils that will provide policy guidance and direction to the MVC.

#### Driver Improvement Program

The bill permits licensed drivers' schools and MVC-approved statewide safety organizations to offer a Driver Improvement Program which may be attended by drivers in lieu of a period of driver's license suspension. Any such program shall be subject to the oversight of, and any guidelines established by, the MVC. Under existing law, a Driver Improvement Program may only be offered by the MVC.

#### Motor Vehicle Junk Yards

The bill broadens the definition of a "motor vehicle junk business" or "motor vehicle junk yard" so it is no longer limited to motor vehicle junk businesses or yards that are adjacent to or visible from a State highway, but does not include a salvage pool or auto auction whose primary business is the sale of total loss vehicles on behalf of insurance companies. The bill repeals a provision for a motor vehicle junk yard or business to be licensed by the MVC and makes changes to other sections of the motor vehicle junk yard statutes in accordance with this repealer.

#### Fee Increases

The bill provides that nothing in the bill would permit the MVC to increase fees or surcharges beyond what is currently authorized by law.

The committee amended the bill to retain the Security and Privacy Advisory Council as a statutorily-established advisory council. The committee also amended the bill to clarify that the other four statutorily-established advisory councils are abolished.

The committee amended the bill to delete section 6 of the bill which would have permitted the MVC to increase, by regulation, fees under R.S.39:11-6 for certain public hearing costs.

The committee amended the bill to provide that "motor vehicle junk business" or "motor vehicle junkyard" do not include a salvage pool or auto auction whose primary business is the sale of total loss vehicles on behalf of insurance companies.

The committee amended the bill to provide that nothing in the bill would permit the MVC to increase fees or surcharges beyond what is currently authorized by law.

The bill is identical to S3159 as amended and released by the committee on the same date.



# SENATE, No. 3159

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JANUARY 4, 2010

**Sponsored by:**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**SYNOPSIS**

Makes sundry changes to laws affecting organization and functions of MVC.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the New Jersey Motor Vehicle Commission,  
2 amending various parts of Title 39 of the Revised Statutes and  
3 repealing R.S.39:11-3.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 10 of P.L.2003, c.13 (39:2A-10) is amended to read  
9 as follows:

10 10. The Deputy Chief Administrator shall assist the chief  
11 administrator in the day-to-day administration of the commission  
12 and shall have all of the powers and duties of the chief  
13 administrator, as authorized and assigned by the chief administrator.

14 The deputy chief administrator shall carry out all of the chief  
15 administrator's duties and responsibilities during the chief  
16 administrator's absence, disqualification or inability to serve, and  
17 shall perform such other duties and responsibilities as the chief  
18 administrator shall determine and assign. If a vacancy occurs in the  
19 office of the chief administrator for any reason, the deputy chief  
20 administrator shall become acting chief administrator to serve until  
21 a successor is appointed in accordance with section 13 of P.L.2003,  
22 c.13 (C.39:2A-12). The deputy chief administrator shall serve at  
23 the pleasure of the chief administrator and shall receive such salary  
24 as fixed by the chief administrator in accordance with the table of  
25 organization. The deputy chief administrator shall be in the State  
26 unclassified service.

27 (cf: P.L.2003, c.13, s.10)

28

29 2. Section 12 of P.L.2003, c.13 (C.39:2A-12) is amended to  
30 read as follows:

31 12. a. Except as otherwise provided by law, the commission  
32 shall be governed by a board which shall consist of the following  
33 eight members:

34 (1) The Commissioner of Transportation, who shall serve as an  
35 ex officio voting member;

36 (2) The State Attorney General, who shall serve as an ex officio  
37 voting member;

38 (3) The Chair of the board who shall be a nonvoting member  
39 and who shall also be the person appointed and serving as the chief  
40 administrator. The **[Chair]** chief administrator shall be appointed  
41 by the Governor with the advice and consent of the Senate. The  
42 **[Chair]** chief administrator shall serve at the pleasure of the  
43 Governor during the Governor's term of office, and shall receive  
44 such salary as shall be fixed by the Governor which is not greater  
45 than the salary of a cabinet-level official of the State. Prior to

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 nomination, the Governor shall cause the Attorney General to  
2 conduct an inquiry into the nominee's background, financial  
3 stability, integrity and responsibility and reputation for good  
4 character, honesty and integrity. The person appointed and serving  
5 as **Chair** shall also be Chief Administrator of the commission and  
6 chief administrator shall devote full time to the performance of the  
7 duties of that position. The **Chief Administrator** chief  
8 administrator shall be in the State unclassified service;

