

NEW JERSEY REGISTER



The State's Official Rules Publication

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VOLUME 7 • NUMBER 10

Oct. 9, 1975 • Indexed 7 N.J.R. 453-492

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(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Revisions to Milk Prices

On September 16, 1975, W. W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-21 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning minimum milk prices.

Full text of the adopted revisions follows:

2:49-1.1(b) Effective October 1, 1975, minimum milk prices under Order 69-1 will be 37 cents per quart, 69 cents per half-gallon and \$1.32 per gallon.

An order adopting these revisions was filed September 16, 1975, as R.1975 d.272 (Exempt, Procedure Rule) to become effective October 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

Revised Effective Date of Rule on Notice Of Maturity of Fixed Term Savings Accounts

On September 5, 1975, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:12B-133 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the revised effective date of September 5, 1975, concerning N.J.A.C. 3:30-1.3 regarding notice of maturity of fixed term savings accounts as proposed in the Notice published August 7, 1975, at 7 N.J.R. 354(a).

An order adopting this revision was filed and effective September 5, 1975, as R.1975 d.265.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Promotional Examinations Revision

The New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 et seq., proposes to revise its rule concerning promotional examinations.

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

4:1-8.6 Qualifications for promotional examinations

(a) In order to qualify for promotional examination an applicant:

1. Must meet all the qualifications of Section 8. (Qualifications of applicants for open competitive examinations) of this Subchapter;

2. Must be a permanent employee in a class to which the examination is opened by the announced closing date for filing applications and unless otherwise provided by regulation shall have been employed after regular appointment in such lower class for at least one year immediately preceding the announced closing date. **In cases where the employee is on leave without pay (other than military leave), the one year of continuous employment must have been completed prior to the entry on such leave;**

3. Must be in active employment in a class as approved by the Chief Examiner and Secretary on the announced closing date for filing applications, and remain until the employment list is issued, except that absence from such active employment shall not disqualify an applicant otherwise qualified who:

i. Is on an approved leave with pay or **on approved leave for personal illness, including maternity, without pay;**

ii. Is on military leave;

iii. Is on a temporary assignment or temporary transfer within the same or to a different organization unit, as the case may be;

iv. Is on educational leave;

v. Is assigned or detailed to another governmental unit pursuant to any Federal or State employee interchange act;

vi. Is promoted to another class title in the same organization unit;

vii. Is on suspension; or

viii. **Is on leave without pay to fill elective office.**

Interested persons may present statements or arguments

NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules filed by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

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The New Jersey Register is published the first Thursday after the first Monday of each month by the Division of Administrative Procedure of the Department of State, 10 North Stockton Street, Trenton, New Jersey 08608. Telephone: (609) 292-6060. Subscriptions, payable in advance, are one year, \$12.00, monthly back issue when available, \$1.25. Make checks payable to: Div. of Administrative Procedure.

in writing relevant to the proposed action on or before October 29, 1975, to:

Joseph Lavery
Administrative Practice Officer
Department of Civil Service
201 East State St.
Trenton, N.J. 08625

The Department of Civil Service, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

William Druz
Chief Examiner and Secretary
Department of Civil Service

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Local Jurisdiction Personnel Manual for Restoration to an Employment List

On August 29, 1975, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted procedural rules which revised a portion of Subpart 13-8.101 in the Civil Service Personnel Manual (Local Jurisdictions) concerning restoration to an employment list.

Full text of the adopted revisions follows:
Subpart 13-8.101 Restoration To An Employment List:
13-8.101a Subject:

This Subpart will explain the conditions under which an employee will be returned to an employment list after employment is terminated either during or at the end of a working test period.

13-8.101b Conditions:

Employees who terminate either during or at the end of a working test period may be restored to an employment list if they:

1. Are removed because of unsatisfactory service;
2. Resigned in lieu of removal for unsatisfactory service; or
3. Resigned for other reasons, in good standing.

Such restoration to the employment list will occur subject to the following conditions:

1. Employees who have separated for reasons other than 1 or 2 above shall be automatically restored to the employment list;

2. Employees who have been removed or have resigned in lieu of removal either during or at the end of their working test period may request restoration to the employment list from the effective date of termination. After recommendation by the appointing authority, the Chief Examiner and Secretary shall determine whether the employee is suitable for employment in another position. Restoration will be made on a case by case basis.

13-8.101c Distribution of information:

Upon the removal or resignation of an employee either during or at the end of their working test period, such employee will be given a copy of this Subpart.

Note: Employees who have been removed either during or at the end of their working test period and wish to contest such removal may appeal to the Civil Service Commission and shall pursuant to N.J.A.C. 4:1-13.7 be granted a hearing. If employee files such an appeal to the Civil Service Commission for reinstatement and also requests that the Chief Examiner and Secretary restore his or her

name to the employment list, the request shall be held in abeyance until final disposition of the hearing pursuant to the aforementioned rules before the Civil Service Commission.

An order adopting these revisions was filed September 8, 1975, as R.1975 d.266 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Local Jurisdiction Personnel Manual for Modification Of Sheriff's Officer Series

On September 3, 1975, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 6-5.102 of the Civil Service Personnel Manual (Local Jurisdictions) concerning the modification of Sheriff's Officer series.

Full text of the adopted revisions follows:
Subpart 6-5.102 Modification Of Sheriff's Officer Series
6-5.102a Subject:

This subpart describes the modification of the Sheriff's Officer series and the procedures that will be followed in implementing the modification.

6-5.102b Modification to Sheriff's Officer series:

Subpart 6-5.102 Modification of Sheriff's Officer series issued July 19, 1974 is hereby rescinded.

The Civil Service Commission at its meeting of July 29, 1975 rendered the following decision:

1. The functions involved in the care, custody and rehabilitation of prisoners formerly encompassed in the Sheriff's Officer series shall no longer be included in that series. Henceforth, all future appointments of personnel assigned to the care, custody and rehabilitation of prisoners shall be classified under the County Correction Officer series.

2. In order to meet the specific operational needs of each sheriff's office, the following title series are hereby approved:

(a) Court Attendant series—to encompass duties primarily involved in attending the courts.

(b) Process Officer series—to encompass duties primarily involved in serving court processes.

(c) Investigator, Sheriff's Office series—to encompass duties primarily involved in the investigation and apprehension of violators of the law.

(d) Identification Officer series—to encompass duties primarily involved in criminal identification work.

(e) Ballistics Officer series—to encompass duties primarily involved in ballistics work.

(f) County Correction Officer series—to encompass duties primarily involved in the care, custody and rehabilitation of prisoners.

(g) Sheriff's Officer series—to encompass duties involved in the performance of any combination of two or more of the following five functions:

- (1) attending the courts;
- (2) serving court processes;
- (3) criminal identification;
- (4) investigation and apprehension of violators of the law;
- (5) ballistics.

6-5.102c Use of Sheriff's Officer series:

1. The Sheriff's Officer series may be used either exclusively or concurrently with the specific titles series listed in Section 6-5.102d.

2. When used concurrently with other title series, the Sheriff's Officer series shall not encompass regular functions for which specific title series are being used (example—if the Sheriff's Officer series is used concurrently with the Court Attendant series, the Sheriff's Officer series shall not encompass the function of attending the courts).

3. The Sheriff's Officer series shall not encompass the function of the care, custody and rehabilitation of prisoners.

4. In open competitive tests for the position of Sheriff's Officer, the Department of Civil Service will administer a general examination.

5. Once appointed as a sheriff's officer, an employee, with the approval of the Department of Civil Service, may be assigned or reassigned to a combination of two or more of the functions encompassed in the Sheriff's Officer series.

6-5.102d Procedure for implementation:

Note: Implementation of the modifications contained in the subpart shall not effect the title of any employee whose date of permanent appointment is prior to the issue date of this subpart.

1. Within 30 days from the issue date of this subpart, the sheriff of each county shall submit to the appropriate branch office of the Division of Local Government Services a written statement containing a listing of those title series that he wishes to use in his department. If the Sheriff's Officer series is to be used either exclusively or in combination with other individual title series, the sheriff shall specify what combination of the two or more functions outlined in 6-5.102b shall be encompassed in the Sheriff's Officer series in his department. In addition, the sheriff shall submit a listing of the names of all temporary or provisional employees together with a brief description of the functions to be performed by each such employee as described in Subpart 6-5.102(b).

2. Upon receipt of the above mentioned data from each sheriff, the Division of Local Government Services shall review the information submitted for conformity with Section 6-5.102c and shall:

(a) Notify each sheriff of the approval of the use of the title series selected for use in his department.

(b) Classify the positions of all temporary or provisional employees accordingly and notify the sheriff and the concerned employee of the classification and administrative action for each such employee.

3. In any county in which the Sheriff's Officer series is approved for use, the Department of Civil Service shall announce a special series of promotion examinations on a one time only basis, so as to enable all permanent employees as of the issue date of this subpart in the titles of Court Attendant, Process Officer, Identification Officer, Ballistics Officer and County Correction Officer, except in those counties where the correction function has not been included in the Sheriff's Officer series, with an opportunity to be placed on a promotion list for Sheriff's Officer.

For the purpose of layoff or demotion, ties in seniority for employees promoted to the position of sheriff's officer under this provision will be broken using the following factors in their respective order: veterans status; prior total continuous permanent service.

4. Once this initial promotional list is exhausted, the De-

partment of Civil Service will announce open competitive examinations for the position of sheriff's officer unless the sheriff indicates action to provisionally promote an employee from an individual title series, at which time the Department of Civil Service will announce a promotion examination opened to permanent employees in the titles of Court Attendant, Process Officer, Identification Officer, Ballistics Officer, County Correction Officer or Investigator, Sheriff's Office.

6-5.102e Future promotional opportunities:

Upon the implementation of this subpart, eligibility for promotion examinations will be as follows:

Promotion examinations for higher positions in:	Titles to be considered eligible:
Court Attendant series*	Court Attendant** Sheriff's Officer**
County Correction Officer series	County Correction Officer** Sheriff's Officer**
Process Officer series	Process Officer** Sheriff's Officer**
Identification Officer series	Identification Officer** Sheriff's Officer**
Ballistics Officer series	Ballistics Officer** Sheriff's Officer**
Investigator, Sheriff's Officer series	Investigator, Sheriff's** Office, Sheriff's Officer**
Sheriff's Officer series	Sheriff's Officer***

*The only promotional position within the Court Attendant series is that of Supervising Court Attendant. The number of appointments that can be made to this title is controlled by N.J.S.A. 2A:11-36 and 2A:11-36.1. Any change would require enactment of amendatory legislation.

**Only those Sheriff's Officers with permanent status prior to the effective date of this subpart.

***Sheriff's Officers with permanent status prior to and subsequent to the issue date of this subpart.

6-5.102f Utilization of existing employment lists:

Following completion of the initial promotional procedures described in 6-5.102d, existing open competitive employment lists for sheriff's officer will be used to fill vacancies in Sheriff's Officer series. Open competitive lists for the Sheriff's Officer series will also be used as appropriate to fill vacancies in the Court Attendant, Process Officer, Identification Officer, Ballistics Officer, Investigator, Sheriff's Office and County Correction Officer series.

An order adopting these revisions was filed September 8, 1975, as R.1975 d.267 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to State Service Personnel Manual on Restoration to Employment List

On August 29, 1975, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative

Procedure Act of 1968, adopted procedural rules which revised portions of Subpart 13-8.101 and 20-8.102 in the Civil Service Personnel Manual (State Service) concerning the restoration to employment list.

Full text of the adopted revisions follows:

Subpart 13-8.101 Restoration To An Employment List:
13-8.101a Subject:

This subpart will explain the conditions under which an employee will be returned to an employment list after employment is terminated, either during or at the end of a working test period.

13-8.101b Conditions:

Employees who terminate either during or at the end of a working test period may be restored to the employment list if they:

1. Are removed because of unsatisfactory service;
2. Resigned in lieu of removal for unsatisfactory service; or
3. Resigned for other reasons, in good standing.

Such restoration to the employment list will occur subject to the following conditions:

1. Employees who have separated for reasons other than 1 or 2 above shall be automatically restored to the employment list;

2. Employees who have been removed or have resigned in lieu of removal either during or at the end of their working test period may request restoration to the employment list from the effective date of termination. After recommendation by the appointing authority, the Chief Examiner and Secretary shall determine whether the employee is suitable for employment in another position. Restoration will be made on a case by case basis.

13-8.101c Distribution of information:

Upon the removal or resignation of an employee either during or at the end of their working test period, such employee will be given a copy of this subpart.

Note: Employees who have been removed either during or at the end of their working test period and wish to contest such removal may appeal to the Civil Service Commission and shall pursuant to N.J.A.C. 4:1-13.7 be granted a hearing. If employee files such an appeal to the Civil Service Commission for reinstatement and also requests that the Chief Examiner and Secretary restore his or her name to the employment list, the request shall be held in abeyance until final disposition of the hearing pursuant to the aforementioned rules before the Civil Service Commission.

Subpart 20-8.102 Examination of Public Records

20-8.102a Subject:

This subpart will detail the State policy on examination by citizens of public records in accordance with Executive Order No. 11. (1974)

20-8.102b Policy:

Public records are to be readily accessible for examination by citizens of this State for the protection of the public interest. All records which are required by law to be made, maintained and kept on file by State and local governmental agencies are public records, subject to inspection and examination and must be available for copying.

20-8.102c Exceptions:

Except as otherwise provided by law or when essential to the performance of official duties or when authorized by a person in interest, governmental instrumentalities shall not disclose to anyone other than a person duly authorized by this State or the United States to inspect such information in connection with their official duties, personnel or pension records of an individual, except that the following shall be public:

1. An individual's name, title, position, salary, payroll

record, length of government service, date of separation from government service and reason for separation, and the amount and type of pension the individual is receiving;

2. Data contained in information which disclose conformity with specific experimental, educational or medical qualifications required for government employment or for receipt of a public pension; but in no event shall detailed medical or psychological information be released.

20-8.102d Effective:

Executive Order 11 became effective November 15, 1974.

An order adopting these revisions was filed September 8, 1975, as R.1975 d.268 (Exempt, Procedure Rule). Take notice that these revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

(Joint Proposal)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

TREASURY

DIVISION OF TAXATION

Proposed Rules for Tax

Abatement on Added Assessments

The Division of Housing and Urban Renewal in the Department of Community Affairs and the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1975, c.104, jointly propose to adopt new rules concerning tax abatement on added assessments.

Such rules, if adopted, will appear in identical form in Subtitle F of Title 18 of the New Jersey Administrative Code and in Title 5 therein, as indicated below.

Full text of the proposed rules, as it will appear in Title 5, follows:

CHAPTER 22.

TAX ABATEMENT ON ADDED ASSESSMENTS

SUBCHAPTER 1. GENERAL PROVISIONS

5:22-1.1 Definitions

Unless the context indicates otherwise, the following words shall have the following meanings.

"Assessor" means the assessor, board of assessors or any other official or body of a taxing district charged with the duty of assessing real property for the purpose of general taxation.

"Completion" means substantially ready for the use for which it was intended.

" Dwelling" means any building used, to be used or held for use, in whole or part, as the home or residence of one or more families, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyment thereof.

"Home improvement" means the improvement of a dwelling which neither changes its size nor its permitted use, except that a garage may be enlarged to the extent necessary to accommodate a modern automobile, and shall include the modernization, rehabilitation, renovation, alteration or repair of a dwelling.

"Qualified municipality" means any municipality in which residential neighborhoods have been declared by the county planning board or the Commissioner of the Department of Community Affairs to be endangered by blight, pursuant to Section 3 of the Act.

"Department" means the Department of Community Affairs.

"Board" means the Board of Property Tax Abatement Appeals established within the Department to hear matters arising out of P.L. 1975, c.104.

"Application" means a written request for the exemption filed with the local tax assessor on forms devised by the Director of the Division of Taxation.

"Assessors full and true value of home improvements" means that portion of any increased assessed value of real property which directly resulted from improvements made thereon.

"Exemption" means that amount to be deducted from the "assessor's full and true value of home improvements".

5:22-1.2 Board of Property Tax Abatement Appeals; membership

(a) There is hereby established a Board of Property Tax Abatement Appeals within the Department for the purposes of hearing matters arising out of P.L. 1975, c.104.

(b) The Board shall consist of three members of the Department to be appointed by the Commissioner as follows: 1. An Assistant Commissioner or Division Director acting as chairman; and 2. Two members of the Department who shall not be either an Assistant Commissioner or Division Director.

5:22-1.3 Municipalities and counties; petition

(a) A municipality seeking qualified municipality status pursuant to P.L. 1975, c.104 shall be given an opportunity to present written or oral testimony before the Board and may be represented by counsel or other duly authorized officer.

(b) The petition shall contain such information as was presented to the county and any further new information not previously available. Any new information shall be so identified and made available to the county. The county may petition the Department to stay its proceedings pending a revaluation of the matter based on the new evidence.

(c) The county wherein the municipality is located shall in all cases be notified of the pending action and given an opportunity to appear and present evidence to rebut the municipal contention of eligibility for qualified municipality status.

5:22-1.4 Rules and procedures

(a) General rules include:

1. The Board shall schedule hearings within 30 days of the receipt of a completed application therefore, and shall submit its recommendation within 15 days of such hearing to the Commissioner.

2. The Board may stay its proceedings if it determines that the county planning board from which the appeal is taken is still legitimately considering the matter. Such stay may be undertaken by the Board on its own initiative or upon the request of the county planning board. The Board shall notify the municipality of such stay and the reasons therefor.

(b) Decisions of the Board shall be by a vote of the majority. All members shall be present during the proceedings of the Board and for the purpose of voting.

(c) Hearings of the Board shall be conducted by the chairman and shall be informal to the extent possible. The Board shall not be bound by strict rules of evidence or procedure, and may from time to time develop further rules for its internal governance.

(d) The Board is empowered to call witnesses, assemble data on its own initiative or require that parties to the appeal provide such data and carry out such other and further discovery procedures as will enable it to perform its functions under P.L. 1975, c.104.

(e) Decisions of the Board shall be in writing prepared by the chairman. The text of the decision shall fully explain the Board's position. Any dissenting opinion may be attached.

5:22-1.5 Eligible real property

(a) Real property must meet the following qualifications in order to gain the exemption:

1. It must be located in an area of a municipality designated to be endangered by "blight" as determined by the county planning board or the Commissioner of the Department of Community Affairs.

2. It must contain a building or buildings which were constructed more than 20 years prior to the time of application for the exemption and being used or being held for use, in whole or part, as a home or residential dwelling, which is a constituent part of the real property.

(b) The application must be filed with the assessor within 30 days, including Saturdays and Sundays, following the completion of improvements. Owners in qualified municipalities are entitled to apply for and receive the benefits afforded by P.L. 1975, c.104 upon adoption of an implementing municipal ordinance in conformity with the requirements of the Act.

5:22-1.6 Application procedure

(a) The following conditions shall apply to all claims for the exemption at the time of application:

1. Claims for the exemption shall be in writing upon forms prescribed by the Director of the Division of Taxation and must be filed with the local tax assessor within 30 days following completion of the home improvement.

2. Each taxing district subject to the provisions of this Act is required to provide copies of the prescribed application form for the use of claimants. Taxing districts which require applications for exemption forms may obtain them from one of the companies which specializes in supplying forms for municipal use.

3. When required by the assessor, claimants for the exemption must submit such data in support of their claim as he might request.

4. Additional claims for the exemption may be submitted and approved with regard to dwellings with respect to which a previous home improvement exemption was granted in an amount less than \$4,000; provided, however, the total deduction for any dwelling unit shall not be in excess of the maximum of \$4,000.

5:22-1.7 Procedures upon allowance of exemption

(a) Every application for exemption of one or more improvements which qualify shall be approved and allowed by the assessor but in no case may the exemption exceed the maximum of \$4,000 per dwelling unit:

1. Claim for the exemption, once filed on the prescribed form and allowed by the assessor, shall continue in force for a period of five years following January 1 of the year in which the exemption was allowed.

2. Upon approval of the claim for exemption the assessor shall record the exemption in his permanent records and enter it under the appropriate columns on the official tax list.

Interested persons may present arguments or statements relevant to the proposed action in writing, orally in person or by telephone on or before, October 29, 1975, to:

Division of Housing and Urban Renewal
Department of Community Affairs
Post Office Box 2768
Trenton, New Jersey 08625

Attention: Michael Kuzma
Phone: (609) 292-6911
-or- Sol Metzger
(609) 292-2348

Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08625

Attention: J. Henry Ditmars
Phone: (609) 292-7844

The Department of the Treasury and the Department of Community Affairs may, upon their own motions or at the instance of any interested party, thereafter adopt these rules substantially as proposed without further notice.

David S. Davies, Director
Division of Housing and Urban Renewal
Department of Community Affairs
Sidney Glaser, Director
Division of Taxation
Department of the Treasury

(a)

COMMUNITY AFFAIRS

HOUSING FINANCE AGENCY

Rule on Equity Syndication on Agency Financed Limited Dividend Housing Projects

On August 18, 1975, the New Jersey Housing Finance Agency in the Department of Community Affairs, pursuant to authority of N.J.S.A. 55:14J-34(f) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule concerning equity syndication on Agency-financed limited-dividend housing projects.

Full text of the adopted rules follows:

SUBCHAPTER 2. AGENCY-FINANCED LIMITED-DIVIDEND HOUSING PROJECTS

5:80-2.1 Equity syndication

(a) The Agency will require that the sponsor of Agency-financed limited-dividend housing projects must comply with the following regulations:

1. The equity escrow account shall be required to meet project operating deficits for the first five years of a development. This account shall be established in the amount of five per cent of the total rent roll of the project, including Federal subsidies under the Housing and Community Development Act of 1974 as projected in the mortgage commitment. The amount is to be funded by the Agency accepting a satisfactory letter of credit from the general partner of the sponsor for a term of five years, plus the term of the construction contract. This account is to be used in its entirety to meet operating deficits prior to closing on the development cost escrow account established by paragraph 2 of this subsection.

2. A development cost escrow account shall be established in an amount determined by:

i. Reducing a sponsor's maximum return on equity from eight per cent to five per cent;

ii. Determining how much of mortgage this three per cent of rental income will support and adding that amount to the total development cost;

iii. At initial mortgage closing this latter amount shall be deposited with the Agency and drawn upon, after the equity escrow account established by paragraph 1 of this subsection is fully depleted, for the following purposes:

(1) Project operating deficits; and

(2) Supplement to the normal reserves for painting and decorating and repairs and replacements.

iv. Said development cost escrow account shall be established for a period of not less than ten years from the date of the initial mortgage closing, unless the Agency agrees to decrease the amount by resolution.

