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IS 6/14/07

P.L. 2005, CHAPTER 109, *approved June 29, 2005*
Senate, No. 1989 (*First Reprint*)

1 **AN ACT** concerning the enforcement of motor carrier registration and
2 financial responsibility requirements and amending P.L.1985, c.415.

3

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

6

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

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

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

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

28 (2) Include provisions with regard to motor carrier operators and
29 vehicles engaged in intrastate commerce or used wholly within a
30 municipality or a municipality's commercial zone, except for farm
31 vehicles weighing 26,000 pounds or less that are operated exclusively
32 in intrastate commerce and are registered pursuant to R.S.39:3-24 and
33 R.S.39:3-25, that are compatible with federal rules and regulations.

34 Notwithstanding subsection c. of this section, the hours of service
35 variances as adopted in 49 CFR s.350.341(e), as amended and
36 supplemented, are hereby adopted effective immediately for
37 commercial motor vehicles weighing 26,001 pounds or more operating
38 in intrastate commerce provided that these vehicles are not designed
39 to transport 16 or more passengers, including the driver, or used in the
40 transportation of hazardous materials and required to be placarded in

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 STR committee amendments adopted January 31, 2005.

1 accordance with 49 CFR s.172.500 et seq., or display a hazardous
2 materials placard. The superintendent shall adopt rules and regulations
3 that conform to the requirements established in 49 CFR s. 350.341(e)
4 as amended and supplemented.

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

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

14 d. The superintendent shall enforce registration requirements under
15 49 U.S.C. 13902, 49 CFR Parts 356 and 365 ¹[49 CFR 392.9(a)] and
16 49 CFR s.392.9a¹ by placing out of service a commercial motor
17 vehicle in interstate commerce discovered to be operating without its
18 Federal Motor Carrier Safety Administration registration as required
19 by 49 U.S.C. 13902, 49 CFR ¹[parts] Parts¹ 356 and 365 and ¹[49
20 CFR 392.9(a)] 49 CFR s.392.9a, ¹ or beyond the scope of its Federal
21 Motor Carrier Safety Administration registration.

22 e. The superintendent shall enforce financial responsibility
23 requirements under 49 U.S.C. 13906 and 31139, and 49 CFR Part
24 387.

25 f. The superintendent shall enforce the implementation of programs
26 designed to help prevent accidents and injuries resulting from the
27 misuse of alcohol or use of controlled substances by drivers of
28 commercial motor vehicles, pursuant to 49 CFR Part 382, and the
29 implementation of federal procedures for transportation workplace
30 drug and alcohol testing programs, pursuant to 49 CFR Part 40.

31 (cf. P.L. 2004, c.97, s.1)

32
33 2. This act shall take effect on the 15th day of the 10th month
34 following enactment.

35
36
37 _____
38
39 Requires Superintendent of State Police to enforce federal motor
40 carrier registration and financial responsibility requirements.

SENATE, No. 1989

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED OCTOBER 25, 2004

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Senator FRED MADDEN

District 4 (Camden and Gloucester)

SYNOPSIS

Requires Superintendent of State Police to enforce federal motor carrier registration and financial responsibility requirements.

CURRENT VERSION OF TEXT

As introduced.



S1989 SACCO, MADDEN

2

1 **ANACT** concerning the enforcement of motor carrier registration and financial
2 responsibility requirements and amending P.L.1985, c.415.

3

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

6

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

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

16 b. The superintendent, in consultation with the New Jersey Motor Vehicle
17 Commission and with the Department of Transportation, shall revise and
18 readopt, within six months of the effective date of P.L.1991, c.491, the rules
19 and regulations adopted pursuant to subsection a. of this section to provide
20 that the regulations:

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

26 (2) Include provisions with regard to motor carrier operators and vehicles
27 engaged in intrastate commerce or used wholly within a municipality or a
28 municipality's commercial zone, except for farm vehicles weighing 26,000
29 pounds or less that are operated exclusively in intrastate commerce and are
30 registered pursuant to R.S.39:3-24 and R.S.39:3-25, that are compatible with
31 federal rules and regulations.

