

CHAPTER 60**MOTOR CARRIER SAFETY REGULATIONS****Authority**

N.J.S.A. 39:5B-32.

Source and Effective Date

R.2002 d.165, effective May 2, 2002.
See: 34 N.J.R. 820(a), 34 N.J.R. 1951(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 60, Motor Carrier Safety Regulations, expires on October 29, 2007. See: 39 N.J.R. 2210(a).

Chapter Historical Note

Chapter 60, Motor Carrier Safety Regulations, was adopted as R.1987 d.73, effective January 20, 1987. See: 18 N.J.R. 2311(a), 19 N.J.R. 234(b).

Pursuant to Executive Order No. 66(1978), Chapter 60 was readopted as R.1992 d.71, effective January 16, 1992. See: 23 N.J.R. 3725(a), 24 N.J.R. 644(a).

Pursuant to Executive Order No. 66(1978), Chapter 60 was readopted as R.1993 d.472, effective August 26, 1993. See: 25 N.J.R. 3091(a), 25 N.J.R. 4501(a).

Pursuant to Executive Order No. 66(1978), Chapter 60 was readopted as R.1997 d.65, effective January 16, 1997. See: 28 N.J.R. 5050(a), 29 N.J.R. 581(b).

Chapter 60, Motor Carrier Safety Regulations, was readopted as R.2002 d.165, effective May 2, 2002. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 2. ADOPTION AND INCORPORATION, BY REFERENCE, OF FEDERAL MOTOR CARRIER SAFETY REGULATIONS AND APPENDICES TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS

- 13:60-2.1 Adoption and incorporation, by reference, of Federal Motor Carrier Safety Regulations and Appendices to Federal Motor Carrier Safety Regulations

APPENDIX TO THE REGULATIONS REGARDING MOTOR CARRIER SAFETY REGULATIONS**SUBCHAPTER 1. GENERAL REQUIREMENTS****13:60-1.1 Purpose**

This chapter and appendix establish rules and regulations concerning the qualifications of motor carrier operators and vehicles engaged in interstate or intrastate commerce or used

or operated wholly within a municipality or a municipality's commercial zone, which substantially conform to the requirements established pursuant to sections 401 to 404 of the "Surface Transportation Assistance Act of 1982," Pub. L. 97-424 (49 U.S.C. §§ 31101-31104) and the Federal "Motor Carrier Safety Act," Pub. L. 98-554 (49 U.S.C. §§ 31131 et seq.), by adopting and incorporating by reference: the "Federal Motor Carrier Safety Regulations," and all supplements and amendments thereto; and Appendices to the "Federal Motor Carrier Safety Regulations," and all supplements and amendments thereto.

Amended by R.1992 d.71, effective February 18, 1992.
See: 23 N.J.R. 3725(a), 24 N.J.R. 644(a).

Revised text.

Amended by R.1993 d.472, effective September 20, 1993.

See: 25 N.J.R. 3091(a), 25 N.J.R. 4501(a).

Amended by R.1994 d.253, effective May 16, 1994.

See: 26 N.J.R. 1307(a), 26 N.J.R. 2140(a).

Amended by R.1997 d.65, effective February 18, 1997.

See: 28 N.J.R. 5050(a), 29 N.J.R. 581(b).

Amended Pub. L. references.

13:60-1.2 Application

(a) The provisions of this chapter and appendix are applicable to every motor carrier and every person, including drivers, agents, employees and representatives, involved or in any manner related to:

1. The transportation in a commercial motor vehicle of any cargo in interstate or intrastate commerce;
2. The operation of a commercial motor vehicle, with or without a cargo, in interstate or intrastate commerce or wholly within a municipality or a municipality's commercial zone;
3. The transportation in any motor vehicle in intrastate commerce of materials determined by the Secretary of the United States Department of Transportation to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. §§ 5101 et seq.) and which materials are transported in a quantity requiring hazardous material(s) placarding under Federal Hazardous Materials Regulations (49 C.F.R. Parts 171, 172, 173, 174, 177, 178, 179, and 180) and all supplements and amendments thereto;
4. The operation of a commercial motor vehicle, with or without a cargo, displaying hazardous material(s) placarding in intrastate commerce or wholly within a municipality or a municipality's commercial zone;
5. The transportation in a commercial motor vehicle, as defined at N.J.S.A. 39:3-10.11, in intrastate commerce of any non-hazardous material(s) cargo;
6. The operation of a commercial motor vehicle, as defined at N.J.S.A. 39:3-10.11, and subject to any prevailing requirements of (a)3 above, in intrastate commerce or wholly within a municipality or a municipality's commercial zone.

(b) All officers, agents, representatives, drivers and employees of motor carriers involved or concerned with the management, maintenance, operation or driving of any motor vehicle or vehicles, subject to these regulations, shall be conversant and knowledgeable with the rules and regulations set forth in this chapter and appendix.