An order adopting this rule was filed and effective August 25, 1975, as R.1975 d.258 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rules on Certification For Executive Superintendents

The State Board of Education, pursuant to authority of N.J.S.A. 18A:17A-1.11, proposes to adopt new rules concerning Executive Superintendents.

Full text of the proposed new rules follows:

6:11-10.12 Executive Superintendent

(a) This certificate is required for the position of Executive Superintendent in a first class city with a population over 325,000.

(b) Requirements are as follows:

1. Shall possess and be able to demonstrate a knowledge of the complex problems of an urban community, involving the educational, societal, fiscal and political aspects.
2. Shall possess a master's degree.
3. Shall have five years of administrative experience in which three years must be in an organization of comparable complexity and magnitude.
4. Shall have a knowledge of school board interrelationships, including negotiations.
5. Shall be able to demonstrate knowledge of accounting, school finance, school business administration and Federal programs.
6. Shall have a knowledge of long-range education planning, and a knowledge of planning for capital construction of educational facilities.
7. Shall possess knowledge of organization, curriculum and administration of public education.
8. Shall have a working knowledge of modern management techniques.

6:11-10.13 Assistant Executive Superintendent with specialization in supervision and curriculum

(a) This certificate is required for the position of Assistant Executive Superintendent in a first class city with a population over 325,000.

(b) Requirements are as follows:

1. Certification to serve as principal issued by New Jersey State Board of Examiners; or, in the alternative, all of the following:
2. A standard New Jersey teacher's certificate or equivalent;
3. Teaching experience;
4. A master's degree;
5. A program of graduate studies including coursework in:
 - i. Administration of public education;
 - ii. School law, including collective negotiations;
 - iii. Public school curriculum;
 - iv. Supervision of instruction in public schools;
 - v. Administration and supervision of school personnel.

6:11-10.14 Assistant Executive Superintendent with specialization in business administration

(a) This certificate is required for the position of Assistant Executive Superintendent in a first class city with population of over 325,000.

(b) Requirements are as follows:

1. Bachelor's degree;
2. Approved teaching or business experience;
3. A program of studies including coursework in:
 - i. Administration of public education;
 - ii. School business administration;
 - iii. School buildings, including planning, construction and maintenance;
 - iv. School finance;
 - v. School law, including collective negotiations;
 - vi. Public school curriculum.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1975, to:

Ms. Lorraine Colavita
Administrative Practice Officer
State Department of Education
225 West State St.
Trenton, N.J. 08625

The State Board of Education, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Fred G. Burke
Commissioner of Education
Secretary, State Board of Education

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions in State Library Aid

On September 10, 1975, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:74-3.1 et seq., 40:33-1, 40:54-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules cited as N.J.A.C. 6:68-1.1 et seq. concerning State library aid, as proposed in the Notice published August 7, 1975, at 7 N.J.R. 356(a).

An order adopting these revised rules was filed and effective September 18, 1975 as R.1975 d.275.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Rule on Certification For Teaching Psychology

On September 10, 1975, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-34 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule on the certification for teaching psychology, as proposed in the Notice published August 7, 1975, at 7 N.J.R. 355(b).

This new rule may be cited as N.J.A.C. 6:11-8.10 rather than as N.J.A.C. 6:11-8.8 as was indicated in the Notice of Proposal.

An order adopting this rule was filed and effective September 18, 1975, as R.1975 d.276.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Notice of Printing Error In Administrative Code

Take notice that the text of N.J.A.C. 6:29-6.3(c), as it currently appears on page 64 (serial number 17562) in Title 6 of the New Jersey Administrative Code is incorrect—because the revisions adopted as R.1973 d.223 and published in the New Jersey Register September 6, 1973, at 5 N.J.R. 298(b) are not reflected therein. Such revisions were filed and effective August 10, 1973.

Full text of the revised subsection, as it should and will appear in Title 6 in the next updating of the Administrative Code follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

6:29-6.3(c) School districts shall be permitted to employ certified, full-time employees of their constituent [districts] or sending districts, or of a vocational school within the same county as designated in N.J.S.A. 18A:54-11, to work on a part-time basis in the interscholastic program, providing the superintendent of schools of the receiving district certifies an emergency exists to the county superintendent, upon whose approval the individual may be employed for one year.

As amended, R.1972 d.88, eff. May 8, 1972.

See 4 N.J.R. 65(b), 4 N.J.R. 118(a).

As amended, R. 1973 d.223, eff. August 10, 1973.

See: 5 N.J.R. 298(b).

This Notice is published as a matter of public information.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendment Concerning Chemical and Hazardous Wastes

David J. Bardin, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1E-1 et seq., proposes to adopt a rule amending Section 2 of N.J.A.C. Title 7, Chapter 26 concerning chemical and hazardous wastes. The proposed revision is known within the Department of Environmental Protection as Docket No. DEP 050-75-09.

The rule, if adopted as proposed, would prohibit or severely limit the disposal into or upon the lands of this State of certain prohibited materials. These prohibited materials are known to be highly toxic, explosive or carcinogenic.

The rule would permit special exceptions to the prohibition, provided that the applicant for such exception satisfies the Department that the prohibited material can be isolated from the environment, that alternate disposal methods are unavailable and that potential impacts on the environment resulting from the proposed disposal will be minimal. The rule would not apply to residentially-generated solid waste.

Full text of the proposed amendment follows:

7:26-2.6(d)5. Unless specifically permitted by the Department, no person shall cause, suffer, allow or permit the disposal on or into the lands of this State any of the materials included in the following list of prohibited materials. Any person desiring specific permission from the Department to engage in such disposal shall make written application to the Department. Such application shall include an assessment of the potential impacts upon the environment resulting from the proposed disposal of the prohibited material, as well as the following:

- i. The availability of alternate disposal methods;
- ii. The quantity, concentration and form of the waste and the presence of other materials which may affect the properties of the prohibited material;
- iii. The suitability of the proposed disposal method to isolate the prohibited material from the environment;
- iv. This rule shall not apply to residentially generated solid waste.

7:26-2.6(d)6. The list of prohibited materials follows:

LIST OF PROHIBITED MATERIALS *

TOXINS AND IRRITANTS:

Acrolein (Acrylic Aldehyde)
Aldrin (1,2,3,4,10, 10-Hexachloro-1,4,4a,5,8,8a-hexahydro-endo-exo-1,4:5,8-dimethanonaphthalene)
Ammonium Chromate
Ammonium Dichromate
Antimony Trifluoride
Antimony Pentafluoride
Antimony Trichloride
Antimony Pentachloride
Antimony Potassium Tartrates
Arsenic Trichloride
Arsenic Trioxide
Arsenic Pentaselenide
Bromine

Bromine Pentafluorine
Cadmium
Cadmium Chloride
Cadmium Fluoride
Cadmium Nitrate
Cadmium Oxide
Cadmium Phosphate
Cadmium Potassium Cyanide
Cadmium Cyanide
Cadmium Sulfate
Calcium Arsenate
Calcium Arsenite
Calcium Cyanide
Chlordane (1,2,4,5,6,7,8,8-Octachloro-3a,4,7,7a-tetrahydro-4,7-methanoindan)
Chlorine
Chlorine Trifluoride
Chloropicrin
Chromic Acid
Copper Acetoarsenite
Copper Arsenate
Copper Arsenite
DDT (dichloro diphenyl dichloroethane)
DDT (dichloro diphenyl trichloroethane)
Demeton (0,0-diethyl 0-(2,(ethylthio) ethyl)phosphorothio-nate)
2,4-Dichlorophenoxyacetic Acid
Dieldrin (1,2,3,4,10,10-Mexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo-exo-1,3: 5,8-dimethanonaphthalene)
Dimethyl Sulfate
Dinitrobenzene
Dinitrocresol
Dinitrophenol
Endrin (1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo-endo-1,4: 5,8-dimethanonaphthalene)
Ethylene Bromide
Fluorine
GB (propoxy-(2)-methylphosphoryl fluoride)
Guthion (Phosphorodithioic acid 0,0-dimethyl ester, S-ester with 3-(mercaptomethyl)-1,2,3-benzotriazin-4(3H)-one
Heptachlor (1,4,5,6,7,8,8-Heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene)
Hydrogen Cyanide
Lead
Lead Arsenate
Lead Arsenite
Lewisite (Dichloro(2-chlorovinyl)arsine)
Lindane (1,2,3,4,5,6-Hexachlorocyclohexane)
Magnesium Arsenite
Mercuric Chloride
Mercuric Cyanide
Mercuric Diammonium Chloride
Mercuric Sulfate
Mercury
Methyl Bromide
Methyl Chloride
Methyl Parathion (O,O-Dimethyl O-p-nitrophenyl phosphorothiate)
Nickel Cyanide
Nitroaniline
Nitrogen Mustards
Organic Lead Compounds
Organic Mercury Compounds
Parathion (O,O-diethyl O-p-nitrophenyl phosphorothioate)
Pentachlorophenol
Perchloryl Fluoride
Perchloric Acid
Phosgene
Potassium Arsenite

Potassium Cyanide
Potassium Chromate
Potassium Dichromate
Polychlorinated Biphenyls
Selenium
Silver Cyanide
Sodium Arsenate
Sodium Arsenite
Sodium Chromate
Sodium Dichromate
Sodium Cyanide
Sodium Monofluoroacetate and other salts
Strychnine (and its salts)
Tear Gas (CN) (chloroacetophenone)
Tear Gas (CS) (2-chlorobenzylidene malononitrile)
Thallium
Thallium Sulfate
VX (ethoxymethylphosphoryl-N,N-dipropoxy-(2,2)-thiocho-
line)
Zinc Arsenate
Zinc Arsenite
Zinc Cyanide

CARCINOGENS:

2-Acetylaminofluorene (2AAF)
4-Aminodiphenyl (4-ADP)
Benzidene and its salts
3,3'-Dichlorobenzidene (DCB)
4-Dimethylaminoazobenzene (DAB)
alpha-Naphthylamine (1-NA)
beta-Naphthylamine (-NA)
4-Nitrobiphenyl (PNB)
N-Nitrosodimethylamine (DMN)
beta-Propiolactone (BPL)
bis (chloromethyl) ether (BCME)
Chloromethyl methyl ether (CMME)
4,4'-Methylene (bis) (2-chloroaniline)
Ethyleneimine (EI)

EXPLOSIVES:

Decaborane
Diborane
Hexaborane
Hydrazine
Hydrazine Azide
Nickel Carbonyl
Pentaborane-9
Pentaborane-11
Silver Azide
Tetraborane
Diazodinitrophenol
Dinitrotoluene
Dipentaerythritol Hexanitrate
Gelatinized Nitrocellulose
Glycol Dinitrate
Gold Fulminate
Lead, 2,4-Dinitroresorcinate
Lead-Styphenate
Mannitol Hexanitrate
Nitrocellulose
Nitroglycerin
Picric Acid (and(Amonium Salts)
Potassium Dinitrobenfuroxan
Silver Styphenate
Silver Tetrazene
Tetrazene
Copper Chlorotetrazole
Trinitrotoluene

***Sources:**

- 1) Office of Solid Waste Management Programs. Report to Congress; disposal of hazardous wastes. Environmental Protection Agency Publication No. SW-115. Washington, D.C., U.S. Government Printing Office, 1974, 110 pages.
- 2) Part 1910, Title 29 of the Code of Federal Regulations of the Federal Department of Labor.
- 3) TRW Systems Group Recommended Methods of Reduction, Neutralization, Recovery or Disposal of Hazardous Waste. Prepared for the Office of Research and Development, United States Environmental Protection Agency.

Interested persons may present statements relative to the adoption of the proposed regulation, in writing, on or before November 1, 1975, to:

Lino F. Pereira
Bureau of Solid Waste Management
P.O. Box 2807
John Fitch Plaza
Trenton, New Jersey 08625

The Department of Environmental Protection, upon its own motion or on the instance of any interested party, may thereafter adopt this proposed amendment substantially as proposed without further notice.

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Proposed Amendment on Floodway Delineation For Main Stem of the Delaware River

David J. Bardin, Commissioner of the Department of Environmental Protection, pursuant to the authority of N.J. S.A. 13:1D-1 et seq. and N.J.S.A. 58:16A-50 et seq., hereby proposes to amend N.J.A.C. 7:13-1.11, Delineated floodways, by adding to it the floodway of the main stem of the Delaware River from the Calhoun Street Bridge in the City of Trenton, Mercer County, upstream to a point 800 feet downstream from Tocks Island in Pahaquarry Township, Warren County, as delineated by the Water Policy and Supply Council pursuant to N.J.S.A. 58:16A-52.

The Water Policy and Supply Council proposes to delineate the aforesaid floodway and held public hearings on this matter on September 30, 1975 and October 7, 1975.

The proposed delineation affects the Townships of Ewing and Hopewell and the City of Trenton in Mercer County; Alexandria, Delaware, Holland, Kingwood and West Amwell Townships, Frenchtown, Milford and Stockton Boroughs and the City of Lambertville in Hunterdon County; and Harmony, Knowlton, Lopatcong, Pahaquarry, Pohatcong and White Townships and the Towns of Belvidere and Phillipsburg, in Warren County.

The Department currently has regulations governing land use in all delineated floodways, N.J.A.C. 7:13-1.11 et seq. The floodways which are delineated, and therefore subject to such regulations, are listed in N.J.A.C. 7:13-1.11. This list is amended from time to time as the Water Policy and Supply Council delineates additional floodways. After the Council delineates the floodway for the proposed portion of the Delaware River, the Department intends to adopt this delineation and include it in the list of delineated floodways in N.J.A.C. 7:13-1.11.

All relevant information and documents are available for inspection during normal working hours at the offices of

the Bureau of Flood Plain Management, Division of Water Resources, P.O. Box 2809, 1474 Prospect Street, Trenton, New Jersey 08625.

Interested persons may submit arguments, statements or comments relevant to the proposed action in writing on or before October 31, 1975, to: Dirk C. Hofman, Chief, Bureau of Flood Plain Management, at the above address.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt this amendment substantially as proposed without further notice.

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Revisions in Condemnation Of Certain Shellfish Beds

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., 24:2-1 and 24:14-1 et seq., proposes to delete the current text of N.J.A.C. 7:12-1.3(a)5.ii. in its entirety and adopt new text concerning the condemnation of certain shellfish beds. Such revisions are known within the Department of Environmental Protection as Docket No. DEP 051-75-09.

Full text of the proposed revisions follows:

I, David J. Bardin, Commissioner of the Department of Environmental Protection, hereby propose a revision of N.J.A.C. 7:12-1.3(a)5. This rule currently classifies all the waters of the Navesink River, Monmouth County, as condemned, with a specific portion designated as Special Restricted.

The term "condemned" refers to those waters of the State not meeting the established sanitary standards as recommended by the National Shellfish Sanitation Program of the Federal Food and Drug Administration. The designation "Special Restricted" refers to waters condemned for the harvest of oysters, clams and mussels except harvesting for further processing, (deuration and relaying).

Harvesting in these waters may be done under special permit from the Department of Environmental Protection. Said waters are required to meet specified sanitary standards as set forth by the National Shellfish Sanitation Program. Information and data accumulated by the Department over the last year from the Navesink River indicates an overall and consistent improvement in water quality that will not permit a redesignation of additional waters in this estuary to the Special Restricted category.

The Navesink River was originally condemned for shellfish harvesting in its entirety during the summer of 1971. Subsequent revaluations of the area conducted by the Department's shellfish control unit ultimately determined that the eastern half of the river was acceptable for shellfish harvested for further processing prior to marketing. One such reevaluation occurred early in 1974 and that portion of the estuary referred to above was formally redesignated as Special Restricted. Since that time, the Department has continued to monitor the bacteriological quality of the Navesink River at approximately six-month intervals.

The improvement in water quality which has been recorded will benefit both the shellfish industry and the consuming public through the availability of approximately

950 acres of additional waters. A sizeable soft clam depuration industry currently exists in this area which will now be able to utilize these waters for purposes of harvest.

Depuration involves a controlled purification system whereby contaminated shellfish from moderately polluted (Special Restricted) waters are placed in tanks containing waters which are environmentally controlled to create optimum conditions for self-purification through the natural biological processes of the shellfish themselves.

The proposed revision to the rule reads as follows:

7:12-1.3(a)5.ii. Special Restricted Area: That portion of the Navesink River lying east and north of a line beginning at the point of land on the north bank immediately southwest of Jones Point and bearing approximately 142°T, extending through Navigational Aid C "23" to its terminus on the south bank.

Interested persons may present statements, arguments or comments relevant to the proposed action in writing on or before October 30, 1975, to:

William J. Eisele Jr.
Supervisor, Shellfish Control Unit
Division of Water Resources
P.O. Box 2809
Trenton, N.J. 08625

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt this revision substantially as proposed without further notice.

David J. Bardin
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Revisions to Rules of Bureau Of Solid Waste Management

On September 14, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to a rule of the Bureau of Solid Waste Management which changed the effective date of N.J.A.C. 7:26-2.6(d)4. from September 15, 1975, to a date in the future to be determined by the Department of Environmental Protection.

Such revisions are known within the Department of Environmental Protection as Docket No. DEP 028-75-03.

Full text of the order adopting these revisions follows:

Whereas, N.J.A.C. 7:26-2.6(d)(4), effective March 15, 1975, required the installation of systems for the interception, collection and treatment of any and all leachate generated at sanitary landfills accepting or receiving for disposal the above mentioned wastes; and

Whereas, the Department, having studied the problems inherent in the management of such wastes, is developing a proposed program plan for the management of such wastes, including the registration of the generators of these wastes, the certification of those who collect and transport the wastes and the establishment of new facilities or

expansion of existing facilities to effectively treat and dispose of existing and projected volumes of such wastes; and

Whereas, on March 6, 1975, the Department of published proposed revisions to the rules of the Bureau of Solid Waste Management (7N.J.R. 101) including a listing of materials to be considered hazardous by the Department and substantial public comment has been received concerning the proposed list; and

Whereas, the Department is publishing in the October, 1975 issue of the New Jersey Register a proposed rule, known in the Department as DEP 050-75-09, which would designate certain chemical and hazardous wastes as posing a substantial threat to the public health and the environment and prohibit the disposal of these wastes at landfills within New Jersey, with the intent of expanding the list of such wastes from time to time in conjunction with the implementation of the aforementioned program plan; and

Whereas, the aforementioned proposed rule and proposed program plan represent a new approach to the management of chemical and hazardous wastes in New Jersey which differ from the immediate objectives of N.J.A.C. 7:26-2.6(d)4.

Now, therefore, under the powers and duties conferred upon me by the New Jersey Administrative Procedure Act (N.J.S.A. 52:14B-4(c)), which empowers the Commissioner of the Department of Environmental Protection to adopt, amend or repeal an administrative rule whenever the Department has determined that imminent peril to public health, safety and welfare exist, I do hereby order and direct that N.J.A.C. 7:26-2(d)4. be amended so that the effective date is extended from September 15, 1975 until further notice by the Department.

An order adopting these revisions was filed and effective September 15, 1975, as R.1975 d.271 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

Amendment to Game Code

On September 16, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1B-30 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to the Game Code, as proposed in the Notice published August 7, 1975, at 7 N.J.R. 359(b).

Such amendment may be cited as N.J.A.C. 7:25-5.26.

An order adopting this amendment was filed and effective September 18, 1975, as R.1975 d.277.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Revisions on Controlled Hunting

On September 23, 1975, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 23:7-9 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revised rule, to be cited as N.J.A.C. 7:25-2.15, concerning controlled hunting, as proposed in the Notice published July 10, 1975, at 7 N.J.R. 308(b).

An order adopting these revisions was filed and effective September 24, 1975, as R.1975 d.281.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

HIGHER EDUCATION

STATE BOARD OF HIGHER EDUCATION

Increase in Salary Rate for Adjunct Faculty at State Colleges

On August 18, 1975, James M. Rosser, Acting Chancellor of Higher Education and Acting Secretary to the State Board of Higher Education, pursuant to authority of N.J.S.A. 18A:61-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, to be cited as N.J.A.C. 9:2-2.27, which increases the salary rate for adjunct faculty at State colleges as proposed in the Notice published July 10, 1975, at 7 N.J.R. 314(b).

An order adopting this rule was filed August 21, 1975, as R.1975 d.257 to become effective September 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Medicaid Only Manual

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, proposes to adopt a new Medicaid Only Manual applicable to the Medicaid Only Program for certain aged, blind and disabled individuals. Such rules, if adopted, will be included in a new Chapter 94 of Title 10 in the New Jersey Administrative Code.

The proposed manual concerns the introduction, the application process, eligibility factors, resources and income,

determination of continuing eligibility, other payments and other responsibilities.

Copies of the full text of 82 pages of the proposed manual may be obtained from:

Division of Public Welfare
Box 1627
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1975, to the above address.

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Independent Laboratory Services Manual

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise certain portions of the Independent Laboratory Services Manual.

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

10:61-1.5(a) Reimbursement shall be on the basis of the lowest professional charge, not to exceed an allowance determined reasonable by the Commissioner of Institutions and Agencies, and further limited by Federal policy relative to payment of practitioners and other individual providers. In no event shall the charge to Medicaid from [for] a laboratory [functioning as a service laboratory] exceed the lowest charge to other providers for the specific service.

10:61-2.5 Report of services

(a) Rules on report of services are:

1. Enter date(s) of each procedure;
2. Enter procedure code and/or narrative;
3. Independent laboratories must identify procedures by use of codes which are described in the manual appendix furnished to those eligible to provide such services;
4. Enter charge for each procedure.

Note 1. The sum of any number of the components of a cluster of tests may not exceed the total charged for the group offering (profile) whether done by automation or bench testing whether or not the equipment is available in the facility. Where clusters constitute a profile, they must be billed in that manner. A cluster of tests is considered those components of a test or series of tests which when combined, mathematically or otherwise, comprise a finished identifiable laboratory study or studies. Examples:

1. The components of an SMA 12/60 or other automated laboratory study;
2. Inclusive of an MCH, MCV and so forth, as a component of a C.B.C.;

3. Inclusive of all ova and parasites in a stool examination.

Note 2. Where tests are referred to an approved laboratory by another laboratory, the actual charges by the reference laboratory must be indicated on the MC-13-A-C1.

