

39:3-10

**LEGISLATIVE HISTORY CHECKLIST**  
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**NJSA:** 39:3-10

(Fire apparatus  
drivers--exempt  
from Federal  
truck licensing)

**LAWS OF:** 1991

**CHAPTER:** 11

**Bill No:** S1194

**Sponsor(s):** McManimon

**Date Introduced:** Pre-filed

**Committee: Assembly:** Commerce & Regulated Professions

**Senate:** Law, Public Safety & Defense

**Amended during passage:** Yes      Amendments during passage  
denoted by asterisks.

**Date of Passage: Assembly:** December 3, 1990

**Senate:** March 8, 1990

**Date of Approval:** January 24, 1991      (filed with secretary of State--not  
signed by Governor)

**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

**KBG/SLJ**

1 AN ACT concerning exemptions from the licensing provisions of  
2 the "Commercial Motor Vehicle Safety Act of 1986" and  
3 amending P.L.1989, c.164.

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

7 1. Section 1 of P.L.1989, c.164 (C.39.3-10) is amended to read  
8 as follows:

9 1. The Legislature finds that:

10 a. On September 20, 1988, the Secretary of the United States  
11 Department of Transportation granted the states of this nation  
12 the authority to exempt certain drivers from the licensing  
13 provisions of the "Commercial Motor Vehicle Safety Act of  
14 1986," P.L.99-570 (49 U.S.C. § 2701 et seq.).

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

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

23 d. Unless the State of New Jersey, in accordance with the  
24 Secretary of the United States Department of Transportation's  
25 directive, exercises its exemption authority, certain [drivers in  
26 volunteer] operators of [fire companies] firefighting apparatus,  
27 [and the] <sup>1</sup>[New Jersey National Guard drivers, and some  
28 farmers], non-civilian operators of military vehicles owned or  
29 operated by the United States Department of Defense or the  
30 National Guard, and farmers operating farm vehicles<sup>1</sup> will be  
31 obligated to secure commercial driver's licenses under that act.

32 e. There appears to be no significant evidence that the [drivers  
33 for volunteer] operators of <sup>1</sup>[fire] firefighting<sup>1</sup> [companies]  
34 apparatus, [and the] <sup>1</sup>[New Jersey National Guard, and] drivers  
35 or], non-civilian operators of military vehicles owned or operated  
36 by the United States Department of Defense or the National  
37 Guard, or<sup>1</sup> farmers operating farm vehicles <sup>1</sup>[and equipment]<sup>1</sup> in  
38 and about their regular agricultural activities pose or have  
39 created any safety hazards on the public highways which would

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:  
<sup>1</sup> Senate SLP committee amendments adopted February 8, 1990.

1 warrant their being licensed under the provisions of the  
2 "Commercial Motor Vehicle Safety Act of 1986."

3 The Legislature, therefore, declares that it is altogether fitting  
4 and proper to authorize, in accordance with the directives issued  
5 by the Secretary of the United States Department of  
6 Transportation, that the designated [drivers] operators<sup>1</sup> of  
7 [volunteer fire companies] firefighting apparatus, [the] <sup>1</sup>[New  
8 Jersey National Guard drivers and farmers operating] non-civilian  
9 operators of military vehicles owned and operated by the United  
10 States Department of Defense or the National Guard, and  
11 operators of<sup>1</sup> farm vehicles <sup>1</sup>[and equipment in and about their  
12 regular agricultural activities] under certain circumstances<sup>1</sup> be  
13 exempted from the licensing requirements set forth in the  
14 "Commercial Motor Vehicle Safety Act of 1986."

15 (cf: P.L.1989, c.164, s.1)

16 2. Section 2 of P.L.1989, c.164 (C.39.3-10k) is amended to  
17 read as follows:

18 2. Unless otherwise required by federal law or regulation, and  
19 subject to any rules and regulation promulgated pursuant to the  
20 provisions of this act, no <sup>1</sup>(1)<sup>1</sup> designated [driver] operator of [a  
21 volunteer fire company or the] firefighting apparatus <sup>1</sup>[or a New  
22 Jersey National Guard vehicle, or any farmer for the operation of  
23 a farm vehicle or equipment in and about his regular agricultural  
24 activities], (2) non-civilian operator of a military vehicle owned  
25 or operated by the United States Department of Defense or the  
26 National Guard, or (3) operator of a farm vehicle controlled and  
27 operated by a farmer, used to transport agricultural products,  
28 farm machinery or farm supplies to or from a farm, operated  
29 within 150 miles of a person's farm, and not used in the operation  
30 of a common or contract motor carrier,<sup>1</sup> shall be subject to the  
31 licensing provisions of the "Commercial Motor Vehicle Safety  
32 Act of 1986," P.L.99-570 (49 U.S.C. § 2701 et seq.).

