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LAW/KR

P.L.2013, CHAPTER 11, *approved January 25, 2013*  
Assembly, No. 1753 (*Second Reprint*)

1 AN ACT <sup>2</sup>[authorizing an exemption from the licensing provisions  
2 of the “Commercial Motor Vehicle Safety Act <sup>1</sup>[of 1986]”,  
3 <sup>1</sup>[P.L.99-570 (49 U.S.C. s.2701 et seq.)] Pub.L.112-180 (49  
4 U.S.C. s.31301 et seq.)<sup>1</sup> for certain drivers] exempting certain  
5 Office of Emergency Management members from federal  
6 commercial driver’s licensing requirements<sup>2</sup> and supplementing  
7 P.L.1989, c.164 (C.39:3-10j et seq.).  
8

9 **BE IT ENACTED** by the Senate and General Assembly of the State  
10 of New Jersey:  
11

12 <sup>2</sup>[1. a. <sup>1</sup>[Unless otherwise required by federal law or regulation,  
13 and subject to any rules and regulations promulgated by the Chief  
14 Administrator of the Motor Vehicle Commission, no ] In accordance  
15 with 49 C.F.R. 383.3, any member of the State Office of Emergency  
16 Management or local Office of Emergency Management who is<sup>1</sup>  
17 designated <sup>1</sup>[operator of] to operate<sup>1</sup> any emergency, rescue or  
18 other motorized apparatus or equipment utilized for <sup>1</sup>[(1) disaster  
19 or emergency control or response or (2) routine operation by the  
20 State Office of Emergency Management or any local Office of  
21 Emergency Management ] the preservation of life or property or the  
22 execution of emergency governmental functions<sup>1</sup> shall not<sup>1</sup> be  
23 subject to the commercial<sup>1</sup> licensing provisions of the  
24 “Commercial Motor Vehicle Safety Act <sup>1</sup>[of 1986]”, <sup>1</sup>[Pub.L.99-  
25 5670 (49 U.S.C. s.2701 et seq.)] Pub.L.112-180 (49 U.S.C. s.31301  
26 et seq.)<sup>1</sup>.  
27

28 b. The Chief Administrator of the Motor Vehicle Commission  
29 shall adopt rules and regulations <sup>1</sup>[, including guidelines for safety  
30 training programs the various Offices of Emergency Management  
31 shall provide for their designated operators,]<sup>1</sup> to effectuate the  
32 purposes of this act. ]<sup>2</sup>

33 <sup>2</sup>1. a. A member of the State Office of Emergency Management  
34 or a county or municipal Office of Emergency Management shall  
35 not be subject to the requirements of the commercial licensing  
36 provisions of the federal “Commercial Motor Vehicle Safety Act,”  
37 49 U.S.C. s.31301 et seq., when operating any commercial motor

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 AHS committee amendments adopted October 15, 2012.

<sup>2</sup>Senate STR committee amendments adopted November 19, 2012.

1 vehicle or any emergency, rescue, or other motorized apparatus or  
2 equipment provided that:

3 (1) the operation of the vehicle, apparatus, or equipment is  
4 necessary to the preservation of life or property or the execution of  
5 emergency governmental functions;

6 (2) the vehicle, apparatus, or equipment operated is equipped  
7 with audible and visual signals and is not subject to normal traffic  
8 regulations; and

9 (3) the operation of the vehicle, apparatus, or equipment meets  
10 any other requirement set forth in 49 C.F.R. 383.3 (d)(2) or any  
11 other federal law, rule, or regulation establishing an exemption  
12 from the licensing provisions of the federal “Commercial Motor  
13 Vehicle Safety Act,” 49 U.S.C. s.31301 et seq.

14 b. Notwithstanding the provisions of this section, an exemption  
15 shall not be granted if, to do so, the State would no longer be in a  
16 position of substantial compliance with the requirements of the  
17 federal “Commercial Motor Vehicle Safety Act,” 49 U.S.C. s.31301  
18 et seq.

19 c. The Chief Administrator of the New Jersey Motor Vehicle  
20 Commission may adopt any rules and regulations which may be  
21 necessary to effectuate the purposes of this act.<sup>2</sup>

22

23 2. This act shall take effect immediately.

24

25

26

27

28 Exempts certain Office of Emergency Management members  
29 from federal commercial driver’s licensing requirements.

# ASSEMBLY, No. 1753

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**Assemblyman CHARLES MAINOR**

**District 31 (Hudson)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**SYNOPSIS**

Waives commercial driver's license requirements for certain Office of Emergency Management drivers.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 10/16/2012)**

1 AN ACT authorizing an exemption from the licensing provisions of  
2 the "Commercial Motor Vehicle Safety Act of 1986," P.L.99-570  
3 (49 U.S.C. s.2701 et seq.) for certain drivers and supplementing  
4 P.L.1989, c.164 (C.39:3-10j et seq.).  
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:  
8

9 1. a. Unless otherwise required by federal law or regulation,  
10 and subject to any rules and regulations promulgated by the Chief  
11 Administrator of the Motor Vehicle Commission, no designated  
12 operator of any emergency, rescue or other motorized apparatus or  
13 equipment utilized for (1) disaster or emergency control or response  
14 or (2) routine operation by the State Office of Emergency  
15 Management or any local Office of Emergency Management shall  
16 be subject to the licensing provisions of the "Commercial Motor  
17 Vehicle Safety Act of 1986," Pub.L.99-5670 (49 U.S.C. s.2701 et  
18 seq.).