Note 3. In the case where the reference laboratory performs billing it should do so by submitting bills directly to the Prudential Insurance Company.

When the Service Laboratory elects to bill for procedures done by the reference laboratory a note indicating "PERFORMED BY REFERENCE LAB" (name of laboratory) must accompany the identifying tests or procedures in item 10C of the independent laboratory claim form (MC-13-A-C1).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1975, to:

Administrative Analyst
Division of Medical Assistance
and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

The Department of Institutions and Agencies, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Ann Klein
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Curtailment of Reimbursable Vision Care Services

On August 27, 1975, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions concerning the curtailment of reimbursable vision published July 10, 1975, at 7 N.J.R. 316(c), but with subsequent substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

Full text of the adopted rules follows:
10:62-2.2(a)2.i.(7) Note 1: If, for reasons of loss or breakage, replacement of an optical appliance(s) becomes necessary, the replacement appliance shall be identical to the appliance(s) that was replaced.

Note 2: The Health Services Program will not pay for replacement of optical appliances, which may have been lost, broken, damaged or stolen, unless prior authorized.

10:62-2.3(j) The Health Services Program will not pay for replacement of optical appliances, which may have been lost, broken, damaged or stolen, unless prior authorized.

An order adopting these rules was filed August 29, 1975, as R. 1975 d.261 to become effective September 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions Concerning Dental Services

On August 27, 1975, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of Administrative Procedure Act of 1968, adopted revisions to the rules concerning dental services as proposed in the Notice published July 10, 1975, at 7 N.J.R. 318(a).

Full text of the adopted revisions follows (such revisions replace the current text of the Sections cited herein):
10:56-1.16 Radiography with interpretation

(a) Radiological procedures are limited to those normally required to make a diagnosis. Radiographs must be taken to show all areas where treatment is anticipated, including those of an emergency nature.

(b) A complete series radiographic study, at least 14 periapical plus two posterior bite-wing films, is limited to once every three years without prior authorization for those patients 15 years of age or older. For those under the age of 15 years, the maximum number of diagnostic X-rays permitted as a single radiographic study every three years without prior authorization for which reimbursement will be made is as follows:

1. Up to and including age six—eight films (six periapical plus two bite-wing films);

2. Age seven, up to and including age 14—12 films (ten periapical films plus two bite-wing films).

Note: The need for additional films in such a study must be substantiated and specific authorization obtained from the dental consultant before reimbursement will be considered.

(c) Posterior bite-wing and single anterior films may be taken as needed, as part of an examination, subject to limitations in this Section.

(d) In order to establish a diagnosis, a single X-ray may be taken at any time.

(e) All X-ray films submitted to the Division of Medical Assistance and Health Services or its agents must be suitable for interpretation, properly mounted, marked "right" and "left" and identified with the patient's name, the date and the name of the dentist. Films that are technically unacceptable for proper interpretation will be returned for replacement at no additional cost to the Division of Medical Assistance and Health Services; or, where appropriate, no reimbursement will be made.

(f) All X-ray films for which payment is requested must be available to the dental consultant for evaluation of the treatment or treatment request.

(g) The X-ray films shall be forwarded to the dental consultant when procedures requiring prior authorization are requested. It is recommended that the two film packet be used by those dentists who desire to retain a set of films in their office at all times and for those instances where there is loss in transit.

(h) Post-operative X-rays, which are not reimbursable, must be taken of all areas where treatment has been

completed and the dentist is requesting reimbursement for that treatment. Such X-rays must be available to representatives of the New Jersey Division of Medical Assistance and Health Services or its agents.

(i) Exceptions are:

1. Full dentures;
2. Treatment of soft tissues;
3. Simple extraction(s).

10:56-1.29(h) Dentures will not be authorized when:

1. Dental history reveals that any or all dentures made in recent years have been unsatisfactory for reasons that are not remedial because of physiological or psychological reasons; or

2. Dental history reveals that a denture was provided by the Health Services Program in the five year period prior to the date of the current request. Lost, stolen or misplaced dentures or dentures mutilated in any way will not be routinely replaced;

3. Repair, relining or rebasing (jumping) of the patient's present denture will make it serviceable.

The current text in N.J.A.C. 10:56-1.32(c) through (h) is replaced by the revised text below:

1. The orthodontist, after considering the factors in subsection (a) above, performs a visual/oral examination of the patient and completes the assessment record form (FD-10) to determine if the severity of the malocclusion will qualify (24 points) for further diagnostic workup and submission of a proposed treatment plan.

2. If the malocclusion does not meet the minimum number of assessment points (24), do not proceed with the diagnostic workup. Submit a dental claim form (MC-10) directly to Prudential, Box 1900, Millville, New Jersey 08332, with a copy of the FD-10 identifying, by procedure code 0120, the service that has been rendered. The maximum fee allowed for procedure 0120 is \$6.00*.

Note 1: If the malocclusion does not meet the minimum number of assessment points (24), but there are other extenuating circumstances that should be considered, you may proceed with the diagnostic workup; however, these factors must be noted and substantiated when submitting the diagnostic workup and treatment plan for prior authorization. Examples are: facial or oral clefts; extreme antero-posterior relationships; extreme mandibular prognathism; a deep overbite where incisor teeth contact palatal tissue.

Note 2: Repeated submission of requests for treatment below the assessment index minimum (24), without sufficient substantiating information for such requests, will necessitate denial of reimbursement for the diagnostic workups.

3. If the malocclusion meets or exceeds the minimum number of assessment points (24), the orthodontist should proceed with the diagnostic workup without obtaining prior authorization.

*Authorized fees are subject to a ten per cent reduction at this time.

(d) The orthodontic treatment will be reviewed every six months to determine the progress and continuing need for orthodontic care.

An order adopting these revisions was filed August 29, 1975, as R.1975 d.262 to become effective September 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions Concerning Fair Hearings

On September 24, 1975, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 10:81-6.13(a) and 10:86-6.12(c) concerning fair hearings, as proposed in the Notice published August 7, 1975, at 7 N.J.R. 363(d).

An order adopting these revisions was filed September 24, 1975, as R.1975 d.280 to become effective October 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

Comprehensive Social Services Plan

On September 24, 1975, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a comprehensive social services plan, substantially as proposed in the Notice published July 10, 1975, at 7 N.J.R. 314(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

A summary of the pertinent, substantive changes made in the adopted rules follows:

1. A detailed proposal for extensive public involvement in Title XX planning has been added to the plan. This proposal establishes a new 50-member Statewide Social Services Advisory Committee to replace the current Title XX Steering Committee and 21 county-based social services coalitions to provide a vehicle for local participation in the planning effort.

2. Certain dates in the planning, evaluation and reporting cycles have been revised to more realistically reflect initiation dates for the needs assessment and service inventory projects and for the convening of the new Advisory Committee.

3. The charts and tables in the plan describing fund allocations and numbers of people to be served have been corrected, where necessary, and amended to present a clearer picture of the apportionment of Title XX resources. The Department will consider making changes in the Title XX allocations as a result of public comment when certain programs are successfully shifted from under the \$88 million ceiling to other funding sources.

4. The listing of service definitions in Appendix A has been revised to reflect suggestions from the public for greater clarity. A new service category, "Community Planning", has been added, and as a result of a change in Federal regulations the limitations on funding of meals in connection with certain service programs have been liberalized.

5. As a result of another change in Federal regulations, the family-size adjustment scale used to calculate income eligibility levels for different family sizes has been revised upward. The new income levels are presented in Table 3.

6. The State Plan makes changes in the effective eligibility levels for three services as of October 1: family planning (available up to 90 per cent of median income); child day care for two-person families (available up to 92 per cent of median income); and transportation in connection with other services (available to all Title XX-subsidized individuals). Schedules defining fees to be collected between 50 per cent and 90 per cent of the median for family planning and between 80 per cent and 92 per cent of the median for child day care for two-person families (including transportation) have been added to the plan. The plan also makes a firm commitment to 90 per cent eligibility for adult day care, work activities services and homemaker services, effective January 1. The flat fee schedule for subsidized parole supervision, placement and nonexempt protective services has been revised to accommodate the requirement for gradation of such fees in relation to income.

7. Finally, a Manpower Planning Unit has been established in the Office of the Commissioner of Institutions and Agencies to develop a Social Services Training Plan for the State. A preliminary plan will be issued by October 1 that will chart the direction of the Department's efforts to utilize available Federal funds for training of social services personnel. This plan will also describe the means by which the public will be involved in manpower planning.

The final Comprehensive Social Services Plan for fiscal year 1976 is published in accordance with Federal requirements. A news release had been issued prior to its publication and a description of its contents was published in a display advertisement in major newspapers in the State.

The toll free information number, (800) 792-8820, established in July, will be maintained throughout the program year. Through this number information may be obtained on the plan, on where to apply for services, the addresses of each local office where copies of the plan are available for review and where the plan may be purchased.

Any amendment to this plan shall be prepared by the State agency and approved, published and made generally available to the public in accordance with Federal requirements.

Such rules may be cited as N.J.A.C. 10:125-1.1 et seq.

An order adopting these rules was filed September 24, 1975, as R.1975 d.282 to become effective October 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

State Plan for Social Services Program for Individuals and Families

On September 22, 1975, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules concerning the State Plan under Title XX of the Social Security Act for Social Services Program for Individuals and Families.

Such revised rules may be cited as N.J.A.C. 10:123-1.1 et seq.

The 29 pages of adopted rules concern the appropriate State agency, general program administration, personnel administration, financial administration, residence and citizenship requirements and general provisions.

An order adopting these rules was filed September 24, 1975, as R.1975 d.283 (Exempt, Emergency Rule) to become effective October 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Proposed Rules on Service and Placement Fees

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e) and 17:22-6.18, proposes to adopt new rules concerning service and placement fees.

Full text of the proposed new rules follows:

SUBCHAPTER 7. SERVICE AND PLACEMENT FEES

11:1-7.1 Application

This Subchapter shall apply to all property/casualty agents and brokers licensed or appointed in the State of New Jersey, including surplus lines, when writing or servicing New Jersey risks or residents.

11:1-7.2 Definitions and general provisions

(a) The term "service fees" shall include fees charged an insured or prospective insured for placement of insurance or financing, credit reporting, obtaining auto operator's driving records, claim or accident reporting, adjustment of claims, inspection fees, referral fees and any and all compensation other than commissions included in premiums.

(b) The term "policy" shall include all coverages added by endorsement.

(c) "Dwelling" shall include a residential structure having four or less dwelling units.

(d) "Cancellation for nonpayment" is cancellation by the insured.

(e) "Claim or accident reporting fees" shall include fees for preparation of proof of loss.

(f) An auto club membership sold in company with a policy shall not be considered separate coverage for the purposes of these rules.

(g) An auto club claim arising from the same loss as a claim under a private passenger auto coverage policy shall not be considered a separate claim for purposes of charging a fee for completing accident or claims reports.

11:1-7.3 Written agreements

(a) Each service fee of whatever kind shall be evidenced by a written agreement, separate and apart from all other agreements and applications, containing the following:

1. A clear statement of the fee and the nature of the service;

2. A statement that not all insurance brokers require service charges, that such fees are not a part of the

premium charged by companies, and that a charge can only be made if the insured consents to it in writing;

3. The date and signature of the insured and the licensed broker;

4. In the case of a claim adjustment fee, a statement that it is not payable until the insured has accepted moneys in full settlement of the claim.

(b) If the native language of the insured is Spanish, the licensee must provide a written agreement in Spanish unless he can show that he has no more than 25 persons with Spanish surnames among his insureds at any one time. Such showing may be by affidavit, and must be submitted upon request of the Department of Insurance.

11:1-7.4 Maximum charges

(a) No service fee, exclusive of accident or claims reporting charges, for any one policy which includes private passenger auto coverage, homeowners coverage or fire and extended coverage on a dwelling shall exceed \$10.00 except that, upon proof or exceptional circumstances as to a specific insured, which shall be clearly detailed in the written agreement, a fee of \$15.00 may be charged.

(b) The maximum allowable charge for completing accident or claims reports shall be \$5.00.

(c) The maximum allowable charge for adjustment of a claim shall be \$10.00, which shall not become due and payable until the insured has accepted moneys in full settlement of the claim.

(d) No inspection fee for any coverage shall exceed two per cent of the premium, or \$10.00, whichever is greater, except that an applicant for surplus lines insurance may be charged the actual amount paid to a nonrelated firm or person for the service.

(e) No charge may be made for services not actually performed.

11:1-7.5 Number of charges

(a) No service fees shall be charged upon placement of a renewal, except that an inspection fee may be charged if no inspection of the property has occurred during the three years prior to issuance of the renewal policy.

(b) Only one service fee exclusive of claims or accident report charges per policy per year may be charged.

11:1-7.6 Special restrictions

(a) No broker or agent may obtain consent to a service or placement charge on behalf of any other broker, agent or a premium finance company.

(b) No licensee acting as agent for a company may obtain a service or placement fee on a policy issued by that company.

(c) Only a broker may charge a service fee.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 31, 1975, or at a hearing to be held at 10:00 A.M. on October 30, 1975, at the address below. Send statements to:

Dr. Eleanor Lewis
Department of Insurance
201 East State Street
Trenton, New Jersey 08625

The Department of Insurance, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

James J. Sheeran
Commissioner
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Proposed Rules for Property-Casualty Agents

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to adopt new rules concerning property-casualty agents. Take notice that these proposed rules supersede the original proposed rules on this subject published July 10, 1975, at 7 N.J.R. 333 (c).

Full text of the proposed rules follows:

SUBCHAPTER 8. PROPERTY-CASUALTY AGENTS' RULES

11:1-8.1 Written contracts required

(a) This rule applies to all New Jersey licensed property-casualty agents except full time salaried employees of an insurer who do not receive commissions.

(b) No agent may be appointed by an insurance company unless a written contract exists between the agent and the company at the time of appointment. Presently licensed agents are hereby notified that lack of compliance with this requirement is contrary to N.J.S.A. 17:22-6.14 and 6.14a.

(c) Noncompliance with N.J.S.A. 17:22-6.14 and 6.14a and this rule constitutes willful violation of the insurance law under N.J.S.A. 17:22-6.16a.

11:1-8.2 Reporting of claims by property-casualty agents

Claims and estimated losses thereon must be reported to the insurer by the agent within five business days of receipt of notice of claim by the agent.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 31, 1975, to:

Naomi LaBastille
Department of Insurance
201 East State Street
Trenton, New Jersey 08625

The Department of Insurance, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

James J. Sheeran
Commissioner
Department of Insurance

(b)

INSURANCE

THE COMMISSIONER

Proposed Rules on Sales Practices

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to adopt new rules on sales practice.

Full text of the proposed rules follows:

SUBCHAPTER 9. SALES PRACTICE

11:1-9.1 Application

This Subchapter applies to all agents, brokers and solicitors licensed or appointed in the State of New Jersey, including surplus lines, when writing or soliciting New Jersey risks or residents.

11:1-9.2 Tie-in sales

(a) No licensee shall solicit or write a particular policy or coverage only on the condition that some other coverage or policy be written.

(b) Violation of this rule shall constitute misrepresentation, fraudulent practice and unworthiness in a licensee.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 31, 1975 to:

Naomi LaBastille
Department of Insurance
201 East State Street
Trenton, New Jersey 08625

The Department of Insurance, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

James J. Sheeran
Commissioner
Department of Insurance

(c)

INSURANCE

REAL ESTATE COMMISSION

Amendments to Commission's Rules

On August 25, 1975, W. P. Comerford, Assistant Director of the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6, 45:15-10, 45:15-17 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to N.J.A.C. 11:5-1.10(b) and 11:5-1.23 (e) as proposed in this Notice published July 10, 1975, at N.J.R. 333(d).

An order adopting these amendments was filed and effective August 28, 1975, as R.1975 d.260.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Rules on Reinspection Centers

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:8-2, proposes to adopt rules on inspection methods and equipment standards to be used by motor vehicle reinspection centers when re-inspecting vehicles which have been adjusted or repaired after being rejected at a State inspection station.

Such rules, if adopted, will be included in a new Subchapter 32 of Chapter 20 in Title 13 of the New Jersey Administrative Code.

The proposed rules and regulations contain standards and reinspection procedures to be used by Class I and Class II licensed reinspection centers when certifying passenger cars, trucks and buses which have been repaired after being rejected at a New Jersey State inspection station and by Class III licensed motorcycle reinspection centers

when certifying motorcycles (any two- or three-wheel motor vehicles) which have been repaired after being rejected at a New Jersey State inspection station. The proposed rules concern inspection procedures, equipment standards, determination of average lengths of time to reinspect items of equipment and administration of Chapter 156 of New Jersey Laws of 1975.

A copy of the complete text of 52 pages of the proposed rules is available upon application to John A. Waddington, Director, Division of Motor Vehicles, Department of Law and Public Safety, 25 South Montgomery Street, Trenton, New Jersey 08666.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1975, to Director John A. Waddington, at the above address.

The Division of Motor Vehicles, upon its own motion or at the instance of any interested party, may thereafter adopt these rules and regulations substantially as proposed without further notice.

John A. Waddington
Director, Division of Motor Vehicles
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Revisions for Motor Vehicle Inspection Adjustments, Corrections or Repairs

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:8-2 and 39:8-4, proposes to revise the rule concerning motor vehicle inspection adjustments, corrections or repairs.

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

13:20-7.1 Adjustments, corrections or repairs

(a) If inspections are required by N.J.S.A. 39:8-1 disclose the necessity of adjustments, corrections or repairs, it shall be incumbent upon the owner of such vehicle to have such adjustments, corrections or repairs made within [14] 30 days.

[(b) In the situation where a motor vehicle, subject to inspection under the laws of New Jersey, fails to meet the inspection standards solely on the basis of failure to be in compliance with motor vehicle exhaust emission control standards as established by the State Department of Environmental Protection, it shall be incumbent upon the owner of any such vehicle to have necessary adjustments, corrections or repairs made within 60 days of the date of failure.

(c) Where a motor vehicle subject to inspection fails to meet the inspection standards for reasons in addition to failure to comply with exhaust emission control standards, the owner of any such vehicle shall have all adjustments, corrections or repairs made within 14 days from the date of failure, except the emission control defects. In this situation, the owner shall be granted an additional time period within which to correct the exhaust emission control defect, which time period shall be the difference between 60 days and the number of days taken to correct all defets other than exhaust emission control defects.

(d) This regulation will become effective immediately.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1975, to:

John A. Waddington
Director, Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

The Division of Motor Vehicles, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

John A. Waddington
Director, Division of Motor Vehicles
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

Proposed Revisions to Motor Vehicle Advertising Rules

William F. Hyland, Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to revise the rules of the Division of Consumer Affairs concerning motor vehicle advertising.

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

13:45A-2.1 Definitions

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

"Advertisement" means any advertisement as defined by N.J.S.A. 56:8-1(a) of any motor vehicle; such definition to include any statement, written or otherwise in words, symbols or otherwise, on radio or television, or in a newspaper, periodical, pamphlet, circular, telephone directory or other publication or paper, or any sign which reveals the existence of or gives any information about any advertiser.

"Advertiser" means any person as defined by N.J.S.A. 56:8-1(d) or any agent or representative thereof who in the ordinary course of business is engaged in the sale or financing of motor vehicles or who in the course of any 12-month period offers more than three motor vehicles for sale, lease or rental, or who is engaged in the brokerage of motor vehicles whether for sale, lease or rental, and who directly or indirectly initiates, requests or causes an advertisement to be made for motor vehicles; provided, however, that nothing herein contained shall apply to the owner or publisher of newspapers, magazines, publications or printed matter wherein such advertisement appears or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser.

"Extra cost option" means optional equipment, regardless of its place of installation, on the motor vehicle, the price of which would not be included in the manufacturer's suggested retail price for the basic vehicle.

"Motor vehicle" means any vehicle driven or drawn otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

["Price advertisement" means any advertisement in which a specific price is stated or in which the price, though not expressly stated, is indicated as being a given amount of dollars below the list price or above the advertiser's cost.]

"Price reduction advertisement" means any advertisement which in any way [suggests that any motor vehicle is being offered for sale at a price less than either the manufacturer's total suggested retail price (15 USC §1232) or the price range such motor vehicles are usually offered for sale by the advertiser] states or suggests directly or indirectly that the advertised motor vehicle is being offered or made available for sale at a price less than that at which it has been previously sold or offered for sale.

"Sale" means sale as defined by N.J.S.A. 56:8-1(e) of any motor vehicle.

"Warranty advertisement" means any advertisement in which any warranty or guaranty for any motor vehicle or part thereof is offered in connection with the sale of such motor vehicle.

13:45A-2.2(a)1-ii [(3) The failure to have available at all outlets listed in the advertisement a sufficient quantity of the advertised motor vehicles to meet reasonably anticipated demands, unless the advertisement expressly states that supply is limited or is available only at designated outlets;]

[(4)] (3) The refusal to take orders for advertised motor vehicles or the taking of orders at a price greater than the advertised price;

[(5)] (4) The failure to submit orders to the manufacturer or other source used in the ordinary course of business, for the advertised motor vehicles;

[(6)] (5) The showing, demonstrating or delivery of any advertised motor vehicle which is known to be or should have been known to be defective, unusable or unsuitable for the purpose represented or implied in the advertisement;

[(7)] (6) Accepting a deposit for an advertised motor vehicle, then switching the purchaser to a higher-priced motor vehicle, except when the purchaser has initiated the switch as evidenced by a writing to that effect signed by the purchaser;

[(8)] (7) The failure to make a delivery of the advertised motor vehicle within the promised delivery period, unless such failure is caused by reasons beyond the control of the advertiser;

[(9)] (8) The use of a sales plan or method of compensating or penalizing salesmen, designed to prevent or discourage them from selling the advertised motor vehicle or from selling the same at the advertised price. However, this provision shall not apply to a sales plan or method of compensation whereby a salesman realizes a fixed percentage rate of the gross amount of his sales made within a specified time period nor to salesman bonus plans design primarily to encourage or reward salesmen for selling motor vehicles other than the advertised motor vehicle.

