

# 39:5B-32

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2004 **CHAPTER:** 97

**NJSA:** 39:5B-32 (Hours of service of commercial motor vehicles operating in intrastate commerce)

**BILL NO:** A646 (Substituted for S1140)

**SPONSOR(S):** Stender and Manzo

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:** Transportation  
**SENATE:**

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** June 17, 2004

**SENATE:** June 24, 2004

**DATE OF APPROVAL:** July 12, 2004

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) 3<sup>rd</sup> reprint enacted

**A646**

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** Yes [\(5-24-2004\)](#)  
[\(6-10-2004\)](#)

**LEGISLATIVE FISCAL ESTIMATE:** No

**S1140**

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 2004, CHAPTER 97, *approved July 12, 2004*  
Assembly, No. 646 (*Third Reprint*)

1 AN ACT <sup>1</sup>[limiting the] concerning<sup>1</sup> hours of service of certain  
2 commercial motor <sup>1</sup>[vehicle drivers engaged] vehicles operating<sup>1</sup>  
3 in intrastate commerce and amending <sup>1</sup>[R.S.39:9-2] Title 39 of the  
4 Revised Statutes<sup>1</sup>.

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

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

10 a. It shall be unlawful for any person to drive, or to require or  
11 permit any person to drive, any commercial motor vehicle, omnibus,  
12 motor bus, or tractor, while moving upon the public highways of this  
13 state after such person has been continuously on duty in such service,  
14 whether performed within or without this state, for a longer period  
15 than [twelve] 12 hours, nor after he has been on duty for more than  
16 [twelve] 12 hours in the aggregate during any [sixteen] 16  
17 consecutive hours. When any such person shall have been  
18 continuously on duty for [twelve] 12 hours or shall have been on duty  
19 for [twelve] 12 hours in the aggregate during any [sixteen] 16  
20 consecutive hours, he shall have at least eight consecutive hours off  
21 duty. The periods of release from duty herein provided for shall be  
22 spent at such place and under such circumstances that rest and  
23 relaxation from the strain of the duties of driving may be obtained;  
24 provided, however, that in case of accident or emergency, a person  
25 driving any such motor vehicle may complete his run or tour of duty,  
26 and such driver or the person who requires or permits such person to  
27 drive for such longer period shall not be deemed to have violated the  
28 provisions of this chapter.

29 b. Notwithstanding subsection a of this section, or any rule,  
30 regulation or law to the contrary, any person employed as a driver of  
31 a commercial motor vehicle by a business, corporation, company,  
32 organization, or entity and engaged in the intrastate transportation of  
33 construction materials or equipment shall not exceed 12 hours of  
34 driving time following 10 consecutive hours off duty, nor shall any  
35 such person drive for any period after having been on duty 16 hours  
36 following 10 consecutive hours off duty. A driver shall be prohibited  
37 from driving if they have been on duty 70 hours in a 7 consecutive day  
38 period if the employing motor carrier does not operate commercial

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ATR committee amendments adopted January 26, 2004.

<sup>2</sup> Assembly floor amendments adopted May 24, 2004.

<sup>3</sup> Assembly floor amendments adopted June 10, 2004.

1 motor vehicles every day of the week or 80 hours in a 8 consecutive  
2 day period if the employing motor carrier operates commercial motor  
3 vehicles every day of the week. No motor carrier or employer of such  
4 a driver shall permit or require a driver to exceed these limitations.

5 As used in this section:

6 "Driving time" means all time spent at the driving controls of a  
7 commercial motor vehicle as operated pursuant to this act.

8 "Eight consecutive day period" means the period of eight  
9 consecutive days beginning on any day at the time designated by the  
10 motor carrier for a twenty-four hour period.

11 "On duty time" means all time from the time that a driver begins to  
12 work or is required to be in readiness to work until the time a driver  
13 is relieved from work and all responsibility for performing work.