32 Notwithstanding subsection c. of this section, the hours of service variances
33 as adopted in 49 CFR s.350.341(e), as amended and supplemented, are
34 hereby adopted effective immediately for commercial motor vehicles weighing
35 26,001 pounds or more operating in intrastate commerce provided that these
36 vehicles are not designed to transport 16 or more passengers, including the
37 driver, or used in the transportation of hazardous materials and required to be
38 placarded in accordance with 49 CFR s. 172.500 et seq., or display a
39 hazardous materials placard. The superintendent shall adopt rules and
40 regulations that conform to the requirements established in 49 CFR s.

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.

1 350.341(e) as amended and supplemented.

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

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

10 d. The superintendent shall enforce registration requirements under 49
11 U.S.C. 13902, 49 CFR Parts 356 and 365 and 49 CFR 392.9(a) by placing
12 out of service a commercial motor vehicle in interstate commerce discovered
13 to be operating without its Federal Motor Carrier Safety Administration
14 registration as required by 49 U.S.C. 13902, 49 CFR parts 356 and 365 and
15 49 CFR 392.9(a), or beyond the scope of its Federal Motor Carrier Safety
16 Administration registration.

17 e. The superintendent shall enforce financial responsibility requirements
18 under 49 U.S.C. 13906, 31138 and 31139, and 49 CFR Part 387.

19 f. The superintendent shall enforce the implementation of programs
20 designed to help prevent accidents and injuries resulting from the misuse of
21 alcohol or use of controlled substances by drivers of commercial motor
22 vehicles, pursuant to 49 CFR Part 382, and the implementation of federal
23 procedures for transportation workplace drug and alcohol testing programs,
24 pursuant to 49 CFR Part 40.

25 (cf: P.L.2004, c.97, s.1)

26

27 2. This act shall take effect on the 15th day of the 10th month following
28 enactment.

29

30

31

STATEMENT

32

33 This bill would require the Superintendent of the State Police to enforce
34 certain federal motor carrier registration and financial responsibility
35 requirements. Under the bill, the superintendent would be required to place
36 any commercial motor vehicle involved in interstate commerce out of service
37 if it is discovered to be operating without, or beyond the scope of, its Federal
38 Motor Carrier Safety Administration registration. In addition, the
39 superintendent would be required to enforce the implementation of:

40 * programs designed to help prevent accidents and injuries resulting from
41 the misuse of alcohol or use of controlled substances by drivers of commercial
42 motor vehicles; and

43 * federal procedures for transportation workplace drug and alcohol testing

S1989 SACCO, MADDEN

1 programs.

2 The enforcement provisions included in this bill are not new and have
3 already been implemented by the Superintendent of the State Police.
4 However, the federal government changed the allocation of the statutes and
5 regulations adopted by the superintendent, rendering this bill necessary to
6 ensure the superintendent is operating within his a statutory authority and
7 responsibility when enforcing these provisions. This authority must be
8 established prior to September 2005 to prevent New Jersey from becoming
9 ineligible for federal Motor Carrier Safety Assistance (MCSAP) funding.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1989

STATE OF NEW JERSEY

DATED: MARCH 10, 2005

The Assembly Transportation Committee reports favorably Senate Bill No. 1989 (1R).

As reported, this bill would require the Superintendent of the State Police to enforce certain federal motor carrier registration and financial responsibility requirements. Under the bill, the superintendent would be required to place any commercial motor vehicle involved in interstate commerce out of service if it is discovered to be operating without, or beyond the scope of, its Federal Motor Carrier Safety Administration registration. In addition, the superintendent would be required to enforce the implementation of:

- * programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles; and

- * federal procedures for transportation workplace drug and alcohol testing programs.

The enforcement provisions included in this bill are not new and have already been implemented by the Superintendent of the State Police. However, the federal government changed the allocation of the statutes and regulations adopted by the superintendent, rendering this bill necessary to ensure the superintendent is operating within his statutory authority and responsibility when enforcing these provisions. This authority must be established prior to September 2005 to prevent New Jersey from becoming ineligible for federal Motor Carrier Safety Assistance (MCSAP) funding.

