

3913-10j

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:3-10j (Commercial drivers licenses--exempt
fire truck drivers, farmers and
national guard)

LAWS OF: 1989 **CHAPTER:** 164

Bill No: A3936

Sponsor(s): Hardwick and others

Date Introduced: October 27, 1988

Committee: Assembly: Law Public Safety and Corrections

Senate: Law Public Safety and Defense

Amended during passage: No

Date of Passage: Assembly: December 19, 1988

Senate: June 22, 1989

Date of Approval: August 11, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

P.L.1989, CHAPTER 164, approved August 11, 1989
1988 Assembly No. 3936

1 **AN ACT** authorizing an exemption from the licensing provisions
of the "Commercial Motor Vehicle Safety Act of 1986."
3 P.L.99-570 (49 U.S.C. § 2701 et seq.) for certain drivers and
supplementing chapter 3 of Title 39 of the Revised Statutes.

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

1. The Legislature finds that:

9 a. On September 20, 1988, the Secretary of the United States
Department of Transportation granted the states of this nation
11 the authority to exempt certain drivers from the licensing
provisions of the "Commercial Motor Vehicle Safety Act of
13 1986," P.L.99-570 (49 U.S.C. § 2701 et seq.).

15 b. The "Commercial Motor Vehicle Safety Act of 1986"
requires a commercial driver's license for anyone who operates a
vehicle that has a gross weight rating in excess of 26,000 pounds,
17 carries 15 or more passengers or transports hazardous materials.

19 c. While that act's objectives to regulate and improve the
traffic safety of the commercial trucking industry are laudable,
it could have an unintended, and largely adverse, impact upon
21 certain non-commercial drivers.

23 d. Unless the State of New Jersey, in accordance with the
Secretary of the United States Department of Transportation's
directive, exercises its exemption authority, certain drivers in
25 volunteer fire companies and the New Jersey National Guard, and
some farmers will be obligated to secure commercial driver's
27 licenses under that act.

29 e. There appears to be no significant evidence that the drivers
for volunteer fire companies and the New Jersey National Guard,
and farmers operating farm vehicles and equipment in and about
31 their regular agricultural activities pose or have created any
safety hazards on the public highways which would warrant their
33 being licensed under the provisions of the "Commercial Motor
Vehicle Safety Act of 1986."

1 exceed the gross weight rating set forth in the federal act.

3 Recognizing that the intent of the act was not to require
volunteer fire truck drivers, national guard drivers and farmers to
5 secure commercial driver's licenses, the Secretary of the United
States Department of Transportation issued a directive on
September 20, 1968, granting the states the authority to exempt
7 such drivers from the licensing requirements in the federal act.

The purpose of this bill is to grant that exemption.

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MOTOR VEHICLES

11 **Motor Vehicles - License and Registration**

13 **Authorizes an exemption from certain federal licensing
requirements for certain drivers.**

2 The Legislature, therefore, declares that it is altogether fitting
and proper to authorize, in accordance with the directives issued
4 by the Secretary of the United States Department of
Transportation, that the designated drivers of volunteer fire
6 companies, the New Jersey National Guard and farmers operating
farm vehicles and equipment in and about their regular
8 agricultural activities be exempted from the licensing
requirements set forth in the "Commercial Motor Vehicle Safety
Act of 1986."

10 2. Unless otherwise required by federal law or regulation, and
subject to any rules and regulation promulgated pursuant to the
12 provisions of this act, no designated driver of a volunteer fire
company or the New Jersey National Guard, or any farmer for
14 the operation of a farm vehicle or equipment in and about his
regular agricultural activities shall be subject to the licensing
16 provisions of the "Commercial Motor Vehicle Safety Act of
1986," P.L.99-570 (49 U.S.C. § 2701 et seq.).

18 3. The Director of the Division of Motor Vehicles in the
Department of Law and Public Safety, pursuant to the provisions
20 of the "Administrative Procedures Act," P.L.1968, c.410 (C.52:
14B-1 et seq.), shall promulgate rules and regulations, which are
22 in accordance with the directive issued by the Secretary of the
United States Department of Transportation on September 20,
24 1988, to effectuate the purposes of this act.