14 "Seven consecutive day period" means the period of seven  
15 consecutive days beginning on any day at the time designated by the  
16 motor carrier for a twenty-four hour period.

17 "Transportation of construction materials or equipment" means the  
18 transportation of construction, aggregate, or pavement materials,  
19 including but not limited to stone, concrete, sand, rocks, Class B  
20 recycling materials, cement, block, and gravel construction equipment,  
21 and construction maintenance vehicles, by a driver to or from an active  
22 construction site.

23 "Twenty-four hour period" means an 24 consecutive hour period  
24 beginning at the time designated by the motor carrier for the terminal  
25 from which a driver is normally dispatched.

26 (cf: R.S.39:9-2)]<sup>1</sup>

27

28 <sup>1</sup>1. Section 3 of P.L. 1985, c. 415 (C.39:5B-32) is amended to read  
29 as follows:

30 3. a. The Superintendent of the State Police shall adopt, within six  
31 months of the effective date of this amendatory and supplementary act  
32 and pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
33 (C.52:14B-1 et seq.), rules and regulations concerning the  
34 qualifications of interstate motor carrier operators and vehicles, which  
35 shall substantially conform to the requirements established pursuant to  
36 sections 401 to 404 of the "Surface Transportation Assistance Act of  
37 1982," Pub.L.97-424 (49 U.S.C. App. s. 2301-2304).

38 b. The superintendent, in consultation with the [Division of Motor  
39 Vehicles in the Department of Law and Public Safety] New Jersey  
40 Motor Vehicle Commission and with the Department of  
41 Transportation, shall revise and readopt, within six months of the  
42 effective date of P.L.1991, c.491, the rules and regulations adopted  
43 pursuant to subsection a. of this section to provide that the  
44 regulations:

45 (1) Substantially conform to the requirements concerning the  
46 qualifications of interstate motor carrier operators and vehicles

1 established pursuant to sections 401 to 404 of the "Surface  
2 Transportation Assistance Act of 1982," Pub.L.97-424 (49 U.S.C.  
3 App. s.2301-2304) and the federal "Motor Carrier Safety Act of  
4 1984," Pub.L.98-554 (49 U.S.C. App. s. 2501 et seq.); and

5 (2) Include provisions with regard to motor carrier operators and  
6 vehicles engaged in intrastate commerce or used wholly within a  
7 municipality or a municipality's commercial zone, except for farm  
8 vehicles <sup>2</sup>weighing 26,000 pounds or less that are operated exclusively  
9 in intrastate commerce and<sup>2</sup> <sup>3</sup>[are] are<sup>3</sup> registered pursuant to  
10 R.S.39:3-24 and R.S.39:3-25, that are compatible with federal rules  
11 and regulations.

12 <sup>2</sup>[The] Notwithstanding subsection c. of this section, the<sup>2</sup> hours of  
13 service variances as adopted in 49 CFR<sup>2</sup> [Section] s.<sup>2</sup> 350.341(e), as  
14 amended and supplemented, are hereby adopted<sup>2</sup> effective  
15 immediately<sup>2</sup> for commercial motor vehicles weighing 26,001 pounds  
16 or more operating in intrastate commerce provided that these vehicles  
17 are not<sup>2</sup> [designated] designed<sup>2</sup> to transport 16 or more passengers,  
18 including the driver, or used in the transportation of hazardous  
19 materials and required to be placarded in accordance with 49 CFR  
20 [Section] s.<sup>2</sup> 172.500 et seq., or display a hazardous materials  
21 placard. The superintendent shall adopt rules and regulations that  
22 conform to the requirements established in 49 CFR<sup>2</sup> [Section] s.<sup>2</sup>  
23 350.341(e) as amended and supplemented.

24 <sup>2</sup>[d.] c.<sup>2</sup> Notwithstanding any provision of law or regulation to the  
25 contrary, no person shall operate a commercial motor vehicle, as  
26 defined in rules adopted pursuant to this section, in this State unless  
27 the operation of the commercial motor vehicle is in accordance with  
28 the rules adopted by the Superintendent of State Police pursuant to  
29 this section.