9 (4) The State Treasurer, who shall serve as an ex officio voting  
10 member; and

11 (5) Four public members who shall be appointed by the  
12 Governor with the advice and consent of the Senate, not more than  
13 two of whom shall be of the same political party. The public  
14 members shall be voting members and serve for a term of four  
15 years. These members shall be New Jersey residents who shall  
16 provide appropriate geographic representation from throughout the  
17 State and who shall have experience and familiarity with public  
18 safety, customer service, security, or business operations. At least  
19 one member shall reside in a northern county (Bergen, Essex,  
20 Hudson, Morris, Passaic, Union, Sussex and Warren), at least one  
21 member shall reside in a central county (Hunterdon, Mercer,  
22 Middlesex, Monmouth and Somerset), and at least one member  
23 shall reside in a southern county (Atlantic, Burlington, Camden,  
24 Cape May, Cumberland, Gloucester, Ocean and Salem).

25 b. Appointments of public members to the board shall be for  
26 terms of four years, except that in filling each vacancy, among the  
27 several public members, that first arises by expiration of the  
28 respective terms of those members following the effective date of  
29 P.L.2007, c.335 (C.39:2A-36.1 et al.), appointments shall be for  
30 terms as follows: one member for four years, one member for three  
31 years, one member for two years, and one member for one year. A  
32 public member may be appointed for any number of successive  
33 terms. The board may elect a secretary and a treasurer, who need  
34 not be members, and the same person may be elected to serve both  
35 as secretary and treasurer.

36 c. Each ex officio member of the board may designate two  
37 employees of the member's department or agency, who may  
38 represent the member at meetings of the board. A designee may  
39 lawfully vote and otherwise act on behalf of the member. The  
40 designation shall be in writing delivered to the board and shall  
41 continue in effect until revoked or amended by writing delivered to  
42 the board.

43 d. Each public member shall continue in office after the  
44 expiration of the member's term until a successor is appointed and  
45 qualified. The successor shall be appointed in like manner for the  
46 unexpired term only.

1 e. A vacancy in the membership of the board occurring other  
2 than by expiration of term shall be filled in the same manner as the  
3 original appointment, but for the unexpired term only.  
4 (cf: P.L.2007, c.335, s.2)

5  
6 3. Section 13 of P.L.2003, c.13 (C.39:2A-13) is amended to  
7 read as follows:

8 13. a. In addition to any powers and duties conferred upon it  
9 elsewhere in this act, the board shall be authorized to:

10 (1) Make, amend and repeal bylaws not inconsistent with State  
11 and federal law;

12 (2) Adopt an official seal;

13 (3) Maintain an office at such place or places within the State as  
14 it may designate;

15 (4) Apply for and accept grants from the State or federal  
16 government, or any agency thereof, or grants, gifts or other  
17 contributions from any foundation, corporation, association or  
18 individual, or any private source, and comply with the terms,  
19 conditions and limitations thereof, as necessary and proper to carry  
20 out the purposes of this act;

21 (5) Delegate to the chief administrator and any other officers of  
22 the commission such powers and duties as necessary and proper to  
23 carry out the purposes of this act;

24 (6) Operate, lease, license or contract in such manner as to  
25 produce revenue for the commission, as provided in this act,  
26 including engaging in advertising services pursuant to section 35 of  
27 P.L.2003, c.13 (C.39:2A-33);

28 (7) Accept and use any funds available to the commission;

29 (8) Enter into agreements or contracts to pay for goods from and  
30 services rendered by any public or private entity, and receive  
31 payment for services rendered to any public or private entity,  
32 including advertising services provided pursuant to section 35 of  
33 P.L.2003, c.13 (C.39:2A-33); and

34 (9) Enter into agreements or contracts, execute any and all  
35 instruments, and do and perform acts or things necessary,  
36 convenient or desirable for the purposes of the commission, or to  
37 carry out any power expressly or implicitly given in this act.

