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LAW/RWH

P.L.2013, CHAPTER 48, *approved May 6, 2013*
Assembly, No. 2555 (*First Reprint*)

1 AN ACT concerning ¹[the transfer of certain military commercial
2 driver licenses to a] ¹commercial driver ¹[license] licenses¹ and
3 supplementing chapter 3 of Title 39 of the Revised Statutes.
4

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

8 1. a. As used in this ¹[section] act¹:

9 “Commercial motor vehicle” means a motor vehicle or
10 combination of motor vehicles used or designed to transport
11 passengers or property that has a gross vehicle weight rating of
12 26,001 or more pounds or displays a gross vehicle weight rating of
13 26,001 or more pounds or a gross combination weight rating of
14 26,001 or more pounds inclusive of a towed unit with a gross
15 vehicle weight rating of more than 10,000 pounds. ¹The term shall
16 not include any of the other types of vehicles listed under the
17 definition of commercial motor vehicle pursuant to section 3 of
18 P.L.1990, c.103 (C.39:3-10.11).¹

19 “Military commercial driver license” means an authorization
20 ¹[from] for a person to operate a commercial motor vehicle which
21 is issued by¹ any branch of the active duty or the reserve component
22 of the Armed Forces of the United States or the National Guard of
23 any state ¹[authorizing a person to operate a commercial motor
24 vehicle]¹.

25 b. ¹[An applicant for a commercial driver license to operate a
26 commercial motor vehicle, as defined by subsection a. of this
27 section, who holds a military commercial driver license shall
28 submit, within six months after being discharged from any branch
29 of the active duty or reserve component of the Armed Forces of the
30 United States or the National Guard of any state, to the chief
31 administrator, in addition to the application and the applicant’s
32 military commercial driver license:

33 (1) documentation that the chief administrator deems necessary
34 to determine that the requirements to obtain the military commercial
35 driver license are at least as stringent as the requirements to obtain a
36 commercial driver license pursuant to R.S.39:3-10.12; and

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 June 7, 2012.

1 (2) documentation that the chief administrator deems necessary
2 to determine the equivalent class of commercial motor vehicle, as
3 defined in subsection a. of this section, that the applicant's military
4 commercial driver license authorizes the applicant to operate] Notwithstanding the provisions of section 4 of P.L.1990, c.103
5 (C.39:3-10.12) or any other law to the contrary, the Chief
6 Administrator of the New Jersey Motor Vehicle Commission shall
7 waive the skills test required pursuant to section 4 of P.L.1990,
8 c.103 (C.39:3-10.12) for a commercial driver license applicant who
9 has experience operating a commercial motor vehicle while serving
10 in the military and who submits satisfactory proof that the applicant
11 meets the requirements for such a waiver under the federal
12 "Commercial Motor Vehicle Safety Act of 1986," as those
13 requirements are set forth in 49 C.F.R. s.383.77¹.

15 c. ¹[The commission shall treat an application for a
16 commercial driver license, authorizing the operation of a
17 commercial motor vehicle, as defined by subsection a. of this
18 section, that is submitted with a military commercial driver license
19 and other related documentation the same as an application
20 submitted by a person holding a commercial driver license from
21 another jurisdiction pursuant to R.S.39:3-10.17] In order to qualify
22 for the waiver permitted under subsection b. of this section, an
23 applicant for a commercial driver license shall submit to the chief
24 administrator, in addition to the application:

25 (1) satisfactory proof that the applicant is a member of a branch
26 of the active or the reserve component of the Armed Forces of the
27 United States or the National Guard of any state, or that the
28 applicant is a veteran who received an honorable discharge from a
29 branch of the active or reserve component of the Armed Forces of
30 the United States or the National Guard of any state;

31 (2) the applicant's military commercial driver license or other
32 documentation certifying the applicant's experience in the operation
33 of a commercial motor vehicle while serving in the military; and

34 (3) any additional documentation that the chief administrator
35 deems necessary to determine the equivalent class of commercial
36 motor vehicle that the applicant is authorized to operate.

37 d. A waiver shall not be granted under the provisions of this act
38 if the granting of the waiver would place the State out of substantial
39 compliance with the requirements of the federal "Commercial
40 Motor Vehicle Safety Act of 1986."

41 e. Nothing in this section shall be construed to exempt an
42 applicant for a commercial driver license from any other State or
43 federal requirements for obtaining a commercial driver license or
44 any endorsement thereon, including, but not limited to, the
45 submission of fingerprints and a criminal history records check¹.