30 The rules adopted pursuant to this section shall include rules  
31 concerning protection against shifting or falling cargo contained in 49  
32 C.F.R. s. 393.100 to 393.106.

33 (cf: P.L.1991, c.491, s.1.)<sup>1</sup>

34

35 <sup>2</sup>2. R.S.39:9-2 is amended to read as follows:

36 39:9-2. It shall be unlawful for any person to **[drive] operate**, or to  
37 require or permit any person to **[drive] operate**, any commercial  
38 motor vehicle <sup>3</sup>[,]<sup>3</sup> **[omnibus, motor bus, or tractor, while moving**  
39 **upon the public highways of this state] weighing 26,000 pounds or**  
40 **less that is operated exclusively in intrastate commerce**<sup>3</sup> **[and is not**  
41 **designed to transport 16 or more passengers, including the driver, that**  
42 **is used in the transportation of hazardous materials and required to be**  
43 **placarded in accordance with 49 CFR Section 172.500 et seq., or that**  
44 **is required to display a hazardous materials placard,]**<sup>3</sup> after **[such**  
45 **person]the operator** has been continuously on duty **[in such service,**

1 whether performed within or without this state,] for a longer period  
2 than [twelve] 12 hours, [nor] or after [he] the operator has been on  
3 duty for more than [twelve] 12 hours in the aggregate during any  
4 [sixteen] 16 consecutive hours. When [any such person shall have  
5 been] the operator has been continuously on duty for [twelve] 12  
6 hours or [shall have] has been on duty for [twelve] 12 hours in the  
7 aggregate during any [sixteen] 16 consecutive hours, [he] that  
8 person shall have at least [eight] 10 consecutive hours off duty. The  
9 periods of release from duty [herein] provided for in this section shall  
10 be spent at [such] a place and under [such] circumstances [that]  
11 where rest and relaxation from the strain of the duties of driving may  
12 be obtained; provided, however, that in case of accident or emergency,  
13 [a person driving any such motor vehicle] the operator of a  
14 commercial motor vehicle may complete his run or tour of duty, and  
15 [such driver or] neither the operator nor the person who requires or  
16 permits [such] that person to drive for [such] a longer period shall  
17 <sup>3</sup>[not]<sup>3</sup> be deemed to have violated the provisions of this chapter.

18 <sup>3</sup>Nothing in this section shall apply to a vehicle designed to  
19 transport 16 or more passengers, including the driver, or a vehicle  
20 used in the transportation of hazardous materials and required to be  
21 placarded in accordance with 49 CFR s. 172.500 et seq., or a vehicle  
22 that displays a hazardous materials placard.<sup>3</sup>

23 (cf: R.S.39:9-2)<sup>2</sup>

24

25 <sup>2</sup>[2.] 3.<sup>2</sup> This act shall take effect immediately.

26

27

28

29

30 Concerns hours of service of commercial motor vehicles operating in  
31 intrastate commerce.

# ASSEMBLY, No. 646

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Limits hours of service of drivers of commercial motor vehicles engaged in intrastate transportation of construction materials or equipment.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT limiting the hours of service of certain commercial motor  
2 vehicle drivers engaged in intrastate commerce and amending R.S.  
3 39:9-2.

