

39:3-10j

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 39:3-10j

(Federal
commercial
vehicle license)

LAWS OF: 1991

CHAPTER: 126

Bill No: A4266

Sponsor(s): Impreveduto and Kelly

Date Introduced: December 3, 1990

Committee: Assembly: -----

Senate: Law Public Safety & Defense

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

Date of Passage: Assembly: December 17, 1990

Senate: March 4, 1991

Date of Approval: April 25, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

[FIRST REPRINT]
ASSEMBLY, No. 4266

STATE OF NEW JERSEY

INTRODUCED DECEMBER 3, 1990

By Assemblymen IMPREVEDUTO and KELLY

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.39:3-10j) 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," Pub.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 operators of
26 firefighting apparatus, operators of emergency ¹or rescue¹
27 equipment ¹[which is necessary to the preservation of life or
28 property or the execution of emergency governmental functions]
29 operated for the purposes of a first aid, ambulance or rescue
30 squad¹, non-civilian operators of military vehicles owned or
31 operated by the United States Department of Defense or the
32 National Guard, and farmers operating farm vehicles will be
33 obligated to secure commercial driver's licenses under that act.

34 e. There appears to be no significant evidence that the
35 operators of firefighting apparatus, operators of emergency ¹or
36 rescue¹ equipment ¹[which is necessary to the preservation of
37 life or property or the execution of emergency governmental
38 functions] operated for the purposes of a first aid, ambulance or
39 rescue squad¹, non-civilian operators of military vehicles owned

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:

¹ Senate SLP committee amendments adopted January 17, 1991.

1 or operated by the United States Department of Defense or the
2 National Guard, or farmers operating farm vehicles in and about
3 their regular agricultural activities pose or have created any
4 safety hazards on the public highways which would warrant their
5 being licensed under the provisions of the "Commercial Motor
6 Vehicle Safety Act of 1986."

7 The Legislature, therefore, declares that it is altogether fitting
8 and proper to authorize, in accordance with the directives issued
9 by the Secretary of the United States Department of
10 Transportation, that the designated operators of firefighting
11 apparatus, operators of emergency¹ or rescue¹ equipment
12 ¹[which is necessary to the preservation of life or property or the
13 execution of emergency governmental functions] operated for the
14 purposes of a first aid, ambulance or rescue squad¹, non-civilian
15 operators of military vehicles owned and operated by the United
16 States Department of Defense or the National Guard, and
17 operators of farm vehicles under certain circumstances be
18 exempted from the licensing requirements set forth in the
19 "Commercial Motor Vehicle Safety Act of 1986."

20 (cf: P.L.1990, c.103, s.36 and proposed admin. changes)

21 2. Section 2 of P.L.1989, c.164 (C.39:3-10k) is amended to
22 read as follows:

23 2. Unless otherwise required by federal law or regulation, and
24 subject to any rules and regulations promulgated pursuant to the
25 provisions of this act, no (1) designated operator of firefighting
26 apparatus, (2) non-civilian operator of a military vehicle owned
27 or operated by the United States Department of Defense or the
28 National Guard, [or] (3) operator of a farm vehicle controlled and
29 operated by a farmer, used to transport agricultural products,
30 farm machinery or farm supplies to or from a farm, operated
31 within 150 miles of a person's farm, and not used in the operation
32 of a common or contract motor carrier, or (4) operator of
33 emergency¹ or rescue¹ equipment¹[which is necessary to the
34 preservation of life or property or the execution of emergency
35 governmental functions] operated for the purposes of a first aid,
36 ambulance or rescue squad¹, shall be subject to the licensing
37 provisions of the "Commercial Motor Vehicle Safety Act of
38 1986," Pub.L.99-570 (49 U.S.C. §2701 et seq.).

39 Notwithstanding the provisions of this section, a waiver shall
40 not be granted if the granting of the waiver would place the State
41 in a position of not being in substantial compliance with the
42 requirements of the federal act.

43 (cf: P.L.1990, c.103, s.37 and proposed admin. changes)

44 3. This act shall take effect immediately.

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MOTOR VEHICLES

48

49 Clarifies exemptions to federal commercial vehicle license
50 requirements.

1 agricultural activities pose or have created any safety hazards on
2 the public highways which would warrant their being licensed
3 under the provisions of the "Commercial Motor Vehicle Safety
4 Act of 1986."

5 The Legislature, therefore, declares that it is altogether fitting
6 and proper to authorize, in accordance with the directives issued
7 by the Secretary of the United States Department of
8 Transportation, that the designated operators of firefighting
9 apparatus, operators of emergency equipment which is necessary
10 to the preservation of life or property or the execution of
11 emergency governmental functions, non-civilian operators of
12 military vehicles owned and operated by the United States
13 Department of Defense or the National Guard, and operators of
14 farm vehicles under certain circumstances be exempted from the
15 licensing requirements set forth in the "Commercial Motor
16 Vehicle Safety Act of 1986."

17 (cf: P.L.1990, c.103, s.36 and proposed admin. changes)

18 2. Section 2 of P.L.1989, c.164 (C.39:3-10k) is amended to
19 read as follows:

20 2. Unless otherwise required by federal law or regulation, and
21 subject to any rules and regulations promulgated pursuant to the
22 provisions of this act, no (1) designated operator of firefighting
23 apparatus, (2) non-civilian operator of a military vehicle owned
24 or operated by the United States Department of Defense or the
25 National Guard, [or] (3) operator of a farm vehicle controlled and
26 operated by a farmer, used to transport agricultural products,
27 farm machinery or farm supplies to or from a farm, operated
28 within 150 miles of a person's farm, and not used in the operation
29 of a common or contract motor carrier, or (4) operator of
30 emergency equipment which is necessary to the preservation of
31 life or property or the execution of emergency governmental
32 functions, shall be subject to the licensing provisions of the
33 "Commercial Motor Vehicle Safety Act of 1986," Pub.L.99-570
34 (49 U.S.C. §2701 et seq.).

35 Notwithstanding the provisions of this section, a waiver shall
36 not be granted if the granting of the waiver would place the State
37 in a position of not being in substantial compliance with the
38 requirements of the federal act.

39 (cf: P.L.1990, c.103, s.37 and proposed admin. changes)

40 3. This act shall take effect immediately.

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STATEMENT

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

1 act establishes licensing requirements for drivers of certain large
2 commercial vehicles. Subsequent amendments to P.L.1989, c.164
3 were enacted in November 1990 (P.L.1990, c.103). These
4 amendments provided an additional exemption for certain
5 firefighters and clarified the other exempted categories.

6 This bill extends the exemption to operators of emergency
7 equipment which is necessary to the preservation of life or
8 property or the execution of emergency governmental functions.

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11 MOTOR VEHICLES

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14 Clarifies exemptions to federal commercial vehicle license
requirements.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4266

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 17, 1991

The Senate Law, Public Safety and Defense Committee reports favorably Assembly Bill No. 4266 with amendments.

P.L.1989, c.164 (C.39:3-10j et seq.) exercised authority granted to the states by the United States 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 established licensing requirements for drivers of certain large commercial vehicles. Subsequent amendments to P.L.1989, c.164 were enacted in November 1990 (P.L.1990, c.103). These amendments provided an additional exemption for certain firefighters and clarified the other exempted categories.

The committee amended the bill to clarify that the additional exemption is only for operator of emergency or rescue equipment operated for the purposes of a first aid, ambulance or rescue squad.

As reported by the committee, this bill is identical to Senate Bill 3228 of 1991 with Senate committee amendments adopted on January 17, 1991.