1 2. This act shall take effect on the first day of the sixth month
2 following enactment, but the ¹['Chief Administrator of the New
3 Jersey Motor Vehicle Commission] chief administrator¹ may take
4 such anticipatory acts in advance ¹['of that date] thereof¹ as may be
5 necessary for the timely implementation of this act.

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10 Permits chief administrator of MVC to waive CDL skills test for
11 certain applicants with military experience operating commercial
12 motor vehicles.

ASSEMBLY, No. 2555

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 21, 2012

Sponsored by:

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblyman MATTHEW W. MILAM

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman GILBERT "WHIP" L. WILSON

District 5 (Camden and Gloucester)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Co-Sponsored by:

Assemblywoman Gove, Assemblyman Eustace, Assemblywoman Mosquera, Assemblymen Singleton, Coughlin and Chivukula

SYNOPSIS

Permits transfer of certain military commercial driver licenses to commercial driver license in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2012)

1 AN ACT concerning the transfer of certain military commercial
2 driver licenses to a commercial driver license and supplementing
3 chapter 3 of Title 39 of the Revised Statutes.

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

7
8 1. a. As used in this section:

9 “Commercial motor vehicle” means a motor vehicle or
10 combination of motor vehicles used or designed to transport
11 passengers or property that has a gross vehicle weight rating of
12 26,001 or more pounds or displays a gross vehicle weight rating of
13 26,001 or more pounds or a gross combination weight rating of
14 26,001 or more pounds inclusive of a towed unit with a gross
15 vehicle weight rating of more than 10,000 pounds.

16 “Military commercial driver license” means an authorization
17 from any branch of the active duty or the reserve component of the
18 Armed Forces of the United States or the National Guard of any
19 state authorizing a person to operate a commercial motor vehicle.

20 b. An applicant for a commercial driver license to operate a
21 commercial motor vehicle, as defined by subsection a. of this
22 section, who holds a military commercial driver license shall
23 submit, within six months after being discharged from any branch
24 of the active duty or reserve component of the Armed Forces of the
25 United States or the National Guard of any state, to the chief
26 administrator, in addition to the application and the applicant’s
27 military commercial driver license:

28 (1) documentation that the chief administrator deems necessary
29 to determine that the requirements to obtain the military commercial
30 driver license are at least as stringent as the requirements to obtain a
31 commercial driver license pursuant to R.S.39:3-10.12; and

32 (2) documentation that the chief administrator deems necessary
33 to determine the equivalent class of commercial motor vehicle, as
34 defined in subsection a. of this section, that the applicant’s military
35 commercial driver license authorizes the applicant to operate.

36 c. The commission shall treat an application for a commercial
37 driver license, authorizing the operation of a commercial motor
38 vehicle, as defined by subsection a. of this section, that is submitted
39 with a military commercial driver license and other related
40 documentation the same as an application submitted by a person
41 holding a commercial driver license from another jurisdiction
42 pursuant to R.S.39:3-10.17.

43
44 2. This act shall take effect on the first day of the sixth month
45 following enactment, but the Chief Administrator of the New Jersey
46 Motor Vehicle Commission may take such anticipatory acts in
47 advance of that date as may be necessary for the timely
48 implementation of this act.

STATEMENT

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This bill would allow the transfer of certain military commercial driver licenses to a commercial driver license. The bill would apply to military driver licenses that allow a person to operate vehicles that the New Jersey Motor Vehicle Commission determines are equivalent to a commercial motor vehicle that has a gross weight rating of 26,001 or more pounds or displays a gross vehicle weight rating of 26,001 or more pounds or a vehicle that has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds. This bill would not apply to applicants for a commercial driver license to operate school buses or vehicles used to transport hazardous material.

An applicant for a commercial driver license who holds a military driver license would be required to submit an application and the military commercial driver license to the chief administrator. In addition, the applicant would be required to submit documentation that the chief administrator deems necessary to determine that the requirements to obtain the military commercial driver license are at least as stringent as the requirements to obtain a commercial driver license in this State and documentation that the chief administrator deems necessary to determine the equivalent class of commercial motor vehicle in this State that the applicant's military commercial driver license authorizes the applicant to operate.