38 b. The board is further authorized to:

39 (1) Review and approve a statement of the vision, mission, and  
40 goals of the commission, as submitted by the chief administrator;

41 (2) Review and approve the strategic business plan of the  
42 commission which shall include the commission's long-term  
43 objectives, policies, and programs, including a facilities  
44 improvement and management plan and a table of organization, as  
45 submitted by the chief administrator;

46 (3) Review and approve the annual budget of the commission as  
47 submitted by the chief administrator and ensure that projected

1 revenues and service charges are sufficient to adequately fund the  
2 commission both in the short and long-term;

3 (4) Receive reports and recommendations from **the Advisory**  
4 **Councils** any advisory council created pursuant to **this act**  
5 section 26 of P.L.2003, c.13 (C.39:2A-26) and provide policy  
6 direction related thereto to the chief administrator;

7 (5) Review and recommend all capital purchases and  
8 construction projects undertaken by the commission;

9 (6) Review any proposed bill, joint resolution or concurrent  
10 resolution introduced in either House of the Legislature which  
11 establishes or modifies any motor vehicle statute or regulation in  
12 this State. Such a review shall include, but not be limited to, an  
13 analysis of the fiscal impact of the bill or resolution on the  
14 commission and any comments upon or recommendations  
15 concerning the legislation including rejection, modification or  
16 approval. Additionally, the board shall suggest alternatives to the  
17 legislation which it deems may be appropriate; and

18 (7) Recommend to the Governor and the Legislature any  
19 statutory changes it deems appropriate, including, but not limited to,  
20 any revisions to fees or service charges or changes to programs, in  
21 order to insure the proper functioning and operation of the  
22 commission.

23 c. Except as provided in this section and section 21 of  
24 P.L.2003, c.13 (C.39:2A-21), all administrative functions, powers  
25 and duties of the commission may be exercised by the chief  
26 administrator and any reference to the commission in any law, rule  
27 or regulation may for this purpose be deemed to refer to the chief  
28 administrator.

29 (cf: P.L.2007, c.335, s.3)

30

31 4. Section 26 of P.L.2003, c.13 (C.39:2A-26) is amended to  
32 read as follows:

33 26. **There are created within the commission five advisory**  
34 **councils, which shall** The chief administrator may create and  
35 establish as necessary within the commission advisory councils to  
36 examine issues affecting or identified by the commission. Such  
37 councils may provide the board with advice, technical expertise,  
38 information, guidance, and recommendations **in four general**  
39 **areas** concerning such issues. The board **shall** may designate  
40 the appropriate State and local government representatives, interest  
41 group representatives, technical experts, and constituent  
42 representatives as appropriate to serve on the councils. Federal  
43 government representatives and representatives of national  
44 organizations shall be asked to serve, and if willing, **shall** may  
45 be designated by the board to serve. All council members shall be  
46 designated by board action **and shall serve on rotating terms so as**  
47 **to provide stability and continuity on each council**. The Chair, or

1 the Chair's designee, shall serve on each council. **【The】** Such  
2 councils shall meet and report to the board as frequently as the  
3 board requests. **【The councils are as follows:**

4 a. The Safety Advisory Council, which shall advise the board  
5 regarding the commission's policies, operating practices, regulations  
6 and standards in regard to driver, motor vehicle and traffic safety  
7 and consider new initiatives or legislation to enhance the safety of  
8 the motoring public.

9 b. The Customer Service Advisory Council, which shall advise  
10 the board regarding the commission's policies, operating practices,  
11 employee communications, regulations, and standards in providing  
12 appropriate customer service. The council shall: examine  
13 benchmarking performance and level of service standards for the  
14 Contact Center; examine internal communications to ensure  
15 consistency and systematic application; make recommendations  
16 regarding marketing and the dissemination of information to the  
17 public to re-establish a robust marketing and public information  
18 program which informs and educates public consumers; and advise  
19 on all aspects of customer service at the commission.

20 c. The Security and Privacy Advisory Council, which shall:  
21 advise the board as to how to effectively maintain the commission's  
22 system and business processes in the securest manner; help the  
23 board to address the commission's most serious security breaches;  
24 advise as to new or modified programs needed to achieve  
25 heightened security; and recommend methods to curtail fraudulent  
26 and criminal activities that present threats to the State's security as  
27 well as measures to protect the privacy of driver information,  
28 including but not limited to the Driver's Privacy Protection Act of  
29 1994, Pub.L.103-322.

30 d. The Business Advisory Council, which shall advise the  
31 board on improvements in the commission's business practices  
32 which affect its public and private partners, regulated entities,  
33 interest groups, businesses, and constituents in providing motor  
34 vehicle services.

35 e. The Technology Advisory Council, which shall advise the  
36 board on the latest and best technological services and equipment to  
37 ensure continued modernization of the commission's facilities,  
38 equipment, operations, security, and customer service.

