

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

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CL/MM

P.L. 2024, CHAPTER 72, *approved September 12, 2024*
Senate, No. 3134 (*First Reprint*)

1 AN ACT concerning commercial driver licenses and learner's
2 permits and amending and supplementing P.L.1990, c.103.

3

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

6

7 1. Section 3 of P.L.1990, c.103 (39:3-10.11) is amended to read
8 as follows:

9 3. For purposes of this act, a term shall have the meaning set
10 forth in R.S.39:1-1 unless another meaning for the term is set forth
11 in this act, or unless another meaning is clearly apparent from the
12 language or context of this act, or unless the meaning for the term
13 set forth in R.S.39:1-1 is inconsistent with the manifest intent of the
14 Legislature in this act.

15 For purposes of this act:

16 "Alcohol concentration" means:

17 a. The number of grams of alcohol per 100 milliliters of blood;
18 or

19 b. The number of grams of alcohol per 210 liters of breath.

20 "Commercial driver license" or "CDL" means a license issued in
21 accordance with this act to a person authorizing the person to
22 operate a certain class of commercial motor vehicle.

23 "Commercial Driver License Information System" or "CDLIS"
24 means the information system established pursuant to **the federal**
25 "Commercial Motor Vehicle Safety Act of 1986," Pub.L.99-570 (49
26 U.S.C. s.2701 et seq.) **Pub.L.103-272 ¹[s.1(e)]¹** (49 U.S.C.
27 s.31309) to serve as a clearinghouse for locating information related
28 to the licensing and identification of commercial motor vehicle
29 drivers.

30 "Commercial learner's permit" or "CLP" means a permit issued
31 in accordance with P.L.1990, c.103 (C.39:3-10.9 et seq.) to a person
32 which, when carried with a valid driver license issued by the same
33 state or jurisdiction, authorizes the person to operate a certain class
34 of commercial motor vehicle when accompanied by a holder of a
35 valid CDL for purposes of behind-the-wheel training.

36 "Commercial motor vehicle" or "CMV" means a motor vehicle
37 or combination of motor vehicles used or designed to transport
38 passengers or property:

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate STR committee amendments adopted May 6, 2024.

- 1 a. If the vehicle has a gross vehicle weight rating of 26,001 or
2 more pounds or displays a gross vehicle weight rating of 26,001 or
3 more pounds;
- 4 b. If the vehicle has a gross combination weight rating of
5 26,001 or more pounds inclusive of a towed unit with a gross
6 vehicle weight rating of more than 10,000 pounds;
- 7 c. If the vehicle is designed to transport 16 or more passengers
8 including the driver;
- 9 d. If the vehicle is designed to transport eight or more but less
10 than 16 persons, including the driver, and is used to transport such
11 persons for hire on a daily basis to and from places of employment;
- 12 e. If the vehicle is transporting or used in the transportation of
13 hazardous materials and is required to be placarded in accordance
14 with Subpart F. of 49 C.F.R. s.172, or the vehicle displays a
15 hazardous material placard; or
- 16 f. If the vehicle is operated by, or under contract with, a public
17 or governmental agency, or religious or other charitable
18 organization or corporation, or is privately operated, and is used for
19 the transportation of children to or from a school, school connected
20 activity, day camp, summer day camp, summer residence camp,
21 nursery school, child care center, preschool center or other similar
22 places of education.

23 The chief administrator may, by regulation, include within this
24 definition such other motor vehicles or combination of motor
25 vehicles as **[he]** the chief administrator deems appropriate.

26 This term shall not include recreation vehicles.

27 This term shall not include motor vehicles designed to transport
28 eight or more but less than sixteen persons, including the driver,
29 which are owned and operated directly by businesses engaged in the
30 practice of mortuary science when those vehicles are used
31 exclusively for providing transportation related to the provision of
32 funeral services and which shall not be used in that capacity at any
33 time to pick up or discharge passengers to any airline terminal, train
34 station or other transportation center, or for any purpose not directly
35 related to the provision of funeral services.

36 "Controlled substance" means any substance so classified under
37 subsection (6) of section 102 of the "Controlled Substances Act"
38 (21 U.S.C. s.802), and includes all substances listed on Schedules I
39 through V of 21 C.F.R. s.1308, or under P.L.1970, c.226 (C.24:21-1
40 et seq.) as they may be revised from time to time. The term,
41 wherever it appears in this act or administrative regulation
42 promulgated pursuant to this act, shall include controlled substance
43 analogs.

44 "Controlled substance analog" means a substance that has a
45 chemical structure substantially similar to that of a controlled
46 dangerous substance and that was specifically designed to produce
47 an effect substantially similar to that of a controlled dangerous
48 substance. The term shall not include a substance manufactured or

1 distributed in conformance with the provisions of an approved new
2 drug application or an exemption for investigational use within the
3 meaning of section 505 of the Federal Food, Drug and Cosmetic
4 Act (21 U.S.C. s.355).

5 "Conviction" means a final adjudication that a violation has
6 occurred, a final judgment on a verdict, a finding of guilt in a
7 tribunal of original jurisdiction, or a conviction following a plea of
8 guilty, non vult or nolo contendere accepted by a court. It also
9 includes an unvacated forfeiture of bail, bond or collateral deposited
10 to secure the person's appearance in court, or the payment of a fine
11 or court costs, or violation of a condition of release without bail,
12 regardless of whether the penalty is rebated, suspended, or
13 probated.

14 "Disqualification" means either:

15 a. The suspension, revocation, cancellation, or any other
16 withdrawal by a state of a person's privilege to operate a
17 commercial motor vehicle;

18 b. A determination by the Federal Motor Carrier Safety
19 Administration under the rules of practice for motor carrier safety
20 contained in 49 C.F.R. s.386, that a person is no longer qualified to
21 operate a commercial motor vehicle under 49 C.F.R. s.391; or

22 c. The loss of qualification which automatically follows
23 conviction of an offense listed in 49 C.F.R. s.383.51.

24 "Domicile" means that state where a person has a true, fixed, and
25 permanent home and principal residence and to which the person
26 intends to return whenever the person is absent.

27 "Downgrade" means:

28 a. to change a driver's self-certification to interstate, but
29 operating exclusively in transportation or operations excepted from
30 49 C.F.R. Part 391, as provided in 49 C.F.R. s.390.3T(f), 49 C.F.R.
31 s.391.2, 49 C.F.R. s.391.68, or 49 C.F.R. s.398.3;

32 b. to change a driver's self-certification to intrastate only, if the
33 driver qualifies under the department's physical qualification
34 requirements for intrastate only;

35 c. to change a driver's self-certification to intrastate, but
36 operating exclusively in transportation or operations excepted from
37 all or part of the driver qualification requirements; or

38 d. to remove a CLP or CDL privilege from a driver license.

39 "Driver license" means a license issued by this State or any other
40 jurisdiction to a person authorizing the person to operate a motor
41 vehicle.

42 "Drug and alcohol clearinghouse" means the drug and alcohol
43 clearinghouse maintained by the Federal Motor Carrier Safety
44 Administration.

45 "Endorsement" means an authorization to a commercial driver
46 license required to permit the holder of the license to operate certain
47 types of commercial motor vehicles.

1 "Felony" means any offense under any federal law or the law of
2 a state, including this State, that is punishable by death or
3 imprisonment for a term exceeding one year. The term includes,
4 but is not limited to, "crimes" as that term is defined in N.J.S.2C:1-
5 1 et seq.

6 "Foreign jurisdiction" means any jurisdiction other than a state of
7 the United States.

8 "Gross vehicle weight rating" or "GVWR" means the value
9 specified by a manufacturer as the loaded weight of a single or a
10 combination (articulated) vehicle, or the registered gross weight,
11 whichever is greater. The GVWR of a combination (articulated)
12 vehicle, commonly referred to as the "gross combination weight
13 rating" or "GCWR," is the GVWR of the power unit plus the
14 GVWR of the towed unit or units. In the absence of a value
15 specified for the towed unit or units by the manufacturer, the
16 GVWR of a combination (articulated) vehicle is the GVWR of the
17 power unit plus the total weight of the towed unit, including the
18 loads on them.

19 "Hazardous material" means a substance or material determined
20 by the Secretary of the United States Department of Transportation
21 to be capable of posing an unreasonable risk to health, safety, and
22 property when transported in commerce and so designated pursuant
23 to the provisions of [the "Hazardous Materials Transportation Act"
24 (49 U.S.C. s.1801 et seq.)] 49 U.S.C. s.5101 et seq.

25 "Motor vehicle" includes all vehicles propelled otherwise than by
26 muscular power, except such vehicles as run only upon rails or
27 tracks. The term "motor vehicle" includes motorized bicycles.

28 "Non-commercial motor vehicle" means a motor vehicle or
29 combination of motor vehicles other than a "commercial motor
30 vehicle" as defined in this section.

31 "Out-of-service order" means a declaration by an authorized
32 enforcement officer of a federal, state, Canadian, Mexican, or local
33 jurisdiction that a driver, a commercial motor vehicle, or a motor
34 carrier operation is out-of-service pursuant to 49 C.F.R. s.386.72,
35 49 C.F.R. s.392.5, 49 C.F.R. s.395.13, 49 C.F.R. s.396.9, or any
36 compatible law or the North American Uniform Out-of-Service
37 Criteria.

38 "Recreation vehicle" means a self-propelled or towed vehicle
39 equipped to serve as temporary living quarters for recreational,
40 camping, or travel purposes and is used solely as a family or
41 personal conveyance.

42 "Representative vehicle" means a motor vehicle which represents
43 the type of motor vehicle that a commercial driver license applicant
44 operates or expects to operate.

45 "Safety-sensitive function" means all time from the time a driver
46 begins to work or is required to be in readiness to work until the
47 time the driver is relieved from work and all responsibility for

1 performing work. "Safety-sensitive functions" shall include, but
2 not be limited to:

3 a. all time at an employer or shipper plant, terminal, facility, or
4 other property, or on any public property, waiting to be dispatched,
5 unless the driver has been relieved from duty by the employer;

6 b. all time inspecting equipment as required by 49 C.F.R.
7 s.392.7 and 49 C.F.R. s.392.8 or otherwise inspecting, servicing, or
8 conditioning any commercial motor vehicle at any time;

9 c. all time spent at the driving controls of a commercial motor
10 vehicle in operation;

11 d. all time, other than driving time, in or upon any commercial
12 motor vehicle except time spent resting in a sleeper berth, which is
13 a berth conforming to the requirements of 49 C.F.R. s.393.76;

14 e. all time loading or unloading a vehicle, supervising, or
15 assisting in the loading or unloading, attending a vehicle being
16 loaded or unloaded, remaining in readiness to operate the vehicle,
17 or in giving or receiving receipts for shipments loaded or unloaded;

18 and

19 f. ¹~~【All】~~ all¹ time repairing, obtaining assistance, or remaining
20 in attendance upon a disabled vehicle.

21 "Self-certification" means the certification made by a person
22 applying for a CDL pursuant to 49 C.F.R. s.383.71, certifying that
23 the person:

24 a. operates or expects to operate in interstate commerce, is both
25 subject to and meets the qualification requirements under 49 C.F.R.
26 Part 391, and is required to obtain a medical examiner's certificate
27 by 49 C.F.R. s.391.45;

28 b. operates or expects to operate in interstate commerce, but
29 engages exclusively in transportation or operations excepted under
30 49 C.F.R. s.390.3T(f), 49 C.F.R. s.391.2, 49 C.F.R. s.391.68, or 49
31 C.F.R. s.398.3 from all or parts of the qualification requirements
32 under 49 C.F.R. Part 391, and is therefore not required to obtain a
33 medical examiner's certificate by 49 C.F.R. s.391.45;

34 c. operates only in intrastate commerce and therefore is subject
35 to State driver qualification requirements; or

36 d. operates in intrastate commerce, but engages exclusively in
37 transportation or operations excepted from all or parts of the State
38 driver qualification requirements.

39 "Serious traffic violation" means conviction for one of the
40 following offenses committed while operating a commercial motor
41 vehicle:

42 a. Excessive speeding, involving any single offense for a speed
43 of 15 miles per hour or more above the speed limit;

44 b. Reckless driving, as defined by state or local law or
45 regulation, including, but not limited to, offenses of driving a
46 commercial motor vehicle in willful or wanton disregard of the
47 safety of persons or property, including violations of R.S.39:4-96;

48 c. Improper or erratic traffic lane changes;

1 d. Following a vehicle ahead too closely, including violations
2 of R.S.39:4-89;

3 e. A violation, arising in connection with a fatal accident, of
4 state or local law relating to motor vehicle traffic control, other than
5 a parking violation;

6 f. Any other violation of a state or local law relating to motor
7 vehicle traffic control determined by the Secretary of the United
8 States Department of Transportation in 49 C.F.R. s.383.51 to be a
9 serious traffic violation;

10 g. Driving a commercial motor vehicle without a commercial
11 driver license in the driver's possession; or

12 h. Driving a commercial motor vehicle without the proper class
13 of commercial driver license or endorsements for the specific
14 vehicle group being operated or for the passengers or type of cargo
15 being transported.

16 This term shall not include vehicle weight or defect violations.

17 "State" means a state of the United States or the District of
18 Columbia.