The application would be treated the same as an application submitted by a person holding a commercial driver license from another jurisdiction, except that the applicant would have six months from the date of discharge to apply to the chief administrator for the transfer of the military commercial driver license to a commercial driver license.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2555

STATE OF NEW JERSEY

DATED: MARCH 8, 2012

The Assembly Military and Veterans' Affairs Committee reports favorably Assembly, No. 2555.

This bill would allow the transfer of certain military commercial driver licenses to a commercial driver license. The bill would apply to military driver licenses that allow a person to operate vehicles that the New Jersey Motor Vehicle Commission determines are equivalent to certain gross weight ratings. This bill would not apply to applicants for a commercial driver license to operate school buses or vehicles used to transport hazardous material.

An applicant for a commercial driver license who holds a military driver license would be required to submit an application and the military commercial driver license to the chief administrator. In addition, the applicant would be required to submit documentation that the chief administrator deems necessary to determine that the requirements to obtain the military commercial driver license are at least as stringent as the requirements to obtain a commercial driver license in this State and documentation that the chief administrator deems necessary to determine the equivalent class of commercial motor vehicle in this State that the applicant's military commercial driver license authorizes the applicant to operate.

The application would have six months from the date of discharge to apply for the transfer of the military commercial driver license to a commercial driver license.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2555

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 7, 2012

The Senate Transportation Committee reports favorably and with committee amendments Assembly Bill No. 2555.

As amended, this bill authorizes the Chief Administrator of the New Jersey Motor Vehicle Commission to waive the skills test for New Jersey commercial driver license (“CDL”) applicants who have experience operating commercial motor vehicles while serving in the military. Applicants would still be required to meet all other conditions of federal and State law to obtain a CDL. The waiver would not be made available to applicants seeking a CDL to operate: vehicles designed to transport 16 or more passengers; vehicles designed to transport between eight and 16 persons if used to transport such persons for hire on a daily basis to and from places of employment; vehicles transporting or used in the transportation of hazardous materials; or vehicles used for the transportation of children to or from a school or other similar places of education.

The bill requires applicants for the skills test waiver to submit proof that they meet federal requirements under regulations adopted pursuant to the “Commercial Motor Vehicle Safety Act of 1986.” These federal regulations (49 C.F.R. 383.77) require that the applicant certify, that during the two-year period immediately before applying for the CDL, the applicant: (1) has not had more than one license (except a military license); (2) has not had any license suspended, revoked, or cancelled; (3) has not been convicted of any disqualifying motor vehicle offense; (4) has not had more than one conviction for a serious traffic violation; and (5) has not been convicted for a violation of military, State, or local law relating to motor vehicle traffic control arising in connection with any traffic accident, and has no record of an accident in which the applicant was at fault.

The federal regulations also require an applicant seeking the skills test waiver to provide evidence and to certify that the applicant is regularly employed or was regularly employed within the last 90 days in a military position requiring operation of a commercial motor vehicle, and was operating a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate for at least the two years immediately preceding discharge from the military.

The committee amended the bill to:

- authorize the Chief Administrator of the Motor Vehicle Commission to waive the skills test for a New Jersey commercial driver license (“CDL”) applicant who has experience operating commercial motor vehicles while serving in the military;
- specify certain documentation that an applicant for a New Jersey CDL must provide to the commission to qualify for the skills test waiver;
- indicate that the commission shall not issue any waiver that would place the State out of substantial compliance with requirements of the federal “Commercial Motor Vehicle Safety Act of 1986”;
- clarify that the skills test waiver provisions do not exempt an applicant from other federal and State CDL requirements;
- specify that commercial driver licenses authorizing an applicant to drive the following types of vehicles are not eligible for the military skills test waiver: vehicles designed to transport 16 or more passengers including the driver; vehicles 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; vehicles transporting or used in the transportation of hazardous materials; or vehicles used for the transportation of children to or from a school or other similar places of education; and
- make technical corrections.

Assembly Bill No. 2555, as amended and reported, is identical to the Senate Committee Substitute for Senate Bill No. 1681, which was reported by the committee on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2555

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 2013

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No.2555 (1R).

This bill authorizes the Chief Administrator of the New Jersey Motor Vehicle Commission to waive the skills test for New Jersey commercial driver license (“CDL”) applicants who have experience operating commercial motor vehicles while serving in the military. Applicants would still be required to meet all other conditions of federal and State law to obtain a CDL. The waiver would not be made available to applicants seeking a CDL to operate: vehicles designed to transport 16 or more passengers; vehicles designed to transport between eight and 16 persons if used to transport such persons for hire on a daily basis to and from places of employment; vehicles transporting or used in the transportation of hazardous materials; or vehicles used for the transportation of children to or from a school or other similar places of education.