33 <sup>1</sup>Notwithstanding the provisions of this section, a waiver shall  
34 not be granted if the granting of the waiver would place the State  
35 in a position of not being in substantial compliance with the  
36 requirements of the federal act.<sup>1</sup>

37 (cf: P.L.1989, c.164, s.2)

38 3. This act shall take effect immediately.  
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#### 41 MOTOR VEHICLES

42  
43 Clarifies exemptions to federal commercial vehicle license  
44 requirements.

1 by the Secretary of the United States Department of  
2 Transportation, that the designated [drivers] operators of  
3 [volunteer fire companies] firefighting apparatus, [the] New  
4 Jersey National Guard drivers and farmers operating farm  
5 vehicles and equipment in and about their regular agricultural  
6 activities be exempted from the licensing requirements set forth  
7 in the "Commercial Motor Vehicle Safety Act of 1986."

8 (cf: P.L.1989, c.164, s.1)

9 2. Section 2 of P.L.1989, c.164 (C.39.3-10k) is amended to  
10 read as follows:

11 2. Unless otherwise required by federal law or regulation, and  
12 subject to any rules and regulation promulgated pursuant to the  
13 provisions of this act, no designated [driver] operator of [a  
14 volunteer fire company or the] firefighting apparatus or a New  
15 Jersey National Guard vehicle, or any farmer for the operation of  
16 a farm vehicle or equipment in and about his regular agricultural  
17 activities shall be subject to the licensing provisions of the  
18 "Commercial Motor Vehicle Safety Act of 1986," P.L.99-570  
19 (49 U.S.C. § 2701 et seq.).

20 (cf: P.L.1989, c.164, s.2)

21 3. This act shall take effect immediately.

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#### STATEMENT

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26 P.L.1989, c.164 exercised authority granted to the states by  
27 the Secretary of Transportation to exempt the drivers of certain  
28 vehicles from the provisions of the federal "Commercial Motor  
29 Vehicle Safety Act of 1986." This act establishes licensing  
30 requirements for drivers of certain large commercial vehicles.

31 P.L.1989, c.164 exempted designated drivers of volunteer fire  
32 companies and the New Jersey National Guard, and farmers who  
33 operate large vehicles in the course of agricultural activity from  
34 the federal licensing requirements. This bill extends the  
35 exemption to operators of all types of firefighting apparatus. It  
36 also extends the exemption to personnel of nonvolunteer as well  
37 as volunteer fire companies.

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#### MOTOR VEHICLES

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42 Exempts all fire apparatus operators from federal licensing  
43 requirements.

ASSEMBLY COMMERCE AND REGULATED PROFESSIONS  
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1194

STATE OF NEW JERSEY

DATED: OCTOBER 11, 1990

The Assembly Commerce and Regulated Professions Committee reports favorably Senate, No. 1194 (1R).

P.L.1989, c.164 (C.39:3-10j et seq.) exercised authority granted to the states by the Secretary of Transportation to exempt the drivers of certain vehicles from the provisions of the federal "Commercial Motor Vehicle Safety Act of 1986," Pub. L. 99-570 (49 U.S.C. §2701 et seq.).

" This federal act establishes licensing requirements for drivers of certain large commercial vehicles.

P.L.1989, c.164 exempted designated drivers of volunteer fire companies and the New Jersey National Guard, and farmers who operate large vehicles in the course of agricultural activity from the federal licensing requirements.

This bill extends the exemption to personnel of nonvolunteer, as well as volunteer, fire companies and to operators of all types of firefighting apparatus. In addition, this bill amends the wording of the State exemption contained in P.L.1989, c.164 so that it corresponds exactly to the wording of the exemptions permitted by federal regulations.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

**SENATE, No. 1194**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 8, 1990

The Senate Law, Public Safety and Defense Committee reports favorably Senate Bill No. 1194 with amendments.

P.L.1989, c.164 exercised authority granted to the states by the Secretary of Transportation to exempt the drivers of certain vehicles from the provisions of the federal "Commercial Motor Vehicle Safety Act of 1986." This federal act establishes licensing requirements for drivers of certain large commercial vehicles.

P.L.1989, c.164 exempted designated drivers of volunteer fire companies and the New Jersey National Guard, and farmers who operate large vehicles in the course of agricultural activity from the federal licensing requirements.

This bill extends the exemption to personnel of nonvolunteer, as well as volunteer, fire companies and to operators of all types of firefighting apparatus.

The committee amended the bill so that wording of the state exemption would correspond exactly to the wording of the exemptions permitted by federal regulations.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.