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

7  
8 1. R.S.39:9-2 is amended to read as follows:

9 a. It shall be unlawful for any person to drive, or to require or  
10 permit any person to drive, any commercial motor vehicle, omnibus,  
11 motor bus, or tractor, while moving upon the public highways of this  
12 state after such person has been continuously on duty in such service,  
13 whether performed within or without this state, for a longer period  
14 than ~~twelve~~12 hours, nor after he has been on duty for more than  
15 ~~twelve~~12 hours in the aggregate during any ~~sixteen~~16 consecutive  
16 hours. When any such person shall have been continuously on duty for  
17 ~~twelve~~12 hours or shall have been on duty for ~~twelve~~12 hours in  
18 the aggregate during any ~~sixteen~~16 consecutive hours, he shall have  
19 at least eight consecutive hours off duty. The periods of release from  
20 duty herein provided for shall be spent at such place and under such  
21 circumstances that rest and relaxation from the strain of the duties of  
22 driving may be obtained; provided, however, that in case of accident  
23 or emergency, a person driving any such motor vehicle may complete  
24 his run or tour of duty, and such driver or the person who requires or  
25 permits such person to drive for such longer period shall not be  
26 deemed to have violated the provisions of this chapter.

27 b. Notwithstanding subsection a of this section, or any rule,  
28 regulation or law to the contrary, any person employed as a driver of  
29 a commercial motor vehicle by a business, corporation, company,  
30 organization, or entity and engaged in the intrastate transportation of  
31 construction materials or equipment shall not exceed 12 hours of  
32 driving time following 10 consecutive hours off duty, nor shall any  
33 such person drive for any period after having been on duty 16 hours  
34 following 10 consecutive hours off duty. A driver shall be prohibited  
35 from driving if they have been on duty 70 hours in a 7 consecutive day  
36 period if the employing motor carrier does not operate commercial  
37 motor vehicles every day of the week or 80 hours in a 8 consecutive  
38 day period if the employing motor carrier operates commercial motor  
39 vehicles every day of the week. No motor carrier or employer of such  
40 a driver shall permit or require a driver to exceed these limitations.

41 As used in this section:

42 "Driving time" means all time spent at the driving controls of a  
43 commercial motor vehicle as operated pursuant to this act.

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

Matter underlined thus is new matter.



1 "Eight consecutive day period" means the period of eight  
2 consecutive days beginning on any day at the time designated by the  
3 motor carrier for a twenty-four hour period.

4 "On duty time" means all time from the time that a driver begins to  
5 work or is required to be in readiness to work until the time a driver  
6 is relieved from work and all responsibility for performing work.

7 "Seven consecutive day period" means the period of seven  
8 consecutive days beginning on any day at the time designated by the  
9 motor carrier for a twenty-four hour period.

10 "Transportation of construction materials or equipment" means the  
11 transportation of construction, aggregate, or pavement materials,  
12 including but not limited to stone, concrete, sand, rocks, Class B  
13 recycling materials, cement, block, and gravel construction equipment,  
14 and construction maintenance vehicles, by a driver to or from an active  
15 construction site.

16 "Twenty-four hour period" means an 24 consecutive hour period  
17 beginning at the time designated by the motor carrier for the terminal  
18 from which a driver is normally dispatched.

19 (cf: R.S.39:9-2)

20  
21 2. This act shall take effect immediately.

22  
23  
24 STATEMENT

25  
26 This bill amends the current law to provide for a limitation on the  
27 hours of service of drivers of commercial motor vehicles engaged in  
28 the transportation of construction materials or equipment consistent  
29 with the limitations allowed by the Federal Motor Carrier Safety  
30 Regulations.

31 This bill provides that any person employed as a driver of a  
32 commercial motor vehicle by a business, corporation, company,  
33 organization, or entity and engaged in the intrastate transportation of  
34 construction materials or equipment shall not exceed 12 hours of  
35 driving time following 10 consecutive hours off duty or driver for any  
36 period after having been on duty for 16 hours following 10  
37 consecutive hours off duty. A driver is prohibited from driving if they  
38 have been on duty 70 hours in a 7 consecutive day period or 80 hours  
39 in a 8 consecutive day period.

40 No motor carrier or employer of such a driver shall permit or  
41 require a driver to exceed these limitations.

# ASSEMBLY TRANSPORTATION COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 646**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 26, 2004

The Assembly Transportation Committee reports favorably and with committee amendments Assembly Bill No. 646.