As reported, Senate Bill No. 1989(1R) is identical to Assembly Bill No. 3773 which was amended and released by the committee today.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1989

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 31, 2005

The Senate Transportation Committee reports favorably Senate Bill No. 1989 with committee amendments.

This amended bill would require the Superintendent of the State Police to enforce certain federal motor carrier registration and financial responsibility requirements. Under the bill, the superintendent would be required to place any commercial motor vehicle involved in interstate commerce out of service if it is discovered to be operating without, or beyond the scope of, its Federal Motor Carrier Safety Administration registration. In addition, the superintendent would be required to enforce the implementation of:

- * programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles; and

- * federal procedures for transportation workplace drug and alcohol testing programs.

The enforcement provisions included in this bill are not new and have already been implemented by the Superintendent of the State Police. However, the federal government changed the allocation of the statutes and regulations adopted by the superintendent, rendering this bill necessary to ensure the superintendent is operating within his statutory authority and responsibility when enforcing these provisions. This authority must be established prior to September 2005 to prevent New Jersey from becoming ineligible for federal Motor Carrier Safety Assistance (MCSAP) funding.

The committee amended the bill to correct CFR citations in the bill's text.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1989

STATE OF NEW JERSEY

211th LEGISLATURE

DATED: APRIL 12, 2005

SUMMARY

Synopsis: Requires Superintendent of State Police to enforce federal motor carrier registration and financial responsibility requirements.

Type of Impact: No Impact.

Agencies Affected: Department of Law and Public Safety; Division of State Police

Office of Legislative Services Estimate

Fiscal Impact	FY 2006	FY 2007	FY 2008
State Cost	No Impact-See Comments Below		

- ! The Office of Legislative Services (OLS) notes this bill should have no additional fiscal impact.
- ! Establishes enforcement responsibilities currently performed by the Superintendent of the State Police. This bill ensures the superintendent is operating within his statutory authority and responsibility.
- ! Provides for an established date prior to September 2005 to prevent New Jersey from becoming ineligible for federal Motor Carrier Safety Assistance funding.

BILL DESCRIPTION

Senate Bill No. 1989 (1R) of 2004 requires the Superintendent of the State Police to enforce certain federal motor carrier registration and financial responsibility requirements.

Under the bill, the superintendent would be required to place any commercial motor vehicle involved in interstate commerce out of service if it is discovered to be operating without, or beyond the scope of, its Federal Motor Carrier Safety Administration registration. In addition, the superintendent would be required to enforce the implementation of:

- C programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles; and
- C federal procedures for transportation workplace drug and alcohol testing programs.

The enforcement responsibilities included in this bill are not new and have already been implemented by the Superintendent of the State Police. The federal government changed the allocation of the statutes and regulations adopted by the superintendent, however, rendering

this bill necessary to ensure the superintendent is operating within his statutory authority and responsibility when enforcing these provisions.

This authority must be established prior to September 2005 to prevent New Jersey from becoming ineligible for federal Motor Carrier Safety Assistance funding.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Informally, a spokesman with the Office of the Attorney General noted that the changes in this bill are needed in order to maintain federal funding.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes this bill should have no fiscal impact. The enforcement provisions are currently implemented by the Superintendent of the State Police. The changes in this bill are needed to ensure the superintendent is operating within the statutory authority and responsibility.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*
Associate Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 3773

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 7, 2005

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

SYNOPSIS

Requires Superintendent of State Police to enforce federal motor carrier registration and financial responsibility requirements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/11/2005)

1 AN ACT concerning the enforcement of motor carrier registration and
2 financial responsibility requirements and amending P.L.1985, c.415.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
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10 months of the effective date of this amendatory and supplementary act
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12 (C.52:14B-1 et seq.), rules and regulations concerning the
13 qualifications of interstate motor carrier operators and vehicles, which
14 shall substantially conform to the requirements established pursuant to
15 sections 401 to 404 of the "Surface Transportation Assistance Act of
16 1982," Pub.L.97-424 (49 U.S.C. App. s. 2301-2304).