2. Price advertisements:

i. The use of a price advertisement to offer any motor vehicles unless the advertiser has at least one of the motor vehicles, as advertised, in stock and unless the exact quantity of available advertised motor vehicles at each advertised place of business and delivery dates for advertised motor vehicles not in stock are expressly stated in the advertisement;

ii. The failure in any price advertisement to disclose any of the following:

(1) The year, make and model, and the series if such advertised motor vehicles have a designated series;

(2) Whether the motor vehicle is new or used;

(3) Whether the motor vehicle has been used as a demonstrator, executive, police or fire vehicle, or passenger vehicle for lease, rental or hire, when such prior use is known or should have been known by the advertiser;

(4) [The bona fide odometer reading of any specifically advertised demonstration, executive or used motor vehicle. The advertiser may rely on his seller's affidavit or certification as to milage at the time the advertiser took possession of the motor vehicle provided such reliance is in good faith.

iii. In a price advertisement bearing a price less than actual cash price, the failure to clearly and conspicuously disclose that such price is offered with reference to a trade-in allowance or other means of price set-off;

iv. The failure in any price advertisement of a new motor vehicle to disclose whether the advertised price includes or excludes transportation, freight, shipping, dealer preparation or licensing costs, or any other additional costs except for tax costs;

v. In any price advertisement of a new, demonstrator or executive motor vehicle:

(1) The listing or naming of any equipment other than extra cost options included in the advertised price, unless standard equipment is clearly stated as standard;

(2) The failure to state that any listed equipment is an extra cost option;

(3) The failure to expressly state that there are no extra cost options;

(4) The failure to expressly state that there are no extra cost options other than those listed.]

2. Advertisements: General requirements for disclosure;

i. With respect to any advertisement offering or making available for sale a new or used motor vehicle:

(1) The failure to state the advertiser's true name and business address;

(2) The failure to state a single specific dollar amount indicating the total retail selling price to be charged exclusive of taxes and licensing costs;

(3) The setting forth of any price or price comparison which does not include transportation, freight, shipping, dealer preparation and any other additional costs to be borne by a consumer, except for licensing costs and taxes;

(4) The setting forth of a price or price comparison that represents less than the total cash price to be paid by a consumer unless the advertisement clearly and conspicuously discloses that such price is offered with reference to a trade-in allowance or other method of price reduction with the amount of such allowance or set-off set forth;

(5) The failure to state the following information:

(A) The number of engine cylinders;

(B) Whether the transmission is automatic or manual, and, if manual, the number of forward gears;

(C) Whether the brakes, steering and accessories are power or manual;

(D) Whether the vehicle has air conditioning.

(6) The failure to state whether the advertised motor vehicle is new or used;

(7) The failure to state the year, make, model and the series where the advertised motor vehicle has a designated series or model;

(8) The failure to state the exact number of motor vehicles in stock on the date of placing the advertisement. Where no advertised vehicle is in an advertiser's stock on the date of placing the advertisement, such advertisement

(Continued on page 28)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly listing provides an interim service for subscribers to the New Jersey Administrative Code, as a check-list of rules most recently adopted.

The index is current, covering all rules adopted through last month. It is adjusted in the month during which a mail-

ing of Code update pages is being made.

Since the most recent update, the various State Departments have adopted the following rules—which have been printed in the Register but are not yet included in current pages of the Code:

RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. Citation</u>		<u>Document Citation</u>	<u>Adoption Notice (N.J.R. Citation)</u>
AGRICULTURE — TITLE 2			
2:2-2.3(a)2.	Revisions on vaccination of female bovine animals	R.1975 d.233	7 N.J.R. 399(a)
2:3-2.5	Revisions on equidae entering New Jersey	R.1975 d.83	7 N.J.R. 190(d)
2:3-2.11	Revisions on quarantine of imported breeding swine	R.1975 d.80	7 N.J.R. 190(a)
2:3-3.6	Revisions on quarantine of imported feeder swine	R.1975 d.80	7 N.J.R. 190(a)
2:5-2.1(f)	Revisions for quarantining and branding of infectious anemia horses	R.1974 d.256	6 N.J.R. 386(c)
2:5-2.2	Horses consigned from out-of-State to horse auction markets	R.1974 d.255	6 N.J.R. 386(b)
2:7-1.1	Fees for inspections on State holidays	R.1974 d.300	6 N.J.R. 462(a)
2:33-1.1	Agricultural fairs	R.1974 d.254	6 N.J.R. 386(a)
2:48-6.3	Sales of milk in three-quart containers	R.1975 d.82	7 N.J.R. 190(c)
2:49-1.1 et seq.	Revised rules on minimum prices for milk	R.1975 d.232	7 N.J.R. 399(b)
2:49-1.1(b)	Revised minimum milk prices	R.1975 d.272	7 N.J.R. 454(a)
2:54-3.4	Amendment on handling of milk in New Jersey marketing areas	R.1974 d.283	6 N.J.R. 422(a)
2:54-3.5	Amendment to milk handling order	R.1975 d.44	7 N.J.R. 126(a)
2:54-3.6	Milk handling order for various New Jersey areas	R.1975 d.125	7 N.J.R. 246(b)
2:69-1.11	Revised commercial values	R.1975 d.188	7 N.J.R. 290(b)
2:71-5.1 et seq.	Revisions on marketing open and closed packages of potatoes	R.1975 d.81	7 N.J.R. 190(b)
2:71-5.7(b)	Amend rule on interpretation of persons	R.1975 d.126	7 N.J.R. 247(a)
BANKING — TITLE 3			
3:1-1.1	Revised interest rate	R.1974 d.247	6 N.J.R. 387(b)
3:1-1.1	Revisions concerning interest rates	R.1975 d.21	7 N.J.R. 94(b)
3:1-2.26	Fees; conversion from mutual to capital stock association	R.1974 d.298	6 N.J.R. 463(c)
3:1-2.27	Officially recognized data sources	R.1975 d.155	7 N.J.R. 292(a)
3:1-6.1 et seq.	Rules on fees	R.1974 d.221	6 N.J.R. 342(a)
3:1-7.1 et seq.	Miscellaneous fees	R.1975 d.120	7 N.J.R. 247(c)
3:1-8.1	Required information for loan applications	R.1975 d.146	7 N.J.R. 291(b)
3:6-8.1	Registrar and transfer agents filings	R.1974 d.177	6 N.J.R. 297(a)
3:6-8.1	Rescind rule on registrars and transfer agents	R.1974 d.314	6 N.J.R. 464(a)
3:7-2.1 et seq.	Revisions on safe and sound methods of banking	R.1975 d.71	7 N.J.R. 128(d)
3:7-4.1 et seq.	Delete entire text and reserve	R.1975 d.71	7 N.J.R. 128(d)
3:7-4.1 et seq.	Rules on notice of maturity on long-term time deposits	R.1975 d.165	7 N.J.R. 292(b)
3:7-5.1 et seq.	Rules on statements of interest	R.1975 d.185	7 N.J.R. 293(c)
3:8-3.1	Revisions on reserves for banks not members of Federal Reserve System	R.1974 d.350	7 N.J.R. 45(b)
3:8-3.1(a)4.	Revision on required reserves for banks not members of Federal Reserve System	R.1975 d.40	7 N.J.R. 128(c)
3:8-5.1	Revisions on reserve required by savings banks	R.1974 d.357	7 N.J.R. 45(a)
3:8-5.1	Revisions on reserves required by savings banks	R.1975 d.39	7 N.J.R. 128(b)
3:11-2.1	Revisions on exclusion from liabilities of controlling corporation	R.1975 d.226	7 N.J.R. 400(b)
3:11-7.7	Exclusion of time balances on deposit from ten per cent limitation	R.1975 d.115	7 N.J.R. 247(b)
3:12-1.1 et seq.	Rules on registrars and transfer agents	R.1974 d.314	6 N.J.R. 464(a)
3:17-6.1 et seq.	Revisions to small loan law regulations	R.1975 d.147	7 N.J.R. 291(c)
3:18-9.1 et seq.	Interest rate regulation Number 1	R.1974 d.199	6 N.J.R. 298(a)
3:18-9.1	Revised interest rate Regulation 2 for secondary mortgages	R.1975 d.53	7 N.J.R. 128(a)
3:19-1.6	License number	R.1975 d.148	7 N.J.R. 291(d)
3:27-5.1 et seq.	Revisions on limitations and excludable loans	R.1975 d.106	7 N.J.R. 198(a)
3:27-5.3	Revisions on excludable loans	R.1975 d.249	7 N.J.R. 400(c)
3:30-1.3	Notice of maturity of fixed-term savings accounts	R.1975 d.169	7 N.J.R. 293(a)
3:30-1.3	Revised effective date of savings account rule	R.1975 d.265	7 N.J.H. 454(b)
3:40-1.1 et seq.	Rules of State Cemetery Board	R.1975 d.184	7 N.J.R. 293(b)

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4:1-17.24	Payments to State employees for unused sick leave	R.1974 d.257	6 N.J.R. 388(a)
4:1-17.24(h) & (i)	Retirees' payment concerning unused sick leave	R.1975 d.2	7 N.J.R. 46(a)
4:1-17.24(j)	Employees of A. Harry Moore School and unused sick leave payments	R.1975 d.1	7 N.J.R. 45(c)
4:1-17.24(k)	Unused sick leave payments to nonclassified employees	R.1975 d.218	7 N.J.R. 401(b)

COMMUNITY AFFAIRS — TITLE 5

5:10-1.1 et seq.	Revisions for construction and maintenance of hotels	R.1974 d.206	6 N.J.R. 301(a)
5:21-2.1(a)2.	Revisions to Uniform Standard Code for mobile homes	R.1974 d.275	6 N.J.R. 427(b)
5:21-3.3 et seq.	Revisions in Uniform Standards Code of Mobile Homes	R.1975 d.166	7 N.J.R. 305(a)
5:30-1.7	Implementation of Housing and Community Development Act of 1974	R.1974 d.342	7 N.J.R. 2(c)
5:30-1.8	Emergency resolutions exceeding three per cent limitation	R.1975 d.168	7 N.J.R. 306(a)
5:30-13.3	Tax sale certificates for unpaid municipal liens	R.1975 d.107	7 N.J.R. 201(b)
5:71-1.1 et seq.	Rules on county offices on aging	R.1975 d.192	7 N.J.R. 355(a)
5:80-2.1	Equity syndication, agency-financed limited-dividend housing projects	R.1975 d.258	7 N.J.R. 459(a)

EDUCATION — TITLE 6

6:3-1.1	Amendment on acting administrators	R.1975 d.98	7 N.J.R. 203(a)
6:3-1.3	Delete in its entirety and mark Reserved	R.1975 d.124	7 N.J.R. 251(b)
6:3-2.1 et seq.	New rules on pupil records	R.1975 d.124	7 N.J.R. 251(b)
6:4-1.1 et seq.	Equality in educational programs	R.1975 d.137	7 N.J.R. 252(a)
6:8-1.1 et seq.	Repeal rules on nonpublic school secular education	R.1974 d.246	6 N.J.R. 390(b)
6:11-8.10	Certification for teaching psychology	R.1975 d.276	7 N.J.R. 460(b)
6:11-12.7	Revisions for professional librarians	R.1975 d.198	7 N.J.R. 359(a)
6:11-12.21	Educational media specialist	R.1975 d.123	7 N.J.R. 251(b)
6:11-12.22	Associate educational media specialist	R.1975 d.123	7 N.J.R. 251(b)
6:11-12.23	Policies governing issuance of certificates in educational media	R.1975 d.123	7 N.J.R. 251(b)
6:20-4.1 et seq.	Revisions to rules concerning determination of tuition formula	R.1974 d.241	6 N.J.R. 390(a)
6:20-4.1 et seq.	Revisions on nonpublic school tuition	R.1975 d.196	7 N.J.R. 358(b)
6:20-6.1 et seq.	Purchase and loan of textbooks	R.1974 d.240	6 N.J.R. 389(a)
6:21-1.4	Retirement of school buses	R.1974 d.176	6 N.J.R. 302(c)
6:21-2.2	Registration revisions	R.1975 d.5	7 N.J.R. 46(b)
6:21-2.6	Registration procedures	R.1975 d.5	7 N.J.R. 46(b)
6:21-6.31(f)	Stanchions and guardrails	R.1975 d.6	7 N.J.R. 46(c)
6:21-18.25(3)	Stanchions and handrails	R.1975 d.6	7 N.J.R. 46(c)
6:22-2.9	New rule on master plans	R.1975 d.197	7 N.J.R. 358(c)
6:22-5.1(d)	Revised general provisions	R.1975 d.7	7 N.J.R. 47(a)
6:22-9.1	Revisions on mechanical air supply	R.1975 d.7	7 N.J.R. 47(a)
6:28-1.9 et seq.	Revisions on special education	R.1975 d.253	7 N.J.R. 407(c)
6:37-1.1 et seq.	Educational centers of research and demonstration	R.1974 d.173	6 N.J.R. 301(e)
6:39-1.2 and 6:39-1.3	Revisions to educational assessment program	R.1975 d.122	7 N.J.R. 251(a)
6:39-1.3(e)	Rescind rule on evaluation and interpretation of data	R.1974 d.304	6 N.J.R. 470(b)
6:47-1.2(h)	Vocational-management services	R.1974 d.174	6 N.J.R. 301(c)
6:68-1.1 et seq.	Revised rules on State library aid	R.1975 d.275	7 N.J.R. 460(a)
6:68-4.1 et seq.	State library assistance programs	R.1974 d.175	6 N.J.R. 302(a)
6:79-1.1 et seq.	Revised policies for free and reduced-price meals and/or free milk	R.1975 d.161	7 N.J.R. 307(a)
6:79-1.8	Guidelines for free and reduced-price lunches	R.1974 d.198	6 N.J.R. 302(e)

ENVIRONMENTAL PROTECTION — TITLE 7

7:2-2.13	Revised charges at State parks	R.1975 d.75	7 N.J.R. 151(b)
7:2-14.1 et seq.	Revised rules on Round Valley and Spruce Run Reservoirs	R.1975 d.134	7 N.J.R. 261(c)
7:2-15.1 et seq.	Delete entire current text and mark Subchapter as Reserved	R.1975 d.134	7 N.J.R. 261(c)
7:7A-1.1(a)14.	Extend wetland order to portions of Salem County	R.1974 d.188	6 N.J.R. 306(a)
7:7A-1.1(a)15.	Extend Wetlands Order to parts of Cumberland County	R.1975 d.32	7 N.J.R. 103(a)
7:7A-1.1(a)16.	Extend wetlands order to parts of Atlantic County	R.1975 d.216	7 N.J.R. 413(b)
7:9-4.1 et seq.	Revise surface water quality standards	R.1974 d.310	6 N.J.R. 470(c)
7:9-4.2	Revised rules on construction and practice where rules do not govern	R.1975 d.132	7 N.J.R. 261(a)
7:9-4.3	Delete current text and mark this Section as Reserved	R.1975 d.132	7 N.J.R. 261(a)
7:9-4.8(d)6iv.	Delete text on tidal portions of Morses Creek	R.1975 d.200	7 N.J.R. 360(c)
7:9-4.9	New rules on tidal portions of Morses Creek	R.1975 d.200	7 N.J.R. 360(c)
7:9-5.1 et seq.	Current text deleted in its entirety	R.1974 d.310	6 N.J.R. 470(c)
7:9-6.1 et seq.	Current text deleted in its entirety	R.1974 d.310	6 N.J.R. 470(c)
7:9-7.1 et seq.	Current text deleted in its entirety	R.1974 d.310	6 N.J.R. 470(c)
7:9-8.38 et seq.	Transfer treatment standard rules formerly cited as N.J.A.C. 7:9-7.29 - .34	R.1974 d.310	6 N.J.R. 470(c)

7:11-2.1 et seq.	Revised general rate schedule for Delaware and Raritan Canal water	R.1974 d.362	7 N.J.R. 49(a)
7:11-3.1 et seq.	Revised rules on use of water from Delaware and Raritan canal	R.1974 d.363	7 N.J.R. 50(a)
7:12-1.1	Revised rules on shellfish beds	R.1975 d.116	7 N.J.R. 260(a)
7:12-1.2(a)39.	Condemn shellfish beds in portion of Atlantic Ocean	R.1974 d.336	7 N.J.R. 6(b)
7:12-1.2(a)40.	Condemnation of certain shellfish beds	R.1975 d.51	7 N.J.R. 152(a)
7:12-1.2(a)39.	Revised condemnations of shellfish beds in Atlantic Ocean	R.1975 d.18	7 N.J.R. 102(a)
7:12-1.3	Opening of certain shellfish beds	R.1975 d.27	7 N.J.R. 102(c)
7:13-1.1 et seq.	Land use rules applicable to all delineated floodways	R.1975 d.105	7 N.J.R. 206(b)
7:15-1.1 et seq.	Guidelines under N.J. Industrial Pollution Control Financing Law	R.1974 d.268	6 N.J.R. 394(b)
7:20-6.1	Criteria for floodway and flood hazard area delineation	R.1975 d.104	7 N.J.R. 207(a)
7:25-2.15	Revisions on controlled hunting	R.1975 d.281	7 N.J.R. 464(b)
7:25-5.1 et seq.	1975-76 Game Code	R.1975 d.178	7 N.J.R. 310(c)
7:25-5.26	Special pheasant and quail stamp required	R.1975 d.277	7 N.J.R. 464(a)
7:25-6.1 et seq.	1975 Fish Code	R.1974 d.253	6 N.J.R. 394(a)
7:25-7.10	Oyster seed beds for 1975 season	R.1975 d.74	7 N.J.R. 151(a)
7:25-7.11	Rules on mussels	R.1975 d.133	7 N.J.R. 261(b)
7:25-11.1	List of endangered species	R.1974 d.348	7 N.J.R. 6(c)
7:25-11.1	List of endangered species	R.1975 d.164	7 N.J.R. 311(a)
7:26-2.5 et seq.	Revisions on rules of Bureau of Solid Waste Management	R.1974 d.234	6 N.J.R. 343(c)
7:26-2.5	Amend effective date of rule	R.1975 d.190	7 N.J.R. 360(b)
7:26-2.6(d)4.	Revised effective date for solid waste facilities	R.1975 d.66	7 N.J.R. 149(b)
7:26-2.6(d)4	Revised effective date of solid waste rule	R.1975 d.271	7 N.J.R. 463(b)
7:26-4.1 et seq.	Revised fee schedule	R.1975 d.136	7 N.J.R. 259(a)
7:27-15.4(b)	Postponement of Phase II of auto emission inspection standards	R.1975 d.22	7 N.J.R. 102(b)
7:27B-1.1 et seq.	Sampling and analytical procedures	R.1974 d.360	7 N.J.R. 48(a)
7:27B-1.1 et seq.	Emissions from particles from manufacturing processes	R.1975 d.136	7 N.J.R. 261(d)
7:27B-2.1 et seq.	Procedures for visual determination of emissions from sources	R.1975 d.76	7 N.J.R. 144(a)
7:27B-3.1 et seq.	Emissions of solid particle from combustion of fuel	R.1975 d.135	7 N.J.R. 261(d)
7:35-1.1 et seq.	Rules on tax exemption on real property of nonprofit corporations	R.1975 d.179	7 N.J.R. 310(b)

HEALTH — TITLE 8

8:2-1.1	Revisions on birth certificates	R.1975 d.194	7 N.J.R. 362(c)
8:8-1.2 et seq.	Revisions for processing, storage and distribution of blood	R.1974 d.334	7 N.J.R. 7(a)
8:13-1.1 et seq.	Sanitation, handling, shipping and shucking of shellfish	R.1974 d.185	6 N.J.R. 310(b)
8:21-2.38	Bacteriological standards for potentially hazardous foods	R.1974 d.204	6 N.J.R. 311(a)
8:21-4.44	Amend rule on expiration dates for fluid milk products	R.1974 d.361	7 N.J.R. 56(b)
8:21-9.3(a)	Delete exemption for wholesale handling of raw shellfish	R.1974 d.184	6 N.J.R. 310(a)
8:31-10.1	Licensing of drug-related facilities	R.1974 d.193	6 N.J.R. 310(c)
8:31-11.1	Voluntary discontinuance of regular service in any health care facility	R.1974 d.195	6 N.J.R. 310(e)
8:31-14.1 et seq.	1975 hospital rate review	R.1975 d.54	7 N.J.R. 152(b)
8:31-14.1	1975 hospital rate review program guidelines	R.1975 d.240	7 N.J.R. 414(a)
8:31-16.1	Hospital long range plans	R.1975 d.201	7 N.J.R. 362(d)
8:31-17.1 et seq.	Standard hospital accounting and rate evaluation system (SHARE)	R.1975 d.239	7 N.J.R. 415(b)
8:31-18.1 et seq.	Rules for experimental medical and financial management reporting systems	R.1975 d.271	7 N.J.R. 463(b)
8:31-19.1 et seq.	Methods of determining final 1974 hospital rates	R.1975 d.245	7 N.J.R. 416(a)
8:32-1.1 et seq.	1974-75 State Plan for hospitals and related health care services	R.1975 d.244	7 N.J.R. 414(b)
8:32-1.1 et seq.	1975 State Plan for hospitals and related health care services	R.1974 d.196	6 N.J.R. 310(f)
8:32-1.18	Definition of rehabilitation services	R.1975 d.183	7 N.J.R. 314(a)
8:32-3.1	Procedures for adjustment of State Plan for hospitals	R.1975 d.77	7 N.J.R. 164(f)
8:32-3.1	Revisions for adjustment of State Plan	R.1974 d.260	6 N.J.R. 397(b)
8:33-1.11	Continuation of mixing skilled nursing facilities and intermediate care beds, levels A and B	R.1974 d.318	6 N.J.R. 472(d)
8:33-1.11	Revised policy on skilled nursing and intermediate care beds	R.1974 d.315	6 N.J.R. 472(a)
8:33-1.11(b)	Revisions on extension of program of multiple levels of care	R.1974 d.317	6 N.J.R. 472(c)
8:33-1.12	Processing of certificate of need applications	R.1975 d.61	7 N.J.R. 164(e)
8:33-1.13	Scheduling and completing hearings for certificate of need applicants	R.1974 d.194	6 N.J.R. 310(d)
8:34-1.18(a)3	Delete part of rule on refusal of licenses	R.1974 d.269	6 N.J.R. 397(d)
8:35-1.1 et seq.	Revised criteria on mixed obstetric and gynecologic floors	R.1975 d.193	7 N.J.R. 362(b)
8:38-1.1 et seq.	Rules concerning HMOs	R.1975 d.60	7 N.J.R. 164(c)
8:40-4.1 et seq.	Interim regulations for abortion facilities with temporary license	R.1974 d.320	6 N.J.R. 473(a)
8:40-5.1	Reporting abortions performed in hospitals	R.1974 d.215	6 N.J.R. 345(c)
8:43-1.1 et seq.	Boarding home for sheltered care	R.1974 d.316	6 N.J.R. 472(b)
8:43B-1.1 et seq.	Interim rules on construction and licensure of various health facilities	R.1974 d.319	6 N.J.R. 472(e)
8:57-4.1 et seq.	Immunization of pupils in school	R.1975 d.256	7 N.J.R. 416(b)
8:64-3.1	Definition of soap	R.1975 d.121	7 N.J.R. 264(a)
8:65-2.4(c)	Revisions concerning other security controls for nonpractitioners	R.1975 d.103	7 N.J.R. 211(b)
8:65-6.8(a)4.	Amendment on persons entitled to fill order forms	R.1974 d.261	6 N.J.R. 397(c)
8:65-7.3(c)	Amendment on persons entitled to issue prescriptions	R.1975 d.56	7 N.J.R. 164(a)
		R.1975 d.58	7 N.J.R. 164(b)

