

39:5B-32

LEGISLATIVE HISTORY CHECKLIST  
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(Motor carrier safety)

NJSA: 39:5B-32

LAWS OF: 1991 CHAPTER: 491

BILL NO: A3570

SPONSOR(S): Bush

DATE INTRODUCED: May 21, 1990

COMMITTEE: ASSEMBLY: Transportation

SENATE: Transportation

AMENDED DURING PASSAGE: Yes Amendments during passage  
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: June 13, 1991

SENATE: December 9, 1991

DATE OF APPROVAL: January 18, 1992

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/pp

[THIRD REPRINT]  
ASSEMBLY, No. 3570

STATE OF NEW JERSEY

INTRODUCED MAY 21, 1990

By Assemblywoman BUSH

1 AN ACT concerning motor carrier operators and vehicles and  
2 amending P.L.1985, c.415 <sup>2</sup>[<sup>1</sup>and R.S.39:9-2<sup>1</sup>]<sup>2</sup>.

3  
4 BE IT ENACTED by the Senate and General Assembly of the  
5 State of New Jersey:

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

8 3. a. The Superintendent of the State Police shall adopt,  
9 within six months of the effective date of this amendatory and  
10 supplementary act and pursuant to the "Administrative Procedure  
11 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations  
12 concerning the qualifications of interstate motor carrier  
13 operators and vehicles, which shall substantially conform to the  
14 requirements established pursuant to sections 401 to 404 of the  
15 "Surface Transportation Assistance Act of 1982," Pub.L.97-424  
16 (49 U.S.C. §§ 2301-2304) <sup>1</sup>[, the federal "Motor Carrier Safety  
17 Act of 1984," Pub.L.98-554 (49 U.S.C. §§ 2501 et seq.) and 49  
18 U.S.C. § 3102]<sup>1</sup>.

19 b. <sup>1</sup>[The] <sup>2</sup>[Notwithstanding any provision of law or regulation  
20 to the contrary,<sup>1</sup> the] The<sup>2</sup> superintendent <sup>1</sup>,in consultation with  
21 the Division of Motor Vehicles in the Department of Law and  
22 Public Safety and with the Department of Transportation,<sup>1</sup> shall  
23 revise <sup>1</sup>and readopt, within six months of the effective date of  
24 P.L. , c. (now before the Legislature as this bill),<sup>1</sup> the  
25 rules and regulations adopted pursuant to subsection a. of this  
26 section <sup>1</sup>to provide that the regulations<sup>1</sup>:

27 (1) <sup>1</sup>Substantially conform to the requirements <sup>2</sup>concerning the  
28 qualifications of interstate motor carrier operators and vehicles<sup>2</sup>  
29 established pursuant to sections 401 to 404 of the "Surface  
30 Transportation Assistance Act of 1982," Pub.L.97-424 (49 U.S.C.  
31 App. §§ 2301-2304) and the federal "Motor Carrier Safety Act of  
32 1984," Pub.L.98-554 (49 U.S.C. App. § 2501 et seq.)<sup>2</sup>[. ;

33 (2)<sup>1</sup> Rescind the exemption from the federal requirements of  
34 motor carrier operators and vehicles engaged in intrastate  
35 commerce, or used wholly within a municipality or the  
36 commercial zone thereof, as these terms are defined by the  
37 Secretary of Transportation pursuant to P.L.98-554 (49 U.S.C.  
38 App. § 2501 et seq.)<sup>2</sup>; and

39 <sup>1</sup>[(2)] <sup>2</sup>[(3)]<sup>1</sup> Extend the provisions of the rules and regulations]

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> Assembly ATR committee amendments adopted April 22, 1991.

<sup>2</sup> Assembly floor amendments adopted June 10, 1991.

<sup>3</sup> Senate STU committee amendments adopted September 23, 1991.

1 (2) Include provisions with regard<sup>2</sup> to motor carrier operators  
2 and vehicles engaged in intrastate commerce or used wholly  
3 within a municipality or a municipality's commercial zone<sup>3</sup>,  
4 except for farm vehicles registered pursuant to R.S.39:3-24 and  
5 R.S.39:3-25,<sup>3</sup> <sup>2</sup>that are compatible with federal rules and  
6 regulations<sup>2</sup>.

7 <sup>2</sup>[1c. For the purposes of this section, commercial motor  
8 vehicle means any self-propelled or towed vehicle used on public  
9 highways to transport passengers or property when:

10 (1) The vehicle has a gross vehicle weight rating or gross  
11 combination weight rating of 10,001 or more pounds; or

12 (2) The vehicle is designed to transport more than 15  
13 passengers, including the driver; or

14 (3) The vehicle is used in the transportation of hazardous  
15 materials in a quantity requiring placarding under regulations  
16 issued by the Secretary under the Hazardous Materials  
17 Transportation Act (49 U.S.C. App. § 1801 et seq.).