4. This act shall take effect immediately.

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STATEMENT

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Under the provisions of the federal "Commercial Motor
30 Vehicle Safety Act of 1986," P.L.99-570 (49 U.S.C. § 2701 et
seq.), anyone who drives a vehicle that has a gross weight rating
32 in excess of 26,000 pounds, carries 15 or more passengers or
transports hazardous materials is required to secure a
34 commercial driver's license.

While the program established by the act is designed to
36 regulate and improve the traffic safety of the commercial
trucking industry, it will have an unintended, and largely adverse,
38 effect on volunteer fire companies, the New Jersey National
Guard and farmers, since many of the vehicles they operate

exceed the gross weight rating set forth in the federal act.

2 Recognizing that the intent of the act was not to require
volunteer fire truck drivers, national guard drivers and farmers to
4 secure commercial driver's licenses, the Secretary of the United
States Department of Transportation issued a directive on
6 September 20, 1988, granting the states the authority to exempt
such drivers from the licensing requirements in the federal act.

8 The purpose of this bill is to grant that exemption.

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MOTOR VEHICLES

Motor Vehicles - License and Registration

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Authorizes an exemption from certain federal licensing
14 requirements for certain drivers.

ASSEMBLY LAW, PUBLIC SAFETY AND CORRECTIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3936

STATE OF NEW JERSEY

DATED: NOVEMBER 21, 1988

The Assembly Law, Public Safety and Corrections Committee favorably reports Assembly Bill No. 3936.

Assembly Bill No. 3936 authorizes the adoption of an exemption from the licensing provisions of the federal "Commercial Motor Vehicle Safety Act of 1986," P.L.99-570 (49 U.S.C. § 2701 et seq.) for volunteer fire truck drivers, National Guard drivers and farmers.

The federal "Commercial Motor Vehicle Safety Act of 1986" stipulates anyone who drives a vehicle that has a gross weight rating in excess of 26,000, carries 15 or more passengers or transports hazardous materials is required to secure a commercial driver's license by 1992. Since certain fire fighting equipment and vehicles, National Guard vehicles and farm equipment and vehicles fall within the federal definition of a "commercial motor vehicle," the drivers of those vehicles will be required to secure commercial driver's licenses.

Recognizing that the intent this federal legislation is to regulate and improve the traffic safety of the commercial trucking industry and not to require volunteer fire truck drivers, National Guard drivers and farmers to obtain commercial driver's licenses, the Secretary of the United States Department of Transportation issued a directive on September 20, 1988, granting the states the authority to exempt such drivers from the licensing requirements of the "Commercial Motor Vehicle Safety Act of 1986." The purpose of Assembly Bill No. 3936 is to exercise that authority and grant an exemption to New Jersey's volunteer fire department drivers, National Guard drivers and farmers.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3936

STATE OF NEW JERSEY

DATED: JANUARY 26, 1989

The Senate Law, Public Safety and Defense Committee reports favorably Assembly Bill 3936.

Assembly Bill No. 3936 authorizes the adoption of an exemption from the licensing provisions of the federal "Commercial Motor Vehicle Safety Act of 1986," P.L.99-570 (49 U.S.C. § 2701 et seq.) for volunteer fire truck drivers, National Guard drivers and farmers.

The federal "Commercial Motor Vehicle Safety Act of 1986" stipulates anyone who drives a vehicle that has a gross weight rating in excess of 26,000 pounds, carries 15 or more passengers or transports hazardous materials is required to secure a commercial driver's license by 1992. Since certain fire fighting equipment and vehicles, National Guard vehicles, and farm equipment and vehicles fall within the federal definition of a "commercial motor vehicle," the drivers of those vehicles will be required to secure commercial driver's licenses.

Recognizing that the intent of this federal legislation is to regulate and improve the traffic safety of the commercial trucking industry and not to require volunteer fire truck drivers, National Guard drivers, and farmers to obtain commercial driver's licenses, the Secretary of the United States Department of Transportation issued a directive on September 20, 1988, granting the states the authority to exempt such drivers from the licensing requirements of the "Commercial Motor Vehicle Safety Act of 1986." The purpose of Assembly Bill 3936 is to exercise that authority and grant an exemption to New Jersey's volunteer fire department drivers, National Guard drivers, and farmers.

As released by the committee, this bill is identical to Senate Bill 3164.