39 In addition to the five councils created above, the chief  
40 administrator may create and establish as necessary within the  
41 commission any other advisory council to examine issues affecting  
42 or identified by the commission. The members of such councils  
43 shall be designated, serve, meet and report to the board as provided  
44 for the members of the five councils created above. **】**

45 (cf: P.L.2007, c.335, s.13)

46

47 5. Section 35 of P.L.2003, c.13 (C.39:2A-33) is amended to  
48 read as follows:

1 35. a. The commission may contract for ancillary services at  
2 facilities used by the commission, including but not limited to food  
3 and beverage concessions, service concessions that would be  
4 beneficial to its customers, and information services that would be  
5 of interest or informative to its customers, such as television  
6 displays, public service displays, and the like.

7 b. In entering into a contract pursuant to **[this section]**  
8 subsection a. of this section, the commission shall award a contract  
9 on the basis of competitive public bids or proposals to the  
10 responsible bidder or proposer whose bid or proposal is determined  
11 to be in the best interest of the State, price and other factors  
12 considered.

13 c. The commission may also sell, lease, or otherwise contract  
14 for advertising in or on its equipment or facilities, in any mailing it  
15 conducts, or in any publication it produces, including, but not  
16 limited to, the New Jersey Driver Manual distributed pursuant to  
17 R.S.39:3-41.

18 d. The commission is authorized to receive funds from **[the**  
19 **contract]** contracts entered into pursuant to subsections a. and c. of  
20 this section and shall have the right to use the same. The revenue  
21 shall not be subject to appropriation as Direct State Services by the  
22 Legislature. In addition, this revenue shall not be restricted from  
23 use by the commission in any manner except as provided by law.  
24 This revenue shall be used in the furtherance of commission  
25 purposes. This revenue shall be considered revenue of the  
26 commission and shall not be subject to the calculation of  
27 proportional revenue remitted to the commission pursuant to section  
28 105 of **[this act]** P.L.2003, c.13 (C.39:2A-36).

29 e. In accordance with the "Administrative Procedure Act,"  
30 P.L.1968, c.401 (C.52:14B-1 et seq.), the commission shall  
31 promulgate rules and regulations necessary to effectuate the  
32 purposes of this section, including, but not limited to, the criteria  
33 for determining the appropriateness of any advertising and the  
34 suitability of any advertising message.

35 (cf: P.L.2003, c.13, s.35)

36  
37 6. Section 16 of P.L.2007, c.335 (C.39:2A-36.1) is amended to  
38 read as follows:

39 16. a. On and after the effective date of P.L.2007, c.335  
40 (C.39:2A-36.1 et al.), the board may, by regulation adopted  
41 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
42 (C.52:14B-1 et seq.), increase fees and surcharges collected  
43 pursuant to the following statutes, notwithstanding any law, rule, or  
44 regulation to the contrary:

45 Section 4 of P.L.1995, c.401 (C.12:7-73); section 24 of  
46 P.L.1984, c.152 (C.12:7A-24); section 28 of P.L.1984, c.152  
47 (C.12:7A-28); section 1 of P.L.1983, c.65 (C.17:29A-33); section 6  
48 of P.L.1983, c.65 (C.17:29A-35); section 9 of P.L.1998, c.108