19 "Tank vehicle" means any commercial motor vehicle that is
20 designed to transport any liquid or gaseous material within a tank
21 that is either permanently or temporarily attached to the vehicle or
22 the chassis. Such vehicles include, but are not limited to, cargo
23 tanks and portable tanks as defined by the chief administrator.
24 However, this definition does not include portable tanks having a
25 rated capacity under 1,000 gallons.

26 "Vehicle group" means a class or type of vehicle with certain
27 operating characteristics.

28 (cf: P.L.2009, c.271, s.1)

29

30 2. (New section) a. A driver who has engaged in conduct
31 prohibited by Subpart B of 49 C.F.R. s.382 shall not perform safety-
32 sensitive functions, including driving a commercial motor vehicle,
33 unless the driver has met the return to duty requirements of Subpart
34 O of 49 C.F.R. s.40 and, if the driver's CDL or CLP was
35 downgraded, has had the CDL or CLP reinstated.

36 b. By applying for a CDL or CLP, a driver is deemed to have
37 consented to the release of information from the drug and alcohol
38 clearinghouse to the chief administrator.

39 c. No later than November 1, 2024, the chief administrator
40 shall request information from the drug and alcohol clearinghouse
41 for all applicants applying for an initial, renewal, transfer, or
42 upgraded CDL or CLP. If the chief administrator receives
43 notification that pursuant to 49 C.F.R. s.382.503 the applicant is
44 prohibited from operating a commercial motor vehicle, the chief
45 administrator shall not issue, renew, transfer, or upgrade a CDL or
46 CLP.

47 d. No later than November 1, 2024, the chief administrator
48 shall, upon receiving notification from the drug and alcohol

1 clearinghouse that a holder of a CDL or CLP is prohibited from
2 operating a commercial motor vehicle, downgrade the CDL or CLP,
3 regardless of whether that notification is received in response to a
4 request under subsection c. of this section. The downgrade shall be
5 completed and recorded on the CDLIS driver record within 60 days
6 after the chief administrator's receipt of such a notification. Upon
7 notification from the Federal Motor Carrier Safety Administration
8 that a driver has completed the return-to-duty process, the chief
9 administrator may reinstate the driver's CDL or CLP privileges.

10 e. Upon notification from the Federal Motor Carrier Safety
11 Administration that a violation was entered into the drug and
12 alcohol clearinghouse erroneously, the chief administrator shall
13 reinstate the driver's CDL or CLP privileges and remove the
14 downgrade from the applicant's driving record.

15 f. No later than November 1, 2024, the chief administrator
16 shall request information from the drug and alcohol clearinghouse
17 for all applicants applying to renew a hazardous material
18 endorsement. If the chief administrator receives notification that
19 pursuant to 49 C.F.R. s.382.503 the applicant is prohibited from
20 operating a commercial motor vehicle, the chief administrator shall
21 not renew the hazardous material endorsement. If the applicant
22 currently holds a CDL or CLP, the chief administrator shall
23 downgrade the CDL or CLP.

24

25 3. This act shall take effect immediately.

26

27

28

29

30 Requires MVC to take certain action concerning commercial
31 driver licenses and commercial learner's permits.

CHAPTER 72

AN ACT concerning commercial driver licenses and learner's permits and amending and supplementing P.L.1990, c.103.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 3 of P.L.1990, c.103 (C.39:3-10.11) is amended to read as follows:

C.39:3-10.11 Definitions relative to commercial driver licenses.

3. For purposes of this act, a term shall have the meaning set forth in R.S.39:1-1 unless another meaning for the term is set forth in this act, or unless another meaning is clearly apparent from the language or context of this act, or unless the meaning for the term set forth in R.S.39:1-1 is inconsistent with the manifest intent of the Legislature in this act.

For purposes of this act:

"Alcohol concentration" means:

The number of grams of alcohol per 100 milliliters of blood; or

The number of grams of alcohol per 210 liters of breath.

"Commercial driver license" or "CDL" means a license issued in accordance with this act to a person authorizing the person to operate a certain class of commercial motor vehicle.

"Commercial Driver License Information System" or "CDLIS" means the information system established pursuant to Pub.L.103-272 (49 U.S.C. s.31309) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial learner's permit" or "CLP" means a permit issued in accordance with P.L.1990, c.103 (C.39:3-10.9 et seq.) to a person which, when carried with a valid driver license issued by the same state or jurisdiction, authorizes the person to operate a certain class of commercial motor vehicle when accompanied by a holder of a valid CDL for purposes of behind-the-wheel training.

"Commercial motor vehicle" or "CMV" means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property:

If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or displays a gross vehicle weight rating of 26,001 or more pounds;

If the vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

If the vehicle is designed to transport 16 or more passengers including the driver;

If the vehicle is designed to transport eight or more but less than 16 persons, including the driver, and is used to transport such persons for hire on a daily basis to and from places of employment;

If the vehicle is transporting or used in the transportation of hazardous materials and is required to be placarded in accordance with Subpart F. of 49 C.F.R. s.172, or the vehicle displays a hazardous material placard; or

If the vehicle is operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or is privately operated, and is used for the transportation of children to or from a school, school connected activity, day camp, summer day camp, summer residence camp, nursery school, child care center, preschool center or other similar places of education.

The chief administrator may, by regulation, include within this definition such other motor vehicles or combination of motor vehicles as the chief administrator deems appropriate.

This term shall not include recreation vehicles.

This term shall not include motor vehicles designed to transport eight or more but less than sixteen persons, including the driver, which are owned and operated directly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services and which shall not be used in that capacity at any time to pick up or discharge passengers to any airline terminal, train station or other transportation center, or for any purpose not directly related to the provision of funeral services.

"Controlled substance" means any substance so classified under subsection (6) of section 102 of the "Controlled Substances Act" (21 U.S.C. s.802), and includes all substances listed on Schedules I through V of 21 C.F.R. s.1308, or under P.L.1970, c.226 (C.24:21-1 et seq.) as they may be revised from time to time. The term, wherever it appears in this act or administrative regulation promulgated pursuant to this act, shall include controlled substance analogs.

"Controlled substance analog" means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and that was specifically designed to produce an effect substantially similar to that of a controlled dangerous substance. The term shall not include a substance manufactured or distributed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. s.355).

"Conviction" means a final adjudication that a violation has occurred, a final judgment on a verdict, a finding of guilt in a tribunal of original jurisdiction, or a conviction following a plea of guilty, non vult or nolo contendere accepted by a court. It also includes an unvacated forfeiture of bail, bond or collateral deposited to secure the person's appearance in court, or the payment of a fine or court costs, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

"Disqualification" means either:

The suspension, revocation, cancellation, or any other withdrawal by a state of a person's privilege to operate a commercial motor vehicle;

A determination by the Federal Motor Carrier Safety Administration under the rules of practice for motor carrier safety contained in 49 C.F.R. s.386, that a person is no longer qualified to operate a commercial motor vehicle under 49 C.F.R. s.391; or

The loss of qualification which automatically follows conviction of an offense listed in 49 C.F.R. s.383.51.

"Domicile" means that state where a person has a true, fixed, and permanent home and principal residence and to which the person intends to return whenever the person is absent.

"Downgrade" means:

to change a driver's self-certification to interstate, but operating exclusively in transportation or operations excepted from 49 C.F.R. Part 391, as provided in 49 C.F.R. s.390.3T(f), 49 C.F.R. s.391.2, 49 C.F.R. s.391.68, or 49 C.F.R. s.398.3;

to change a driver's self-certification to intrastate only, if the driver qualifies under the department's physical qualification requirements for intrastate only;

to change a driver's self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the driver qualification requirements; or

to remove a CLP or CDL privilege from a driver license.

"Driver license" means a license issued by this State or any other jurisdiction to a person authorizing the person to operate a motor vehicle.

"Drug and alcohol clearinghouse" means the drug and alcohol clearinghouse maintained by the Federal Motor Carrier Safety Administration.

"Endorsement" means an authorization to a commercial driver license required to permit the holder of the license to operate certain types of commercial motor vehicles.

"Felony" means any offense under any federal law or the law of a state, including this State, that is punishable by death or imprisonment for a term exceeding one year. The term includes, but is not limited to, "crimes" as that term is defined in N.J.S.2C:1-1 et seq.

"Foreign jurisdiction" means any jurisdiction other than a state of the United States.

"Gross vehicle weight rating" or "GVWR" means the value specified by a manufacturer as the loaded weight of a single or a combination (articulated) vehicle, or the registered gross weight, whichever is greater. The GVWR of a combination (articulated) vehicle, commonly referred to as the "gross combination weight rating" or "GCWR," is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified for the towed unit or units by the manufacturer, the GVWR of a combination (articulated) vehicle is the GVWR of the power unit plus the total weight of the towed unit, including the loads on them.

"Hazardous material" means a substance or material determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and so designated pursuant to the provisions of 49 U.S.C. s.5101 et seq.

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, except such vehicles as run only upon rails or tracks. The term "motor vehicle" includes motorized bicycles.

"Non-commercial motor vehicle" means a motor vehicle or combination of motor vehicles other than a "commercial motor vehicle" as defined in this section.

"Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service pursuant to 49 C.F.R. s.386.72, 49 C.F.R. s.392.5, 49 C.F.R. s.395.13, 49 C.F.R. s.396.9, or any compatible law or the North American Uniform Out-of-Service Criteria.

"Recreation vehicle" means a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance.

"Representative vehicle" means a motor vehicle which represents the type of motor vehicle that a commercial driver license applicant operates or expects to operate.

"Safety-sensitive function" means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. "Safety-sensitive functions" shall include, but not be limited to:

all time at an employer or shipper plant, terminal, facility, or other property or on any public property waiting to be dispatched, unless the driver has been relieved from duty by the employer;

all time inspecting equipment as required by 49 C.F.R. s.392.7 and 49 C.F.R. s.392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

all time spent at the driving controls of a commercial motor vehicle in operation;

all time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth, which is a berth conforming to the requirements of 49 C.F.R. s.393.76;

all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

“Self-certification” means the certification made by a person applying for a CDL pursuant to 49 C.F.R. s.383.71, certifying that the person:

operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 C.F.R. Part 391, and is required to obtain a medical examiner’s certificate by 49 C.F.R. s.391.45;

operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 C.F.R. s.390.3T(f), 49 C.F.R. s.391.2, 49 C.F.R. s.391.68, or 49 C.F.R. s.398.3 from all or parts of the qualification requirements under 49 C.F.R. Part 391, and is therefore not required to obtain a medical examiner’s certificate by 49 C.F.R. s.391.45;

operates only in intrastate commerce and therefore is subject to State driver qualification requirements; or

operates in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the State driver qualification requirements.

"Serious traffic violation" means conviction for one of the following offenses committed while operating a commercial motor vehicle:

Excessive speeding, involving any single offense for a speed of 15 miles per hour or more above the speed limit;

Reckless driving, as defined by state or local law or regulation, including, but not limited to, offenses of driving a commercial motor vehicle in willful or wanton disregard of the safety of persons or property, including violations of R.S.39:4-96;

Improper or erratic traffic lane changes;

Following a vehicle ahead too closely, including violations of R.S.39:4-89;

A violation, arising in connection with a fatal accident, of state or local law relating to motor vehicle traffic control other than a parking violation;

Any other violation of a state or local law relating to motor vehicle traffic control determined by the Secretary of the United States Department of Transportation in 49 C.F.R. s.383.51 to be a serious traffic violation;

Driving a commercial motor vehicle without a commercial driver license in the driver's possession; or

Driving a commercial motor vehicle without the proper class of commercial driver license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

This term shall not include vehicle weight or defect violations.

"State" means a state of the United States or the District of Columbia.

"Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks as defined by the chief administrator. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons.

"Vehicle group" means a class or type of vehicle with certain operating characteristics.

C.39:3-10.13a Requirements to perform safety-sensitive functions, drug and alcohol clearinghouse information requests.

2. a. A driver who has engaged in conduct prohibited by Subpart B of 49 C.F.R. s.382 shall not perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the return to duty requirements of Subpart O of 49 C.F.R. s.40 and, if the driver’s CDL or CLP was downgraded, has had the CDL or CLP reinstated.

b. By applying for a CDL or CLP, a driver is deemed to have consented to the release of information from the drug and alcohol clearinghouse to the chief administrator.

c. No later than November 1, 2024, the chief administrator shall request information from the drug and alcohol clearinghouse for all applicants applying for an initial, renewal, transfer, or upgraded CDL or CLP. If the chief administrator receives notification that, pursuant to 49 C.F.R. s.382.503, the applicant is prohibited from operating a commercial motor vehicle, the chief administrator shall not issue, renew, transfer, or upgrade a CDL or CLP.

d. No later than November 1, 2024, the chief administrator shall, upon receiving notification from the drug and alcohol clearinghouse that a holder of a CDL or CLP is prohibited from operating a commercial motor vehicle, downgrade the CDL or CLP, regardless of whether that notification is received in response to a request under subsection c. of this section. The downgrade shall be completed and recorded on the CDLIS driver record within 60 days after the chief administrator's receipt of such a notification. Upon notification from the Federal Motor Carrier Safety Administration that a driver has completed the return-to-duty process, the chief administrator may reinstate the driver's CDL or CLP privileges.

e. Upon notification from the Federal Motor Carrier Safety Administration that a violation was entered into the drug and alcohol clearinghouse erroneously, the chief administrator shall reinstate the driver's CDL or CLP privileges and remove the downgrade from the applicant's driving record.

f. No later than November 1, 2024, the chief administrator shall request information from the drug and alcohol clearinghouse for all applicants applying to renew a hazardous material endorsement. If the chief administrator receives notification that pursuant to 49 C.F.R. s.382.503 the applicant is prohibited from operating a commercial motor vehicle, the chief administrator shall not renew the hazardous material endorsement. If the applicant currently holds a CDL or CLP, the chief administrator shall downgrade the CDL or CLP.