19 b. The Chief Administrator of the Motor Vehicle Commission  
20 shall adopt rules and regulations, including guidelines for safety  
21 training programs the various Offices of Emergency Management  
22 shall provide for their designated operators, to effectuate the  
23 purposes of this act.  
24

25 2. This act shall take effect immediately.  
26  
27

28 STATEMENT  
29

30 This bill would exempt the designated operators of emergency,  
31 rescue or other motorized apparatus or equipment utilized by either  
32 the State Office of Emergency Management or any local Office of  
33 Emergency Management for disaster or emergency control or  
34 response or for routine operational purposes from having to secure a  
35 commercial driver's license.

36 This bill is modeled on P.L.1989, c.164 (C.39:3-10j et seq.)  
37 which waived the commercial driver's license requirements for  
38 designated operators of firefighting equipment, certain operators of  
39 military vehicles owned or operated by the United States  
40 Department of Defense or National Guard, operators of farm  
41 vehicles operated within 150 miles of the person's farm, and the  
42 operators of emergency or rescue equipment operated for the  
43 purposes of a first aid, ambulance or rescue squad or for disaster  
44 control.

45 Under the bill, the Chief Administrator of the Motor Vehicle  
46 Commission is to adopt appropriate rules and regulations, including  
47 guidelines for a safety training program the various Offices of

**A1753 PRIETO, MAINOR**

3

- 1 Emergency Management are to provide for their designated
- 2 operators.

ASSEMBLY HOMELAND SECURITY AND STATE  
PREPAREDNESS COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1753**

with committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 15, 2012

The Assembly Homeland Security and State Preparedness Committee reports favorably and with committee amendments Assembly Bill No. 1753.

As amended and reported by the committee, Assembly Bill No. 1753 exempts members of the New Jersey Office of Emergency Management or any local Office of Emergency Management from having to secure a commercial driver's license under certain circumstances.

Federal law currently allows states to waive the commercial driver's license requirements designated for firefighters or other persons who operate vehicles used for the preservation of life or property or the execution of emergency governmental functions. Under N.J.S.A. 39:3-10k, New Jersey waives commercial driver's license requirements for operators of emergency or rescue equipment operated for the purposes of a first aid, ambulance or rescue squad or for disaster control. The amended bill clarifies that members of State and local Office of Emergency Management are to be included among first responders who are exempted from the State's commercial driver's license requirements.

As introduced, this bill required the MVC to adopt rules and regulations, including guidelines for safety training programs the various Offices of Emergency Management are to provide for their designated operators. The amendments to this bill eliminate the requirement that MVC establish such guidelines.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments:

(1) limit the exemption from the commercial driver's license requirements to members of the State Office of Emergency Management (OEM) or local OEM;



(2) ensure that the waiver applies to members of OEM who operate vehicles designated for the preservation of life or property or the execution of emergency governmental functions; and

(3) eliminate the requirement that the New Jersey Motor Vehicle Commission (MVC) establish guidelines for safety training programs of OEM members.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 1753

with committee amendments

# STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2012

The Senate Transportation Committee reports favorably and with committee amendments Assembly Bill No. 1753(1R).

As amended and reported, this bill exempts members of the New Jersey Office of Emergency Management or any county or municipal Office of Emergency Management from having to secure a commercial driver's license under certain circumstances. The amended bill specifies that members of State, county, and municipal Offices of Emergency Management are to be exempted from commercial driver's license requirements only if:

(1) the operation of the vehicle, apparatus, or equipment is necessary to the preservation of life or property or the execution of emergency governmental functions;

(2) the vehicle, apparatus, or equipment operated is equipped with audible and visual signals and is not subject to normal traffic regulations; and

(3) the operation of the vehicle, apparatus, or equipment meets any other requirement set forth under federal law, rule, or regulation pertaining the federal "Commercial Motor Vehicle Safety Act."

The amended bill further specifies that an exemption may not be granted if, to do so, the State would no longer be in a position of substantial compliance with the requirements of the federal "Commercial Motor Vehicle Safety Act."

The committee amended the bill to clarify that the exemption applies only to persons who operate a vehicle, apparatus, or equipment equipped with audible and visual signals, and not subject to normal traffic regulations. In addition, the amendments specify that an exemption may not be granted if, to do so, the State would no longer be in a position of substantial compliance with the requirements of the federal "Commercial Motor Vehicle Safety Act."