The bill requires applicants for the skills test waiver to submit proof that they meet federal requirements under regulations adopted pursuant to the “Commercial Motor Vehicle Safety Act of 1986.” These federal regulations (49 C.F.R. 383.77) require that the applicant certify, that during the two-year period immediately before applying for the CDL, the applicant: (1) has not had more than one license (except a military license); (2) has not had any license suspended, revoked, or cancelled; (3) has not been convicted of any disqualifying motor vehicle offense; (4) has not had more than one conviction for a serious traffic violation; and (5) has not been convicted for a violation of military, State, or local law relating to motor vehicle traffic control arising in connection with any traffic accident, and has no record of an accident in which the applicant was at fault.

The federal regulations also require an applicant seeking the skills test waiver to provide evidence and to certify that the applicant is regularly employed or was regularly employed within the last 90 days in a military position requiring operation of a commercial motor vehicle, and was operating a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate for at least the two years immediately preceding discharge from the military.

As reported Assembly Bill No. 2555 (1R), is identical to Senate Bill No.1681 (SCS), as also reported by the committee.

FISCAL IMPACT:

This bill is not certified for a Fiscal Note.

SENATE, No. 1681

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED FEBRUARY 21, 2012

Sponsored by:
Senator JAMES BEACH
District 6 (Burlington and Camden)

SYNOPSIS

Permits transfer of certain military commercial drivers licenses to commercial driver license.

CURRENT VERSION OF TEXT

As introduced.



S1681 BEACH

2

1 **AN ACT** concerning the transfer of certain military commercial
2 driver licenses to a commercial driver license and supplementing
3 chapter 3 of Title 39 of the Revised Statutes.

4

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

7

8 1. a. As used in this section:

9 “Commercial motor vehicle” means a motor vehicle or
10 combination of motor vehicles used or designed to transport
11 passengers or property that has a gross vehicle weight rating of
12 26,001 or more pounds or displays a gross vehicle weight rating of
13 26,001 or more pounds or a gross combination weight rating of
14 26,001 or more pounds inclusive of a towed unit with a gross
15 vehicle weight rating of more than 10,000 pounds.

16 “Military commercial driver license” means an authorization
17 from any branch of the active duty or the reserve component of the
18 Armed Forces of the United States or the National Guard of any
19 state authorizing a person to operate a commercial motor vehicle.

20 b. An applicant for a commercial driver license to operate a
21 commercial motor vehicle, as defined by subsection a. of this
22 section, who holds a military commercial driver license shall submit
23 to the chief administrator, in addition to the application and the
24 applicant’s military commercial driver license:

25 (1) documentation that the chief administrator deems necessary
26 to determine that the requirements to obtain the military commercial
27 driver license are at least as stringent as the requirements to obtain a
28 commercial driver license pursuant to R.S.39:3-10.12; and

29 (2) documentation that the chief administrator deems necessary
30 to determine the equivalent class of commercial motor vehicle, as
31 defined in subsection a. of this section, that the applicant’s military
32 commercial driver license authorizes the applicant to operate.

33 c. The commission shall treat an application for a commercial
34 driver license, authorizing the operation of a commercial motor
35 vehicle, as defined by subsection a. of this section, that is submitted
36 with a military commercial driver license and other related
37 documentation the same as an application submitted by a person
38 holding a commercial driver license from another jurisdiction
39 pursuant to R.S.39:3-10.17.

40

41 2. This act shall take effect on the first day of the sixth month
42 following enactment, but the Chief Administrator of the New Jersey
43 Motor Vehicle Commission may take such anticipatory acts in
44 advance of that date as may be necessary for the timely
45 implementation of this act.

STATEMENT

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This bill would allow the transfer of certain military commercial driver licenses to a commercial driver license. The bill would apply to military driver licenses that allow a person to operate vehicles that the New Jersey Motor Vehicle Commission determines are equivalent to a commercial motor vehicle that has a gross weight rating of 26,001 or more pounds or displays a gross vehicle weight rating of 26,001 or more pounds or a vehicle that has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds. This bill would not apply to applicants for a commercial driver license to operate school buses or vehicles used to transport hazardous material.