8:65-7.6	Revisions on persons entitled to fill prescriptions	R.1975 d.55	7 N.J.R. 155(a)
8:65-10.1 et seq.	Revised schedules of controlled dangerous substances	R.1975 d.209	7 N.J.R. 363(a)
8:65-11.1 et seq.	Narcotic treatment program	R.1975 d.59	7 N.J.R. 164(c)

HIGHER EDUCATION — TITLE 9

9:2-2.27	Revise salary rate for adjunct faculty at State colleges	R.1975 d.257	7 N.J.R. 464(c)
9:2-7.6(c)	Revised functions of Committee on Appeals	R.1975 d.36	7 N.J.R. 104(a)
9:4-7.1 et seq.	Tenure guidelines for community colleges	R.1974 d.210	6 N.J.R. 345(d)
9:9-4.1 et seq.	Policy governing direct public loans	R.1975 d.217	7 N.J.R. 416(c)
9:9-5.1 et seq.	Policy governing graduate insured loans	R.1975 d.217	7 N.J.R. 416(c)

INSTITUTIONS AND AGENCIES — TITLE 10

10:35-1.1 et seq.	Revised standards	R.1975 d.108	7 N.J.R. 272(a)
10:35-7.4(b) et seq.	Revised standards	R.1974 d.273	6 N.J.R. 432(b)
10:35-18.7	Correspondence in a language other than English	R.1974 d.356	7 N.J.R. 59(b)
10:35-19.12	Correspondence in a language other than English	R.1974 d.356	7 N.J.R. 59(b)
10:35-28.7	Correspondence in a language other than English	R.1974 d.356	7 N.J.R. 59(b)
10:35-60.3(b)	revised fee schedules	R.1974 d.356	7 N.J.R. 59(b)
10:35-60.5	Waiver of payment by court order	R.1974 d.356	7 N.J.R. 59(b)
10:35-63.1 et seq.	Inmate responsibility for personal property of substantial value	R.1974 d.273	6 N.J.R. 432(b)
10:35-64.1 et seq.	inmate marriages	R.1974 d.273	6 N.J.R. 432(b)
10:35-65.1 et seq.	Volunteers in parole program	R.1974 d.356	7 N.J.R. 59(b)
10:35-66.1 et seq.	Probable cause hearing	R.1974 d.356	7 N.J.R. 59(b)
10:35-67.1 et seq.	Distribution of money and personal belongings of deceased inmates	R.1974 d.356	7 N.J.R. 59(b)
10:35-68.1 et seq.	inmates' personal savings accounts	R.1974 d.356	7 N.J.R. 59(b)
10:35-69.1 et seq.	Revised rules on administrative segregation	R.1975 d.108	7 N.J.R. 272(a)
10:46-4.3	Application for admission; delinquent minor	R.1975 d.158	7 N.J.R. 328(b)
10:47-1.1 et seq.	Manual of standards for private licensed institutions for mentally retarded	R.1975 d.203	7 N.J.R. 364(a)
10:49-1.17	Claim submittal time limits	R.1975 d.151	7 N.J.R. 329(c)
10:49-1.17(c)	Amendment concerning noninstitutional providers	R.1975 d.150	7 N.J.R. 328(d)
10:49-1.25	Temporary fee reduction concerning Medicaid	R.1975 d.225	7 N.J.R. 421(a)
10:49-1.26	Reduction in reimbursement for laboratory services	R.1975 d.206	7 N.J.R. 365(a)
10:51-1.1 et seq.	Revisions to Pharmacy Manual	R.1975 d.182	7 N.J.R. 333(b)
10:51-1.2	Definition of eligible pharmacies in New Jersey	R.1974 d.297	6 N.J.R. 477(c)
10:51-1.10	Revisions concerning pharmacy providers	R.1974 d.312	6 N.J.R. 478(c)
10:51-1.10(d)	Revised dispensing fee	R.1975 d.223	7 N.J.R. 419(d)
10:51-1.10(g)	Revisions on legend drugs	R.1975 d.163	7 N.J.R. 329(b)
10:51-1.11(a)3	Revisions on institutional pharmacies	R.1975 d.156	7 N.J.R. 328(a)
10:52-1.1 et seq.	Revised rules on sterilization procedures	R.1975 d.206	7 N.J.R. 364(c)
10:52-1.1 et seq.	Revised portions of hospital manual	R.1974 d.201	6 N.J.R. 313(a)
10:52-1.1 et seq.	Revisions on physicians services	R.1975 d.229	7 N.J.R. 431(a)
10:52-1.2(a)18.	Revisions on hospital services	R.1974 d.296	6 N.J.R. 478(a)
10:52-1.4	Revisions in special provisions for general hospitals	R.1974 d.339	7 N.J.R. 8(a)
10:52-1.15	Reimbursement of third-party claims	R.1975 d.204	7 N.J.R. 364(b)
10:52-3.1 et seq.	Rules on teleprocessing	R.1975 d.230	7 N.J.R. 431(b)
10:53-1.1 et seq.	Revised rules on sterilization procedures	R.1975 d.205	7 N.J.R. 364(c)
10:54-1.1	Define office visits	R.1975 d.86	7 N.J.R. 226(d)
10:54-1.1 et seq.	Revisions to the Physicians Manual	R.1975 d.227	7 N.J.R. 430(a)
10:54-1.2(f)	Revisions on long-term care facilities	R.1975 d.42	7 N.J.R. 166(a)
10:54-1.19	Revisions concerning specialist recognition	R.1974 d.201	6 N.J.R. 313(a)
10:54-1.19	Revisions concerning specialists	R.1974 d.311	6 N.J.R. 478(b)
10:54-1.20	Sterilization procedures	R.1975 d.205	7 N.J.R. 364(c)
10:54-1.21	Rule on portable X-ray services	R.1975 d.228	7 N.J.R. 430(b)
10:54-4.1 et seq.	Revised physicians fee schedule	R.1975 d.231	7 N.J.R. 431(c)
10:55-1.2	Revisions concerning eligible providers; prosthetic, orthotic manual	R.1974 d.187	6 N.J.R. 312(e)
10:56-1.16	Revisions on dental services	R.1975 d.262	7 N.J.R. 466(a)
10:56-1.48	Recovery of payments correctly made	R.1974 d.202	6 N.J.R. 313(b)
10:56-2.1(d)	Dental providers	R.1974 d.203	6 N.J.R. 313(c)
10:57-1.4	Revisions on noncovered services	R.1975 d.162	7 N.J.R. 329(a)
10:57-2.1 et seq.	Revisions on billing procedures	R.1974 d.222	6 N.J.R. 351(c)
10:59-1.7(a)6.	Revised prior authorization and medical supply services	R.1975 d.31	7 N.J.R. 105(b)
10:61-1.1 et seq.	Revised rules on independent laboratory services	R.1975 d.224	7 N.J.R. 420(a)
10:62-1.1 et seq.	Revisions to vision care manual	R.1974 d.181	6 N.J.R. 312(c)
10:62-2.2(a)2	Revisions on reimbursable vision care services	R.1975 d.261	7 N.J.R. 465(b)
10:62-2.3(j)	Curtailement of reimbursable vision care services	R.1975 d.261	7 N.J.R. 465(b)
10:63-1.10(a)5.	Revisions on long-term care facilities	R.1975 d.42	7 N.J.R. 166(a)
10:63-1.13	Plans of correction of deficiencies	R.1974 d.343	7 N.J.R. 9(a)
10:63-1.14	Skilled nursing and intermediate care services	R.1975 d.87	7 N.J.R. 227(a)

10:63-1.15	Rule on portable X-ray services	R.1975 d.228	7 N.J.R. 430(b)
10:63-3.1 et seq.	1975 cost study and instructions long-term care facilities	R.1975 d.149	7 N.J.R. 328(c)
10:64-1.2 et seq.	Revisions to hearing aid manual	R.1975 d.14	7 N.J.R. 58(b)
10:65-1.2	Plans of correction for deficiencies	R.1974 d.343	7 N.J.R. 9(a)
10:66-1.3	Out-of-State clinics	R.1974 d.295	6 N.J.R. 477(b)
10:66-1.20	Sterilization procedures	R.1975 d.205	7 N.J.R. 364(c)
10:66-1.21	Rule on portable X-ray services	R.1975 d.228	7 N.J.R. 430(b)
10:67-2.1 et seq.	Revised procedure for Administrative Code numbers	R.1974 d.245	6 N.J.R. 399(b)
10:81	Revise effective date to August 1, 1975	R.1975 d.208	7 N.J.R. 365(b)
Appendix D			
10:81-1.1 et seq.	New Public Assistance Manual	R.1975 d.280	7 N.J.R. 467(a)
10:81-3.3(i)	Revisions on noncontributory persons in a household	R.1975 d.29	7 N.J.R. 105(c)
10:81-6.13(a)	Revisions on fair hearings	R.1975 d.64	7 N.J.R. 167(b)
10:81-28.3	Recoupment of overpayments	R.1975 d.280	7 N.J.R. 467(a)
10:81-28.4	Periodic notice to client	R.1974 d.287	6 N.J.R. 435(b)
10:81	Rules on child support and paternity program	R.1974 d.287	6 N.J.R. 435(b)
		R.1975 d.180	7 N.J.R. 329(d)
Appendix D			
10:82-1.1 et seq.	Assistance Standards Handbook	R.1975 d.93	7 N.J.R. 227(b)
10:82-3.2	AFDC program	R.1974 d.205	6 N.J.R. 312(b)
10:82-10.1	Overpayments, underpayments	R.1974 d.287	6 N.J.R. 435(b)
10:82-11.14	Revisions concerning expenses of employment in AFDC	R.1974 d.285	6 N.J.R. 434(a)
10:82-11.16(d)	Revisions concerning disregard of earned income	R.1974 d.286	6 N.J.R. 435(a)
10:84-1.1 et seq.	Delete entire Chapter and mark it Reserved	R.1975 d.29	7 N.J.R. 105(c)
10:85-11.6(a)	Revisions in payments to hospitals	R.1974 d.288	6 N.J.R. 436(a)
10:86-6.12(c)	Revisions on fair hearings	R.1975 d.280	7 N.J.R. 467(a)
10:109-1.1 et seq.	Revisions concerning public assistance staff development program	R.1974 d.179	6 N.J.R. 312(e)
10:109-1.6(a)	Revisions concerning educational leave stipends	R.1974 d.248	6 N.J.R. 399(a)
10:109-2.1 et seq.	Ruling Number 11; classification and compensation plan	R.1974 d.211	6 N.J.R. 351(a)
10:121-3.1 et seq.	Adoption complaint investigation fees	R.1975 d.15	7 N.J.R. 58(c)
10:122-2.1 et seq.	AFDC foster care plan	R.1975 d.99	7 N.J.R. 227(c)
10:123-1.1 et seq.	Revised State Plan for services to families and children	R.1974 d.232	6 N.J.R. 351(b)
10:123-1.1 et seq.	Revised State Plan for families and children	R.1974 d.355	7 N.J.R. 59(a)
10:123-1.1 et seq.	Revised State Plan for individuals and families	R.1975 d.283	7 N.J.R. 467(c)
10:123-1.14	Establishing paternity and securing support for AFDC children	R.1975 d.35	7 N.J.R. 105(a)
10:123-4.1	Amendment concerning community planning	R.1975 d.57	7 N.J.R. 166(b)
10:123-5.3(a)4	Revise maximum income level eligibility	R.1975 d.181	7 N.J.R. 333(a)
10:124-1.1 et seq.	Revised manual of standards for juvenile shelters awaiting court disposition	R.1975 d.219	7 N.J.R. 419(b)
10:125-1.1 et seq.	Comprehensive social services plan	R.1975 d.282	7 N.J.R. 419(c)
10:140-1.1 et seq.	1976 State Plan annual revision	R.1975 d.220	7 N.J.R. 467(b)

INSURANCE — TITLE 11

11:1-2.1 et seq.	Amend rules on filings regarding property liability insurance	R.1975 d.34	7 N.J.R. 115(a)
11:1-4.2	Sex and/or marital status discrimination	R.1975 d.128	7 N.J.R. 276(b)
11:1-5.1	Deduction of exhaustion of Motor Vehicle Liability Security Fund	R.1974 d.237	6 N.J.R. 351(d)
11:1-5.2	New Jersey Special Joint Underwriting Association	R.1974 d.259	6 N.J.R. 407(a)
11:1-5.2(e)	Establishing means of providing coverage and eligibility for protection	R.1974 d.274	6 N.J.R. 436(b)
11:1-5.3	Special Joint Underwriting Association charge	R.1975 d.210	7 N.J.R. 369(b)
11:1-6.1	Property-Liability Insurance Guaranty Association charge	R.1975 d.170	7 N.J.R. 334(b)
11:2-1.3(f)	Ticket-selling insurance agents' education requirements	R.1974 d.327	7 N.J.R. 10(a)
11:2-12.1 et seq.	Mass marketing of property and liability insurance	R.1974 d.271	6 N.J.R. 408(a)
11:2-13.1 et seq.	Group coverage discontinuance and replacement	R.1974 d.274	6 N.J.R. 409(a)
11:2-13.1 et seq.	Revisions on life and accident and health insurance policies and contracts	R.1975 d.109	7 N.J.R. 276(a)
11:2-13.1	Revisions on certain insurance policies and contracts	R.1975 d.129	7 N.J.R. 276(c)
11:2-15.1	Cancellation of property and liability policies; insolvent insurers	R.1974 d.190	6 N.J.R. 323(a)
11:2-16.1	Guaranteed arrest bond certificates of automobile club undertaking	R.1974 d.282	6 N.J.R. 437(a)
11:3-6.3(b)5.iv.	Revisions concerning temporary identification cards	R.1974 d.208	6 N.J.R. 322(b)
11:3-9.2	Private passenger automobile rating class; revoked or suspended operators	R.1975 d.130	7 N.J.R. 276(d)
11:4-8.1 et seq.	Rules on charitable annuities	R.1974 d.258	6 N.J.R. 399(c)
11:4-10.1	Reporting of expense experience	R.1975 d.211	7 N.J.R. 370(a)
11:5-1.2	Amendment concerning salesmen applications	R.1974 d.307	6 N.J.R. 478(e)
11:5-1.3	Amendment concerning broker applications	R.1974 d.307	6 N.J.R. 478(e)
11:5-1.10(b)	Payment of commissions to terminated salesmen	R.1975 d.260	7 N.J.R. 469(c)
11:5-1.23(e)	Transmittal of offers	R.1975 d.260	7 N.J.R. 469(c)
11:5-1.27	Amendment concerning educational requirements	R.1974 d.307	6 N.J.R. 478(e)
11:7-1.1 et seq.	Rules on insurance of municipal bonds	R.1975 d.212	7 N.J.R. 370(b)
11:10-1.1 et seq.	1975 hospital rate review program guidelines	R.1975 d.240	7 N.J.R. 414(a)

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12:15-1.3	Revised maximum weekly benefit rates	R.1974 d.236	6 N.J.R. 352(b)
12:15-1.3	Revised maximum weekly benefits	R.1975 d.250	7 N.J.R. 432(b)
12:15-1.4	Taxable wage base; unemployment compensation	R.1975 d.251	7 N.J.R. 432(c)
12:17-2.1(g)	Revisions on registration for work and benefit claims	R.1975 d.72	7 N.J.R. 169(b)
12:17-9.1 et seq.	Procedures for wage benefit conflicts	R.1975 d.142	7 N.J.R. 335(a)
12:18-3.1(f) and (g)	Revisions of fees under State Plan for temporary disability benefits	R.1974 d.284	6 N.J.R. 437(b)
12:100-1.1 et seq.	Withdraw State Plan for occupational safety and health	R.1975 d.101	7 N.J.R. 231(a)
12:122-1.1 et seq.	Repeal rules on local exhaust systems	R.1974 d.136	6 N.J.R. 267(a)
12:146-1.1 et seq.	Repeal rules on machinery with rolls	R.1974 d.138	6 N.J.R. 267(c)
12:171-1.1 et seq.	Repeal rules on short-rise material handling lifts	R.1974 d.137	6 N.J.R. 267(b)
12:195-1.1 et seq.	Rules on carnival-amusement rides	R.1975 d.189	7 N.J.R. 370(c)
12:235-1.1 et seq.	Revised rules of the Division of Workmen's Compensation	R.1975 d.43	7 N.J.R. 169(a)

LAW AND PUBLIC SAFETY — TITLE 13

13:2-13.3 et seq.	Revisions on licensees	R.1975 d.237	7 N.J.R. 436(b)
13:2-21.30	Revisions concerning law enforcement officers	R.1974 d.341	7 N.J.R. 13(a)
13:2-31.1	Revised schedule of retail prices filed with the Director	R.1974 d.349	7 N.J.R. 13(b)
13:2-31.3 et seq.	Revisions to retail and wholesale prices and extension of credit	R.1975 d.238	7 N.J.R. 436(c)
13:2-31.8	Revised trading areas for malt alcoholic beverages	R.1974 d.349	7 N.J.R. 13(b)
13:2-31.9	Revised inspection of price schedules	R.1974 d.349	7 N.J.R. 13(b)
13:2-34.2	Revisions concerning schedule filing dates and contents	R.1974 d.239	6 N.J.R. 410(b)
13:2-34.8	Revisions on wholesale prices	R.1975 d.263	7 N.J.R. 482(c)
13:2-37.1	Revised definitions	R.1974 d.239	6 N.J.R. 410(b)
13:18-8.1	Rule on overhang standards	R.1975 d.285	7 N.J.R. 483(a)
13:20-28.6	Revisions on new car decals	R.1975 d.174	7 N.J.R. 343(b)
13:20-28.8	Revisions on new car evidence of compliance	R.1975 d.174	7 N.J.R. 343(b)
13:27-3.13	Board of architects revised fee schedule	R.1975 d.171	7 N.J.R. 342(a)
13:27-3.13	Revised fees for architects	R.1975 d.171	7 N.J.R. 342(a)
13:29-1.7(b)	Revisions on conditional credit	R.1975 d.33	7 N.J.R. 115(d)
13:30-8.1	Fee schedules	R.1975 d.259	7 N.J.R. 482(b)
13:33-1.38	Minimum standards and tolerances	R.1974 d.262	6 N.J.R. 411(a)
13:33-1.41	Fee schedules	R.1974 d.309	6 N.J.R. 487(a)
13:34-1.1	Fees for Board of Marriage Counselor examinations	R.1975 d.100	7 N.J.R. 236(a)
13:35-3.6	Board of Medical Examiners fee schedule	R.1975 d.172	7 N.J.R. 343(a)
13:35-3.6	Revised fees for medical examiners	R.1975 d.172	7 N.J.R. 343(a)
13:35-5.1	Minimum standards for eyeglasses	R.1974 d.353	7 N.J.R. 61(e)
13:35-6.10	Countersigning of orders and prescriptions of unlicensed physicians	R.1974 d.337	7 N.J.R. 12(a)
13:35-6.11	Prohibiting kickbacks or rebates for services not rendered	R.1974 d.280	6 N.J.R. 451(a)
13:36-1.6	Revised fees and charges	R.1974 d.281	6 N.J.R. 451(b)
13:37-12.1	Fee schedule: Board of Nursing	R.1974 d.189	6 N.J.R. 324(b)
13:38-2.10	Minimum standards for eyeglasses	R.1975 d.19	7 N.J.R. 115(b)
13:38-5.1	Fee schedule	R.1975 d.23	7 N.J.R. 115(c)
13:39-9.16	Fee schedules	R.1974 d.305	6 N.J.R. 486(a)
13:41-3.1	Use of the terms planners or planning	R.1975 d.102	7 N.J.R. 236(b)
13:44-4.1	Revised fees for veterinarians	R.1975 d.173	7 N.J.R. 342(b)
13:44-4.1	Veterinary medical examiners fee schedule	R.1975 d.173	7 N.J.R. 342(b)
13:47A-1.1(a)3.	Revised fee for application for registration	R.1974 d.333	7 N.J.R. 12(b)
13:47A-3.1(c)	Revised fee for application	R.1974 d.333	7 N.J.R. 12(b)
13:47A-5.2	Revised fee for application renewal	R.1974 d.333	7 N.J.R. 12(b)
13:47A-6.1	Revisions on qualification of issue	R.1974 d.278	6 N.J.R. 450(c)
13:47A-9.1	Repeal rule on requirements for qualification	R.1974 d.277	6 N.J.R. 450(b)
13:47A-9.14	Repeal rule on number of offers for exemption restriction	R.1974 d.350	7 N.J.R. 13(d)
13:47A-10.2	Repeal rule on claims for exemption	R.1974 d.277	6 N.J.R. 450(b)
13:47A-10.3	Effective date of initial applications	R.1974 d.352	7 N.J.R. 14(a)
13:47A-15.1	Revisions concerning prospectuses	R.1974 d.279	6 N.J.R. 450(d)
13:47A-18.1	Revisions concerning prefilling materials and contents	R.1974 d.351	7 N.J.R. 13(c)
13:47B-4.1	Minimum training requirements	R.1975 d.273	7 N.J.R. 482(d)
13:70-1.1 et seq.	Revised rules on horse racing	R.1975 d.37	7 N.J.R. 170(a)
13:71-1.1 et seq.	Revised rules on harness racing	R.1975 d.38	7 N.J.R. 170(b)