17 b. The superintendent, in consultation with the New Jersey Motor
18 Vehicle Commission and with the Department of Transportation, shall
19 revise and readopt, within six months of the effective date of
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24 established pursuant to sections 401 to 404 of the "Surface
25 Transportation Assistance Act of 1982," Pub.L.97-424 (49 U.S.C.
26 App. s.2301-2304) and the federal "Motor Carrier Safety Act of
27 1984," Pub.L.98-554 (49 U.S.C. App. s. 2501 et seq.); and

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

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36 supplemented, are hereby adopted effective immediately for
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39 to transport 16 or more passengers, including the driver, or used in the
40 transportation of hazardous materials and required to be placarded in
41 accordance with 49 CFR s. 172.500 et seq., or display a hazardous
42 materials placard. The superintendent shall adopt rules and regulations
43 that conform to the requirements established in 49 CFR s. 350.341(e)

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 as amended and supplemented.

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

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

11 d. The superintendent shall enforce registration requirements under
12 49 U.S.C. 13902, 49 CFR Parts 356 and 365 and 49 CFR 392.9(a) by
13 placing out of service a commercial motor vehicle in interstate
14 commerce discovered to be operating without its Federal Motor
15 Carrier Safety Administration registration as required by 49 U.S.C.
16 13902, 49 CFR parts 356 and 365 and 49 CFR 392.9(a), or beyond the
17 scope of its Federal Motor Carrier Safety Administration registration.

18 e. The superintendent shall enforce financial responsibility
19 requirements under 49 U.S.C. 13906, 31138 and 31139, and 49 CFR
20 Part 387.

21 f. The superintendent shall enforce the implementation of programs
22 designed to help prevent accidents and injuries resulting from the
23 misuse of alcohol or use of controlled substances by drivers of
24 commercial motor vehicles, pursuant to 49 CFR Part 382, and the
25 implementation of federal procedures for transportation workplace
26 drug and alcohol testing programs, pursuant to 49 CFR Part 40.

27 (cf: P.L.2004, c.97, s.1)

28

29 2. This act shall take effect on the 15th day of the 10th month
30 following enactment.

31

32

33

STATEMENT

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35 This bill would require the Superintendent of the State Police to
36 enforce certain federal motor carrier registration and financial
37 responsibility requirements. Under the bill, the superintendent would
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39 interstate commerce out of service if it is discovered to be operating
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41 Administration registration. In addition, the superintendent would be
42 required to enforce the implementation of:

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44 from the misuse of alcohol or use of controlled substances by drivers
45 of commercial motor vehicles; and

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2 The enforcement provisions included in this bill are not new and
3 have already been implemented by the Superintendent of the State
4 Police. However, the federal government changed the allocation of
5 the statutes and regulations adopted by the superintendent, rendering
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7 a statutory authority and responsibility when enforcing these
8 provisions. This authority must be established prior to September
9 2005 to prevent New Jersey from becoming ineligible for federal
10 Motor Carrier Safety Assistance (MCSAP) funding.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3773

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 10, 2005

The Assembly Transportation Committee reports favorably and with committee amendments Assembly Bill No. 3773.

As reported, this amended bill would require the Superintendent of the State Police to enforce certain federal motor carrier registration and financial responsibility requirements. Under the bill, the superintendent would be required to place any commercial motor vehicle involved in interstate commerce out of service if it is discovered to be operating without, or beyond the scope of, its Federal Motor Carrier Safety Administration registration. In addition, the superintendent would be required to enforce the implementation of:

- * programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles; and

- * federal procedures for transportation workplace drug and alcohol testing programs.

The enforcement provisions included in this bill are not new and have already been implemented by the Superintendent of the State Police. However, the federal government changed the allocation of the statutes and regulations adopted by the superintendent, rendering this bill necessary to ensure the superintendent is operating within his statutory authority and responsibility when enforcing these provisions. This authority must be established prior to September 2005 to prevent New Jersey from becoming ineligible for federal Motor Carrier Safety Assistance (MCSAP) funding.

As amended, Assembly Bill No. 3773 is identical to Senate Bill No. 1989(1R) which released by committee today.

COMMITTEE AMENDMENTS

The committee amended the bill to correct CFR citations in the bill's text.