

ASSEMBLY, No. 1217

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen AUGUSTINE and SULIGA

1 AN ACT concerning exemptions from the licensing provisions for
2 commercial drivers licenses and amending P.L.1989, c.164.

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

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7 1. Section 1 of P.L.1989, c.164 (C.39:3-10j) is amended to read as
8 follows:

9 1. C.39:3-10j. 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 the
12 authority to exempt certain drivers from the licensing provisions of the
13 "Commercial Motor Vehicle Safety Act of 1986," Pub.L.99-570 (49
14 U.S.C. §2701 et seq.).

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

19 c. While that act's objectives to regulate and improve the traffic
20 safety of the commercial trucking industry are laudable, it could have
21 an unintended, and largely adverse, impact upon certain
22 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 or rescue equipment
27 operated for the purposes of a first aid, ambulance or rescue squad or
28 for disaster control, non-civilian operators of military vehicles owned
29 or operated by the United States Department of Defense or the
30 National Guard, and farmers operating farm vehicles will be obligated
31 to secure commercial driver's licenses under that act.

32 e. There appears to be no significant evidence that the operators of

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 firefighting apparatus, operators of emergency or rescue equipment
2 operated for the purposes of a first aid, ambulance or rescue squad or
3 for disaster control, non-civilian operators of military vehicles owned
4 or operated by the United States Department of Defense or the
5 National Guard, or farmers operating farm vehicles in and about their
6 regular agricultural activities pose or have created any safety hazards
7 on the public highways which would warrant their being licensed under
8 the provisions of the "Commercial Motor Vehicle Safety Act of 1986."

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

20 (cf: P.L.1991, c.126, s.1)

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

24 2. C.39:3-10k. Unless otherwise required by federal law or
25 regulation, and subject to any rules and regulations promulgated
26 pursuant to the provisions of this act, no (1) designated operator of
27 firefighting apparatus, (2) non-civilian operator of a military vehicle
28 owned or operated by the United States Department of Defense or the
29 National Guard, (3) operator of a farm vehicle controlled and operated
30 by a farmer, used to transport agricultural products, farm machinery
31 or farm supplies to or from a farm, operated within 150 miles of a
32 person's farm, and not used in the operation of a common or contract
33 motor carrier, or (4) operator of emergency or rescue equipment
34 operated for the purposes of a first aid, ambulance or rescue squad or
35 for disaster control, shall be subject to the licensing provisions of the
36 "Commercial Motor Vehicle Safety Act of 1986," Pub.L.99-570 (49
37 U.S.C. §2701 et seq.).

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

42 (cf: P.L.1991, c.126, s.2)

1 3. This act shall take effect immediately.

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STATEMENT

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6 County offices of emergency management are often staffed by a
7 handful of full-time employees as well as many more part-time
8 volunteers from throughout each county. This bill would enable such
9 full-time and part-time personnel to operate emergency management
10 equipment without having to be specially licensed as commercial
11 motor vehicle operators. It clarifies a federal regulatory exemption
12 now granted under State law to operators of emergency or rescue
13 equipment operated for the purposes of a first aid, ambulance or
14 rescue squad.

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19 Exempts operators of emergency management equipment from
20 commercial drivers license requirements under certain conditions.