PUBLIC UTILITIES — TITLE 14

14:1-10.11	Rule on hearing procedures	R.1974 d.313	6 N.J.R. 487(b)
14:5-1.2(b)	Revisions on separation and protection of conductors buried in earth	R.1975 d.215	7 N.J.R. 437(a)
14:5-4.1 et seq.	Revised rules on residential electrical underground extensions	R.1975 d.243	7 N.J.R. 437(b)
14:5-7.1 et seq.	Revisions on electrical inspection authorities	R.1975 d.12	7 N.J.R. 62(b)
14:10-4.1 et seq.	Revised rules on residential telephone underground extensions	R.1975 d.243	7 N.J.R. 437(b)
14:11-5.4	Revisions on accident reporting	R.1975 d.8	7 N.J.R. 62(a)

STATE — TITLE 15

15:10-1.1 et seq.	Voter registration by mail	R.1974 d.270	6 N.J.R. 412(b)
15:10-1.1 et seq.	Revisions on voter registration by mail	R.1975 d.114	7 N.J.R. 278(a)

TRANSPORTATION — TITLE 16

16:3-1.1 et seq.	Uniform patent policy	R.1975 d.160	7 N.J.R. 345(b)
16:28-1.10	Revised speed limits on parts of U.S. 46	R.1975 d.95	7 N.J.R. 237(b)
16:28-1.14	Revised rules on rates of speed on Route 33	R.1975 d.17	7 N.J.R. 118(b)
16:28-1.25 et seq.	Revise rules on rates of speed along certain State highways	R.1974 d.197	6 N.J.R. 325(a)
16:28-1.35	Revised speed limits on portions of Route 18	R.1974 d.340	7 N.J.R. 32(d)
16:28-1.36	Revised speed limits on parts of Route 24	R.1975 d.17	7 N.J.R. 118(a)
16:28-1.51	Revised speed limits on parts of Route 55	R.1975 d.167	7 N.J.R. 346(a)
16:28-1.51	Revised speed limits for parts of Route 55	R.1975 d.254	7 N.J.R. 439(b)
16:28-1.61	Rates of speed on parts of Route 22 Freeway	R.1975 d.241	7 N.J.R. 439(a)
16:28-1.63	Revise rates of speed on Route U.S. 22	R.1974 d.326	7 N.J.R. 32(c)
16:28-1.67	Revisions to rates of speed on parts of U.S. 202	R.1974 d.325	7 N.J.R. 32(b)
16:28-1.68	Revised rates of speed on parts of Route 17	R.1975 d.153	7 N.J.R. 344(d)
16:28-1.76	Revised speed limits on parts of Route 15	R.1974 d.354	7 N.J.R. 73(c)
16:28-1.77	Revised rates of speed on parts of Route 29	R.1975 d.144	7 N.J.R. 344(c)
16:28-1.96	Revise rates of speed on Route N.J. 45	R.1974 d.326	7 N.J.R. 32(c)
16:28-1.100	Revised speed limits on Route 439	R.1975 d.50	7 N.J.R. 178(c)
16:28-1.111	Speed limits on Route 179 in Hunterdon County	R.1974 d.249	6 N.J.R. 414(a)
16:28-1.122	Revisions to rates of speeds on U.S. 1, 9 and 46	R.1974 d.291	6 N.J.R. 493(a)
16:28-1.148	Revised speed limits on Route I-295	R.1975 d.24	7 N.J.R. 118(c)
16:28-1.157	Rates of speeds on Route 173	R.1974 d.291	6 N.J.R. 493(a)
16:28-1.158	Speed limits on Route 87 in Atlantic City	R.1974 d.249	6 N.J.R. 414(a)
16:28-1.159	Rates of speed on parts of Route 33	R.1975 d.17	7 N.J.R. 118(b)
16:28-1.160	Speed limits on portions of Route I-78	R.1974 d.340	7 N.J.R. 32(d)
16:28-1.162	Speed limits on Route 33 Freeway	R.1975 d.274	7 N.J.R. 488(a)
16:28-2.1	Weight limit along Route 152 in Egg Harbor Township	R.1975 d.63	7 N.J.R. 178(d)
16:28-3.77	Rules on restricted parking along certain State highways	R.1974 d.216	6 N.J.R. 359(b)
16:28-3.20 et seq.	Restricted parking on Routes 70, 73, U.S. 22 and U.S. 130	R.1974 d.226	6 N.J.R. 359(d)
16:28-3.24	Route number U.S. 40	R.1974 d.226	6 N.J.R. 359(d)
16:28-3.25	Route number 47	R.1974 d.292	6 N.J.R. 493(b)
16:28-3.26	No parking; Route 35	R.1974 d.292	6 N.J.R. 493(b)
16:28-3.27	No parking; Route 27	R.1974 d.359	7 N.J.R. 74(a)
16:28-3.28	Restricted parking rules on various State highways		
through 16:28-3.41		R.1975 d.16	7 N.J.R. 117(a)
16:28-3.42	Restricted parking along certain State highways		
through 16:28-3.50		R.1975 d.49	7 N.J.R. 178(b)
16:28-3.51	Rules on restricted parking on various State highways		
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16:28-3.63	Rules on restricted parking on various State highways		
through 16:28-3.67		R.1975 d.154	7 N.J.R. 345(a)
16:28-3.68	Rules on restricted parking on various State highways		
through 16:28-3.71		R.1975 d.202	7 N.J.R. 387(c)
16:28-3.72	Rules on restricted parking on certain State highways		
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16:28-3.77	Rules on restricted parking along certain State highways	R.1975 d.269	7 N.J.R. 487(c)
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16:28-4.1 et seq.	One-way street regulations	R.1974 d.225	6 N.J.R. 359(c)
16:28-4.3	One-way traffic along Route 79	R.1974 d.293	6 N.J.R. 493(c)
16:28-4.4	One-way traffic on parts of Route U.S. 202	R.1975 d.255	7 N.J.R. 439(c)
16:28-5.1	Designation of stop intersections	R.1974 d.250	6 N.J.R. 414(b)
16:28-6.1	No left turn rules on parts of Route U.S. 206	R.1974 d.324	7 N.J.R. 32(a)
16:28-6.1	Revisions on left turns on Route U.S. 206 in Bedminster Township	R.1975 d.48	7 N.J.R. 178(a)
16:41-1.1 et seq.	Revised fees for highway access permits	R.1975 d.13	7 N.J.R. 73(b)
16:41-2.3 et seq.	Revised fee schedules	R.1975 d.207	7 N.J.R. 387(d)
16:50-2.6	Rule on emergency hearings	R.1975 d.199	7 N.J.R. 387(b)
16:51-4.1 et seq.	Delegation of powers for seniors half-fare bus program	R.1975 d.113	7 N.J.R. 280(b)
16:54-6.1 et seq.	Take-off or landing by balloons	R.1974 d.308	6 N.J.R. 494(a)
16:54-6.1 et seq.	Revised rules on ballooning	R.1975 d.131	7 N.J.R. 281(a)
16:65-2.1 et seq.	Revisions on distribution of standard specifications	R.1975 d.195	7 N.J.R. 387(a)

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17:1-1.8 et seq.	Revisions on general administration	R.1975 d.235	7 N.J.R. 446(a)
17:1-1.15(e)	Compliance with endorsement requirements	R.1974 d.219	6 N.J.R. 360(a)

17:1-1.17	Revisions on administrative expenses and their proration	R.1975 d.30	7 N.J.R. 122(a)
17:2-1.13 et seq.	Revisions on Public Employees' Retirement System	R.1974 d.230	6 N.J.R. 361(a)
17:3-1.4 et seq.	Revise rules of teachers' pension and annuity fund	R.1975 d.140	7 N.J.R. 349(a)
17:4-1.4 et seq.	Revisions to rules of Police and Firemen's Retirement System	R.1975 d.191	7 N.J.R. 393(a)
17:7-1.9 et seq.	Revise parts of Prison Officers' Pension Fund rules	R.1975 d.213	7 N.J.R. 442(a)
17:8-1.1	Revise foreword to rules of supplemental annuity collective trust	R.1974 d.231	6 N.J.R. 361(b)
17:9-2.3	Revisions on annual enrollment period	R.1974 d.228	6 N.J.R. 360(c)
17:9-2.15	Major medical; separate plans	R.1975 d.68	7 N.J.R. 181(a)
17:9-4.2	Revised definition of State; full time	R.1975 d.68	7 N.J.R. 181(a)
17:9-5.4	Revisions on local employer payment of dependent charges	R.1974 d.229	6 N.J.R. 360(d)
17:9-5.5	Revisions concerning local employer resolution	R.1975 d.65	7 N.J.R. 180(c)
17:9-5.6	Health maintenance organization premiums	R.1974 d.228	6 N.J.R. 360(c)
17:9-5.10	Retroactive premiums; payment due	R.1975 d.159	7 N.J.R. 349(b)
17:9-6.3	Amend retired coverage limitations	R.1975 d.159	7 N.J.R. 349(b)
17:10-3.1	Revised computation of benefits	R.1974 d.335	7 N.J.R. 34(a)
17:10-5.7	Revised employer disability application; employee notice	R.1974 d.335	7 N.J.R. 34(a)
17:16-5.4	Revised demand group	R.1975 d.11	7 N.J.R. 76(b)
17:16-5.5	Revised temporary reserve group	R.1975 d.278	7 N.J.R. 490(a)
17:16-5.5(a)14.	Delete from temporary reserve group housing development	R.1974 d.192	6 N.J.R. 328(c)
17:16-6.1(a)8.	Add Federal Financing Bank to approved list	R.1974 d.323	6 N.J.R. 496(a)
17:16-6.1	Revised rules on U.S. Treasury and government agency obligations	R.1975 d.97	7 N.J.R. 241(a)
17:16-7.3	Delete from revolving housing development grant fund	R.1974 d.191	6 N.J.R. 328(b)
17:16-8.1(a)6.	Amend permissible investment rules concerning corporate securities — industrial obligations	R.1974 d.321 R.1975 d.278	6 N.J.R. 495(b) 7 N.J.R. 490(a)
17:16-9.1(a)5.	Revision concerning finance companies—senior debt	R.1974 d.322	6 N.J.R. 495(c)
17:16-13.5	Revisions on legal papers; commercial paper	R.1974 d.218	6 N.J.R. 361(c)
17:16-13.5	Revisions on legal papers	R.1975 d.236	7 N.J.R. 442(b)
17:16-36.7 et seq.	Revisions concerning Common Pension Fund B	R.1974 d.265	6 N.J.R. 416(b)
17:16-37.1(a)6.	Addition of Federal Financing Bank to approved list	R.1974 d.264	6 N.J.R. 416(a)
17:16-38.1 et seq.	Common Pension Fund C	R.1974 d.266	6 N.J.R. 416(c)
17:16-39.1 et seq.	Rules on bankers' acceptances	R.1974 d.263	6 N.J.R. 415(b)
17:16-39.1 et seq.	Collateralized notes and mortgages	R.1975 d.67	7 N.J.R. 180(d)
17:20-5.10	Revise agent's compensation rule	R.1974 d.329	7 N.J.R. 33(b)
17:21-1.4(b)	Revisions on special lotteries	R.1974 d.224	6 N.J.R. 360(b)
17:21-2.3 et seq.	Revised rules concerning weekly lottery	R.1974 d.329	7 N.J.R. 33(b)

TREASURY — TAXATION — TITLE 18

18:2-1.1	Reproduction of forms	R.1974 d.182	6 N.J.R. 328(a)
18:2-2.1 et seq.	Rules on imposition of penalties and interest	R.1975 d.284	7 N.J.R. 490(b)
18:5-3.10(d)	Revised rule on decalomania revenue stamps on cigarettes	R.1975 d.28	7 N.J.R. 122(b)
18:6-1.1	Revised definition of cost of doing business	R.1974 d.243	6 N.J.R. 414(d)
18:12A-1.6 et seq.	Revisions concerning County Boards of Taxation	R.1975 d.46	7 N.J.R. 180(b)
18:12A-1.16	Electronic Data processing and tax assessment lists	R.1974 d.242	6 N.J.R. 414(c)
18:16-1.1 et seq.	Revisions in realty transfer fee law	R.1975 d.84	7 N.J.R. 240(b)
18:16-1.1 et seq.	Revisions on realty transfer fees	R.1975 d.242	7 N.J.R. 443(a)
18:16-2.2(b) et seq.	Revisions of realty transfer fee law rules	R.1975 d.286	7 N.J.R. 490(c)
18:22-7.6	Gross receipts from transactions; municipal electric supply operations	R.1975 d.45	7 N.J.R. 180(a)
18:24-1.14	Effective date of exemption organization permit	R.1975 d.187	7 N.J.R. 350(b)
18:24-5.16(f)	Revisions on use of certificate of capital improvement for sales tax	R.1975 d.246	7 N.J.R. 446(b)
18:24-10.4	Acceptance in good faith	R.1974 d.244	6 N.J.R. 414(e)
18:24-10.5	Disclosure of proper exemption basis	R.1974 d.244	6 N.J.R. 414(e)
18:24-11.2	Filing of monthly and quarterly returns	R.1975 d.4	7 N.J.R. 77(a)
18:24-24.1 et seq.	Sale and installation of gasoline service station equipment	R.1974 d.252	6 N.J.R. 415(a)
18:26	Revised list of district supervisors and investigators	R.1975 d.270	7 N.J.R. 489(b)
Appendix A			
18:26-6.16	No fault insurance rules	R.1975 d.186	7 N.J.R. 350(a)
18:26-8.7	Preaudit payment of inheritance tax	R.1975 d.85	7 N.J.R. 240(c)
18:26-8.25	Certificates of deposits, savings certificates and special savings accounts	R.1975 d.177	7 N.J.R. 349(c)
18:26-11.20	Revisions on release of safe deposit box contents	R.1975 d.247	7 N.J.R. 447(a)
18:26-11.21	Revised conditions for opening safe deposit box	R.1975 d.247	7 N.J.R. 447(a)
18:26-11.26	Revisions on box rented by corporation	R.1975 d.247	7 N.J.R. 447(a)

OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revisions pertaining to making loans to mortgage lenders	R.1974 d.233	6 N.J.R. 370(b)
19:1-1.3	Revised definition of Mortgage Finance Agency collateral	R.1974 d.251	6 N.J.R. 418(b)
19:3A-2.1	Required land use and control meadows; flood insurance	R.1974 d.213	6 N.J.R. 369(b)

(Continued from page 19)

shall state "Not in Stock", and the period of time in which delivery will be made;

(9) The failure to state that the motor vehicle has previously been used as a demonstrator, executive vehicle, police or fire vehicle or passenger vehicle for lease, rental or hire, when such prior use is known or should have been known by the advertiser or the person for whom he acts;

(10) With respect to an advertisement offering or making available for sale a new, demonstrator or executive motor vehicle:

(A) The listing or naming of any equipment other than extra cost options included in the advertised price unless standard equipment is clearly identified as standard;

(B) The failure to state that any listed equipment is an extra cost option.

(11) With respect to an advertisement offering a used motor vehicle, the failure to state the actual odometer reading as of the date of placing the advertisement for publication. For the purpose of this subsection, any vehicle possessing an odometer reading of greater than 250 miles shall be deemed used.

3. Certain credit advertisements:

i. The advertising of credit, including but not limited to such terms as easy credit or one-day credit, other than that actually transacted by the advertiser on a regular basis in the ordinary course of business.

[4. Price reduction advertisements:

i. In price reduction advertisements:

(1) The failure to include the manufacturer's total suggested retail price clearly labeled as such. Such an advertisement may indicate a reduction from either the said manufacturer's total suggested retail or the price range such motor vehicles are usually offered for sale by the advertiser;

(2) Where a former price is used, the use of such price, whether expressed or implied, which was not offered by the advertiser to the public on a regular basis for a reasonably substantial period of time preceding the offer of a price reduction;

(3) The use of the term sale, discount, savings, price cut or any other term suggesting a price reduction when the price reduction being offered is insignificant in relation to the total price of any motor vehicle or when no price reduction is in fact being offered.]

4. Price reduction advertisements:

i. In any advertisement wherein a reduction from the usual retail selling price is stated or indicated either directly or by implication:

(1) The use or statement of any price from which a reduction is indicated either directly or by implication where such price is not the usual retail price at which the advertised motor vehicle has been sold or offered for sale.

(2) A usual retail selling price shall be deemed to exist where an advertiser has sold or offered for sale the advertised motor vehicle or its substantial equivalent on not less than ten occasions during the 60-day period immediately preceding the date of publication of the advertisement. Nothing contained herein shall prohibit the statement of a manufacturer's suggested retail price; provided, however, where such price is set forth as the basic price from which a price reduction is stated or indicated, said suggested retail price shall have been the usual price at which the motor vehicle was sold or offered for sale consistent with this subsection.

(3) The placement of a price reduction advertisement where the advertised retail sale price does not constitute a bona fide, substantial reduction from the usual retail sale price. For the purpose of the within subsection "bona fide, substantial reduction" shall be deemed to exist where such reduction is not less than five per cent of the usual retail sale price.

19:3A-2.2	Securing coverage under National Flood Insurance Program	R.1974 d.212	6 N.J.R. 361(d)
19:7-1.1(a)1.	Revisions on permitted sites and sanitary landfills	R.1974 d.214	6 N.J.R. 369(a)
19:8-1.1	Garden State Arts Center defined	R.1975 d.145	7 N.J.R. 350(d)
19:8-1.13	Traffic control on Garden State Parkway	R.1975 d.222	7 N.J.R. 447(b)
19:8-2.11	Rules on Garden State Arts Center	R.1975 d.145	7 N.J.R. 350(d)
19:8-3.1(b)	Revised toll schedule for new Union County interchange	R.1974 d.290	6 N.J.R. 496(c)
19:9-1.1	Revised Turnpike definitions	R.1974 d.227	6 N.J.R. 370(c)
19:9-1.9	Revised limitations on use of Turnpike	R.1974 d.227	6 N.J.R. 370(c)
19:9-1.9(a)26.	Delete rule 19:9-1.9 (a) 26.	R.1975 d.41	7 N.J.R. 185(a)
19:9-1.18	Noise limits on Turnpike	R.1974 d.227	6 N.J.R. 370(c)
19:9-1.18(e) and (f)	Revised citations for noise limit rules	R.1975 d.25	7 N.J.R. 122(d)
19:9-3.1	Schedule of towing charges for Turnpike	R.1975 d.221	7 N.J.R. 447(c)
19:11-1.6	Revisions in number of copies to be filed	R.1974 d.347	7 N.J.R. 36(a)
19:11-1.13	Revisions concerning intervention	R.1974 d.346	7 N.J.R. 35(d)
19:11-2.7	Rule on election eligibility lists	R.1974 d.344	7 N.J.R. 35(b)
19:12-1.1	Revisions in filing of notice of impasse	R.1974 d.347	7 N.J.R. 36(a)
19:12-1.1 et seq.	Negotiations and impasse procedures	R.1975 d.10	7 N.J.R. 78(a)
19:12-2.1	Revisions in invocation of fact-finding	R.1974 d.347	7 N.J.R. 36(a)
19:12-3.1	Revisions concerning arbitration	R.1974 d.345	7 N.J.R. 35(c)
19:13-1.1 et seq.	Scope of negotiations proceedings	R.1975 d.10	7 N.J.R. 78(a)
19:14-1.1 et seq.	Unfair practice proceedings	R.1975 d.10	7 N.J.R. 78(a)
19:14A-1.1 et seq.	Hearings	R.1975 d.10	7 N.J.R. 78(a)
19:14-1.5 et seq.	Revisions concerning processing of unfair practice cases	R.1975 d.89	7 N.J.R. 243(a)
19:14-9.1 et seq.	Interim relief	R.1975 d.90	7 N.J.R. 242(a)
19:25-1.1 et seq.	Initial rules of Election Law Enforcement Commission	R.1974 d.267	6 N.J.R. 418(a)
19:30-1.1 et seq.	Administrative rules of Economic Development Authority	R.1974 d.332	7 N.J.R. 34(c)
19:30-2.1	Revised application fees	R.1975 d.26	7 N.J.R. 122(c)
19:30-2.2	Delete text on fees	R.1975 d.26	7 N.J.R. 122(c)
19:35-1.1	Rules on FM noncommercial radio stations	R.1975 d.118	7 N.J.R. 285(a)

(4) The use of the terms "sale," "discount," "savings," "price cut" and other terms of similar import shall be deemed to indicate a price reduction advertisement.

5. Warranty advertisements:

i. In any warranty advertisement, other than one stating that the warranty or guaranty is a manufacturer's or factory warranty or guaranty, the failure to disclose the following:

(1) Limitation of warranty or guaranty as to duration, inclusion or exclusion of service or labor charges, and characteristics or properties of the motor vehicle or part thereof included or excluded by the warranty or guaranty;

(2) Whether the warranty or guaranty will be performed by repair, replacement, refund or any other means and whether such manner of performance is at the option of the advertiser;

(3) Limitation of warranty or guaranty as to percentage ratio of cost or pro rata share to be assumed by the advertiser, unless advertisement clearly states that "warranty or guaranty is subject to the limitations contained in our sales contract".

6. Guaranteed satisfaction, discount and quality claims:

i. In any advertisement:

[(1)] The use of the term satisfaction or your money back, free trial period or any other similar term when the advertiser cannot or does not intend promptly to make full refund, or fails to make full refund within a reasonable period of time; except when the advertiser has clearly and conspicuously stated any conditions or limitations on such offer and the purchaser has failed to comply with such conditions or limitations;]

[(2)] (1) The use of the term guaranteed discount, guaranteed lowest prices, or any other similar term unless the advertiser clearly and conspicuously discloses the manner in which such guaranty will be performed and any conditions or limitations controlling such performance;

[(3)] (2) The use of any guaranty, warranty or any other representation regarding the quality of a motor vehicle or part thereof which creates a false impression of the quality, durability, maintenance needs or any other material fact concerning any motor vehicle or part thereof.

7. General:

i. The use of difference in type, size, style, location, lighting or color as to obscure or make misleading any material fact in any advertisement;

ii. In any advertisement, the use of deception, fraud, false pretense, false promise or misrepresentation as to the size, inventory or nature of the advertiser's business; as to the expertise of the advertiser, his agents or employees; or as to the ability or capacity of the advertiser to offer price reductions or price savings; or the use in any advertisement of the term "full factory equipment," "full factory power" or terms of similar import;

iii. In any advertisement, the use of the term low prices, lowest prices, lower than anyone else or of any other term suggesting that the prices offered are lower than those usually offered in the business area of the advertiser when in fact the prices offered are not reasonably below those usually offered in the business area of the advertiser or any other term which is in any respect misleading;

iv. The use in any advertisement of a comparison to the dealer's cost or inventory price.