As reported, this amended bill adopts the hours of service variances as adopted in 49 CFR Section 350.341(e), as amended and supplemented, for commercial motor vehicles weighing 26,001 pounds or more operating in intrastate commerce provided that these vehicles are not designated to transport 16 or more passengers, including the driver, or used in the transportation of hazardous materials and required to be placarded in accordance with 49 CFR Section 172.500 et seq., or display a hazardous materials placard. This amended bill requires that the Superintendent of the State Police adopt rules and regulations that conform to the requirements established in 49 CFR Section 350.341(e) as amended and supplemented.

The bill as originally introduced provided specific limitations on hours of service.

This bill was prefiled for introduction in the 2004-2005 session pending technical review which has been performed.

#### COMMITTEE AMENDMENTS

The committee amended the bill to adopt the hours of service variances as adopted in 49 CFR Section 350.341(e), as amended and supplemented, for commercial motor vehicles weighing 26,001 pounds or more operating in intrastate commerce provided that these vehicles are not designated to transport 16 or more passengers, including the driver, or used in the transportation of hazardous materials and required to be placarded in accordance with 49 CFR Section 172.500 et seq., or display a hazardous materials placard. The amendments require that the Superintendent of the State Police adopt rules and regulations that conform to the requirements established in 49 CFR Section 350.341(e) as amended and supplemented.

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 646**

with Assembly Floor Amendments  
(Proposed By Assemblywoman STENDER)

ADOPTED: MAY 24, 2004

This amendment makes compatible with federal law and regulation the State exemption for agricultural vehicles operated in intrastate commerce.

STATEMENT TO  
[Second Reprint]  
**ASSEMBLY, No. 646**

with Assembly Floor Amendments  
(Proposed By Assemblywoman STENDER)

ADOPTED: JUNE 10, 2004

The amendment clarifies that the hours of service provisions are applicable to commercial motor vehicles operating in intrastate commerce weighing 26,000 pounds or less and do not apply to a vehicle designed to transport 16 or more passengers, including the driver, or a vehicle used in the transportation of hazardous materials and required to be placarded in accordance with 49 CFR s.172.500 et seq., or a vehicle that displays a hazardous materials placard.

The amendment also makes technical changes to the bill.

# SENATE, No. 1140

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 23, 2004

**Sponsored by:**

**Senator PAUL SARLO**

**District 36 (Bergen, Essex and Passaic)**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**Co-Sponsored by:**

**Senator Madden**

**SYNOPSIS**

Concerns hours of service of commercial motor vehicles operating in intrastate commerce.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/25/2004)**

1 AN ACT concerning hours of service of certain commercial motor  
2 vehicles operating in intrastate commerce and amending Title 39 of  
3 the Revised Statutes.

4

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

7

8 1. Section 3 of P.L.1985, c.415 (C.39:5B-32) is amended to read  
9 as follows:

10 3. a. The Superintendent of the State Police shall adopt, within six  
11 months of the effective date of this amendatory and supplementary act  
12 and pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
13 (C.52:14B-1 et seq.), rules and regulations concerning the  
14 qualifications of interstate motor carrier operators and vehicles, which  
15 shall substantially conform to the requirements established pursuant to  
16 sections 401 to 404 of the "Surface Transportation Assistance Act of  
17 1982," Pub.L.97-424 (49 U.S.C. App. s. 2301-2304).