18 d. No] c. Notwithstanding any provision of law or regulation  
19 to the contrary, no<sup>2</sup> person shall operate a commercial motor  
20 vehicle<sup>2</sup>, as defined in rules adopted pursuant to this section,<sup>2</sup> in  
21 this State unless the operation of the commercial motor vehicle  
22 is in accordance with the rules adopted by the Superintendent of  
23 State Police pursuant to this section.<sup>1</sup>

24 <sup>2</sup>The rules adopted pursuant to this section shall include rules  
25 concerning protection against shifting or falling cargo contained  
26 in 49 C.F.R. §§ 393.100 to 393.106.<sup>2</sup>

27 (cf: P.L.1985, c.415, s.3)

28 <sup>2</sup>[12. R.S.39:9-2 is amended to read as follows:

29 [It shall be unlawful for any person to drive, or to require or  
30 permit any person to drive, any commercial motor vehicle,  
31 omnibus, motor bus, or tractor, while moving upon the public  
32 highways of this state after such person has been continuously on  
33 duty in such service, whether performed within or without this  
34 state, for a longer period than twelve hours, nor after he has been  
35 on duty for more than twelve hours in the aggregate during any  
36 sixteen consecutive hours. When any such person shall have been  
37 continuously on duty for twelve hours or shall have been on duty  
38 for twelve hours in the aggregate during any sixteen consecutive  
39 hours, he shall have at least eight consecutive hours off duty.  
40 The periods of release from duty herein provided for shall be  
41 spent at such place and under such circumstances that rest and  
42 relaxation from the strain of the duties of driving may be  
43 obtained; provided, however, that in case of accident or  
44 emergency, a person driving any such motor vehicle may  
45 complete his run or tour of duty, and such driver or the person  
46 who requires or permits such person to drive for such longer  
47 period shall not be deemed to have violated the provisions of this  
48 chapter.]

49 The Superintendent of State Police, in consultation with the

1 Division of Motor Vehicles in the Department of Law and Public  
2 Safety and the Department of Transportation, shall adopt,  
3 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
4 (C.52:14B-1 et seq.), rules and regulations regarding motor  
5 carrier operator hours on duty. These regulations shall apply to  
6 the motor carrier operator of any commercial motor vehicle,  
7 omnibus, motor bus or tractor, while moving on the public  
8 highway of this State.<sup>1</sup>

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

10 <sup>1</sup>[<sup>2</sup>.] <sup>2</sup>[<sup>3</sup>.<sup>1</sup>] <sup>2</sup>.<sup>2</sup> This act shall take effect immediately.

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13

#### MOTOR VEHICLES

14

15 Extends federal motor carrier safety regulations to vehicles used  
16 in intrastate commerce and intramunicipal operations.

ASSEMBLY, No. 3570  
STATE OF NEW JERSEY

INTRODUCED MAY 21, 1990

By Assemblywoman BUSH

1 AN ACT concerning motor carrier operators and vehicles and  
2 amending P.L.1985, c.415.

3

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

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

8 3. a. The Superintendent of the State Police shall adopt,  
9 within six months of the effective date of this amendatory and  
10 supplementary act and pursuant to the "Administrative Procedure  
11 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations  
12 concerning the qualifications of interstate motor carrier  
13 operators and vehicles, which shall substantially conform to the  
14 requirements established pursuant to sections 401 to 404 of the  
15 "Surface Transportation Assistance Act of 1982," Pub.L.97-424  
16 (49 U.S.C. §§ 2301-2304), the federal "Motor Carrier Safety Act  
17 of 1984," Pub.L.98-554 (49 U.S.C. §§ 2501 et seq.) and 49 U.S.C.  
18 § 3102.

19 b. The superintendent shall revise the rules and regulations  
20 adopted pursuant to subsection a. of this section:

21 (1) To rescind the exemption from the federal requirements of  
22 motor carrier operators and vehicles engaged in intrastate  
23 commerce, or used wholly within a municipality or the  
24 commercial zone thereof, as these terms are defined by the  
25 Secretary of Transportation pursuant to P.L.98-554 (49 U.S.C. §§  
26 2501 et seq.); and

27 (2) To extend the provisions of the rules and regulations to  
28 motor carrier operators and vehicles engaged in intrastate  
29 commerce or used wholly within a municipality or a  
30 municipality's commercial zone.

31 (cf: P.L.1985, c.415, s.3)

32 2. This act shall take effect immediately.

33

34

STATEMENT

35

36 This bill subjects commercial motor vehicles engaged in  
37 intrastate commerce or certain intramunicipal or municipal  
38 commercial zone operations to the same federal motor carrier  
39 operator and vehicle standards and requirements as have been  
40 adopted for interstate motor carrier operators and vehicles 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.