8. **Applicability:** [iv.] These rules shall apply to any advertisement [uttered, issued, printed, disseminated or distributed within this State regardless of the location of the place of business from which the goods or services are sold

or offered for sale, and to any advertisement uttered, issued, printed, disseminated or distributed within this State concerning goods and services sold or offered for sale within this State, regardless of the domicile, residence, place of business or location of the principal office of the advertiser.] published or circulating within the State of New Jersey where an advertiser intends to sell or actually sells motor vehicles on a regular basis to New Jersey residents.

Interested persons may present statements or arguments in writing relevant to the proposed regulations on or before October 31, 1975, to Virginia L. Annich, Director of the Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey 07102.

The Attorney General of New Jersey, upon his own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

William F. Hyland
Attorney General
State of New Jersey

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Revisions In Grounds for Rejection, Suspension or Revocation of a Dealer License

John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:10-4 and N.J.S.A. 39:10-19, proposes to revise the rules concerning grounds for rejection or suspension or revocation of a dealer license.

Full text of the proposed rules follows (deletions indicated in brackets [thus]):

13:21-15.4 Grounds for rejection or suspension or revocation of a dealer license

(a) The Director may deny an application for a license or revoke or suspend a license after it has been granted for any of the following reasons:

1. Applicant or licensee is not a proper person as defined above;

2. Any willful misrepresentation or omission made by an applicant in an application for a dealer license or renewal thereof under the provisions of this rule;

3. Applicant was a previous holder of a license which was revoked for cause by the Director and never reissued, or which was suspended for cause and the terms of such suspension have not been satisfied;

4. One or more of the partners, if the applicant is a partnership, or one or more of the officers, directors or other controlling persons of the corporation, if the applicant is a corporation, previously held a license issued under the authority of this Division which was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been satisfied;

5. Any willful failure to comply with any provision of this rule;

6. Applicant or licensee seeks or has obtained a dealer license for the benefit of one who is not a proper person within the meaning of this rule [or seeks to employ or does employ any person who is not a proper person within the meaning of this rule.];

7. The dealer fails to comply with the requirements of existing law governing the standards for used motor vehicles. (N.J.S.A. 39:10-26 thru 39:10-30);

8. If it is found by administrative determination of the Division of Motor Vehicles that the subject dealer has engaged in the unlawful act of altering the true reading of an odometer (the mileage recording instrument of a motor vehicle). Evidence that such alteration was made while the vehicle was in the dealer's possession shall be prima facie proof that such alteration was performed by the dealer or with his consent;

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1975, to:

John A. Waddington
Director, Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

The Division of Motor Vehicles, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

John A. Waddington
Director, Division of Motor Vehicles
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Notice of Correction Relative to Division's Rules

Take notice that in the Notice of Adoption of the Division of Alcoholic Beverage Control's revised rules, published September 4, 1975, at 7 N.J.R. 436(c), it was stated that the Division had adopted previous revisions published July 10, 1975, at 7 N.J.R. 336(a). The implication therein was that the Division had adopted all of the proposed revisions that were previously published. The Division did not adopt the proposed revisions concerning N.J.A.C. 13:2-31.6(b) and 13:2-31.6(d) at the time of that adoption and, in fact, is still considering such proposed revisions. When and if the Division of Alcoholic Beverage Control adopts these two outstanding proposals, such Notice of Adoption will appear in the New Jersey Register.

This Notice is published as a matter of public information.

Thomas F. Kistner
Director of Administration Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS STATE BOARD OF DENTISTRY

Fee Schedules

On August 6, 1975, Edward M. Mayer, President of the State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1, 45:1-3.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule which established certain fee schedules.

Full text of the adopted rule follows:

SUBCHAPTER 8. GENERAL PROVISIONS

13:30-8.1 Fee schedules

(a) The following fees shall be charged by the Board for dentists:

1. License fee: \$50.00;
2. Active registration fee, biennial: \$50.00;
3. Nonactive registration fee, biennial: \$15.00;
4. Branch office fee, biennial: \$15.00.

(b) The following fees shall be charged by the Board for dental hygienists:

1. License fee: \$20.00;
2. Registration fee, biennial: \$10.00;
3. Branch office fee, biennial: \$5.00.

An order adopting this rule was filed and effective August 25, 1975, as R.1975 d.259 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Revisions on Wholesale Prices Of Alcoholic Beverages

On August 29, 1975, Leonard D. Ronco, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-39 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:2-34.8 concerning wholesale prices of alcoholic beverages as proposed in the Notice published August 7, 1975, at 7 N.J.R. 383(a).

An order adopting these revisions was filed August 29, 1975, as R.1975 d.263 to become effective September 2, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

OFFICE OF WEIGHTS AND MEASURES

Rule on Minimum Training Requirements

On September 17, 1975, William J. Wolfe, State Superintendent of the Office of Weights and Measures in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 51:1-54 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule, to be cited as N.J.A.C. 13:47B-4.1, concerning minimum training requirements, as proposed in the Notice published July 10, 1975, at 7 N.J.R. 339(b).

An order adopting this rule was filed and effective September 17, 1975, as R.1975 d.273.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Rules on Overhang Standards

On September 24, 1975, John A. Waddington, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:2-3(b), 39:3-84 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules on overhang standards, to be cited as N.J.A.C. 13:18-8.1, as proposed in the Notice published July 10, 1975, at 7 N.J.R. 340(a).

An order adopting these rules was filed September 25, 1975, as R.1975 d.285 to become effective October 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Proposed Rules for Telephone Service

The Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-13 et seq., proposes to adopt amendments to the rules concerning telephone service. Such rules, if adopted, will be included in Subchapters 1 and 2 of Chapter 10 in Title 14 of the New Jersey Administrative Code.

Full text of the proposed rules follows:

14:10-1.2 Rate and special charges information

(a) Upon the request of any customer or applicant, each telephone utility shall provide an explanation of the rates, charges and provisions applicable to the service furnished or available to such customer or applicant, and shall provide any information and assistance necessary to enable him to obtain the most economical communications service conforming to his needs. The applicant shall be advised as to alternate services available to meet his communications requirements, which information may include printed explanations of alternate services and rates. The utility shall notify the customer of any service connection charge to be applied to his bill prior to undertaking any action and shall inform him of the estimated initial bill and all other applicable charges.

(b) The customer shall be provided with an estimate of the charges where special charges, not specifically set forth in a utility's tariff, are levied on the basis of actual cost for such items as extraordinary construction, maintenance or replacement costs or expenses, overtime work at the customer's request and special installations, equipment and assemblies for which the tariff does not prescribe a rate.

14:10-1.3 Business offices

(a) Business offices shall be staffed to provide customers and others with convenient access to qualified personnel, including supervisory personnel where warranted; to provide information relating to services and rates, accept and process applications for service, explain charges on customer's bills, adjust charges made in error and to generally act as the representative of the utility. If one business

office serves several communities, toll free calling from such communities will be provided.

(b) Business offices will be open during normal working hours of the normal work week in the community being served and at such other times and such other places as may be warranted by circumstances.

(c) Qualified personnel will be instructed to be courteous, considerate, efficient, and available to promptly serve those who contact the business office.

14:10-1.4 Public information

(a) Access to the following information shall be made available at the business office upon request:

1. Maps, in sufficient size and detail, showing exchange, base rate area and zone boundaries (if applicable) from which all customer locations can be determined and mileage or zone charges quoted.

2. Information concerning plans for major service changes in the area served by the business office.

14:10-1.5 Directories

(a) Telephone directories shall be published regularly, listing the name, address and telephone number of all customers, except telephone service unlisted at customer's request.

(b) Upon issuance, a copy of each directory shall be distributed to all customers within the service area covered by the directory and a copy of each directory shall be furnished to the Board.

(c) The name of the telephone utility, the area included in the directory, and the month and year of issue shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments, gas and other utility companies shall appear conspicuously in the front part of the directory pages.

(d) The opening pages of the directory shall contain a conspicuous notice advising customers that should the company fail to satisfactorily resolve telephone service or billing problems, customers may refer their problems to the Board. The address and telephone number of the Board shall be shown.

(e) The directory shall contain instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and location and telephone numbers of telephone company business offices as may be appropriate to the area served by the directory. Rates between frequently called points shall also be included.

(f) Directory assistance or intercept operators shall maintain records of all telephone numbers (except telephone numbers not listed or published at customer request) in the area for which they are responsible for furnishing directory assistance service.

(g) Each telephone company shall list its customers in the directory-assistance directory as necessary for the directory-assistance operators to provide the requested telephone numbers, based on customer names and post office addresses, to eliminate "not found" numbers where the address is different from the address normally associated with an exchange name.

(h) In the event of an error in the listed number of any customer, the telephone utility shall intercept all calls to the listed number for a reasonable period of time, provided existing central office equipment will permit and the number is not in service. In the event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the directory assistance or intercept operators and the correct number furnished the calling party either upon request or interception.

(i) Whenever any customer's telephone number is changed after a directory is published, the utility shall

intercept all calls to the former number for a reasonable period of time and give the calling party the new number, provided existing central office equipment will permit and the customer so desires.

(j) When the telephone utility operations necessitate a large group of number changes, reasonable notice shall be given to all customers so affected even though the addition or changes may be coincident with a directory issue.

14:10-1.6 Held applications

(a) During such period of time as the telephone utility may not be able to supply initial telephone service to an applicant within five days or provide special communication service in 14 days or upgrade existing customers within 30 days after the date applicant desires service, the telephone utility shall keep a record by exchanges showing the name and address of each applicant for service, the date of application, date service desired, the class and grade of service applied for, together with the reason for the inability to provide the new service or higher grade to the applicant.

(b) When, because of shortage of facilities, a telephone utility is unable to supply main telephone service on dates requested by applicants, first priority shall be given to furnishing those services which are essential to public health and safety. In cases of prolonged shortage or other emergency, the Board may require establishment of a priority plan, subject to its approval for clearing held orders, and may request periodic reports concerning the progress being made.

(c) Where a previously provided date for service installation cannot be met by the telephone utility, every reasonable effort will be made to advise the customer of the reason for the delay, interim service available, and probable date the requested service would be provided.

14:10-1.7 Customer complaints and trouble reports

(a) Each telephone utility shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all complaints.

(b) Provisions shall be made to normally clear all other out-of-service trouble not requiring unusual repair, such as cable failures, within 24 hours of the report received by the company.

(c) All commitments with customers shall be kept, unless customers are timely notified of unavoidable changes. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

(d) Each telephone utility shall maintain a permanent record of all customer trouble reports separately for each customer service, indicating date and time of report, date and time of clearing, trouble reported and trouble found.

14:10-1.8 Emergency and switchboard service

Each telephone utility shall provide emergency and switchboard service for all exchanges at all hours.

14:10-1.9 Public telephone

In each exchange the telephone utility shall provide at least one coin telephone available to the public at all hours, prominently located and properly maintained, equipped with dialing instructions, a directory and lighted at night.

14:10-1.10 Adequacy of service

(a) Each telephone utility shall make traffic studies and maintain records as required to determine that sufficient equipment and an adequate operating force are provided at all times, including the busy hour, busy season.

(b) Each telephone utility shall employ recognized procedures to determine the adequacy of service provided for customers.

(c) Where service is found to be inadequate, the telephone utility shall immediately institute corrective measures to return that service to an adequate condition.

(d) The telephone utility shall employ prudent management and engineering practices, including the employment of reliable procedures for forecasting future demand for service; conduct studies and maintain records to the end that reasonable margins of facilities and adequate personnel are available with the objective that service will meet all standards prescribed by the Board.

14:10-1.11 Service standards

(a) These standards establish service levels which should generally be provided by a telephone utility. Each telephone utility shall make measurements to determine the level of service for each item included in these standards. Each telephone utility shall provide the Board or its staff with the measurements and summaries thereof for any of the items included herein on request of the Board or its staff. Records of these measurements and summaries shall be retained by the utility as specified by the Board, and monthly reports on all service measurements may be required by the Board. When a utility fails to meet any of the standard service levels listed below in an exchange or reporting entity in any month, the service data for the standard not met in that exchange shall be reported to the Board.

(b) The following are the minimum service levels referred to in subsection (a) of this Section:

1. Installation of service:

i. Ninety per cent of regular service order installations shall normally be completed with five working days, unless a later date is requested by the applicant. The interval commences with the receipt of application.

ii. A regrade order shall normally be filled no later than 30 days after the customer has made application for a different grade of service, except where the customer requests a later date. In the event of the utility's inability to so fill such an order, the customer will be advised and furnished the date when it will be available.

iii. Ninety per cent of the commitments to customers, with the exceptions of customer caused delays, as to the date of installation of regular service orders shall be met.

2. Operator handled calls:

i. All operator handled calls shall be carefully supervised. Calls requiring timing shall be carefully timed.

ii. Each telephone utility shall maintain adequate personnel to provide an average operator answering performance as follows on a monthly basis:

(1) Ninety per cent of repair service calls and calls to the business office shall be answered within 20 seconds.

(2) Ninety per cent of toll assistance operator calls answered within ten seconds.

(3) Eighty-five per cent of other calls from customers or the public shall be answered within ten seconds.

iii. An "answer" shall mean that the operator or representative is ready to render assistance and/or ready to accept the information necessary to process the call. An acknowledgment that the customer is waiting on the line shall not constitute an "answer".

3. Local dial service: Sufficient central office capacity and equipment shall be provided to meet the following requirements during the average busy season, busy hour:

i. Dial tone within three seconds on 98 per cent of calls.

ii. Completion of 99 per cent of dialed local calls without encountering an all trunk busy or equipment irregularity.

4. Interoffice trunks:

i. Local interoffice trunks shall be provided so that 99 per cent of calls will not reach an all trunk busy condition or equipment irregularity.

ii. Toll connecting trunks shall be provided so that 99

per cent of calls will not reach an all trunk busy condition or equipment irregularity.

5. Direct idstance dialing: Not in excess of 4 per cent of originating direct distance dialing calls will experience blockage or failure during average busy season, busy hour.

6. Customer trouble reports: The average rate of customer trouble reports shall not be in excess of 6 per 100 telephones per month.

7. Transmission requirements: All customer loops shall meet the resistance design standards and trunk facilities shall conform to the transmission design factors required for meeting the objectives of direct distance dialing.

(c) The following refer to reports and records required in subsection (a) and the standards set forth in subsection (b) above:

1. Record keeping and reporting are to be in accordance with the following table:

Service measure	Reporting unit and minimum reporting size
Held primary service orders	Exchange or plant installation center, whichever smaller
Held regrade service orders	Exchange or plant installation center, whichever smaller
Installation commitments	Plant installation center
Customer trouble reports	Plant maintenance center — central office under 1,000 stations need not be included in performance reports.
Dial tone speed	Central office entity
Dial service	Central office entity
Toll assistance operator answering time	Traffic office handling toll and assistance calls — average business day call volume of 2,000 or more.
Directory assistance operator answering time	Traffic office handling directory assistance calls—average business day call volume of 2,000 or more.

2. Reports on all service measures except held orders shall set forth the following:

- i. Reporting unit name and further identification if name does not convey geographic location.
- ii. Service measure, level and months being reported.
- iii. Cause of performance at the reported level. For installation commitments and customer trouble reports, indicate locations affected if cause is localized within a reporting unit.
- iv. Corrective action and completion date.

3. Reports on held primary and regrade service orders shall set forth the following:

- i. Reporting unit name and further identification if name does not convey geographic location.
- ii. Total telephones in service within reporting unit. This figure may be supplied once yearly as a year-end number.
- iii. Number of held orders for each month of the quarter.

4. Data shall be compiled monthly, reported quarterly and retained for a period of two years.

14:10-1.12 Metering devices

(a) When mechanical and/or electronic recording devices are used in connection with telecommunication service, the meter reading data and related customer records from which the customers' bills are prepared shall show:

1. Identifying number or means to determine readily the customer's name, address and service classification;
2. Meter readings;
3. Date of meter reading;
4. Multiplier or constant, if used.

(b) As nearly as practicable meters shall be read at intervals to correspond to customer billing periods.

(c) All meters and/or recording devices used to record data and prepare customer's bills shall be in good mechanical and electrical condition, shall be accurately read and shall not involve approximations. All meters and/or recording devices shall accurately perform the following:

1. For message rate service, where timing the length of message is not involved, the meter and/or recording device shall show the number of completed messages sent by the station which it is measuring.

2. For message rate and/or toll service when, in addition to recording the calls, it is necessary to time the calls, the recording device shall show the number of calls and the chargeable time involved in each call and the station making such call. Where a meter is associated with the station making the call, the meter shall accumulate the number of message units used for these calls.

3. Where the recording equipment provides coded information that is used to automatically prepare customer bills, accurate interpretation of such coded information is required.

14:10-1.13 Inspections and tests

(a) Each telephone utility shall adopt a program of periodic tests, inspections and preventative maintenance aimed at achieving efficient operation of its system and the rendition of safe, adequate and continuous service.

(b) The actual transmission performance of the network shall be monitored in order to determine if the established objectives and operating requirements are met. This monitoring function consists of circuit order tests prior to placing trunks in service, routine periodic trunk maintenance tests, tests of actual switched trunk connections, periodic noise tests of a sample of customer loops in each exchange, and special transmission surveys of the network.

(c) Each telephone utility shall maintain or have access to test facilities enabling it to determine the operating and transmission capabilities of all equipment and facilities, both for routine maintenance and for trouble location.

(d) Each telephone utility shall provide or have access to the necessary facilities, instruments and equipment for testing its metering and recording equipment and shall adopt appropriate practices for the periodic testing of such equipment.

(e) Upon request of any customer, a telephone utility shall test the billing devices associated with the customer's line, based upon reasonable grounds and provided such test is not requested by that customer more frequently than once each six months without clear cause.

(f) A record of all meter and/or recording equipment tests and adjustments and data sufficient to allow checking of the results shall be recorded. Such record shall include the identifying number of the meter and/or recording device, its type, the date and kind of test, and the results of each test.

14:10-1.14 Maintenance of plant and equipment

(a) Each telephone company shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate and continuous service at all times.

(b) Maintenance shall include keeping all plant and equipment in a good state of repair consistent with safety and adequate service performance. Broken, damaged or deteriorated parts which are no longer serviceable shall be repaired or replaced. Adjustable apparatus and equipment shall be readjusted as necessary when found by preventive routines or fault location tests to be in unsatisfactory operating condition. Electrical faults, such as leakage of poor insulation, noise induction, crosstalk or poor

transmission characteristics, shall be corrected to the extent practicable.

(c) A telephone utility shall not connect more customers on any line than are contemplated under the grade of service for which the customers on such line are charged.

(d) Telephone utilities shall, when requested, furnish appropriate information concerning location of underground facilities in order to prevent any interruption of service to telephone customers. Nothing in this rule is intended to affect the responsibility, liability or legal rights of any party under applicable laws or statutes.

(e) A permanent record shall be maintained of troubles reported or found on routine maintenance of switching units, trunks or other plant facilities.

14:10-1.15 Service interruptions

(a) Appropriate measures shall be taken to minimize service interruptions. Each telephone utility shall make provisions to meet emergencies resulting from failure of power, sudden and prolonged increases in traffic, absences of employees or from fire, storm or similar contingencies. Each telephone utility shall inform its employees as to procedures to be followed in the event of such contingencies in order to prevent or mitigate interruption or impairment of service.

(b) Each central office shall contain, as a minimum, four hours of battery reserve and a permanently installed auxiliary power unit or a readily accessible portable auxiliary power unit for emergency power.

(c) In exchanges exceeding 5,000 lines, permanent auxiliary power unit shall be installed.

(d) In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each telephone utility shall attempt to notify each affected customer in advance of the interruption. Emergency service shall be available, as required, for the duration of the interruption.

14:10-1.16 Construction

(a) Telephone plant shall be designed, constructed, maintained and operated in accordance with provisions of the current National Electrical Safety Code or such other appropriate regulation as may be prescribed.

(b) On rural lines where multi-party service is provided, no more than eight customers shall be connected to any one circuit, unless approved by the Board. The telephone utility may regroup customers in such a manner as may be necessary to carry out the provision of this rule. Upon completion or delay in the meeting of this requirement, a report to that effect shall be filed with the Board.

(c) Each telephone utility shall have as an ultimate objective, the provision of full selective ringing.

(d) Telephone utilities shall not provide switching service to lines or facilities that do not meet standard technical criteria and shall eliminate nonconforming switching service.

14:10-2.2 Itemization of toll charges

All toll charges shall be itemized so as to facilitate customer identification. Detailed billing of message unit charges shall be included for an additional charge as provided in applicable tariffs.

14:10-2.3 Out-of-service refund

In the event the customer's service is interrupted otherwise than by the negligence or willful act of the customer and it remains out of order for a period of 24 hours or more after being reported or found to be out of order, appropriate adjustments or refunds shall be made to the customer.

14:10-2.4 Insufficient reasons for denying service

(a) The following shall not constitute sufficient cause for refusal of service to a present or prospective customer:

1. Delinquency by a previous occupant in payment for service at the premises to be served.

2. Failure to pay directory advertising charges.

3. Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residence service or vice-versa.

4. Failure to pay an amount back-billed due to misapplication of a rate for any item normally included in monthly billing.

14:10-2.5 Voluntary suspension

Communications service shall, at the request of a customer, be temporarily suspended. The suspension period may be for any period of time up to one year. Each utility's tariff shall provide a suspension of service rate chargeable during such period.

A public hearing respecting this proposed action will be held on Tuesday, January 6, 1976, at 10:00 A.M. in Room 208 at 101 Commerce St., Newark, New Jersey 07102.

Interested persons may present statements or arguments, in writing, relevant to this proposed action on or before December 1, 1975, to the Board of Public Utility Commissioners at the above address.

The Board of Public Utility Commissioners, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Anthony J. Grossi
Board of Public Utility Commissioners
Department of Public Utilities

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions in Speed Limits On Portions of Route 88

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to revise the speed limits on certain portions of Route 88. The proposal would delete in its entirety the current text of N.J.A.C. 16:28-1.128 and adopt new text therein.