3. This act shall take effect immediately.

Approved September 12, 2024.

SENATE, No. 3134

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED APRIL 15, 2024

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Requires MVC to take certain action concerning commercial driver licenses and commercial learner's permits.

CURRENT VERSION OF TEXT

As introduced.



S3134 DIEGNAN

2

1 AN ACT concerning commercial driver licenses and learner's
2 permits and amending and supplementing P.L.1990, c.103.

3

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

6

7 1. Section 3 of P.L.1990, c.103 (39:3-10.11) is amended to read
8 as follows:

9 3. For purposes of this act, a term shall have the meaning set
10 forth in R.S.39:1-1 unless another meaning for the term is set forth
11 in this act, or unless another meaning is clearly apparent from the
12 language or context of this act, or unless the meaning for the term
13 set forth in R.S.39:1-1 is inconsistent with the manifest intent of the
14 Legislature in this act.

15 For purposes of this act:

16 "Alcohol concentration" means:

17 a. The number of grams of alcohol per 100 milliliters of blood;

18 or

19 b. The number of grams of alcohol per 210 liters of breath.

20 "Commercial driver license" or "CDL" means a license issued in
21 accordance with this act to a person authorizing the person to
22 operate a certain class of commercial motor vehicle.

23 "Commercial Driver License Information System" or "CDLIS"
24 means the information system established pursuant to **the federal**
25 "Commercial Motor Vehicle Safety Act of 1986," Pub.L.99-570 (49
26 U.S.C. s.2701 et seq.) **Pub.L.103-272 s.1(e) (49 U.S.C. s.31309)** to
27 serve as a clearinghouse for locating information related to the
28 licensing and identification of commercial motor vehicle drivers.

29 "Commercial learner's permit" or "CLP" means a permit issued
30 in accordance with P.L.1990, c.103 (C.39:3-10.9 et seq.) to a person
31 which, when carried with a valid driver license issued by the same
32 state or jurisdiction, authorizes the person to operate a certain class
33 of commercial motor vehicle when accompanied by a holder of a
34 valid CDL for purposes of behind-the-wheel training.

35 "Commercial motor vehicle" or "CMV" means a motor vehicle
36 or combination of motor vehicles used or designed to transport
37 passengers or property:

38 a. If the vehicle has a gross vehicle weight rating of 26,001 or
39 more pounds or displays a gross vehicle weight rating of 26,001 or
40 more pounds;

41 b. If the vehicle has a gross combination weight rating of
42 26,001 or more pounds inclusive of a towed unit with a gross
43 vehicle weight rating of more than 10,000 pounds;

44 c. If the vehicle is designed to transport 16 or more passengers
45 including the driver;

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

Matter underlined thus is new matter.

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1 d. If the vehicle is designed to transport eight or more but less
2 than 16 persons, including the driver, and is used to transport such
3 persons for hire on a daily basis to and from places of employment;

4 e. If the vehicle is transporting or used in the transportation of
5 hazardous materials and is required to be placarded in accordance
6 with Subpart F. of 49 C.F.R. s.172, or the vehicle displays a
7 hazardous material placard; or

8 f. If the vehicle is operated by, or under contract with, a public
9 or governmental agency, or religious or other charitable
10 organization or corporation, or is privately operated, and is used for
11 the transportation of children to or from a school, school connected
12 activity, day camp, summer day camp, summer residence camp,
13 nursery school, child care center, preschool center or other similar
14 places of education.

15 The chief administrator may, by regulation, include within this
16 definition such other motor vehicles or combination of motor
17 vehicles as **[he]** the chief administrator deems appropriate.

18 This term shall not include recreation vehicles.

19 This term shall not include motor vehicles designed to transport
20 eight or more but less than sixteen persons, including the driver,
21 which are owned and operated directly by businesses engaged in the
22 practice of mortuary science when those vehicles are used
23 exclusively for providing transportation related to the provision of
24 funeral services and which shall not be used in that capacity at any
25 time to pick up or discharge passengers to any airline terminal, train
26 station or other transportation center, or for any purpose not directly
27 related to the provision of funeral services.

28 "Controlled substance" means any substance so classified under
29 subsection (6) of section 102 of the "Controlled Substances Act"
30 (21 U.S.C. s.802), and includes all substances listed on Schedules I
31 through V of 21 C.F.R. s.1308, or under P.L.1970, c.226 (C.24:21-1
32 et seq.) as they may be revised from time to time. The term,
33 wherever it appears in this act or administrative regulation
34 promulgated pursuant to this act, shall include controlled substance
35 analogs.

36 "Controlled substance analog" means a substance that has a
37 chemical structure substantially similar to that of a controlled
38 dangerous substance and that was specifically designed to produce
39 an effect substantially similar to that of a controlled dangerous
40 substance. The term shall not include a substance manufactured or
41 distributed in conformance with the provisions of an approved new
42 drug application or an exemption for investigational use within the
43 meaning of section 505 of the Federal Food, Drug and Cosmetic
44 Act (21 U.S.C. s.355).

45 "Conviction" means a final adjudication that a violation has
46 occurred, a final judgment on a verdict, a finding of guilt in a
47 tribunal of original jurisdiction, or a conviction following a plea of
48 guilty, non vult or nolo contendere accepted by a court. It also

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1 includes an unvacated forfeiture of bail, bond or collateral deposited
2 to secure the person's appearance in court, or the payment of a fine
3 or court costs, or violation of a condition of release without bail,
4 regardless of whether the penalty is rebated, suspended, or
5 probated.

6 "Disqualification" means either:

7 a. The suspension, revocation, cancellation, or any other
8 withdrawal by a state of a person's privilege to operate a
9 commercial motor vehicle;

10 b. A determination by the Federal Motor Carrier Safety
11 Administration under the rules of practice for motor carrier safety
12 contained in 49 C.F.R. s.386, that a person is no longer qualified to
13 operate a commercial motor vehicle under 49 C.F.R. s.391; or

14 c. The loss of qualification which automatically follows
15 conviction of an offense listed in 49 C.F.R. s.383.51.

16 "Domicile" means that state where a person has a true, fixed, and
17 permanent home and principal residence and to which the person
18 intends to return whenever the person is absent.

19 "Downgrade" means:

20 a. to change a driver's self-certification to interstate, but
21 operating exclusively in transportation or operations excepted from
22 49 C.F.R. Part 391, as provided in 49 C.F.R. s.390.3T(f), 49 C.F.R.
23 s.391.2, 49 C.F.R. s.391.68, or 49 C.F.R. s.398.3;

24 b. to change a driver's self-certification to intrastate only, if the
25 driver qualifies under the department's physical qualification
26 requirements for intrastate only;

27 c. to change a driver's self-certification to intrastate, but
28 operating exclusively in transportation or operations excepted from
29 all or part of the driver qualification requirements; or

30 d. to remove a CLP or CDL privilege from a driver license.

31 "Driver license" means a license issued by this State or any other
32 jurisdiction to a person authorizing the person to operate a motor
33 vehicle.

34 "Drug and alcohol clearinghouse" means the drug and alcohol
35 clearinghouse maintained by the Federal Motor Carrier Safety
36 Administration.

37 "Endorsement" means an authorization to a commercial driver
38 license required to permit the holder of the license to operate certain
39 types of commercial motor vehicles.

40 "Felony" means any offense under any federal law or the law of
41 a state, including this State, that is punishable by death or
42 imprisonment for a term exceeding one year. The term includes,
43 but is not limited to, "crimes" as that term is defined in N.J.S.2C:1-
44 1 et seq.

45 "Foreign jurisdiction" means any jurisdiction other than a state of
46 the United States.

47 "Gross vehicle weight rating" or "GVWR" means the value
48 specified by a manufacturer as the loaded weight of a single or a

1 combination (articulated) vehicle, or the registered gross weight,
2 whichever is greater. The GVWR of a combination (articulated)
3 vehicle, commonly referred to as the "gross combination weight
4 rating" or "GCWR," is the GVWR of the power unit plus the
5 GVWR of the towed unit or units. In the absence of a value
6 specified for the towed unit or units by the manufacturer, the
7 GVWR of a combination (articulated) vehicle is the GVWR of the
8 power unit plus the total weight of the towed unit, including the
9 loads on them.

10 "Hazardous material" means a substance or material determined
11 by the Secretary of the United States Department of Transportation
12 to be capable of posing an unreasonable risk to health, safety, and
13 property when transported in commerce and so designated pursuant
14 to the provisions of [the "Hazardous Materials Transportation Act"
15 (49 U.S.C. s.1801 et seq.)] 49 U.S.C. s.5101 et seq.

16 "Motor vehicle" includes all vehicles propelled otherwise than by
17 muscular power, except such vehicles as run only upon rails or
18 tracks. The term "motor vehicle" includes motorized bicycles.

19 "Non-commercial motor vehicle" means a motor vehicle or
20 combination of motor vehicles other than a "commercial motor
21 vehicle" as defined in this section.

22 "Out-of-service order" means a declaration by an authorized
23 enforcement officer of a federal, state, Canadian, Mexican, or local
24 jurisdiction that a driver, a commercial motor vehicle, or a motor
25 carrier operation is out-of-service pursuant to 49 C.F.R. s.386.72,
26 49 C.F.R. s.392.5, 49 C.F.R. s.395.13, 49 C.F.R. s.396.9, or any
27 compatible law or the North American Uniform Out-of-Service
28 Criteria.

29 "Recreation vehicle" means a self-propelled or towed vehicle
30 equipped to serve as temporary living quarters for recreational,
31 camping, or travel purposes and is used solely as a family or
32 personal conveyance.

33 "Representative vehicle" means a motor vehicle which represents
34 the type of motor vehicle that a commercial driver license applicant
35 operates or expects to operate.

36 "Safety-sensitive function" means all time from the time a driver
37 begins to work or is required to be in readiness to work until the
38 time the driver is relieved from work and all responsibility for
39 performing work. "Safety-sensitive functions" shall include, but
40 not be limited to:

41 a. all time at an employer or shipper plant, terminal, facility, or
42 other property, or on any public property, waiting to be dispatched,
43 unless the driver has been relieved from duty by the employer;

44 b. all time inspecting equipment as required by 49 C.F.R.
45 s.392.7 and 49 C.F.R. s.392.8 or otherwise inspecting, servicing, or
46 conditioning any commercial motor vehicle at any time;

47 c. all time spent at the driving controls of a commercial motor
48 vehicle in operation;

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6

1 d. all time, other than driving time, in or upon any commercial
2 motor vehicle except time spent resting in a sleeper berth, which is
3 a berth conforming to the requirements of 49 C.F.R. s.393.76;

4 e. all time loading or unloading a vehicle, supervising, or
5 assisting in the loading or unloading, attending a vehicle being
6 loaded or unloaded, remaining in readiness to operate the vehicle,
7 or in giving or receiving receipts for shipments loaded or unloaded;
8 and

9 f. All time repairing, obtaining assistance, or remaining in
10 attendance upon a disabled vehicle.

11 “Self-certification” means the certification made by a person
12 applying for a CDL pursuant to 49 C.F.R. s.383.71, certifying that
13 the person:

14 a. operates or expects to operate in interstate commerce, is both
15 subject to and meets the qualification requirements under 49 C.F.R.
16 Part 391, and is required to obtain a medical examiner’s certificate
17 by 49 C.F.R. s.391.45;

18 b. operates or expects to operate in interstate commerce, but
19 engages exclusively in transportation or operations excepted under
20 49 C.F.R. s.390.3T(f), 49 C.F.R. s.391.2, 49 C.F.R. s.391.68, or 49
21 C.F.R. s.398.3 from all or parts of the qualification requirements
22 under 49 C.F.R. Part 391, and is therefore not required to obtain a
23 medical examiner’s certificate by 49 C.F.R. s.391.45;

24 c. operates only in intrastate commerce and therefore is subject
25 to State driver qualification requirements; or

26 d. operates in intrastate commerce, but engages exclusively in
27 transportation or operations excepted from all or parts of the State
28 driver qualification requirements.

29 "Serious traffic violation" means conviction for one of the
30 following offenses committed while operating a commercial motor
31 vehicle:

32 a. Excessive speeding, involving any single offense for a speed
33 of 15 miles per hour or more above the speed limit;

34 b. Reckless driving, as defined by state or local law or
35 regulation, including, but not limited to, offenses of driving a
36 commercial motor vehicle in willful or wanton disregard of the
37 safety of persons or property, including violations of R.S.39:4-96;

38 c. Improper or erratic traffic lane changes;

39 d. Following a vehicle ahead too closely, including violations
40 of R.S.39:4-89;

41 e. A violation, arising in connection with a fatal accident, of
42 state or local law relating to motor vehicle traffic control, other than
43 a parking violation;

44 f. Any other violation of a state or local law relating to motor
45 vehicle traffic control determined by the Secretary of the United
46 States Department of Transportation in 49 C.F.R. s.383.51 to be a
47 serious traffic violation;

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1 g. Driving a commercial motor vehicle without a commercial
2 driver license in the driver's possession; or

3 h. Driving a commercial motor vehicle without the proper class
4 of commercial driver license or endorsements for the specific
5 vehicle group being operated or for the passengers or type of cargo
6 being transported.