1 accordance with the "Motor Carrier Safety Act of 1984" and  
2 related laws. Intrastate and certain intramunicipal (including  
3 municipal commercial zone) motor carrier operations were  
4 exempted from the mandatory provisions of the Federal Motor  
5 Carrier Safety Regulations (49 C.F.R. § 390 et seq.) adopted in  
6 accordance with that law. These regulations have, in turn, been  
7 adopted by reference by the Superintendent of State Police.  
8 Commercial motor vehicles are defined in 49 U.S.C. § 2503 and  
9 the federal regulations as vehicles with a gross weight rating of  
10 10,001 pounds or more; vehicles designed to transport more than  
11 15 passengers, including the operator; and placarded vehicles  
12 engaged in the transport of hazardous materials.

13 Subjecting intrastate and intramunicipal motor carrier  
14 operations to lesser safety standards than interstate operations  
15 not only serves no valid public safety purpose but, in fact, defeats  
16 State and federal efforts to improve traffic safety. The United  
17 States Congress has itself recognized this fact in applying the  
18 commercial motor vehicle operator requirements of the  
19 "Commercial Motor Vehicle Safety Act of 1986," Pub.L.99-570  
20 (49 U.S.C. § 2701 et seq.), to interstate and intrastate  
21 operations. Establishment of uniform standards for all  
22 commercial motor vehicles operated within the State will also  
23 help to ease enforcement problems in New Jersey.

24

25

#### 26 MOTOR VEHICLES

27

28 Extends federal motor carrier safety regulations to vehicles used  
29 in intrastate commerce and intramunicipal operations.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3570

with committee amendments

STATE OF NEW JERSEY

DATED: APRIL 22, 1991

The Assembly Transportation Committee favorably reports Assembly Bill No. 3570 of 1990, with committee amendments.

As amended, the bill subjects commercial motor vehicles engaged in intrastate commerce or certain intramunicipal or municipal commercial zone operations to the same federal motor carrier operator and vehicle standards and requirements as have been adopted for interstate motor carrier operators and vehicles in accordance with the "Motor Carrier Safety Act of 1984" and related laws. Intrastate and certain intramunicipal (including municipal commercial zone) motor carrier operations were exempted from the mandatory provisions of the Federal Motor Carrier Safety Regulations (49 C.F.R. § 390 et seq.) adopted in accordance with that law. These regulations have, in turn, been adopted by reference by the Superintendent of State Police. Uniform standards for all commercial motor vehicles ease enforcement problems.

The committee amendments make technical corrections and include the definition of commercial motor vehicles as defined in federal regulations as vehicles with a gross weight rating of 10,001 pounds or more; vehicles designed to transport more than 15 passengers, including the operator; and placarded vehicles engaged in the transport of hazardous materials. The amendments also amend current law to delete provisions relating to motor carrier operator's hours on duty that conflict with the federal requirements and direct the Superintendent of State Police to adopt rules and regulations in this area.

SENATE TRANSPORTATION AND PUBLIC UTILITIES  
COMMITTEE

STATEMENT TO

[SECOND REPRINT]

ASSEMBLY, No. 3570

with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 23, 1991

The Senate Transportation and Public Utilities Committee favorably reports Assembly Bill No. 3570 (2R) with committee amendments.

This amended bill requires the Superintendent of State Police, in consultation with the Division of Motor Vehicles in the Department of Law and Public Safety and the Department of Transportation, to revise and readopt, within six months of the effective date of this bill becoming law, rules and regulations adopted pursuant to section 3 of P.L.1985, c.415 (C.39:5B-32) to provide that the regulations substantially conform to the requirements concerning the qualifications of interstate motor carrier operators and vehicles established pursuant to sections 401 to 404 of the Surface Transportation Assistance Act and the federal Motor Carrier Safety Act. The regulations would also include provisions with regard to motor carrier operations and vehicles engaged in intrastate commerce or used wholly within a municipality or a municipality's commercial zone, except farm vehicles registered pursuant to R.S.39:3-24 and R.S.39:3-25, that are compatible with federal rules and regulations.

The amended bill also provides that no person shall operate a commercial motor vehicle in the State unless the operation of the vehicle is in accordance with the rules adopted pursuant to this bill. The definition of commercial motor vehicle is left to the regulations, rather than being defined in the bill.

Finally, the rules to be adopted shall include rules concerning protection against shifting or falling cargo contained in the federal regulations.

This bill would thus conform intrastate commercial motor vehicle operations more closely with the requirements for interstate operators and thus qualify the State for certain federal assistance.

The committee amended the bill to provide for the exclusion of certain farm vehicles from its provisions.

This bill is the same as S-2045, released with amendments by the committee on the same date.