Full text of the proposed new rule follows:

16:28-1.128 Route 88 in Lakewood Township, Brick Township and the Borough of Point Pleasant in Ocean County

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for State Highway Route 88 described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat for both directions of traffic:

- | | |
|---|-------------|
| 1. Lakewood Township: | Mileposts |
| i. 25 mph between Route U.S. 9 and Railroad Avenue: | 0.0 to 0.2; |
| ii. 35 mph between Railroad Avenue and Cherry Street: | 0.2 to 1.3; |
| iii. 40 mph between Cherry Street and the Lakewood Township - Brick Township Line: | 1.3 to 3.6. |
| 2. Brick Township: | |
| i. 40 mph between the Lakewood Township - Brick Township Line and the Route 88 - Route 70 traffic circle: | 3.6 to 5.3; |

- ii. 35 mph between the Route 88 - Route 70 traffic circle and the Brick Township - Point Pleasant Borough Line: 5.3 to 7.4.
- 3. Point Pleasant Borough:
 - i. 35 mph between the Brick Township - Point Pleasant Borough Line and Route 35: 7.4 to 9.8;
 - ii. School zone: 25 mph in the Ocean Road Elementary School zone, during recess or while children are going to or leaving school, during opening or closing hours.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1975, to Robert R. Reed Jr., Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, N.J. 08625.

The Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Alan Sagner
Commissioner
Department of Transportation

(a)

TRANSPORTATION THE COMMISSIONER

Proposed Rules on Restricted Left Turns On Portions of Routes 24 and 46

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-183.6, proposes to adopt new rules concerning left turns along portions of Routes 24 and 46.

Full text of the proposed rules follows:

16:28-6.2 Route 24 in the Borough of Chatham, Morris County

(a) In accordance with the provisions of N.J.S.A. 39:4-183.6, turning movements of traffic on the certain parts of State Highway Route 24 described herein below are regulated as follows:

- 1. No left turns east on Route 24 to north on Center Street.

16:28-6.3 Route 46 in Mount Olive Township, Morris County

(a) In accordance with the provisions of N.J.S.A. 39:4-183.6, turning movements of traffic on the certain parts of State Highway Route 46 described herein below are regulated as follows:

- 1. No left turn east on Route 46 to north of the westerly entrance of Village Drive.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1975, to Robert R. Reed Jr., Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, N.J. 08625.

The Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Alan Sagner
Commissioner
Department of Transportation

(b)

TRANSPORTATION THE COMMISSIONER

Proposed Rule on No Parking Zones on Portions of Route 31

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1, proposes to adopt a new rule establishing no parking zones along portions of Route 31.

Full text of the proposed rule follows:

16:28-3.90 Route 31 in Washington Township, Warren County

(a) In accordance with the provisions of N.J.S.A. 39:4-138.1, the certain parts of State Highway Route 31 described herein below shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing:

i. Along both sides of Route 31:

(1) From the northerly curb line of Asbury-Anderson Road to a point 300 feet northerly therefrom;

(2) From the southerly curb line of Asbury-Anderson Road to a point 300 feet southerly therefrom.

ii. Along the northbound side of Route 31: from the northerly curb line of Mozart Avenue to a point 300 feet northerly therefrom.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1975, to Robert R. Reed Jr., Administrative Practice Officer, Department of Transportation, 1035 Parkway Avenue, Trenton, N.J. 08625.

The Department of Transportation, upon its own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

Alan Sagner
Commissioner
Department of Transportation

(c)

TRANSPORTATION THE COMMISSIONER

Rules on Restricted Parking Along Certain State Highways

On September 4, 1975, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules, to be cited as N.J.A.C. 16:28-3.77 through 16:28-3.83, concerning restricted parking along portions of certain State highways as proposed in the Notice published August 7, 1975, at 7 N.J.R. 386(a).

An order adopting these rules was filed and effective September 11, 1975, as R.1975 d.269.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION THE COMMISSIONER

Speed Limits on Route 33 Freeway

On September 16, 1975, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule concerning speed limits on the Route 33 Freeway.

Full text of the adopted rule follows:

16:18-1.162 Route 33 Freeway in Manalapan Township and Freehold Township in Monmouth County

(a) In accordance with the provisions of N.J.S.A. 39:4-98, the rate of speed designated for State Highway Route 33 Freeway described herein below shall be and hereby is established and adopted as the maximum legal rate of speed thereat for both directions of traffic:

1. 55 mph for the entire length of the Freeway.

An order adopting this rule was filed and effective September 18, 1975, as R.1975 d.274 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TREASURY DIVISION OF TAXATION

Proposed Revisions Governing Preaudit Payment of Inheritance Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:33-38, proposes to revise N.J.A.C. 18:26-8.7 concerning preaudit payments of inheritance tax.

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

18:26-8.7 Preaudit payment of inheritance tax

Where the gross estate of a resident decedent is [\$50,000.00] \$100,000 or less and the entire estate passes to [only one] Class A [beneficiary] beneficiaries for example: father, mother, grandparent, husband, wife, child, step-child or issue of any child or adopted child) the representative of the estate may file form L-2 or L-3 (see N.J.A.C. 18:26-9.4(a) 2. and 3.) together with a certified or cashier's check in full payment of the tax and interest, if any, as computed by the taxpayer on form L-5 and immediately receive necessary waivers. Returns filed pursuant to this Section may be subject to selective audit and, if errors or omissions are found, resulting in an additional tax, a bill for same will be forwarded. Selective audit may be instituted by the Bureau within six months of the date of receipt by the Bureau of form L-5.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before October 30, 1975, to:

Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08625
Attention: William R. Mulholland
Telephone: (609) 292-7026

The Department of the Treasury, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(c)

TREASURY DIVISION OF TAXATION

Proposed Rule on Certain Exemptions Concerning Newspapers

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24, proposes to adopt new rules concerning the general criteria in determining whether a publication is a newspaper for exemption purposes under the New Jersey Sales and Use Tax Act.

Full text of the proposed rules follows:

SUBCHAPTER 25. GENERAL CRITERIA FOR DETERMINING EXEMPTION FOR NEWSPAPERS

18:24-25.1 Scope of rule

The New Jersey Sales and Use Tax Act provides for certain exemptions relating to transactions involving newspapers. The purpose of this regulation is to enable taxpayers and Division personnel to determine through the use of specified criteria which publications are newspapers.

18:24-25.2 General criteria determining a newspaper

(a) In general, a newspaper's primary objectives are to inform, to instruct, to enlighten and to entertain. It is a publication to which the general public resorts for knowledge of passing events of a political, religious, commercial or social nature. A newspaper reports local and general current happenings; it contains editorial comments, announcements and notices and other miscellaneous reading matter, and may contain advertising:

1. In order to fulfill its primary objectives to inform, to instruct, to enlighten and to entertain, the advertising a newspaper contains may not comprise more than 65 per cent of its total available space, including supplements, measured by lineage or other conventional method of newspaper space measurement.

2. Newspapers are published at stated intervals, usually daily, biweekly, fortnightly or monthly. Publications which appear less frequently may be classified as "periodicals", which also enjoy certain exemptions in the New Jersey Sales and Use Tax Act.

3. Newspapers have general availability to the public, either through hand distribution, newsstand sales or subscription, or any one of these.

4. A publication which has as its principal purpose the advertising of commercial establishments is not a newspaper, but rather a shoppers' guide or variation thereof.

Such shoppers' guides do not enjoy the exemptions provided for newspapers even though they may contain a modicum of local news and syndicated novelty features.

5. In borderline cases, the Director or his delegated representative will determine, on the basis of the above-stated criteria, whether any given publication is or is not a newspaper. Although it is not required that there be a per copy or subscription charge in establishing that a particular publication is a newspaper, weight will be given to this factor.

6. If an advertising insert is enclosed with a newspaper and contains a printed statement to the effect that it is a supplement to such newspaper, it is deemed to have become a component part of the newspaper.

18:24-25.3 Exemptions

(a) Exemptions assigned to transactions involving newspapers are found in the following subsections of the Act:

1. In N.J.S.A. 54:32B-3(b)(5), the charges for advertising services for use directly and primarily for publication in newspapers are exempted.

2. In N.J.S.A. 54:32B-8(e), sales of newspapers are exempted.

3. In N.J.S.A. 54:32B-8(ee), the sale of advertising to be published in a newspaper is exempted.

4. In N.J.S.A. 54:32B-11(5), the use of paper in the publication of newspapers is exempted from use tax.

Interested persons may present statements or arguments in writing or orally in person, upon appointment, relevant to the proposed action on or before October 30, 1975, to:

Tax Counselors Section
Division of Taxation
West State and Willow Streets
Trenton, N.J. 08625
Telephone: (609) 292-5995

The Division of Taxation, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Notice Regarding Unincorporated Business Tax Rate Increase

Take notice that Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, has issued a Notice concerning the unincorporated business tax.

Full text follows:

With the enactment of P.L. 1975, Chapter 178, on August 4, 1975, an unincorporated business temporary tax rate increase on gross receipts from 1/4 of 1 per cent (.0025) to 3/8 of 1 per cent (.00375) was imposed. Subject to the increased rate are gross receipts received or accrued on and after January 1, 1975.

The rate increase will affect taxpayers whose accounting periods end after December 31, 1974, and not later than June 30, 1976.

Taxpayers whose fiscal accounting periods end in 1975 and who filed returns without paying the tax at the increased rate will be billed directly by the Division. If payment is made within 30 days after such billing, no interest or penalty charges will be imposed.

Taxpayers whose fiscal accounting periods end in 1975 and who have not already filed returns under the Unincorporated Business Tax Act are required to file returns and compute their tax using the following combined rate which reflects that part of their accounting periods at the old rate and that part at the new rate. These taxpayers should file their returns and pay additional tax indicated thereon not later than November 1, 1975, in the case of returns originally due on or before September 15, 1975, in order to avoid additional interest and and penalty charges.

Fiscal Year Ends	Combined Rate
January 31, 1975	.002604
February 28, 1975	.002708
March 31, 1975	.002813
April 30, 1975	.002917
May 31, 1975	.003021
June 30, 1975	.003125
July 31, 1975	.003239
August 31, 1975	.003333
September 30, 1975	.003438
October 31, 1975	.003542
November 30, 1975	.003646
December 31, 1975	.003750

Taxpayers shall have the option of reporting gross receipts as of the time received or accrued and paying the tax thereon at the rates in effect at such times in lieu of the combined rate referred to above.

Those taxpayers who have not filed and whose accounting period ends in 1975, should determine the applicable rate by reference to the above table and file their returns and pay their taxes on their regularly scheduled due dates (the 15th day of the 4th month following the close of their fiscal accounting period).

Under the new law, the rate reverts back to the 1/4 of 1 per cent rate and will be applicable to taxpayers having fiscal years ending after June 30, 1976.

All increased revenues received resulting from the tax rate increase are for the use of the State.

This Notice is published as a matter of public information and is not subject to codification in Title 18 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF TAXATION

Revised Lists of Transfer Inheritance District Supervisor and Investigators

On September 8, 1975, the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:33-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, revised Appendix A in Chapter 26 in Title 18 of the New Jersey Administrative Code concerning the lists of district supervisor and investigators.

Full text of the adopted revisions follows:

CHAPTER 26. APPENDIX A

District supervisors:

Atlantic: Patrick T. McGahn
(Same address and phone number)

Bergen: Thomas Foley
(Same address and phone number)
Camden: Donald Palese
614 Haddonfield Rd.
Cherry Hill, N.J. 08034
(609) 662-4727
Cape May: Harry J. Gibbons
(Same address and phone number)
Middlesex: Franklin F. Feld
(Same address and phone number)
Sussex: Gilbert L. Hand
P.O. Box 42
Sparta, N.J. 07871
(201) 729-6458

Investigators:
Peter Fless Robert R. Ross
120 North Montgomery Street 1440 Parkside Avenue
Trenton, N.J. 08608 Trenton, N.J. 08638
(609) 393-3703 (609) 392-4200
Solomon Friss John P. Scozzari
1421 Atlantic Avenue 156 West State Street
Atlantic City, N.J. 08401 Trenton, N.J.
(609) 345-3261 (609) 396-5528

An order adopting these revisions was filed and effective September 13, 1975, as R.1975 d.270 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TREASURY

STATE INVESTMENT COUNCIL

Revisions Concerning Classification Of Funds and Temporary Reserve Group

On September 17, 1975, Clifford A. Goldman, Deputy State Treasurer, on behalf of the State Investment Council and pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rule concerning the temporary reserve group and classification of funds.

The revised text adopted replaces the current text of N.J.A.C. 17:16-5.5.

Full text of the revised rule follows:

17:16-5.5 Temporary reserve group

- (a) The temporary reserve group shall include:
1. General Investment Fund;
 2. General Revenue Sharing Fund;
 3. General Trust Funds;
 4. Higher Education Buildings Construction Fund (Act of 1971);
 5. Housing Assistance Fund;
 6. New Jersey Educational Facilities Authority;
 7. New Jersey Housing Finance Agency;
 8. 1964 Higher Education Construction Fund;
 9. Pension Increase Fund;
 10. Public Buildings Construction Fund;
 11. School Building Aid - Capital Reserve Fund;
 12. State Facilities for Handicapped Fund;
 13. State Health Benefits Fund;

14. State Lottery Fund - Investment;
15. State of New Jersey - Alternate Benefit Program;
16. State 1964 Institution Construction Fund;
17. State Recreation and Conservation Land Acquisition Fund;
18. State Recreation and Conservation Land Acquisition Fund (Act of 1971);
19. State Transportation Fund;
20. State Water Development Fund;
21. Transportation Benefit Fund;
22. Transportation Fund;
23. Veterans' Loan Guaranty and Insurance Fund. (Veterans' Guaranteed Loan Fund);
24. Water Conservation Fund.

An order adopting the revised rule was filed and effective September 19, 1975, as R.1975 d.278 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF TAXATION

Rules on Imposition of Penalties and Interest

On September 24, 1975, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning the imposition of penalties and interest, substantially as proposed in the Notice published September 4, 1975, at 7 N.J.R. 439(d), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of the Treasury.

The two substantive changes concern N.J.A.C. 18:2-2.5 and involve the changing of dates in the last line therein from "November 1" to now read "October 15". Also, in the first line of N.J.A.C. 18:2-2.7 after the words "when due", there is now inserted the new text—"or the failure to file any return".

Such rules may be cited as N.J.A.C. 18:2-2.1 et seq.

An order adopting these rules was filed and effective September 25, 1975, as R.1975 d.284.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF TAXATION

Revisions in Realty Transfer Fee Law

On September 25, 1975, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 46:15-11 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to rules concerning the Realty Transfer Fee Law.

Full text of the adopted revisions follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

18:16-2.2(b)2. Example 2: A deed which states ["one dollar and love and affection"] "**one dollar and other good and valuable consideration**" may not be recorded unless. . . .

In the Realty Transfer Tax Guide in N.J.A.C. 18:16-4.2(b), the line that now reads over \$35,000 to \$35,500 with a tax of \$124.50 should now read "over \$35,000 to \$35,500 with a tax of \$124.25".

18:16-4.2(b) Example 1: The full consideration is \$20,000. The fee to be paid at the time of recording is \$70.00 [\$20.00].

An order adopting these rules was filed and effective September 25, 1975, as R.1975 d.286 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administration Procedure
Department of State

OTHER AGENCIES

(a)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Proposed Revisions Concerning Motorcycles

The New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1 et seq., proposes to adopt revisions to the rules concerning the use of motorcycles on the Garden State Parkway.

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

19:8-1.1 Definitions

"Motorcycle" means a two- or three-wheel vehicle with the motive power a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, excluding motor scooters, minibikes and bicycles and any other vehicle not registered with the New Jersey Division of Motor Vehicles for use on the highways of this State.

19:8-1.9(b) 3. Bicycles with or without motors, [motorcycles] minibikes and motor scooters;

19:8-1.9(e) Use of automatic toll lanes by motorcycles is prohibited, except on ramps when no manual lane is open.

19:8-3.1 Tolls (Schedule)

(Heading)

Car (two axles)

Motorcycles

Note: The rules proposed above, if adopted, shall terminate on October 31, 1976, unless terminated earlier by further resolution and N.J.A.C. 19:8-1.9(b)3. shall be reinstated as heretofore adopted, filed and published, unless further amended by resolution at such time.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 29, 1975, to:

John P. Gallagher
Executive Director
New Jersey Highway Authority
Garden State Parkway
Woodbridge, N.J. 07095

The New Jersey Highway Authority, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

John P. Gallagher
Executive Director
New Jersey Highway Authority

(b)

HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Proposed Rule on Emergency Service

The New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-1 et seq., proposes to adopt a new rule concerning emergency service on the Garden State Parkway.

Full text of the proposed new rule follows:

19:8-2.12 Emergency service

(a) Repair and towing of vehicles on the Parkway shall be by off-Parkway garages licensed by the Authority only.

(b) Rules on road service for all vehicles are:*

- 1. Service charge, 24 hours per day: \$7.00;
- 2. The above service charge shall be in addition to the charge for gasoline, oil, labor, parts and other material needed for repair but shall not be in addition to the "towing charge", if any;
- 3. The charge for parts and labor shall be in accordance with the current edition of Chilton's Labor Guide and Parts Manual.

(c) Rules on towing passenger cars are:*

- 1. 7:00 A.M. to 7:00 P.M.: Towing charge \$15.00 plus \$1.00 per mile or fraction thereof; maximum towing charge: \$30.00.
- 2. 7:01 P.M. to 6:59 A.M.: Towing charge \$20.00 plus \$1.00 per mile or fraction thereof; maximum towing charge: \$30.00.

(d) Rules on towing trucks and buses (two axle, straight) are:*

- 1. Towing charge: \$25.00 plus \$1.00 per mile or fraction thereof;
- 2. Maximum towing charge: \$35.00.

(e) Rules on towing tractor trailers and buses (three axles or more) are:*

- 1. Towing charge: \$40.00 plus \$2.00 per mile or fraction thereof;
- 2. Maximum towing charge: \$50.00.

*These towing charges shall not apply when the operator of the vehicle elects to be towed to a destination other than the nearest exit or the nearest garage licensed by the Authority. In such cases, services and towing charges shall be as mutually agreed upon between the operator of the vehicle and the garage.

Where the use of special equipment such as a dolly, tilt-bed truck or other special hook-up is required, the above towing charges may be increased by \$5.00.

Winching and wrecking charges are not included in any of the above towing charges and shall be based on the hourly rate determined from the current edition of Chilton's Labor Guide and Parts Manual.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 30, 1975, to:

John P. Gallagher
Executive Director
New Jersey Highway Authority
Garden State Parkway
Woodbridge, N.J. 07095

The New Jersey Highway Authority, upon its own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

John P. Gallagher
Executive Director
New Jersey Highway Authority

(a)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to Schedules of Charges

On July 30, 1975, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to schedules of charges concerning Newark International Airport flight fees, LaGuardia Airport public metered parking areas and vehicular parking at Piers 88, 90 and 92 of the New York City Passenger Ship Terminal.

Full text of the adopted revisions follows:

Resolved, that the schedule of charges for the use of the public landing area, public passenger ramp area, public cargo ramp and apron area, and public aircraft parking and storage areas at Newark International Airport adopted by the Committee by resolution of October 5, 1969 (appearing at page 45 et seq. of the Committee minutes of that date), as amended, be and the same is hereby amended, effective September 1, 1975, by deleting the figure "\$1.00" and substituting the figure "\$1.50" in the section entitled "Public landing charges".

Resolved, that the resolution establishing metered parking rates at Kennedy International, LaGuardia and Newark International Airports adopted by the Committee on March 4, 1954 (appearing at page 37 of the Committee minutes of that date), as subsequently amended, be and the same is hereby amended, effective September 1, 1975, to establish a rate of \$0.25 for each 20 minutes or fraction thereof, at LaGuardia Airport.

Resolved, that the schedule of charges for vehicular parking at the New York City Passenger Ship Terminal adopted by the Committee on October 30, 1974 (appearing at pages 3 et seq. of the Committee minutes of that date), be and the same hereby is amended, effective immediately, by deleting the section thereof entitled "Public parking" and substituting the following:

Public parking
Daily parking \$3.00
Daily, weekday parking:
early bird rate (enter before 10:00 A.M. until closing) \$2.00

All rates include six per cent New York City Tax

An order adopting these revisions was filed September 3, 1975, as R.1975 d.264 (Exempt, Exempt Agency).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Resolution on Supplemental Agreements

On August 27, 1975 the Port Authority of New York and New Jersey adopted the following resolution concerning supplemental agreements.

Full text of the adopted resolution follows:

Resolved, that the executive director be and he hereby is authorized for and on behalf of the Port Authority to enter into supplemental agreements with the scheduled airline lessees at Newark International Airport amending their lease agreements so as to provide for the establishment of a deferred payment fund, the initial balance of which shall be approximately \$7.7 million, of which approximately \$5.6 million represents the accrued flight fee deficit as of July 1, 1975 and \$2.1 million represents the estimated fuel fee deficit as of July 1, 1975, said agreements to further provide that for the year 1974 the flight fee per thousand pounds of maximum weight for take-off be kept at \$1.40 and for the year 1975 and each year thereafter until December 31, 1985 or until such earlier date that the balance of the deferred payment fund, including interest thereon payable quarterly at a rate equal to the Port Authority's investments in government securities, both long and short term, and in interest-bearing time accounts, but excluding investment in Port Authority bonds, equals \$15 million, the airline lessees shall pay flight fees of \$1.50 per thousand pounds of maximum weight for take-off, the difference in revenues which would be receivable under the lease formula flight fee and the fixed flight fee of \$1.50 to be applied to the balance of the deferred payment fund; and be it further

Resolved, that commencing on January 1, 1986 or on such earlier date that the balance of the deferred payment fund including interest as aforesaid equals the sum of \$15 million, the scheduled airline lessees shall pay flight fees as established pursuant to their lease agreements plus additional monthly payments sufficient to pay off in 60 equal consecutive payments the balance of the deferred payment fund including interest thereon and interest which shall continue to accrue quarterly until the balance of the fund has been fully paid off; and be it further

Resolved, that the form of the supplemental agreements be subject to the approval of general counsel or his designated representative.

An order adopting this resolution was filed September 19, 1975, as R.1975 d.279 (Exempt, Exempt Agency).

Thomas F. Kistner
Director of Administrative Procedure
Department of State