18 b. The superintendent, in consultation with the [Division of Motor  
19 Vehicles in the Department of Law and Public Safety] New Jersey  
20 Motor Vehicle Commission and with the Department of  
21 Transportation, shall revise and readopt, within six months of the  
22 effective date of P.L.1991, c.491, the rules and regulations adopted  
23 pursuant to subsection a. of this section to provide that the  
24 regulations:

25 (1) Substantially conform to the requirements concerning the  
26 qualifications of interstate motor carrier operators and vehicles  
27 established pursuant to sections 401 to 404 of the "Surface  
28 Transportation Assistance Act of 1982," Pub.L.97-424 (49 U.S.C.  
29 App. s.2301-2304) and the federal "Motor Carrier Safety Act of  
30 1984," Pub.L.98-554 (49 U.S.C. App. s.2501 et seq.); and

31 (2) Include provisions with regard to motor carrier operators and  
32 vehicles engaged in intrastate commerce or used wholly within a  
33 municipality or a municipality's commercial zone, except for farm  
34 vehicles registered pursuant to R.S.39:3-24 and R.S.39:3-25, that are  
35 compatible with federal rules and regulations.

36 The hours of service variances as adopted in 49 CFR Section  
37 350.341(e), as amended and supplemented, are hereby adopted for  
38 commercial motor vehicles weighing 26,001 pounds or more operating  
39 in intrastate commerce provided that these vehicles are not designated  
40 to transport 16 or more passengers, including the driver, or used in the  
41 transportation of hazardous materials and required to be placarded in  
42 accordance with 49 CFR Section 172.500 et seq., or display a  
43 hazardous materials placard. The superintendent shall adopt rules 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.

1 regulations that conform to the requirements established in 49 CFR  
2 Section 350.341(e) as amended and supplemented.

3 d. Notwithstanding any provision of law or regulation to the  
4 contrary, no person shall operate a commercial motor vehicle, as  
5 defined in rules adopted pursuant to this section, in this State unless  
6 the operation of the commercial motor vehicle is in accordance with  
7 the rules adopted by the Superintendent of State Police pursuant to  
8 this section.

9 The rules adopted pursuant to this section shall include rules  
10 concerning protection against shifting or falling cargo contained in 49  
11 C.F.R. s.393.100 to 393.106.  
12 (cf: P.L.1991, c.491, s.1.)

13

14 2. This act shall take effect immediately.

15

16

17

#### STATEMENT

18

19 This bill would adopt the hours of service variances as adopted in  
20 49 CFR Section 350.341(e), as amended and supplemented, for  
21 commercial motor vehicles weighing 26,001 pounds or more operating  
22 in intrastate commerce provided that these vehicles are not designated  
23 to transport 16 or more passengers, including the driver, or used in the  
24 transportation of hazardous materials and required to be placarded in  
25 accordance with 49 CFR Section 172.500 et seq., or display a  
26 hazardous materials placard. This bill requires that the Superintendent  
27 of the State Police adopt rules and regulations that conform to the  
28 requirements established in 49 CFR Section 350.341(e) as amended  
29 and supplemented.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

**SENATE, No. 1140**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 24, 2004

The Senate Transportation Committee reports favorably Senate Bill No. 1140.

This bill would adopt the hours of service variances as adopted in 49 CFR Section 350.341(e), as amended and supplemented, for commercial motor vehicles weighing 26,001 pounds or more operating in intrastate commerce provided that these vehicles are not designated to transport 16 or more passengers, including the driver, or used in the transportation of hazardous materials and required to be placarded in accordance with 49 CFR Section 172.500 et seq., or display a hazardous materials placard. This bill requires that the Superintendent of the State Police adopt rules and regulations that conform to the requirements established in 49 CFR Section 350.341(e) as amended and supplemented.



STATEMENT TO  
**SENATE, No. 1140**

with Senate Floor Amendments  
(Proposed By Senator SARLO)

ADOPTED: JUNE 10, 2004

This amendment makes compatible with federal law and regulation the State exemption for agricultural vehicles operated in intrastate commerce. The amendment also clarifies that the hours of service provisions are applicable to commercial motor vehicles operating in intrastate commerce weighing 26,000 pounds or less and do not apply to a vehicle designed to transport 16 or more passengers, including the driver, or a vehicle used in the transportation of hazardous materials and required to be placarded in accordance with 49 CFR s.172.500 et seq., or a vehicle that displays a hazardous materials placard.