7 This term shall not include vehicle weight or defect violations.

8 "State" means a state of the United States or the District of
9 Columbia.

10 "Tank vehicle" means any commercial motor vehicle that is
11 designed to transport any liquid or gaseous material within a tank
12 that is either permanently or temporarily attached to the vehicle or
13 the chassis. Such vehicles include, but are not limited to, cargo
14 tanks and portable tanks as defined by the chief administrator.
15 However, this definition does not include portable tanks having a
16 rated capacity under 1,000 gallons.

17 "Vehicle group" means a class or type of vehicle with certain
18 operating characteristics.

19 (cf: P.L.2009, c.271, s.1)

20

21 2. (New section) a. A driver who has engaged in conduct
22 prohibited by Subpart B of 49 C.F.R. s.382 shall not perform safety-
23 sensitive functions, including driving a commercial motor vehicle,
24 unless the driver has met the return to duty requirements of Subpart
25 O of 49 C.F.R. s.40 and, if the driver's CDL or CLP was
26 downgraded, has had the CDL or CLP reinstated.

27 b. By applying for a CDL or CLP, a driver is deemed to have
28 consented to the release of information from the drug and alcohol
29 clearinghouse to the chief administrator.

30 c. No later than November 1, 2024, the chief administrator
31 shall request information from the drug and alcohol clearinghouse
32 for all applicants applying for an initial, renewal, transfer, or
33 upgraded CDL or CLP. If the chief administrator receives
34 notification that pursuant to 49 C.F.R. s.382.503 the applicant is
35 prohibited from operating a commercial motor vehicle, the chief
36 administrator shall not issue, renew, transfer, or upgrade a CDL or
37 CLP.

38 d. No later than November 1, 2024, the chief administrator
39 shall, upon receiving notification from the drug and alcohol
40 clearinghouse that a holder of a CDL or CLP is prohibited from
41 operating a commercial motor vehicle, downgrade the CDL or CLP,
42 regardless of whether that notification is received in response to a
43 request under subsection c. of this section. The downgrade shall be
44 completed and recorded on the CDLIS driver record within 60 days
45 after the chief administrator's receipt of such a notification. Upon
46 notification from the Federal Motor Carrier Safety Administration
47 that a driver has completed the return-to-duty process, the chief
48 administrator may reinstate the driver's CDL or CLP privileges.

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8

1 e. Upon notification from the Federal Motor Carrier Safety
2 Administration that a violation was entered into the drug and
3 alcohol clearinghouse erroneously, the chief administrator shall
4 reinstate the driver's CDL or CLP privileges and remove the
5 downgrade from the applicant's driving record.

6 f. No later than November 1, 2024, the chief administrator
7 shall request information from the drug and alcohol clearinghouse
8 for all applicants applying to renew a hazardous material
9 endorsement. If the chief administrator receives notification that
10 pursuant to 49 C.F.R. s.382.503 the applicant is prohibited from
11 operating a commercial motor vehicle, the chief administrator shall
12 not renew the hazardous material endorsement. If the applicant
13 currently holds a CDL or CLP, the chief administrator shall
14 downgrade the CDL or CLP.

15
16 3. This act shall take effect immediately.

17
18
19 STATEMENT

20
21 This bill requires that the Chief Administrator of the New Jersey
22 Motor Vehicle Commission (chief administrator) access and use
23 information from the Federal Motor Carrier Safety Administration's
24 (FMCSA) drug and alcohol clearinghouse indicating that
25 commercial learner's permit (CLP) or commercial driver license
26 (CDL) holders or applicants may not lawfully operate a commercial
27 motor vehicle. Under this bill, the chief administrator is required to
28 request information from the drug and alcohol clearinghouse for all
29 applicants applying for an initial, renewal, transfer, or upgraded
30 CDL or CLP. If the chief administrator receives notification that
31 the applicant is prohibited from operating a commercial motor
32 vehicle, the chief administrator is prohibited from issuing,
33 renewing, transferring, or upgrading a CDL or CLP.

34 Additionally, under this bill, upon receiving notification from the
35 drug and alcohol clearinghouse that a holder of a CDL or CLP is
36 prohibited from operating a commercial motor vehicle, the chief
37 administrator is required to downgrade the CDL or CLP, regardless
38 of whether that notification is received in response to a request
39 when an applicant is applying to obtain, renew, transfer, or upgrade
40 a CDL or CLP. The downgrade is required to be completed and
41 recorded on the Commercial Driver License Information System
42 driver record within 60 days after the chief administrator's receipt
43 of such a notification. Upon notification from the FMCSA that a
44 driver has completed the return-to-duty process, the chief
45 administrator may reinstate the driver's CDL or CLP privileges.
46 Upon notification from the FMCSA that a violation was entered
47 into the drug and alcohol clearinghouse erroneously, the chief
48 administrator is required to reinstate the driver's CDL or CLP

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1 privileges and remove the downgrade from the applicant's driving
2 record.

3 The bill also requires the chief administrator request information
4 from the drug and alcohol clearinghouse for all applicants applying
5 to renew a hazardous material endorsement. If the chief
6 administrator receives notification that the applicant is prohibited
7 from operating a commercial motor vehicle, the chief administrator
8 is required to deny the renewal and downgrade the CDL or CLP if
9 the applicant has one.

10 This bill brings New Jersey into compliance with updates to
11 federal law.

[First Reprint]

SENATE, No. 3134

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED APRIL 15, 2024

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator PAUL D. MORIARTY

District 4 (Atlantic, Camden and Gloucester)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Assemblywoman LINDA S. CARTER

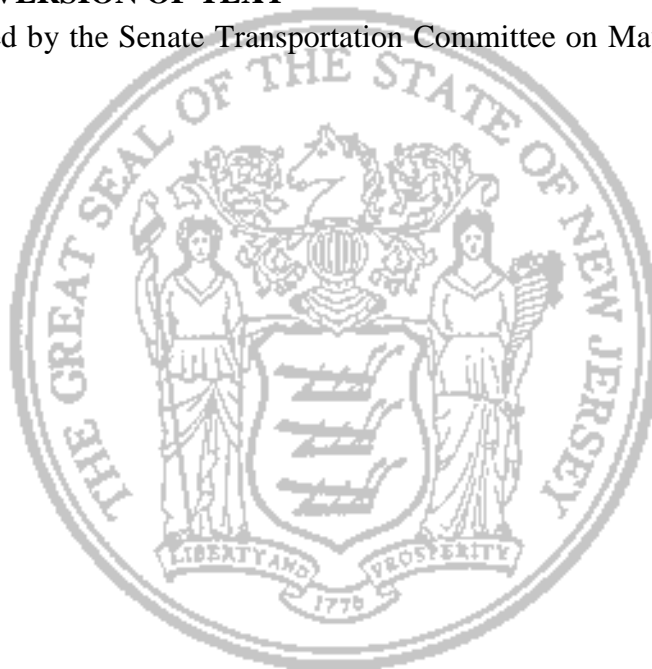
District 22 (Somerset and Union)

SYNOPSIS

Requires MVC to take certain action concerning commercial driver licenses and commercial learner's permits.

CURRENT VERSION OF TEXT

As reported by the Senate Transportation Committee on May 6, 2024, with amendments.



(Sponsorship Updated As Of: 6/28/2024)

1 AN ACT concerning commercial driver licenses and learner's
2 permits and amending and supplementing P.L.1990, c.103.

3

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

6

7 1. Section 3 of P.L.1990, c.103 (39:3-10.11) is amended to read
8 as follows:

9 3. For purposes of this act, a term shall have the meaning set
10 forth in R.S.39:1-1 unless another meaning for the term is set forth
11 in this act, or unless another meaning is clearly apparent from the
12 language or context of this act, or unless the meaning for the term
13 set forth in R.S.39:1-1 is inconsistent with the manifest intent of the
14 Legislature in this act.

15 For purposes of this act:

16 "Alcohol concentration" means:

17 a. The number of grams of alcohol per 100 milliliters of blood;

18 or

19 b. The number of grams of alcohol per 210 liters of breath.

20 "Commercial driver license" or "CDL" means a license issued in
21 accordance with this act to a person authorizing the person to
22 operate a certain class of commercial motor vehicle.

23 "Commercial Driver License Information System" or "CDLIS"
24 means the information system established pursuant to **the federal**
25 "Commercial Motor Vehicle Safety Act of 1986," Pub.L.99-570 (49
26 U.S.C. s.2701 et seq.) **Pub.L.103-272 ¹[s.1(e)]¹** (49 U.S.C.
27 s.31309) to serve as a clearinghouse for locating information related
28 to the licensing and identification of commercial motor vehicle
29 drivers.

30 "Commercial learner's permit" or "CLP" means a permit issued
31 in accordance with P.L.1990, c.103 (C.39:3-10.9 et seq.) to a person
32 which, when carried with a valid driver license issued by the same
33 state or jurisdiction, authorizes the person to operate a certain class
34 of commercial motor vehicle when accompanied by a holder of a
35 valid CDL for purposes of behind-the-wheel training.

36 "Commercial motor vehicle" or "CMV" means a motor vehicle
37 or combination of motor vehicles used or designed to transport
38 passengers or property:

39 a. If the vehicle has a gross vehicle weight rating of 26,001 or
40 more pounds or displays a gross vehicle weight rating of 26,001 or
41 more pounds;

42 b. If the vehicle has a gross combination weight rating of
43 26,001 or more pounds inclusive of a towed unit with a gross
44 vehicle weight rating of more than 10,000 pounds;

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

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate STR committee amendments adopted May 6, 2024.

1 c. If the vehicle is designed to transport 16 or more passengers
2 including the driver;

3 d. If the vehicle is designed to transport eight or more but less
4 than 16 persons, including the driver, and is used to transport such
5 persons for hire on a daily basis to and from places of employment;

6 e. If the vehicle is transporting or used in the transportation of
7 hazardous materials and is required to be placarded in accordance
8 with Subpart F. of 49 C.F.R. s.172, or the vehicle displays a
9 hazardous material placard; or

10 f. If the vehicle is operated by, or under contract with, a public
11 or governmental agency, or religious or other charitable
12 organization or corporation, or is privately operated, and is used for
13 the transportation of children to or from a school, school connected
14 activity, day camp, summer day camp, summer residence camp,
15 nursery school, child care center, preschool center or other similar
16 places of education.

17 The chief administrator may, by regulation, include within this
18 definition such other motor vehicles or combination of motor
19 vehicles as **[he]** the chief administrator deems appropriate.

20 This term shall not include recreation vehicles.

21 This term shall not include motor vehicles designed to transport
22 eight or more but less than sixteen persons, including the driver,
23 which are owned and operated directly by businesses engaged in the
24 practice of mortuary science when those vehicles are used
25 exclusively for providing transportation related to the provision of
26 funeral services and which shall not be used in that capacity at any
27 time to pick up or discharge passengers to any airline terminal, train
28 station or other transportation center, or for any purpose not directly
29 related to the provision of funeral services.

30 "Controlled substance" means any substance so classified under
31 subsection (6) of section 102 of the "Controlled Substances Act"
32 (21 U.S.C. s.802), and includes all substances listed on Schedules I
33 through V of 21 C.F.R. s.1308, or under P.L.1970, c.226 (C.24:21-1
34 et seq.) as they may be revised from time to time. The term,
35 wherever it appears in this act or administrative regulation
36 promulgated pursuant to this act, shall include controlled substance
37 analogs.

38 "Controlled substance analog" means a substance that has a
39 chemical structure substantially similar to that of a controlled
40 dangerous substance and that was specifically designed to produce
41 an effect substantially similar to that of a controlled dangerous
42 substance. The term shall not include a substance manufactured or
43 distributed in conformance with the provisions of an approved new
44 drug application or an exemption for investigational use within the
45 meaning of section 505 of the Federal Food, Drug and Cosmetic
46 Act (21 U.S.C. s.355).

47 "Conviction" means a final adjudication that a violation has
48 occurred, a final judgment on a verdict, a finding of guilt in a

1 tribunal of original jurisdiction, or a conviction following a plea of
2 guilty, non vult or nolo contendere accepted by a court. It also
3 includes an unvacated forfeiture of bail, bond or collateral deposited
4 to secure the person's appearance in court, or the payment of a fine
5 or court costs, or violation of a condition of release without bail,
6 regardless of whether the penalty is rebated, suspended, or
7 probated.

8 "Disqualification" means either:

9 a. The suspension, revocation, cancellation, or any other
10 withdrawal by a state of a person's privilege to operate a
11 commercial motor vehicle;

12 b. A determination by the Federal Motor Carrier Safety
13 Administration under the rules of practice for motor carrier safety
14 contained in 49 C.F.R. s.386, that a person is no longer qualified to
15 operate a commercial motor vehicle under 49 C.F.R. s.391; or

16 c. The loss of qualification which automatically follows
17 conviction of an offense listed in 49 C.F.R. s.383.51.

18 "Domicile" means that state where a person has a true, fixed, and
19 permanent home and principal residence and to which the person
20 intends to return whenever the person is absent.