The amendments also specify that the New Jersey Motor Vehicle Commission may promulgate rules and regulations to effectuate the provisions of the act, but it is not required to do so.

Finally, the amendments make a technical correction to the reference to the federal “Commercial Motor Vehicle Safety Act.”

Assembly Bill No. 1753(1R), as amended and reported, is identical to Senate Bill No. 440, which was also amended and reported by the committee on this day.

# SENATE, No. 440

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**Senator JOSEPH PENNACCHIO**

**District 26 (Essex, Morris and Passaic)**

**SYNOPSIS**

Waives commercial driver's license requirements for certain Office of Emergency Management drivers.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 11/20/2012)**

1 AN ACT authorizing an exemption from the licensing provisions of  
2 the "Commercial Motor Vehicle Safety Act of 1986," P.L.99-570  
3 (49 U.S.C. s.2701 et seq.) for certain drivers and supplementing  
4 P.L.1989, c.164 (C.39:3-10j et seq.).  
5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*  
8

9 1. a. Unless otherwise required by federal law or regulation,  
10 and subject to any rules and regulations promulgated by the Chief  
11 Administrator of the Motor Vehicle Commission, no designated  
12 operator of any emergency, rescue or other motorized apparatus or  
13 equipment utilized for (1) disaster or emergency control or response  
14 or (2) routine operation by the State Office of Emergency  
15 Management or any local Office of Emergency Management shall  
16 be subject to the licensing provisions of the "Commercial Motor  
17 Vehicle Safety Act of 1986," Pub.L.99-5670 (49 U.S.C. s.2701 et  
18 seq.).

19 b. The Chief Administrator of the Motor Vehicle Commission  
20 shall adopt rules and regulations, including guidelines for safety  
21 training programs the various Offices of Emergency Management  
22 shall provide for their designated operators, to effectuate the  
23 purposes of this act.  
24

25 2. This act shall take effect immediately.  
26  
27

28 STATEMENT  
29

30 This bill would exempt the designated operators of emergency,  
31 rescue or other motorized apparatus or equipment utilized by either  
32 the State Office of Emergency Management or any local Office of  
33 Emergency Management for disaster or emergency control or  
34 response or for routine operational purposes from having to secure a  
35 commercial driver's license.

36 This bill is modeled on P.L.1989, c.164 (C.39:3-10j et seq.)  
37 which waived the commercial driver's license requirements for  
38 designated operators of firefighting equipment, certain operators of  
39 military vehicles owned or operated by the United States  
40 Department of Defense or National Guard, operators of farm  
41 vehicles operated within 150 miles of the person's farm, and the  
42 operators of emergency or rescue equipment operated for the  
43 purposes of a first aid, ambulance or rescue squad or for disaster  
44 control.

45 Under the bill, the Chief Administrator of the Motor Vehicle  
46 Commission is to adopt appropriate rules and regulations, including  
47 guidelines for a safety training program the various Offices of

**S440 SACCO, PENNACCHIO**

3

- 1 Emergency Management are to provide for their designated
- 2 operators.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 440**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 19, 2012

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 440.

As amended and reported, this bill exempts members of the New Jersey Office of Emergency Management or any county or municipal Office of Emergency Management from having to secure a commercial driver's license under certain circumstances. The amended bill specifies that members of State, county, and municipal Offices of Emergency Management are to be exempted from commercial driver's license requirements only if:

(1) the operation of the vehicle, apparatus, or equipment is necessary to the preservation of life or property or the execution of emergency governmental functions;

(2) the vehicle, apparatus, or equipment operated is equipped with audible and visual signals and is not subject to normal traffic regulations; and

(3) the operation of the vehicle, apparatus, or equipment meets any other requirement set forth under federal law, rule, or regulation pertaining the federal "Commercial Motor Vehicle Safety Act."

The amended bill further specifies that an exemption may not be granted if, to do so, the State would no longer be in a position of substantial compliance with the requirements of the federal "Commercial Motor Vehicle Safety Act."

The committee amended the bill to clarify that the exemption applies only to persons who operate a vehicle, apparatus, or equipment designated for the preservation of life or property, or for the execution of emergency governmental functions; equipped with audible and visual signals; and not subject to normal traffic regulations. In addition, the amendments specify that an exemption may not be granted if, to do so, the State would no longer be in a position of substantial compliance with the requirements of the federal "Commercial Motor Vehicle Safety Act."

The amendments also eliminate the requirement that the New Jersey Motor Vehicle Commission (MVC) establish guidelines for safety training programs that the various Offices of Emergency Management are to provide for their designated operators, and specify

that the MVC may promulgate rules and regulations to effectuate the provisions of the act, but it is not required to do so.

Finally, the amendments make a technical correction to the reference to the federal “Commercial Motor Vehicle Safety Act.”

Senate Bill No. 440, as amended and reported, is identical to Assembly Bill No. 1753(1R), which was also amended and reported by the committee on this day.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.