

SENATE, No. 2124

STATE OF NEW JERSEY

INTRODUCED JUNE 5, 1997

By Senator KOSCO

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. 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
33 firefighting apparatus, operators of emergency or rescue equipment
34 operated for the purposes of a first aid, ambulance or rescue squad or

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

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

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

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

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

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

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

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42 3. This act shall take effect immediately.

STATEMENT

3 This bill would clarify an exemption, now granted under State law,
4 from the licensing provisions of the "Commercial Motor Vehicle
5 Safety Act of 1986," Pub.L.99-5 to (49 U.S.C. § 2701 et seq.), to
6 specifically include operation of emergency or rescue equipment
7 operated for the purpose of disaster control, such as responding to a
8 hazardous materials incident, within the exemption. County offices of
9 emergency management are often staffed by a handful of employees as
10 well as many more part-time volunteers. This bill would enable those
11 full-time employees and part-time volunteers to operate emergency
12 management equipment without having to be specifically licensed as
13 commercial motor vehicle operators.

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