(c) The provisions of this chapter and appendix shall not apply to a farm vehicle registered in this State, pursuant to the provisions of N.J.S.A. 39:3-24 and 39:3-25, provided the farm vehicle is operating:

1. In intrastate commerce;
2. Is used or operated wholly within a municipality or a municipality's commercial zone;
3. Is not transporting hazardous material(s) in a quantity requiring hazardous material(s) placarding; and
4. Is not displaying hazardous material(s) placarding.

Amended by R.1993 d.472, effective September 20, 1993.
See: 25 N.J.R. 3091(a), 25 N.J.R. 4501(a).
Amended by R.1994 d.253, effective May 16, 1994.
See: 26 N.J.R. 1307(a), 26 N.J.R. 2140(a).
Amended by R.1997 d.65, effective February 18, 1997.
See: 28 N.J.R. 5050(a), 29 N.J.R. 581(b).
In (a)3, amended U.S.C. reference.

13:60-1.3 Definitions and general requirements

(a) For the purposes of this chapter and appendix, and unless another definition is specified, the terms set forth below are defined as follows:

“Code of Federal Regulations” or “C.F.R.” shall mean the Code of Federal Regulations, authorized pursuant to 44 U.S.C. § 1510 and published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended, 44 U.S.C. § 1501 et seq. and 1 C.F.R. Part 8).

“Commissioner” shall mean the Commissioner of the New Jersey Department of Transportation.

“Federal Register” or “FR” shall mean the Federal Register, authorized pursuant to 44 U.S.C. § 1501 et seq. and published by the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended, 44 U.S.C. § 1501 et seq. and 1 C.F.R. Part 5).

“Hazardous material(s)” shall mean a substance or material determined by the Secretary of the United States Department of Transportation, pursuant to the Hazardous Materials Transportation Act (49 U.S.C. §§ 5101 et seq., and as defined at 49 C.F.R. § 171.8, to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

“Interstate commerce” shall mean trade, traffic, or transportation in the United States which is between a place in this State and a place outside of this State (including a place outside of the United States) or is between any two other places (including a place outside of the United States) passing through this State.

“Intrastate commerce” shall mean trade, traffic, or transportation in this State which is not “interstate commerce”.

“Secretary” shall mean the Secretary of the Department of Transportation of the United States of America.

“Superintendent” shall mean the Superintendent of the Division of State Police.

(b) Throughout this chapter and appendix there are references to Federal rules and regulations pertaining to motor carrier safety, adopted by, or on behalf of, the Secretary or adopted or incorporated, by reference, herein by the Superintendent, pursuant to this chapter and appendix, or the Commissioner, at N.J.A.C. 16:49. For convenience, those Federal rules and regulations and any supplements and amendments thereto may be cited in this chapter and appendix in one or all of the following forms:

1. “Federal Motor Carrier Safety Regulations” as:
 - i. Code of Federal Regulations, Parts 390 through 397, Subchapter B-Federal Motor Carrier Safety Regulations, Chapter III-Federal Highway Administration, Department of Transportation, Title 49;
 - ii. 49 C.F.R. Parts 390 through 397 (inclusive);
 - iii. 49 C.F.R. Part(s), Section(s), §, or §§; or
 - iv. Federal Motor Carrier Safety Regulations;
2. “Appendix or Appendices to Federal Motor Carrier Safety Regulations” as:
 - i. Code of Federal Regulations, Appendix or Appendices to Subchapter B-Federal Motor Carrier Safety Regulations, Chapter III-Federal Highway Administration, Department of Transportation, Title 49;
 - ii. 49 C.F.R. Ch. III, Subch. B, App.;
 - iii. Appendix to Subchapter B;
 - iv. Appendix or Appendices to Federal Motor Carrier Safety Regulations; or
 - v. Appendix or Appendices to the Federal Motor Carrier Safety Regulations;
3. “Hazardous Materials Regulations” as:
 - i. Code of Federal Regulations, Parts 171, 172, 173, 174, 177, 178, 179, 180, Subchapter C-Hazardous Materials Regulations, Chapter I-Research and Special Programs Administration, U.S. Department of Transportation, Title 49;

ii. 49 C.F.R. Parts 171, 172, 173, 174, 177, 178, 179, 180; or

iii. Hazardous Materials Regulations.

(c) This chapter establishes minimum standards of compliance concerning the qualifications of motor carrier operators and vehicles, operating in this State in interstate or intrastate commerce or used or operated wholly within a municipality or a municipality's commercial zone. Therefore, in the event of a conflict between this chapter and appendix and any other State regulation, except as otherwise provided by statute or law, the stricter, more stringent standard shall apply and govern.