21 "Downgrade" means:

22 a. to change a driver's self-certification to interstate, but
23 operating exclusively in transportation or operations excepted from
24 49 C.F.R. Part 391, as provided in 49 C.F.R. s.390.3T(f), 49 C.F.R.
25 s.391.2, 49 C.F.R. s.391.68, or 49 C.F.R. s.398.3;

26 b. to change a driver's self-certification to intrastate only, if the
27 driver qualifies under the department's physical qualification
28 requirements for intrastate only;

29 c. to change a driver's self-certification to intrastate, but
30 operating exclusively in transportation or operations excepted from
31 all or part of the driver qualification requirements; or

32 d. to remove a CLP or CDL privilege from a driver license.

33 "Driver license" means a license issued by this State or any other
34 jurisdiction to a person authorizing the person to operate a motor
35 vehicle.

36 "Drug and alcohol clearinghouse" means the drug and alcohol
37 clearinghouse maintained by the Federal Motor Carrier Safety
38 Administration.

39 "Endorsement" means an authorization to a commercial driver
40 license required to permit the holder of the license to operate certain
41 types of commercial motor vehicles.

42 "Felony" means any offense under any federal law or the law of
43 a state, including this State, that is punishable by death or
44 imprisonment for a term exceeding one year. The term includes,
45 but is not limited to, "crimes" as that term is defined in N.J.S.2C:1-
46 1 et seq.

47 "Foreign jurisdiction" means any jurisdiction other than a state of
48 the United States.

1 "Gross vehicle weight rating" or "GVWR" means the value
2 specified by a manufacturer as the loaded weight of a single or a
3 combination (articulated) vehicle, or the registered gross weight,
4 whichever is greater. The GVWR of a combination (articulated)
5 vehicle, commonly referred to as the "gross combination weight
6 rating" or "GCWR," is the GVWR of the power unit plus the
7 GVWR of the towed unit or units. In the absence of a value
8 specified for the towed unit or units by the manufacturer, the
9 GVWR of a combination (articulated) vehicle is the GVWR of the
10 power unit plus the total weight of the towed unit, including the
11 loads on them.

12 "Hazardous material" means a substance or material determined
13 by the Secretary of the United States Department of Transportation
14 to be capable of posing an unreasonable risk to health, safety, and
15 property when transported in commerce and so designated pursuant
16 to the provisions of [the "Hazardous Materials Transportation Act"
17 (49 U.S.C. s.1801 et seq.)] 49 U.S.C. s.5101 et seq.

18 "Motor vehicle" includes all vehicles propelled otherwise than by
19 muscular power, except such vehicles as run only upon rails or
20 tracks. The term "motor vehicle" includes motorized bicycles.

21 "Non-commercial motor vehicle" means a motor vehicle or
22 combination of motor vehicles other than a "commercial motor
23 vehicle" as defined in this section.

24 "Out-of-service order" means a declaration by an authorized
25 enforcement officer of a federal, state, Canadian, Mexican, or local
26 jurisdiction that a driver, a commercial motor vehicle, or a motor
27 carrier operation is out-of-service pursuant to 49 C.F.R. s.386.72,
28 49 C.F.R. s.392.5, 49 C.F.R. s.395.13, 49 C.F.R. s.396.9, or any
29 compatible law or the North American Uniform Out-of-Service
30 Criteria.

31 "Recreation vehicle" means a self-propelled or towed vehicle
32 equipped to serve as temporary living quarters for recreational,
33 camping, or travel purposes and is used solely as a family or
34 personal conveyance.

35 "Representative vehicle" means a motor vehicle which represents
36 the type of motor vehicle that a commercial driver license applicant
37 operates or expects to operate.

38 "Safety-sensitive function" means all time from the time a driver
39 begins to work or is required to be in readiness to work until the
40 time the driver is relieved from work and all responsibility for
41 performing work. "Safety-sensitive functions" shall include, but
42 not be limited to:

43 a. all time at an employer or shipper plant, terminal, facility, or
44 other property, or on any public property, waiting to be dispatched,
45 unless the driver has been relieved from duty by the employer;

46 b. all time inspecting equipment as required by 49 C.F.R.
47 s.392.7 and 49 C.F.R. s.392.8 or otherwise inspecting, servicing, or
48 conditioning any commercial motor vehicle at any time;

- 1 c. all time spent at the driving controls of a commercial motor
2 vehicle in operation;
- 3 d. all time, other than driving time, in or upon any commercial
4 motor vehicle except time spent resting in a sleeper berth, which is
5 a berth conforming to the requirements of 49 C.F.R. s.393.76;
- 6 e. all time loading or unloading a vehicle, supervising, or
7 assisting in the loading or unloading, attending a vehicle being
8 loaded or unloaded, remaining in readiness to operate the vehicle,
9 or in giving or receiving receipts for shipments loaded or unloaded;
10 and
- 11 f. ¹[All] all¹ time repairing, obtaining assistance, or remaining
12 in attendance upon a disabled vehicle.
- 13 “Self-certification” means the certification made by a person
14 applying for a CDL pursuant to 49 C.F.R. s.383.71, certifying that
15 the person:
- 16 a. operates or expects to operate in interstate commerce, is both
17 subject to and meets the qualification requirements under 49 C.F.R.
18 Part 391, and is required to obtain a medical examiner’s certificate
19 by 49 C.F.R. s.391.45;
- 20 b. operates or expects to operate in interstate commerce, but
21 engages exclusively in transportation or operations excepted under
22 49 C.F.R. s.390.3T(f), 49 C.F.R. s.391.2, 49 C.F.R. s.391.68, or 49
23 C.F.R. s.398.3 from all or parts of the qualification requirements
24 under 49 C.F.R. Part 391, and is therefore not required to obtain a
25 medical examiner’s certificate by 49 C.F.R. s.391.45;
- 26 c. operates only in intrastate commerce and therefore is subject
27 to State driver qualification requirements; or
- 28 d. operates in intrastate commerce, but engages exclusively in
29 transportation or operations excepted from all or parts of the State
30 driver qualification requirements.
- 31 "Serious traffic violation" means conviction for one of the
32 following offenses committed while operating a commercial motor
33 vehicle:
- 34 a. Excessive speeding, involving any single offense for a speed
35 of 15 miles per hour or more above the speed limit;
- 36 b. Reckless driving, as defined by state or local law or
37 regulation, including, but not limited to, offenses of driving a
38 commercial motor vehicle in willful or wanton disregard of the
39 safety of persons or property, including violations of R.S.39:4-96;
- 40 c. Improper or erratic traffic lane changes;
- 41 d. Following a vehicle ahead too closely, including violations
42 of R.S.39:4-89;
- 43 e. A violation, arising in connection with a fatal accident, of
44 state or local law relating to motor vehicle traffic control, other than
45 a parking violation;
- 46 f. Any other violation of a state or local law relating to motor
47 vehicle traffic control determined by the Secretary of the United

1 States Department of Transportation in 49 C.F.R. s.383.51 to be a
2 serious traffic violation;

3 g. Driving a commercial motor vehicle without a commercial
4 driver license in the driver's possession; or

5 h. Driving a commercial motor vehicle without the proper class
6 of commercial driver license or endorsements for the specific
7 vehicle group being operated or for the passengers or type of cargo
8 being transported.

9 This term shall not include vehicle weight or defect violations.

10 "State" means a state of the United States or the District of
11 Columbia.

12 "Tank vehicle" means any commercial motor vehicle that is
13 designed to transport any liquid or gaseous material within a tank
14 that is either permanently or temporarily attached to the vehicle or
15 the chassis. Such vehicles include, but are not limited to, cargo
16 tanks and portable tanks as defined by the chief administrator.
17 However, this definition does not include portable tanks having a
18 rated capacity under 1,000 gallons.

19 "Vehicle group" means a class or type of vehicle with certain
20 operating characteristics.

21 (cf: P.L.2009, c.271, s.1)

22

23 2. (New section) a. A driver who has engaged in conduct
24 prohibited by Subpart B of 49 C.F.R. s.382 shall not perform safety-
25 sensitive functions, including driving a commercial motor vehicle,
26 unless the driver has met the return to duty requirements of Subpart
27 O of 49 C.F.R. s.40 and, if the driver's CDL or CLP was
28 downgraded, has had the CDL or CLP reinstated.

29 b. By applying for a CDL or CLP, a driver is deemed to have
30 consented to the release of information from the drug and alcohol
31 clearinghouse to the chief administrator.

32 c. No later than November 1, 2024, the chief administrator
33 shall request information from the drug and alcohol clearinghouse
34 for all applicants applying for an initial, renewal, transfer, or
35 upgraded CDL or CLP. If the chief administrator receives
36 notification that pursuant to 49 C.F.R. s.382.503 the applicant is
37 prohibited from operating a commercial motor vehicle, the chief
38 administrator shall not issue, renew, transfer, or upgrade a CDL or
39 CLP.

40 d. No later than November 1, 2024, the chief administrator
41 shall, upon receiving notification from the drug and alcohol
42 clearinghouse that a holder of a CDL or CLP is prohibited from
43 operating a commercial motor vehicle, downgrade the CDL or CLP,
44 regardless of whether that notification is received in response to a
45 request under subsection c. of this section. The downgrade shall be
46 completed and recorded on the CDLIS driver record within 60 days
47 after the chief administrator's receipt of such a notification. Upon
48 notification from the Federal Motor Carrier Safety Administration

1 that a driver has completed the return-to-duty process, the chief
2 administrator may reinstate the driver's CDL or CLP privileges.

3 e. Upon notification from the Federal Motor Carrier Safety
4 Administration that a violation was entered into the drug and
5 alcohol clearinghouse erroneously, the chief administrator shall
6 reinstate the driver's CDL or CLP privileges and remove the
7 downgrade from the applicant's driving record.

8 f. No later than November 1, 2024, the chief administrator
9 shall request information from the drug and alcohol clearinghouse
10 for all applicants applying to renew a hazardous material
11 endorsement. If the chief administrator receives notification that
12 pursuant to 49 C.F.R. s.382.503 the applicant is prohibited from
13 operating a commercial motor vehicle, the chief administrator shall
14 not renew the hazardous material endorsement. If the applicant
15 currently holds a CDL or CLP, the chief administrator shall
16 downgrade the CDL or CLP.

17

18 3. This act shall take effect immediately.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 3134

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 2024

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 3134.

As amended and reported, this bill requires the Chief Administrator of the New Jersey Motor Vehicle Commission (chief administrator) to access and use information from the Federal Motor Carrier Safety Administration's (FMCSA) drug and alcohol clearinghouse indicating whether a commercial learner's permit (CLP) or commercial driver license (CDL) holder or applicant may lawfully operate a commercial motor vehicle. Under this bill, the chief administrator is required to request information from the drug and alcohol clearinghouse for all applicants applying for an initial, renewal, transfer, or upgraded CDL or CLP. If the chief administrator receives notification that the applicant is prohibited from operating a commercial motor vehicle, the chief administrator is prohibited from issuing, renewing, transferring, or upgrading a CDL or CLP.

Additionally, under this bill, upon receiving notification from the drug and alcohol clearinghouse that a holder of a CDL or CLP is prohibited from operating a commercial motor vehicle, the chief administrator is required to downgrade the CDL or CLP, regardless of whether that notification is received in response to a request when an applicant is applying to obtain, renew, transfer, or upgrade a CDL or CLP. The downgrade is required to be completed and recorded on the Commercial Driver License Information System driver record within 60 days after the chief administrator's receipt of such a notification. Upon notification from the FMCSA that a driver has completed the return-to-duty process, the chief administrator may reinstate the driver's CDL or CLP privileges. Upon notification from the FMCSA that a violation was entered into the drug and alcohol clearinghouse erroneously, the chief administrator is required to reinstate the driver's CDL or CLP privileges and remove the downgrade from the applicant's driving record.

The bill also requires the chief administrator to request information from the drug and alcohol clearinghouse for all applicants applying to

renew a hazardous material endorsement. If the chief administrator receives notification that the applicant is prohibited from operating a commercial motor vehicle, the chief administrator is required to deny the renewal and downgrade the CDL or CLP if the applicant has one.

This bill brings New Jersey into compliance with updates to federal law.

COMMITTEE AMENDMENTS:

The committee amended the bill to make a technical change to a citation and to make a grammatical correction.

ASSEMBLY, No. 4192

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED APRIL 15, 2024

Sponsored by:
Assemblyman CLINTON CALABRESE
District 36 (Bergen and Passaic)

SYNOPSIS

Requires MVC to take certain action concerning commercial driver licenses and commercial learner's permits.

CURRENT VERSION OF TEXT

As introduced.



A4192 CALABRESE

2

1 AN ACT concerning commercial driver licenses and learner's
2 permits and amending and supplementing P.L.1990, c.103.

3

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

6

7 1. Section 3 of P.L.1990, c.103 (39:3-10.11) is amended to read
8 as follows:

9 3. For purposes of this act, a term shall have the meaning set
10 forth in R.S.39:1-1 unless another meaning for the term is set forth
11 in this act, or unless another meaning is clearly apparent from the
12 language or context of this act, or unless the meaning for the term
13 set forth in R.S.39:1-1 is inconsistent with the manifest intent of the
14 Legislature in this act.