An applicant for a commercial driver license who holds a military driver license would be required to submit an application and the military commercial driver license to the chief administrator. In addition, the applicant would be required to submit documentation that the chief administrator deems necessary to determine that the requirements to obtain the military commercial driver license are at least as stringent as the requirements to obtain a commercial driver license in this State and documentation that the chief administrator deems necessary to determine the equivalent class of commercial motor vehicle in this State that the applicant's military commercial driver license authorizes the applicant to operate.

The application would be treated the same as an application submitted by a person holding a commercial driver license from another jurisdiction.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1681**

STATE OF NEW JERSEY

DATED: JUNE 7, 2012

The Senate Transportation Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1681.

This Senate Committee Substitute authorizes the Chief Administrator of the New Jersey Motor Vehicle Commission to waive the skills test for New Jersey commercial driver license (“CDL”) applicants who have experience operating commercial motor vehicles while serving in the military. Applicants would still be required to meet all other conditions of federal and State law to obtain a CDL. The waiver would not be made available to applicants seeking a CDL to operate: vehicles designed to transport 16 or more passengers; vehicles designed to transport between eight and 16 persons if used to transport such persons for hire on a daily basis to and from places of employment; vehicles transporting or used in the transportation of hazardous materials; or vehicles used for the transportation of children to or from a school or other similar places of education.

The substitute requires applicants for the skills test waiver to submit proof that they meet federal requirements under regulations adopted pursuant to the “Commercial Motor Vehicle Safety Act of 1986.” These federal regulations (49 C.F.R. 383.77) require that the applicant certify, that during the two-year period immediately before applying for the CDL, the applicant: (1) has not had more than one license (except a military license); (2) has not had any license suspended, revoked, or cancelled; (3) has not been convicted of any disqualifying motor vehicle offense; (4) has not had more than one conviction for a serious traffic violation; and (5) has not been convicted for a violation of military, State, or local law relating to motor vehicle traffic control arising in connection with any traffic accident, and has no record of an accident in which the applicant was at fault.

The federal regulations also require an applicant seeking the skills test waiver to provide evidence and to certify that the applicant is regularly employed or was regularly employed within the last 90 days in a military position requiring operation of a commercial motor vehicle, and was operating a vehicle representative of the commercial

motor vehicle the applicant operates or expects to operate for at least the two years immediately preceding discharge from the military.

This Senate Committee Substitute for Senate Bill No. 1681, as reported, is identical to Assembly Bill No. 2555 (1R), which was also reported by the committee on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1681**

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 2013

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1681 (SCS).

This bill authorizes the Chief Administrator of the New Jersey Motor Vehicle Commission to waive the skills test for New Jersey commercial driver license (“CDL”) applicants who have experience operating commercial motor vehicles while serving in the military. Applicants would still be required to meet all other conditions of federal and State law to obtain a CDL. The waiver would not be made available to applicants seeking a CDL to operate: vehicles designed to transport 16 or more passengers; vehicles designed to transport between eight and 16 persons if used to transport such persons for hire on a daily basis to and from places of employment; vehicles transporting or used in the transportation of hazardous materials; or vehicles used for the transportation of children to or from a school or other similar places of education.

The bill requires applicants for the skills test waiver to submit proof that they meet federal requirements under regulations adopted pursuant to the “Commercial Motor Vehicle Safety Act of 1986.” These federal regulations (49 C.F.R. 383.77) require that the applicant certify, that during the two-year period immediately before applying for the CDL, the applicant: (1) has not had more than one license (except a military license); (2) has not had any license suspended, revoked, or cancelled; (3) has not been convicted of any disqualifying motor vehicle offense; (4) has not had more than one conviction for a serious traffic violation; and (5) has not been convicted for a violation of military, State, or local law relating to motor vehicle traffic control arising in connection with any traffic accident, and has no record of an accident in which the applicant was at fault.

The federal regulations also require an applicant seeking the skills test waiver to provide evidence and to certify that the applicant is regularly employed or was regularly employed within the last 90 days in a military position requiring operation of a commercial motor vehicle, and was operating a vehicle representative of the commercial motor vehicle the applicant operates or expects to operate for at least the two years immediately preceding discharge from the military.

As reported, Senate Bill No.1681 (SCS) is identical to Assembly Bill No. 2555 (1R), as also reported by the committee.

FISCAL IMPACT:

This bill is not certified for a Fiscal Note.