

SENATE CONCURRENT RESOLUTION No. 13

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators SCOTT and CAFIERO

1 **A CONCURRENT RESOLUTION** concerning legislative review of Division of
2 State Police motor carrier safety regulations pursuant to Article V, Section
3 IV, paragraph 6 of the Constitution of the State of New Jersey.

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5 **BE IT RESOLVED** by the Senate of the State of New Jersey (the General
6 Assembly concurring):

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8 1. Pursuant to Article V, Section IV, paragraph 6 of the Constitution of the
9 State of New Jersey, the Legislature may review any rule or regulation
10 adopted by an administrative agency to determine if the rule or regulation is
11 consistent with the intent of the Legislature as expressed in the language of the
12 statute which the rule or regulation is intended to implement.

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14 2. a. In 1990 the Legislature enacted the "New Jersey Commercial Driver
15 License Act," P.L.1990, c.103 (C.39:3-10.9 et al.), in order to enhance the
16 safety of commercial vehicle operation. That act, "designed to substantially
17 conform the laws of this state to the requirements and standards established
18 under the federal 'Commercial Motor Vehicle Safety Act of 1986'" and its
19 implementing regulations, did not contain an age limitation on those who could
20 obtain a commercial driver license. Rather, that act amended R.S.39:3-13 to
21 provide that a person 17 years of age would be eligible to obtain a commercial
22 driver license permit thus allowing a person of that age to operate a
23 commercial motor vehicle under certain circumstances.

24 b. In 1991 the Legislature enacted P.L.1991, c.491 (amending section 3
25 of P.L.1985, c.415 (.C.39:5B-32)) which required the Superintendent of
26 State Police to revise and readopt regulations relating to motor carrier
27 operators and vehicles in intrastate commerce that are compatible with the
28 federal "Surface Transportation Assistance Act of 1982," 49 U.S.C. App.
29 §§2301 - 2304 and the "Motor Carrier Safety Act of 1984," 49
30 U.S.C.§2501 et seq., and their implementing regulations.

31 The federal regulations, at 49 C.F.R.§391.11, provide that a qualified
32 driver is to be at least 21 years of age. Notwithstanding this age limitation, the
33 federal regulations also provide that a state law would be compatible with the

1 federal law even if the state law provided that a person 18 years old could
2 obtain a commercial driver license to engage in intrastate commerce. See 49
3 C.F.R. §355.21 and 49 C.F.R. §350 Appendix C.

4 c. Despite the fact that the adoption of a State program "compatible" with
5 the federal law, as required in P.L.1991, c.491 could provide that New Jersey
6 residents could obtain a commercial driver license for intrastate commerce at
7 the age of 18, and despite the clear legislative intent in the "New Jersey
8 Commercial Driver License Act" to allow those under 21 years of age to
9 obtain a commercial driver license, the Division of State Police adopted
10 regulations that provided that a person must be 21 years of age to obtain a
11 commercial driver license. 25 N.J.R. 4501 et seq. (September 20, 1993).
12 The impact of this regulation is to prevent New Jersey residents between the
13 ages of 18 and 21 years old from obtaining employment in any field that would
14 require them to obtain a commercial driver license to travel wholly within the
15 State. This limitation on the ability of New Jersey residents to obtain
16 employment was not the intent of the Legislature especially given the fact that
17 a "compatible" State regulation would not require such a limitation.

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19 3. The Legislature finds that the regulations of the Division of State Police,
20 published in the New Jersey Register on September 20, 1993 (25 N.J.R.4501
21 et seq.), concerning motor carrier safety regulations and codified at
22 N.J.A.C.13:60-1 et seq., are not consistent with the intent of the Legislature
23 as expressed in the language of R.S.39:3-13 and section 3 of P.L.1985, c.415
24 (C.39:5B-32) to the extent those regulations provide that a person must be 21
25 years of age to obtain a commercial driver license for intrastate commerce.
26 The intent of the Legislature is that these regulations provide that the age
27 requirement to obtain a commercial driver license to engage in intrastate
28 commerce be 18 years of age.

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30 4. The Secretary of the Senate and the Clerk of the General Assembly shall
31 transmit a duly authenticated copy of this concurrent resolution to the
32 Governor and the Superintendent of State Police.

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34 5. Pursuant to Article V, Section IV, paragraph 6 of the Constitution of the
35 State of New Jersey, the Superintendent of State Police shall have 30 days
36 following transmittal of this resolution to amend or withdraw the regulations
37 codified in N.J.A.C. 13:60-1 et seq. or the Legislature may, by passage of
38 another concurrent resolution, exercise its authority under the Constitution to
39 invalidate the regulations codified in N.J.A.C.13:60-1 et seq., in whole or in
40 part.

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STATEMENT

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1 This concurrent resolution embodies the finding of the Legislature that the
2 regulations of the Division of State Police that provide the age requirement for
3 a commercial driver license to engage in intrastate commerce be 21 years,
4 codified at N.J.A.C. 13:60-1 et seq., is not consistent with legislative intent
5 pursuant to Article V, Section IV, paragraph 6 of State Constitution.

6 The concurrent resolution finds that the language of the enabling State
7 statutes demonstrates that the legislative intent was for the age requirement to
8 be 18 years.

9 The federal regulations implementing the "Commercial Motor Vehicle
10 Safety Act of 1986" allow states to issue commercial driver licenses for
11 intrastate commerce to persons at least 18 years of age. Commercial drivers
12 licenses for interstate commerce, however, may only be issued to persons of
13 at least 21 years of age. In 1991, the Legislature enacted a law requiring the
14 Superintendent of State Police to revise regulations relating to motor carrier
15 operators and vehicles in order to be consistent with federal law. In so doing,
16 the Superintendent adopted regulations that imposed an age requirement of 21
17 years of age in order to obtain a commercial drivers license for intrastate
18 commerce.

19 Because of the authority given under the federal law to allow 18 year olds
20 to obtain a commercial drivers license and still be consistent with that law, and
21 because State law allows commercial drivers license examination permits for
22 those under 21 years of age (see N.J.S.A 39:3-13), the Legislative intent is for
23 the State to allow 18 year olds to obtain commercial drivers licenses for
24 intrastate commerce consistent with federal law.

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29 Determines that age limitation to obtain a commercial driver license for
30 intrastate commerce is inconsistent with legislative intent.