15 For purposes of this act:

16 "Alcohol concentration" means:

17 a. The number of grams of alcohol per 100 milliliters of blood;

18 or

19 b. The number of grams of alcohol per 210 liters of breath.

20 "Commercial driver license" or "CDL" means a license issued in
21 accordance with this act to a person authorizing the person to
22 operate a certain class of commercial motor vehicle.

23 "Commercial Driver License Information System" or "CDLIS"
24 means the information system established pursuant to **the federal**
25 **"Commercial Motor Vehicle Safety Act of 1986,"** Pub.L.99-570 (49
26 U.S.C. s.2701 et seq.) **Pub.L.103-272 s.1(e) (49 U.S.C. s.31309)** to
27 serve as a clearinghouse for locating information related to the
28 licensing and identification of commercial motor vehicle drivers.

29 "Commercial learner's permit" or "CLP" means a permit issued
30 in accordance with P.L.1990, c.103 (C.39:3-10.9 et seq.) to a person
31 which, when carried with a valid driver license issued by the same
32 state or jurisdiction, authorizes the person to operate a certain class
33 of commercial motor vehicle when accompanied by a holder of a
34 valid CDL for purposes of behind-the-wheel training.

35 "Commercial motor vehicle" or "CMV" means a motor vehicle
36 or combination of motor vehicles used or designed to transport
37 passengers or property:

38 a. If the vehicle has a gross vehicle weight rating of 26,001 or
39 more pounds or displays a gross vehicle weight rating of 26,001 or
40 more pounds;

41 b. If the vehicle has a gross combination weight rating of
42 26,001 or more pounds inclusive of a towed unit with a gross
43 vehicle weight rating of more than 10,000 pounds;

44 c. If the vehicle is designed to transport 16 or more passengers
45 including the driver;

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

Matter underlined thus is new matter.

1 d. If the vehicle is designed to transport eight or more but less
2 than 16 persons, including the driver, and is used to transport such
3 persons for hire on a daily basis to and from places of employment;

4 e. If the vehicle is transporting or used in the transportation of
5 hazardous materials and is required to be placarded in accordance
6 with Subpart F. of 49 C.F.R. s.172, or the vehicle displays a
7 hazardous material placard; or

8 f. If the vehicle is operated by, or under contract with, a public
9 or governmental agency, or religious or other charitable
10 organization or corporation, or is privately operated, and is used for
11 the transportation of children to or from a school, school connected
12 activity, day camp, summer day camp, summer residence camp,
13 nursery school, child care center, preschool center or other similar
14 places of education.

15 The chief administrator may, by regulation, include within this
16 definition such other motor vehicles or combination of motor
17 vehicles as **[he]** the chief administrator deems appropriate.

18 This term shall not include recreation vehicles.

19 This term shall not include motor vehicles designed to transport
20 eight or more but less than sixteen persons, including the driver,
21 which are owned and operated directly by businesses engaged in the
22 practice of mortuary science when those vehicles are used
23 exclusively for providing transportation related to the provision of
24 funeral services and which shall not be used in that capacity at any
25 time to pick up or discharge passengers to any airline terminal, train
26 station or other transportation center, or for any purpose not directly
27 related to the provision of funeral services.

28 "Controlled substance" means any substance so classified under
29 subsection (6) of section 102 of the "Controlled Substances Act"
30 (21 U.S.C. s.802), and includes all substances listed on Schedules I
31 through V of 21 C.F.R. s.1308, or under P.L.1970, c.226 (C.24:21-1
32 et seq.) as they may be revised from time to time. The term,
33 wherever it appears in this act or administrative regulation
34 promulgated pursuant to this act, shall include controlled substance
35 analogs.

36 "Controlled substance analog" means a substance that has a
37 chemical structure substantially similar to that of a controlled
38 dangerous substance and that was specifically designed to produce
39 an effect substantially similar to that of a controlled dangerous
40 substance. The term shall not include a substance manufactured or
41 distributed in conformance with the provisions of an approved new
42 drug application or an exemption for investigational use within the
43 meaning of section 505 of the Federal Food, Drug and Cosmetic
44 Act (21 U.S.C. s.355).

45 "Conviction" means a final adjudication that a violation has
46 occurred, a final judgment on a verdict, a finding of guilt in a
47 tribunal of original jurisdiction, or a conviction following a plea of
48 guilty, non vult or nolo contendere accepted by a court. It also

1 includes an unvacated forfeiture of bail, bond or collateral deposited
2 to secure the person's appearance in court, or the payment of a fine
3 or court costs, or violation of a condition of release without bail,
4 regardless of whether the penalty is rebated, suspended, or
5 probated.

6 "Disqualification" means either:

7 a. The suspension, revocation, cancellation, or any other
8 withdrawal by a state of a person's privilege to operate a
9 commercial motor vehicle;

10 b. A determination by the Federal Motor Carrier Safety
11 Administration under the rules of practice for motor carrier safety
12 contained in 49 C.F.R. s.386, that a person is no longer qualified to
13 operate a commercial motor vehicle under 49 C.F.R. s.391; or

14 c. The loss of qualification which automatically follows
15 conviction of an offense listed in 49 C.F.R. s.383.51.

16 "Domicile" means that state where a person has a true, fixed, and
17 permanent home and principal residence and to which the person
18 intends to return whenever the person is absent.

19 "Downgrade" means:

20 a. to change a driver's self-certification to interstate, but
21 operating exclusively in transportation or operations excepted from
22 49 C.F.R. Part 391, as provided in 49 C.F.R. s.390.3T(f), 49 C.F.R.
23 s.391.2, 49 C.F.R. s.391.68, or 49 C.F.R. s.398.3;

24 b. to change a driver's self-certification to intrastate only, if the
25 driver qualifies under the department's physical qualification
26 requirements for intrastate only;

27 c. to change a driver's self-certification to intrastate, but
28 operating exclusively in transportation or operations excepted from
29 all or part of the driver qualification requirements; or

30 d. to remove a CLP or CDL privilege from a driver license.

31 "Driver license" means a license issued by this State or any other
32 jurisdiction to a person authorizing the person to operate a motor
33 vehicle.

34 "Drug and alcohol clearinghouse" means the drug and alcohol
35 clearinghouse maintained by the Federal Motor Carrier Safety
36 Administration.

37 "Endorsement" means an authorization to a commercial driver
38 license required to permit the holder of the license to operate certain
39 types of commercial motor vehicles.

40 "Felony" means any offense under any federal law or the law of
41 a state, including this State, that is punishable by death or
42 imprisonment for a term exceeding one year. The term includes,
43 but is not limited to, "crimes" as that term is defined in N.J.S.2C:1-
44 1 et seq.

45 "Foreign jurisdiction" means any jurisdiction other than a state of
46 the United States.

47 "Gross vehicle weight rating" or "GVWR" means the value
48 specified by a manufacturer as the loaded weight of a single or a

1 combination (articulated) vehicle, or the registered gross weight,
2 whichever is greater. The GVWR of a combination (articulated)
3 vehicle, commonly referred to as the "gross combination weight
4 rating" or "GCWR," is the GVWR of the power unit plus the
5 GVWR of the towed unit or units. In the absence of a value
6 specified for the towed unit or units by the manufacturer, the
7 GVWR of a combination (articulated) vehicle is the GVWR of the
8 power unit plus the total weight of the towed unit, including the
9 loads on them.

10 "Hazardous material" means a substance or material determined
11 by the Secretary of the United States Department of Transportation
12 to be capable of posing an unreasonable risk to health, safety, and
13 property when transported in commerce and so designated pursuant
14 to the provisions of [the "Hazardous Materials Transportation Act"
15 (49 U.S.C. s.1801 et seq.)] 49 U.S.C. s.5101 et seq.

16 "Motor vehicle" includes all vehicles propelled otherwise than by
17 muscular power, except such vehicles as run only upon rails or
18 tracks. The term "motor vehicle" includes motorized bicycles.

19 "Non-commercial motor vehicle" means a motor vehicle or
20 combination of motor vehicles other than a "commercial motor
21 vehicle" as defined in this section.

22 "Out-of-service order" means a declaration by an authorized
23 enforcement officer of a federal, state, Canadian, Mexican, or local
24 jurisdiction that a driver, a commercial motor vehicle, or a motor
25 carrier operation is out-of-service pursuant to 49 C.F.R. s.386.72,
26 49 C.F.R. s.392.5, 49 C.F.R. s.395.13, 49 C.F.R. s.396.9, or any
27 compatible law or the North American Uniform Out-of-Service
28 Criteria.

29 "Recreation vehicle" means a self-propelled or towed vehicle
30 equipped to serve as temporary living quarters for recreational,
31 camping, or travel purposes and is used solely as a family or
32 personal conveyance.

33 "Representative vehicle" means a motor vehicle which represents
34 the type of motor vehicle that a commercial driver license applicant
35 operates or expects to operate.

36 "Safety-sensitive function" means all time from the time a driver
37 begins to work or is required to be in readiness to work until the
38 time the driver is relieved from work and all responsibility for
39 performing work. "Safety-sensitive functions" shall include, but
40 not be limited to:

41 a. all time at an employer or shipper plant, terminal, facility, or
42 other property, or on any public property, waiting to be dispatched,
43 unless the driver has been relieved from duty by the employer;

44 b. all time inspecting equipment as required by 49 C.F.R.
45 s.392.7 and 49 C.F.R. s.392.8 or otherwise inspecting, servicing, or
46 conditioning any commercial motor vehicle at any time;

47 c. all time spent at the driving controls of a commercial motor
48 vehicle in operation;

1 d. all time, other than driving time, in or upon any commercial
2 motor vehicle except time spent resting in a sleeper berth, which is
3 a berth conforming to the requirements of 49 C.F.R. s.393.76;

4 e. all time loading or unloading a vehicle, supervising, or
5 assisting in the loading or unloading, attending a vehicle being
6 loaded or unloaded, remaining in readiness to operate the vehicle,
7 or in giving or receiving receipts for shipments loaded or unloaded;
8 and

9 f. All time repairing, obtaining assistance, or remaining in
10 attendance upon a disabled vehicle.

11 “Self-certification” means the certification made by a person
12 applying for a CDL pursuant to 49 C.F.R. s.383.71, certifying that
13 the person:

14 a. operates or expects to operate in interstate commerce, is both
15 subject to and meets the qualification requirements under 49 C.F.R.
16 Part 391, and is required to obtain a medical examiner’s certificate
17 by 49 C.F.R. s.391.45;

18 b. operates or expects to operate in interstate commerce, but
19 engages exclusively in transportation or operations excepted under
20 49 C.F.R. s.390.3T(f), 49 C.F.R. s.391.2, 49 C.F.R. s.391.68, or 49
21 C.F.R. s.398.3 from all or parts of the qualification requirements
22 under 49 C.F.R. Part 391, and is therefore not required to obtain a
23 medical examiner’s certificate by 49 C.F.R. s.391.45;

24 c. operates only in intrastate commerce and therefore is subject
25 to State driver qualification requirements; or

26 d. operates in intrastate commerce, but engages exclusively in
27 transportation or operations excepted from all or parts of the State
28 driver qualification requirements.

29 "Serious traffic violation" means conviction for one of the
30 following offenses committed while operating a commercial motor
31 vehicle:

32 a. Excessive speeding, involving any single offense for a speed
33 of 15 miles per hour or more above the speed limit;

34 b. Reckless driving, as defined by state or local law or
35 regulation, including, but not limited to, offenses of driving a
36 commercial motor vehicle in willful or wanton disregard of the
37 safety of persons or property, including violations of R.S.39:4-96;

38 c. Improper or erratic traffic lane changes;

39 d. Following a vehicle ahead too closely, including violations
40 of R.S.39:4-89;

41 e. A violation, arising in connection with a fatal accident, of
42 state or local law relating to motor vehicle traffic control, other than
43 a parking violation;

44 f. Any other violation of a state or local law relating to motor
45 vehicle traffic control determined by the Secretary of the United
46 States Department of Transportation in 49 C.F.R. s.383.51 to be a
47 serious traffic violation;

1 g. Driving a commercial motor vehicle without a commercial
2 driver license in the driver's possession; or

3 h. Driving a commercial motor vehicle without the proper class
4 of commercial driver license or endorsements for the specific
5 vehicle group being operated or for the passengers or type of cargo
6 being transported.

7 This term shall not include vehicle weight or defect violations.

8 "State" means a state of the United States or the District of
9 Columbia.

10 "Tank vehicle" means any commercial motor vehicle that is
11 designed to transport any liquid or gaseous material within a tank
12 that is either permanently or temporarily attached to the vehicle or
13 the chassis. Such vehicles include, but are not limited to, cargo
14 tanks and portable tanks as defined by the chief administrator.
15 However, this definition does not include portable tanks having a
16 rated capacity under 1,000 gallons.

17 "Vehicle group" means a class or type of vehicle with certain
18 operating characteristics.

19 (cf: P.L.2009, c.271, s.1)

20

21 2. (New section) a. A driver who has engaged in conduct
22 prohibited by Subpart B of 49 C.F.R. s.382 shall not perform safety-
23 sensitive functions, including driving a commercial motor vehicle,
24 unless the driver has met the return to duty requirements of Subpart
25 O of 49 C.F.R. s.40 and, if the driver's CDL or CLP was
26 downgraded, has had the CDL or CLP reinstated.