1 (C.27:5F-42); R.S.39:2-10; section 1 of P.L.1969, c.301 (C.39:3-  
2 4b); section 2 of P.L.1969, c.301 (C.39:3-4c); section 2 of  
3 P.L.1968, c.439 (C.39:3-8.1); section 1 of P.L.1992, c.87 (C.39:3-  
4 8.2); section 23 of P.L.1975, c.180 (C.39:3-10a); section 1 of  
5 P.L.1977, c.23 (C.39:3-10b); section 1 of P.L.1979, c.261 (C.39:3-  
6 10f); section 22 of P.L.1990, c.103 (C.39:3-10.30); R.S.39:3-13;  
7 R.S.39:3-18; R.S.39:3-19; section 2 of P.L.1974, c.162 (C.39:3-  
8 19.2); section 12 of P.L.1979, c.224 (C.39:3-19.5); R.S.39:3-20;  
9 section 1 of P.L.1973, c.319 (C.39:3-20.1); R.S.39:3-21; R.S.39:3-  
10 24; R.S.39:3-25; R.S.39:3-26; section 2 of P.L.1964, c.195 (C.39:3-  
11 27.4); section 2 of P.L.1968, c.247 (C.39:3-27.6); section 2 of  
12 P.L.1977, c.369 (C.39:3-27.9); section 2 of P.L.1979, c.457  
13 (C.39:3-27.16); section 2 of P.L.1981, c.139 (C.39:3-27.19);  
14 R.S.39:3-28; R.S.39:3-30; R.S.39:3-31; section 1 of P.L.1961, c.77  
15 (C.39:3-31.1); R.S.39:3-32; section 1 of P.L.1999, c.192 (C.39:3-  
16 33a); section 1 of P.L.2001, c.35 (C.39:3-33b); section 2 of  
17 P.L.1959, c.56 (C.39:3-33.4); section 4 of P.L.1959, c.56 (C.39:3-  
18 33.6); R.S.39:3-36; section 1 of P.L.1979, c.314 (C.39:3-54.14);  
19 section 2 of P.L.1999, c.308 (C.39:3-75.2); R.S.39:3-84; section 2  
20 of P.L.1999, c.396 (C.39:3-84.7); section 3 of P.L.1973, c.307  
21 (C.39:3C-3); section 10 of P.L.1983, c.105 (C.39:4-14.3j); section  
22 23 of P.L.1983, c.105 (C.39:4-14.3w); R.S.39:4-26; R.S.39:4-30;  
23 section 11 of P.L.1985, c.14 (C.39:4-139.12); section 1 of P.L.1972,  
24 c.38 (C.39:5-30.4); section 31 of P.L.1994, c.60 (C.39:5-36.1);  
25 section 20 of P.L.1952, c.173 (C.39:6-42); section 2 of P.L.1983,  
26 c.141 (C.39:6B-3); R.S.39:7-3; section 3 of P.L.1975, c.156  
27 (C.39:8-11); section 8 of P.L.1975, c.156 (C.39:8-16); section 9 of  
28 P.L.1975, c.156 (C.39:8-17); section 15 of P.L.1975, c.156 (C.39:8-  
29 23); section 5 of P.L.1995, c.112 (C.39:8-45); section 7 of  
30 P.L.1995, c.112 (C.39:8-47); section 12 of P.L.1995, c.112 (C.39:8-  
31 52); section 11 of P.L.1995, c.157 (C.39:8-69); section 13 of  
32 P.L.1995, c.112 (C.39:8-53); section 14 of P.L.1995, c.112 (C.39:8-  
33 54); R.S.39:10-11; R.S.39:10-12; R.S.39:10-14; R.S.39:10-16;  
34 R.S.39:10-19; R.S.39:10-25; section 5 of P.L.1983, c.323 (C.39:10-  
35 35); section 8 of P.L.1983, c.455 (C.39:10A-15); R.S.39:11-6;  
36 R.S.39:11-8; section 2 of P.L.1951, c.216 (C.39:12-2); section 5 of  
37 P.L.1951, c.216 (C.39:12-5); and section 2 of P.L.1983, c.360  
38 (C.39:13-2).

39 b. (1) In determining an appropriate increase of any fee or  
40 surcharge pursuant to subsection a. of this section, the board shall  
41 consider at least the following factors: (a) the year in which the fee  
42 or surcharge was last increased; (b) the actual costs to the State of  
43 New Jersey for administering any transaction, process, filing,  
44 registration, inspection, audit, or any license, permit, or other  
45 document issuance, for which the fee or surcharge is collected; and  
46 (c) the annual percentage increase in the Consumer Price Index or  
47 other similar relevant index.



1 No fee or surcharge set forth in this section shall be increased by  
2 regulation more than once during any five-year period, and no such  
3 fee or surcharge shall be increased beyond an amount that exceeds  
4 the actual costs to the State of New Jersey for administering any  
5 transaction, process, filing, registration, inspection, audit, or any  
6 license, permit, or other document issuance, for which the fee or  
7 surcharge is collected.

8 (2) All increases in a fee or surcharge after the first increase  
9 shall also be subject to the following limitation: the increase shall  
10 not exceed the cumulative annual percentage increase in the  
11 Consumer Price Index for the five fiscal years prior to the date of  
12 the proposed subsequent increase.

13 (3) All increases in fees or surcharges imposed by regulation  
14 proposed to be adopted in a calendar year shall be consolidated in  
15 one single regulatory proposal in that calendar year.

16 (4) As used in this section, the "Consumer Price Index" means  
17 the consumer price index for all urban consumers in the New York  
18 City and Philadelphia areas as reported by the Department of Labor  
19 or successor index.