27 b. By applying for a CDL or CLP, a driver is deemed to have
28 consented to the release of information from the drug and alcohol
29 clearinghouse to the chief administrator.

30 c. No later than November 1, 2024, the chief administrator
31 shall request information from the drug and alcohol clearinghouse
32 for all applicants applying for an initial, renewal, transfer, or
33 upgraded CDL or CLP. If the chief administrator receives
34 notification that pursuant to 49 C.F.R. s.382.503 the applicant is
35 prohibited from operating a commercial motor vehicle, the chief
36 administrator shall not issue, renew, transfer, or upgrade a CDL or
37 CLP.

38 d. No later than November 1, 2024, the chief administrator
39 shall, upon receiving notification from the drug and alcohol
40 clearinghouse that a holder of a CDL or CLP is prohibited from
41 operating a commercial motor vehicle, downgrade the CDL or CLP,
42 regardless of whether that notification is received in response to a
43 request under subsection c. of this section. The downgrade shall be
44 completed and recorded on the CDLIS driver record within 60 days
45 after the chief administrator's receipt of such a notification. Upon
46 notification from the Federal Motor Carrier Safety Administration
47 that a driver has completed the return-to-duty process, the chief
48 administrator may reinstate the driver's CDL or CLP privileges.

1 e. Upon notification from the Federal Motor Carrier Safety
2 Administration that a violation was entered into the drug and
3 alcohol clearinghouse erroneously, the chief administrator shall
4 reinstate the driver's CDL or CLP privileges and remove the
5 downgrade from the applicant's driving record.

6 f. No later than November 1, 2024, the chief administrator
7 shall request information from the drug and alcohol clearinghouse
8 for all applicants applying to renew a hazardous material
9 endorsement. If the chief administrator receives notification that
10 pursuant to 49 C.F.R. s.382.503 the applicant is prohibited from
11 operating a commercial motor vehicle, the chief administrator shall
12 not renew the hazardous material endorsement. If the applicant
13 currently holds a CDL or CLP, the chief administrator shall
14 downgrade the CDL or CLP.

15

16 3. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill requires that the Chief Administrator of the New Jersey
22 Motor Vehicle Commission (chief administrator) access and use
23 information from the Federal Motor Carrier Safety Administration's
24 (FMCSA) drug and alcohol clearinghouse indicating that
25 commercial learner's permit (CLP) or commercial driver license
26 (CDL) holders or applicants may not lawfully operate a commercial
27 motor vehicle. Under this bill, the chief administrator is required to
28 request information from the drug and alcohol clearinghouse for all
29 applicants applying for an initial, renewal, transfer, or upgraded
30 CDL or CLP. If the chief administrator receives notification that
31 the applicant is prohibited from operating a commercial motor
32 vehicle, the chief administrator is prohibited from issuing,
33 renewing, transferring, or upgrading a CDL or CLP.

34 Additionally, under this bill, upon receiving notification from the
35 drug and alcohol clearinghouse that a holder of a CDL or CLP is
36 prohibited from operating a commercial motor vehicle, the chief
37 administrator is required to downgrade the CDL or CLP, regardless
38 of whether that notification is received in response to a request
39 when an applicant is applying to obtain, renew, transfer, or upgrade
40 a CDL or CLP. The downgrade is required to be completed and
41 recorded on the Commercial Driver License Information System
42 driver record within 60 days after the chief administrator's receipt
43 of such a notification. Upon notification from the FMCSA that a
44 driver has completed the return-to-duty process, the chief
45 administrator may reinstate the driver's CDL or CLP privileges.
46 Upon notification from the FMCSA that a violation was entered
47 into the drug and alcohol clearinghouse erroneously, the chief
48 administrator is required to reinstate the driver's CDL or CLP

A4192 CALABRESE

9

1 privileges and remove the downgrade from the applicant's driving
2 record.

3 The bill also requires the chief administrator request information
4 from the drug and alcohol clearinghouse for all applicants applying
5 to renew a hazardous material endorsement. If the chief
6 administrator receives notification that the applicant is prohibited
7 from operating a commercial motor vehicle, the chief administrator
8 is required to deny the renewal and downgrade the CDL or CLP if
9 the applicant has one.

10 This bill brings New Jersey into compliance with updates to
11 federal law.

[First Reprint]

ASSEMBLY, No. 4192

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED APRIL 15, 2024

Sponsored by:

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Assemblywoman LINDA S. CARTER

District 22 (Somerset and Union)

SYNOPSIS

Requires MVC to take certain action concerning commercial driver licenses and commercial learner's permits.

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation and Independent Authorities Committee on May 6, 2024, with amendments.



(Sponsorship Updated As Of: 5/10/2024)

1 AN ACT concerning commercial driver licenses and learner's
2 permits and amending and supplementing P.L.1990, c.103.

3

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

6

7 1. Section 3 of P.L.1990, c.103 (39:3-10.11) is amended to read
8 as follows:

9 3. For purposes of this act, a term shall have the meaning set forth
10 in R.S.39:1-1 unless another meaning for the term is set forth in this
11 act, or unless another meaning is clearly apparent from the language or
12 context of this act, or unless the meaning for the term set forth in
13 R.S.39:1-1 is inconsistent with the manifest intent of the Legislature in
14 this act.

15 For purposes of this act:

16 "Alcohol concentration" means:

- 17 a. The number of grams of alcohol per 100 milliliters of blood; or
18 b. The number of grams of alcohol per 210 liters of breath.

19 "Commercial driver license" or "CDL" means a license issued in
20 accordance with this act to a person authorizing the person to operate a
21 certain class of commercial motor vehicle.

22 "Commercial Driver License Information System" or "CDLIS"
23 means the information system established pursuant to **[the federal**
24 "Commercial Motor Vehicle Safety Act of 1986," Pub.L.99-570 (49
25 U.S.C. s.2701 et seq.)] Pub.L.103-272 ¹[s.1(e)]¹ (49 U.S.C. s.31309)
26 to serve as a clearinghouse for locating information related to the
27 licensing and identification of commercial motor vehicle drivers.

28 "Commercial learner's permit" or "CLP" means a permit issued in
29 accordance with P.L.1990, c.103 (C.39:3-10.9 et seq.) to a person
30 which, when carried with a valid driver license issued by the same
31 state or jurisdiction, authorizes the person to operate a certain class of
32 commercial motor vehicle when accompanied by a holder of a valid
33 CDL for purposes of behind-the-wheel training.

34 "Commercial motor vehicle" or "CMV" means a motor vehicle or
35 combination of motor vehicles used or designed to transport
36 passengers or property:

37 a. If the vehicle has a gross vehicle weight rating of 26,001 or
38 more pounds or displays a gross vehicle weight rating of 26,001 or
39 more pounds;

40 b. If the vehicle has a gross combination weight rating of 26,001
41 or more pounds inclusive of a towed unit with a gross vehicle weight
42 rating of more than 10,000 pounds;

43 c. If the vehicle is designed to transport 16 or more passengers
44 including the driver;

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted May 6, 2024.

1 d. If the vehicle is designed to transport eight or more but less
2 than 16 persons, including the driver, and is used to transport such
3 persons for hire on a daily basis to and from places of employment;

4 e. If the vehicle is transporting or used in the transportation of
5 hazardous materials and is required to be placarded in accordance with
6 Subpart F. of 49 C.F.R. s.172, or the vehicle displays a hazardous
7 material placard; or

8 f. If the vehicle is operated by, or under contract with, a public or
9 governmental agency, or religious or other charitable organization or
10 corporation, or is privately operated, and is used for the transportation
11 of children to or from a school, school connected activity, day camp,
12 summer day camp, summer residence camp, nursery school, child care
13 center, preschool center or other similar places of education.

14 The chief administrator may, by regulation, include within this
15 definition such other motor vehicles or combination of motor vehicles
16 as **[he]** the chief administrator deems appropriate.

17 This term shall not include recreation vehicles.

18 This term shall not include motor vehicles designed to transport
19 eight or more but less than sixteen persons, including the driver, which
20 are owned and operated directly by businesses engaged in the practice
21 of mortuary science when those vehicles are used exclusively for
22 providing transportation related to the provision of funeral services
23 and which shall not be used in that capacity at any time to pick up or
24 discharge passengers to any airline terminal, train station or other
25 transportation center, or for any purpose not directly related to the
26 provision of funeral services.

27 "Controlled substance" means any substance so classified under
28 subsection (6) of section 102 of the "Controlled Substances Act" (21
29 U.S.C. s.802), and includes all substances listed on Schedules I
30 through V of 21 C.F.R. s.1308, or under P.L.1970, c.226 (C.24:21-1 et
31 seq.) as they may be revised from time to time. The term, wherever it
32 appears in this act or administrative regulation promulgated pursuant
33 to this act, shall include controlled substance analogs.

34 "Controlled substance analog" means a substance that has a
35 chemical structure substantially similar to that of a controlled
36 dangerous substance and that was specifically designed to produce an
37 effect substantially similar to that of a controlled dangerous substance.
38 The term shall not include a substance manufactured or distributed in
39 conformance with the provisions of an approved new drug application
40 or an exemption for investigational use within the meaning of section
41 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. s.355).

42 "Conviction" means a final adjudication that a violation has
43 occurred, a final judgment on a verdict, a finding of guilt in a tribunal
44 of original jurisdiction, or a conviction following a plea of guilty, non
45 vult or nolo contendere accepted by a court. It also includes an
46 unvacated forfeiture of bail, bond or collateral deposited to secure the
47 person's appearance in court, or the payment of a fine or court costs, or

1 violation of a condition of release without bail, regardless of whether
2 the penalty is rebated, suspended, or probated.

3 "Disqualification" means either:

4 a. The suspension, revocation, cancellation, or any other
5 withdrawal by a state of a person's privilege to operate a commercial
6 motor vehicle;

7 b. A determination by the Federal Motor Carrier Safety
8 Administration under the rules of practice for motor carrier safety
9 contained in 49 C.F.R. s.386, that a person is no longer qualified to
10 operate a commercial motor vehicle under 49 C.F.R. s.391; or

11 c. The loss of qualification which automatically follows
12 conviction of an offense listed in 49 C.F.R. s.383.51.

13 "Domicile" means that state where a person has a true, fixed, and
14 permanent home and principal residence and to which the person
15 intends to return whenever the person is absent.

16 "Downgrade" means:

17 a. to change a driver's self-certification to interstate, but
18 operating exclusively in transportation or operations excepted from 49
19 C.F.R. Part 391, as provided in 49 C.F.R. s.390.3T(f), 49 C.F.R.
20 s.391.2, 49 C.F.R. s.391.68, or 49 C.F.R. s.398.3;

21 b. to change a driver's self-certification to intrastate only, if the
22 driver qualifies under the department's physical qualification
23 requirements for intrastate only;

24 c. to change a driver's self-certification to intrastate, but operating
25 exclusively in transportation or operations excepted from all or part of
26 the driver qualification requirements; or

27 d. to remove a CLP or CDL privilege from a driver license.

28 "Driver license" means a license issued by this State or any other
29 jurisdiction to a person authorizing the person to operate a motor
30 vehicle.

31 "Drug and alcohol clearinghouse" means the drug and alcohol
32 clearinghouse maintained by the Federal Motor Carrier Safety
33 Administration.

34 "Endorsement" means an authorization to a commercial driver
35 license required to permit the holder of the license to operate certain
36 types of commercial motor vehicles.

37 "Felony" means any offense under any federal law or the law of a
38 state, including this State, that is punishable by death or imprisonment
39 for a term exceeding one year. The term includes, but is not limited to,
40 "crimes" as that term is defined in N.J.S.2C:1-1 et seq.

41 "Foreign jurisdiction" means any jurisdiction other than a state of
42 the United States.

43 "Gross vehicle weight rating" or "GVWR" means the value
44 specified by a manufacturer as the loaded weight of a single or a
45 combination (articulated) vehicle, or the registered gross weight,
46 whichever is greater. The GVWR of a combination (articulated)
47 vehicle, commonly referred to as the "gross combination weight
48 rating" or "GCWR," is the GVWR of the power unit plus the GVWR

1 of the towed unit or units. In the absence of a value specified for the
2 towed unit or units by the manufacturer, the GVWR of a combination
3 (articulated) vehicle is the GVWR of the power unit plus the total
4 weight of the towed unit, including the loads on them.

5 "Hazardous material" means a substance or material determined by
6 the Secretary of the United States Department of Transportation to be
7 capable of posing an unreasonable risk to health, safety, and property
8 when transported in commerce and so designated pursuant to the
9 provisions of [the "Hazardous Materials Transportation Act" (49
10 U.S.C. s.1801 et seq.)] 49 U.S.C. s.5101 et seq.

11 "Motor vehicle" includes all vehicles propelled otherwise than by
12 muscular power, except such vehicles as run only upon rails or tracks.
13 The term "motor vehicle" includes motorized bicycles.

14 "Non-commercial motor vehicle" means a motor vehicle or
15 combination of motor vehicles other than a "commercial motor
16 vehicle" as defined in this section.

17 "Out-of-service order" means a declaration by an authorized
18 enforcement officer of a federal, state, Canadian, Mexican, or local
19 jurisdiction that a driver, a commercial motor vehicle, or a motor
20 carrier operation is out-of-service pursuant to 49 C.F.R. s.386.72, 49
21 C.F.R. s.392.5, 49 C.F.R. s.395.13, 49 C.F.R. s.396.9, or any
22 compatible law or the North American Uniform Out-of-Service
23 Criteria.

24 "Recreation vehicle" means a self-propelled or towed vehicle
25 equipped to serve as temporary living quarters for recreational,
26 camping, or travel purposes and is used solely as a family or personal
27 conveyance.

28 "Representative vehicle" means a motor vehicle which represents
29 the type of motor vehicle that a commercial driver license applicant
30 operates or expects to operate.

31 "Safety-sensitive function" means all time from the time a driver
32 begins to work or is required to be in readiness to work until the time
33 the driver is relieved from work and all responsibility for performing
34 work. "Safety-sensitive functions" shall include, but not be limited to:

35 a. all time at an employer or shipper plant, terminal, facility, or
36 other property, or on any public property, waiting to be dispatched,
37 unless the driver has been relieved from duty by the employer;

38 b. all time inspecting equipment as required by 49 C.F.R. s.392.7
39 and 49 C.F.R. s.392.8 or otherwise inspecting, servicing, or
40 conditioning any commercial motor vehicle at any time;

41 c. all time spent at the driving controls of a commercial motor
42 vehicle in operation;

43 d. all time, other than driving time, in or upon any commercial
44 motor vehicle except time spent resting in a sleeper berth, which is a
45 berth conforming to the requirements of 49 C.F.R. s.393.76;

46 e. all time loading or unloading a vehicle, supervising, or
47 assisting in the loading or unloading, attending a vehicle being loaded

1 or unloaded, remaining in readiness to operate the vehicle, or in giving
2 or receiving receipts for shipments loaded or unloaded; and

3 f. ¹~~【All】~~ all¹ time repairing, obtaining assistance, or remaining
4 in attendance upon a disabled vehicle.

5 “Self-certification” means the certification made by a person
6 applying for a CDL pursuant to 49 C.F.R. s.383.71, certifying that the
7 person:

8 a. operates or expects to operate in interstate commerce, is both
9 subject to and meets the qualification requirements under 49 C.F.R.
10 Part 391, and is required to obtain a medical examiner’s certificate by
11 49 C.F.R. s.391.45;

12 b. operates or expects to operate in interstate commerce, but
13 engages exclusively in transportation or operations excepted under 49
14 C.F.R. s.390.3T(f), 49 C.F.R. s.391.2, 49 C.F.R. s.391.68, or 49 C.F.R.
15 s.398.3 from all or parts of the qualification requirements under 49
16 C.F.R. Part 391, and is therefore not required to obtain a medical
17 examiner’s certificate by 49 C.F.R. s.391.45;

18 c. operates only in intrastate commerce and therefore is subject to
19 State driver qualification requirements; or

20 d. operates in intrastate commerce, but engages exclusively in
21 transportation or operations excepted from all or parts of the State
22 driver qualification requirements.

23 "Serious traffic violation" means conviction for one of the
24 following offenses committed while operating a commercial motor
25 vehicle:

26 a. Excessive speeding, involving any single offense for a speed of
27 15 miles per hour or more above the speed limit;

28 b. Reckless driving, as defined by state or local law or regulation,
29 including, but not limited to, offenses of driving a commercial motor
30 vehicle in willful or wanton disregard of the safety of persons or
31 property, including violations of R.S.39:4-96;

32 c. Improper or erratic traffic lane changes;

33 d. Following a vehicle ahead too closely, including violations of
34 R.S.39:4-89;

35 e. A violation, arising in connection with a fatal accident, of state
36 or local law relating to motor vehicle traffic control, other than a
37 parking violation;

38 f. Any other violation of a state or local law relating to motor
39 vehicle traffic control determined by the Secretary of the United States
40 Department of Transportation in 49 C.F.R. s.383.51 to be a serious
41 traffic violation;

42 g. Driving a commercial motor vehicle without a commercial
43 driver license in the driver's possession; or

44 h. Driving a commercial motor vehicle without the proper class of
45 commercial driver license or endorsements for the specific vehicle
46 group being operated or for the passengers or type of cargo being
47 transported.

48 This term shall not include vehicle weight or defect violations.

1 "State" means a state of the United States or the District of
2 Columbia.

3 "Tank vehicle" means any commercial motor vehicle that is
4 designed to transport any liquid or gaseous material within a tank that
5 is either permanently or temporarily attached to the vehicle or the
6 chassis. Such vehicles include, but are not limited to, cargo tanks and
7 portable tanks as defined by the chief administrator. However, this
8 definition does not include portable tanks having a rated capacity
9 under 1,000 gallons.

10 "Vehicle group" means a class or type of vehicle with certain
11 operating characteristics.

12 (cf: P.L.2009, c.271, s.1)

13

14 2. (New section) a. A driver who has engaged in conduct
15 prohibited by Subpart B of 49 C.F.R. s.382 shall not perform safety-
16 sensitive functions, including driving a commercial motor vehicle,
17 unless the driver has met the return to duty requirements of Subpart
18 O of 49 C.F.R. s.40 and, if the driver's CDL or CLP was
19 downgraded, has had the CDL or CLP reinstated.

20 b. By applying for a CDL or CLP, a driver is deemed to have
21 consented to the release of information from the drug and alcohol
22 clearinghouse to the chief administrator.

23 c. No later than November 1, 2024, the chief administrator
24 shall request information from the drug and alcohol clearinghouse
25 for all applicants applying for an initial, renewal, transfer, or
26 upgraded CDL or CLP. If the chief administrator receives
27 notification that pursuant to 49 C.F.R. s.382.503 the applicant is
28 prohibited from operating a commercial motor vehicle, the chief
29 administrator shall not issue, renew, transfer, or upgrade a CDL or
30 CLP.

31 d. No later than November 1, 2024, the chief administrator
32 shall, upon receiving notification from the drug and alcohol
33 clearinghouse that a holder of a CDL or CLP is prohibited from
34 operating a commercial motor vehicle, downgrade the CDL or CLP,
35 regardless of whether that notification is received in response to a
36 request under subsection c. of this section. The downgrade shall be
37 completed and recorded on the CDLIS driver record within 60 days
38 after the chief administrator's receipt of such a notification. Upon
39 notification from the Federal Motor Carrier Safety Administration
40 that a driver has completed the return-to-duty process, the chief
41 administrator may reinstate the driver's CDL or CLP privileges.

42 e. Upon notification from the Federal Motor Carrier Safety
43 Administration that a violation was entered into the drug and
44 alcohol clearinghouse erroneously, the chief administrator shall
45 reinstate the driver's CDL or CLP privileges and remove the
46 downgrade from the applicant's driving record.

47 f. No later than November 1, 2024, the chief administrator
48 shall request information from the drug and alcohol clearinghouse

1 for all applicants applying to renew a hazardous material
2 endorsement. If the chief administrator receives notification that
3 pursuant to 49 C.F.R. s.382.503 the applicant is prohibited from
4 operating a commercial motor vehicle, the chief administrator shall
5 not renew the hazardous material endorsement. If the applicant
6 currently holds a CDL or CLP, the chief administrator shall
7 downgrade the CDL or CLP.

8

9 3. This act shall take effect immediately.

ASSEMBLY TRANSPORTATION AND INDEPENDENT
AUTHORITIES COMMITTEE

STATEMENT TO
ASSEMBLY, No. 4192

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 2024

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 4192.

As amended and reported, this bill requires the Chief Administrator of the New Jersey Motor Vehicle Commission (chief administrator) to access and use information from the Federal Motor Carrier Safety Administration's (FMCSA) drug and alcohol clearinghouse indicating whether a commercial learner's permit (CLP) or commercial driver license (CDL) holder or applicant may lawfully operate a commercial motor vehicle. Under this bill, the chief administrator is required to request information from the drug and alcohol clearinghouse for all applicants applying for an initial, renewal, transfer, or upgraded CDL or CLP. If the chief administrator receives notification that the applicant is prohibited from operating a commercial motor vehicle, the chief administrator is prohibited from issuing, renewing, transferring, or upgrading a CDL or CLP.

Additionally, under this bill, upon receiving notification from the drug and alcohol clearinghouse that a holder of a CDL or CLP is prohibited from operating a commercial motor vehicle, the chief administrator is required to downgrade the CDL or CLP, regardless of whether that notification is received in response to a request when an applicant is applying to obtain, renew, transfer, or upgrade a CDL or CLP. The downgrade is required to be completed and recorded on the Commercial Driver License Information System driver record within 60 days after the chief administrator's receipt of such a notification. Upon notification from the FMCSA that a driver has completed the return-to-duty process, the chief administrator may reinstate the driver's CDL or CLP privileges. Upon notification from the FMCSA that a violation was entered into the drug and alcohol clearinghouse erroneously, the chief administrator is required to reinstate the driver's CDL or CLP privileges and remove the downgrade from the applicant's driving record.

The bill also requires the chief administrator to request information from the drug and alcohol clearinghouse for all applicants applying to

renew a hazardous material endorsement. If the chief administrator receives notification that the applicant is prohibited from operating a commercial motor vehicle, the chief administrator is required to deny the renewal and downgrade the CDL or CLP if the applicant has one.

This bill brings New Jersey into compliance with updates to federal law.

COMMITTEE AMENDMENTS:

The committee amended the bill to make a technical change to a citation and to make a grammatical correction.

Governor Murphy Takes Action on Legislation

09/12/2024

TRENTON – Today, Governor Murphy signed the following bills into law:

S-721/A-2812 (Steinhardt, Sarlo/Greenwald, Swain, Egan) - Exempts sales of investment metal bullion and investment coins from sales and use tax

S-741/A-2608 (Diegnan/Karabinchak) - Authorizes State Treasurer to sell as surplus certain real property and improvements in City of Jersey City in Hudson County

SCS for S-2188/ACS for A-1970 (Ruiz, Greenstein/Speight, Karabinchak, Verrelli) – Requires DEP, DOH, owners or operators of certain public community water systems, and owners or operators of certain buildings or facilities to take certain actions to prevent and control cases of Legionnaires' disease

S-2311/A-1128 (Singleton, Singer/DiMaio, Matsikoudis) - Requires criminal history background check for individuals seeking licensure issued by boards regulating certain health care professions

S-2435/A-3537 (Greenstein, Mukherji/Stanley, McCoy, Murphy) - Revises certain requirements concerning eligibility for reimbursement from "Emergency Medical Technician Training Fund"

S-2607/A-3872 (Ruiz, McKnight/Pintor Marin, Calabrese, Speight) - Requires private bus operators to provide notice and hold public meetings for certain service changes

S-2810/A-3779 (Diegnan/DeAngelo, Karabinchak, Bagolie) - Changes membership of board of trustees of SPRS to remove requirement that two members be private citizens

S-3097/A-4226 (Pou, Sarlo/Wimberly, Sumter) - Modifies requirements for certain projects under Economic Redevelopment and Growth Grant program

S-3134/A-4192 (Diegnan, Moriarty/Calabrese, Carter) - Requires MVC to take certain action concerning commercial driver licenses and commercial learner's permits

S-3235/A-4461 (Ruiz, Moriarty/Conaway, Miller, Sampson) – Regulates production and sale of certain intoxicating hemp products

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S-3368/A-4623 (Ruiz, McKnight/Calabrese, Stanley, Reynolds-Jackson) - Concerns law protecting residential tenants from lead-based paint hazards

S-3407/A-4540 (Lagana/Verrelli) - Requires payment of prevailing wage for projects financed through commercial property assessed clean energy program

A-2610/S-3203 (Karabinchak, Calabrese, Sauickie/Gopal) - Extends annual horse racing purse subsidies through State fiscal year 2029

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A-2890/S-3231 (Verrelli, Reynolds-Jackson, Quijano/Cryan) - Permits temporary appointment of additional members to the Board of Review in the Division of Employment Security

A-4035/S-2809 (Dunn, Speight/Bucco, Pennacchio) - Requires State to sell as surplus property certain land and improvements in Morris County known as Central Park School

A-4533/S-3421 (Coughlin, Wimberly, Speight/Zwicker, Johnson) - Revises certain sections of law concerning financing mechanisms for school facilities projects of regular operating districts

A-4534/S-3439 (Coughlin, Wimberly, Schnall/Vitale, Mukherji) - Revises definition of qualified assistance fund expenses under UEZ program to include costs of transportation infrastructure projects and related debt service

Governor Murphy conditionally vetoed the following bills:

S-2864/A-4061 (Lagana/Verrelli, Swain, Venezia) – CONDITIONAL - Establishes working hours for certain minors employed as professional athletes

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S-3455/A-4597 (Sarlo, Burzichelli/Calabrese, Moen, Stanley) – CONDITIONAL - Provides for automatic renewal of off-track wagering licenses

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A-2180/S-3000 (Moen, Wimberly, Murphy/Beach, Polistina) – CONDITIONAL - Permits certain persons to operate Type S school buses

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A-2294/S-1443 (Lopez, Freiman, Tully/Singleton, Johnson) – CONDITIONAL - Establishes mortgage payment relief and foreclosure protection for certain homeowners impacted by the remnants of Hurricane Ida

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A-2607/S-360 (Karabinchak, Calabrese, Inganamort/Diegnan, Mukherji) – CONDITIONAL - Authorizes taxicabs, limousines, and transportation network companies to provide paratransit services for two-year period

[Copy of Statement](#)