20 c. Pursuant to subsection b. of section 105 of P.L.2003, c.13  
21 (C.39:2A-36), 100 percent of the increased revenues collected from  
22 such increase shall be remitted to the commission.  
23 (cf: P.L.2007, c.335, s.16)

24

25 7. Section 1 of P.L.1969, c.261 (C.39:5-30.2) is amended to  
26 read as follows:

27 1. Any moving violation of the motor vehicle law which carries  
28 with it a penalty of suspension or revocation of a driver's license  
29 may ~~], after the effective date of this act,]~~ be subject to review by  
30 the ~~]~~ chief administrator. The ~~]~~ chief  
31 administrator, in his or his designee's discretion, may permit a  
32 driver subject to suspension or revocation to elect to attend a  
33 Division of Motor Vehicles New Jersey Motor Vehicle  
34 Commission Driver Improvement Program in lieu of all or part of a  
35 period of suspension. This discretionary authority shall not apply to  
36 those sections of the motor vehicle law which require the  
37 imposition of a mandatory suspension term. In addition to, or in  
38 lieu of, the Driver Improvement Program offered by the  
39 commission, the chief administrator may authorize a drivers' school  
40 licensed pursuant to section 2 of P.L.1951, c.216 (C.39:12-2) or any  
41 statewide safety organization to provide a Driver Improvement  
42 Program, the course of which shall be subject to the oversight of,  
43 and any guidelines established by, the commission. The authority  
44 of the chief administrator to suspend, revoke, or deny issuance of an  
45 initial or renewal license to operate a driving school, or an  
46 instructor's license, and to assess fines, pursuant to P.L.1951, c.216

1 (C.39:12-1 et seq.) shall apply to any violations related to the  
2 administration of a Driver Improvement Program.

3 (cf: P.L.1977, c.27, s.1)

4  
5 8. Section 1 of P.L.1972, c.38 (C.39:5-30.4) is amended to read  
6 as follows:

7 1. Persons attending a **【Division of Motor Vehicles】** Driver  
8 Improvement Program offered by the New Jersey Motor Vehicle  
9 Commission, an approved drivers' school, or a statewide safety  
10 organization, as approved by the commission, shall pay such fee  
11 therefor not to exceed \$100, as prescribed in regulations  
12 promulgated by the **【director】** chief administrator. The driver's  
13 license of any person failing to pay the prescribed fee shall be  
14 subject to suspension or revocation.

15 (cf: P.L.1994, c.60, s.24)

16  
17 9. R.S.39:11-2 is amended to read as follows:

18 39:11-2. The terms "motor vehicle junk business" or "motor  
19 vehicle junk yard" shall mean and describe any business and any  
20 place of storage or deposit **【adjacent to or visible from a State**  
21 **highway, which displays, or in or upon which there are displayed,**  
22 **to the public view,】** of two or more unregistered motor vehicles  
23 which, in the opinion of the commission, are unfit for  
24 reconditioning for use for highway transportation, or used parts of  
25 motor vehicles or material which has been a part of a motor vehicle,  
26 the sum of which parts or material shall, in the opinion of the  
27 commission, be equal in bulk to two or more motor vehicles.

28 (cf: P.L.2003, c.13, s.65)

29  
30 10. R.S.39:11-4 is amended to read as follows:

31 39:11-4. **【Before making application to the commission for a**  
32 **license for the】** A motor vehicle junk business or motor vehicle  
33 junk yard **【,** the applicant**】** shall **【first】** obtain a permit or  
34 certificate approving its proposed location from the governing body  
35 or zoning commission of the municipality in which it is proposed to  
36 establish or maintain the junk yard or business.

37 (cf: P.L.2003, c.13, s.67)

38  
39 11. R.S.39:11-7 is amended to read as follows:

40 39:11-7. **【Application for a State license for the motor vehicle**  
41 **junk yard or business shall be made to the commission, in writing,**  
42 **upon a form to be supplied by it. With the application there shall be**  
43 **submitted a local permit or certificate of approval, as hereinbefore**  
44 **described, and the application shall be accompanied by the amount**  
45 **of the fees herein fixed for the license applied for.】** The  
46 commission or its representative, **【upon receipt of the application,**  
47 shall】 in connection with a request for a hearing made by a

1 municipal governing body or zoning commission pursuant to  
2 R.S.39:11-6, may examine the location of the motor vehicle junk  
3 yard or business proposed to be established or maintained **],** and  
4 shall grant the license if in its judgment there is no valid reason why  
5 it should not be granted**].** The commission **[in granting the**  
6 **license,]** may **[impose upon the establishment or maintenance of**  
7 **the yard or business,]** recommend such conditions as it deems  
8 advisable, having regard to the depreciation of surrounding property  
9 and the health, safety, and general welfare of the public **],** and no  
10 license for the junk yard or business shall be issued until these  
11 conditions have been complied with**].**

12 (cf: P.L.2003, c.13, s.69)

13

14 12. R.S.39:11-8 is amended to read as follows:

15 39:11-8. **[An applicant for the license shall pay to the**  
16 **commission a]** A fee of \$50.00 shall be paid by the applicant to the  
17 commission for the examination of the proposed location of each  
18 motor vehicle junk yard or business **[and a license fee therefor of**  
19 **\$100.00. No license shall be effective for more than one year from**  
20 **the date of issue].**

21 (cf: P.L.2003, c.13, s.70)

22

23 13. R.S.39:11-9 is amended to read as follows:

24 39:11-9. Every person **[holding a license issued in accordance**  
25 **with this chapter]** owning or operating a motor vehicle junk  
26 business or motor vehicle junk yard and **[a dealer's license issued in**  
27 **accordance with subtitle 1 of this title (R.S.39:1-1 et seq.),]** who is  
28 also licensed as a motor vehicle dealer pursuant to the provisions of  
29 R.S.39:10-19 shall certify to the commission, upon the sale by him  
30 of a motor vehicle, that, at the time of the sale, the motor vehicle  
31 was or was not, as the case may be, in suitable condition to be  
32 operated on the highways.

33 (cf: P.L.2003, c.13, s.71)

34

35 14. R.S.39:11-11 is amended to read as follows:

36 39:11-11. A person who violates any provision of **[R.S.39:11-3**  
37 **or]** R.S.39:11-9 of this Title shall be fined not less than **[\$25.00]**  
38 **\$25** nor more than **[\$100.00]** \$100 or be imprisoned not more than  
39 90 days, or both.

40 The provisions of said **[sections]** section shall be enforced and  
41 all penalties for the violation thereof shall be recovered in  
42 accordance with the provisions of "The Penalty Enforcement Law  
43 of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) and in addition to  
44 the provisions and remedies therein contained, the following  
45 provisions and remedies shall be applicable in any proceeding  
46 brought for a violation of any of the provisions of said sections:

- 1 a. The several municipal courts shall have jurisdiction of any  
2 such proceeding, in addition to the courts prescribed in "The  
3 Penalty Enforcement Law of 1999";
- 4 b. The complaint in any such proceeding may be made on  
5 information and belief by the commission, or any police or peace  
6 officer of any municipality, any county or the State;
- 7 c. A warrant may issue in lieu of summons;
- 8 d. Any police or peace officer shall be empowered to serve and  
9 execute process in any such proceeding;
- 10 e. The hearing in any such proceeding shall be without a jury;
- 11 f. Any such proceeding may be brought in the name of the  
12 commission or in the name of the State of New Jersey; and
- 13 g. Any sums received in payment of any fines imposed in any  
14 such proceeding shall be paid to the commission and shall be paid  
15 by it into the State treasury[;]
- 16 h. The director or judge before whom any hearing under said  
17 sections is had may revoke the license of any person to maintain a  
18 motor vehicle junk yard when such person shall have been guilty of  
19 such willful violation of any of the said provisions as shall in the  
20 discretion of the commission or judge justify such revocation].  
21 (cf: P.L.2003, c.13, s.73)

22  
23 15. R.S.39:11-3 is repealed.

24  
25 16. This act shall take effect immediately.

26  
27  
28 STATEMENT

29  
30 This bill makes various revisions to the laws concerning the  
31 organization and certain functions of the New Jersey Motor Vehicle  
32 Commission ("MVC"). The main provisions of the bill are  
33 described below:

34  
35 Deputy Chief Administrator of the MVC

36 The bill provides that the Deputy Chief Administrator of the  
37 MVC shall become Acting Chief Administrator in the event of a  
38 vacancy in the position of chief administrator, and shall serve in  
39 such position until a successor is appointed. The bill also clarifies  
40 that it is the chief administrator, rather than the Chair of the Board  
41 of the MVC, who is appointed by and who serves at the pleasure of  
42 the Governor. These provisions would grant the deputy chief  
43 administrator all of the powers of the chief administrator while  
44 serving in the capacity of acting chief administrator, including the  
45 authority to serve as the Chair.

1 Advertising Services

2 The bill explicitly authorizes the board of the MVC to engage in  
3 advertising services, and receive payments for advertising services  
4 provided to a public or private entity, for MVC revenue purposes.  
5 The bill permits the MVC to sell, lease, or otherwise contract for  
6 advertising in or on its equipment or facilities, in any mailing it  
7 conducts, or in any publication it produces. The bill directs the  
8 MVC to adopt rules establishing the criteria for determining the  
9 appropriateness of any advertising and the suitability of any  
10 advertising message.

11

12 MVC Advisory Councils

13 The bill abolishes the five statutorily-established advisory  
14 councils of the MVC (Safety, Customer Service, Security and  
15 Privacy, Business, and Technology). As provided under existing  
16 law, the authority of the chief administrator to establish additional  
17 advisory councils as necessary, is left unchanged. This provision is  
18 intended to give the chief administrator greater flexibility to  
19 determine the types of advisory councils that will provide policy  
20 guidance and direction to the MVC.

21

22 Driver Improvement Program

23 The bill permits licensed drivers' schools and MVC-approved  
24 statewide safety organizations to offer a Driver Improvement  
25 Program which may be attended by drivers in lieu of a period of  
26 driver's license suspension. Any such program shall be subject to  
27 the oversight of, and any guidelines established by, the MVC.  
28 Under existing law, a Driver Improvement Program may only be  
29 offered by the MVC.

30

31 Motor Vehicle Junk Yards

32 The bill broadens the definition of a "motor vehicle junk  
33 business" or "motor vehicle junk yard" so it is no longer limited to  
34 motor vehicle junk businesses or yards that are adjacent to or  
35 visible from a State highway. The bill repeals provision for a motor  
36 vehicle junk yard or business to be licensed by the MVC and makes  
37 changes to other sections of the motor vehicle junk yard statutes in  
38 accordance with this repealer.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 3159**

with committee amendments

# STATE OF NEW JERSEY

DATED: JANUARY 7, 2010

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 3159.

This amended bill makes various revisions to the laws concerning the organization and certain functions of the New Jersey Motor Vehicle Commission (“MVC”). The main provisions of the bill are described below:

#### Deputy Chief Administrator of the MVC

The bill provides that the Deputy Chief Administrator of the MVC shall become Acting Chief Administrator in the event of a vacancy in the position of chief administrator, and shall serve in such position until a successor is appointed. The bill also clarifies that it is the chief administrator, rather than the Chair of the Board of the MVC, who is appointed by and who serves at the pleasure of the Governor. These provisions would grant the deputy chief administrator all of the powers of the chief administrator while serving in the capacity of acting chief administrator, including the authority to serve as the Chair.

#### Advertising Services

The bill explicitly authorizes the board of the MVC to engage in advertising services, and receive payments for advertising services provided to a public or private entity, for MVC revenue purposes. The bill permits the MVC to sell, lease, or otherwise contract for advertising in or on its equipment or facilities, in any mailing it conducts, or in any publication it produces. The bill directs the MVC to adopt rules establishing the criteria for determining the appropriateness of any advertising and the suitability of any advertising message.

#### MVC Advisory Councils

The bill abolishes four of the five statutorily-established advisory councils of the MVC (Safety, Customer Service, Business, and Technology). The Security and Privacy Advisory Council is retained as a statutorily-established advisory council. As provided under existing law, the authority of the chief administrator to establish

additional advisory councils as necessary, is left unchanged. This provision is intended to give the chief administrator greater flexibility to determine the types of advisory councils that will provide policy guidance and direction to the MVC.

#### Driver Improvement Program

The bill permits licensed drivers' schools and MVC-approved statewide safety organizations to offer a Driver Improvement Program which may be attended by drivers in lieu of a period of driver's license suspension. Any such program shall be subject to the oversight of, and any guidelines established by, the MVC. Under existing law, a Driver Improvement Program may only be offered by the MVC.

#### Motor Vehicle Junk Yards

The bill broadens the definition of a "motor vehicle junk business" or "motor vehicle junk yard" so it is no longer limited to motor vehicle junk businesses or yards that are adjacent to or visible from a State highway, but does not include a salvage pool or auto auction whose primary business is the sale of total loss vehicles on behalf of insurance companies. The bill repeals a provision for a motor vehicle junk yard or business to be licensed by the MVC and makes changes to other sections of the motor vehicle junk yard statutes in accordance with this repealer.

#### Fee Increases

The bill provides that nothing in the bill would permit the MVC to increase fees or surcharges beyond what is currently authorized by law.

The committee amended the bill to retain the Security and Privacy Advisory Council as a statutorily-established advisory council. The committee also amended the bill to clarify that the other four statutorily-established advisory councils are abolished.

The committee amended the bill to delete section 6 of the bill which would have permitted the MVC to increase, by regulation, fees under R.S.39:11-6 for certain public hearing costs.

The committee amended the bill to provide that "motor vehicle junk business" or "motor vehicle junkyard" do not include a salvage pool or auto auction whose primary business is the sale of total loss vehicles on behalf of insurance companies.

The committee amended the bill to provide that nothing in the bill would permit the MVC to increase fees or surcharges beyond what is currently authorized by law.

The bill is identical to A4243(1R) as amended and released by the committee on the same date.