(d) Whenever the term "interstate" is used in the Federal Motor Carrier Safety Regulations, adopted and incorporated, by reference, herein, and all supplements and amendments thereto, it shall, for the purpose of this chapter and appendix, mean or include both "interstate" and "intra-state" transportation in commerce and those vehicles used or operated wholly within a municipality or a municipality's commercial zone except where stated otherwise.

(e) If any section, subsection, clause or provision of this chapter and appendix shall be adjudged unconstitutional or to be ineffective or invalid in whole or in part, to the extent that it is not adjudged unconstitutional or is not ineffective or is not invalid, it shall be valid and effective and no other section, subsection, clause or provision of this chapter and appendix shall, on account thereof, be deemed unconstitutional, invalid or ineffective, and the inapplicability or invalidity of any section, subsection, clause or provision of this chapter and appendix in any one or more instances or under any one or more circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance or under any other circumstance. To this end, the provisions of this regulation are declared to be severable.

(f) The Federal Highway Administration, United States Department of Transportation, supplements and amends the Federal Motor Carrier Safety Regulations and the Appendices to the Federal Motor Carrier Safety Regulations on a continuing basis pursuant to the Federal Administrative Procedure Act (5 U.S.C. §§ 554 et seq.) and authority granted to the Secretary, pursuant to 49 U.S.C. §§ 31136. Supplements and amendments are published as a notice of proposed rulemaking in the Federal Register and are subject to a period of public comment prior to their adoption. Adoption of supplements and amendments, by a final rule action, appear in the Federal Register and indicate an effective date for their implementation and enforcement. The Superintendent will hereafter rely upon the notices of proposed rulemaking and final rule actions published in the

Federal Register supplementing and amending the Federal Motor Carrier Safety Regulations and Appendices to the Federal Motor Carrier Safety Regulations as notice to all interested parties and all persons or entities affected by these regulations. Final rule actions supplementing and amending the Federal Motor Carrier Safety Regulations and Appendices to the Federal Motor Carrier Safety Regulations will hereafter be considered as adopted and incorporated, by reference, herein, upon their publication in the Federal Register, and will become effective on the effective date as published in the Federal Register. Any modification, revision, amendment, delay in implementation, or omission by the Superintendent of any Section(s), Subpart(s), or Part(s) of the Federal Motor Carrier Safety Regulations and Appendices to the Federal Motor Carrier Safety Regulations, and all supplements and amendments thereto will be subject to a separate notice of proposed rulemaking, pursuant to the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

(g) The provisions and requirements of these regulations as well as the Federal Motor Carrier Safety Regulations adopted and incorporated, by reference, herein, and all supplements and amendments thereto, and made a part hereof as if set forth in full, are applicable to all motor vehicles, as defined in this chapter and appendix, engaged in transportation in interstate and intrastate commerce or operating in interstate and intrastate commerce or used or operated wholly within a municipality or a municipality's commercial zone, as well as all motor vehicles engaged in transportation of hazardous material(s) in a quantity requiring hazardous material(s) placarding or displaying hazardous material(s) placarding unless specifically stated otherwise.

Amended by R.1992 d.71, effective February 18, 1992.

See: 23 N.J.R. 3725(a), 24 N.J.R. 644(a).

Revised (d).

Amended by R.1993 d.472, effective September 20, 1993.

See: 25 N.J.R. 3091(a), 25 N.J.R. 4501(a).

Amended by R.1994 d.253, effective May 16, 1994.

See: 26 N.J.R. 1307(a), 26 N.J.R. 2140(a).

Amended by R.1997 d.65, effective February 18, 1997.

See: 28 N.J.R. 5050(a), 29 N.J.R. 581(b).

In (a), amended "Hazardous material(s)"; and in (f), amended second U.S.C. reference.

13:60-1.4 Penalty for violation

(a) The penalties for violation of these regulations, including the Federal Motor Carrier Safety Regulations, adopted and incorporated, by reference, at N.J.A.C. 13:60-2 and herein, shall be enforced under the provisions of N.J.S.A. 39:5B-29.

(b) Each violation shall be treated separately. When the violation is a continuing one, each day of the violation constitutes a separate offense.

Amended by R.1992 d.71, effective February 18, 1992.

See: 23 N.J.R. 3725(a), 24 N.J.R. 644(a).

Revised (a).

Amended by R.1993 d.472, effective September 20, 1993.

See: 25 N.J.R. 3091(a), 25 N.J.R. 4501(a).

Amended by R.1994 d.253, effective May 16, 1994.

See: 26 N.J.R. 1307(a), 26 N.J.R. 2140(a).

13:60-1.5 Document availability

(a) Copies of the "Federal Motor Carrier Safety Regulations" and "Appendices to the Federal Motor Carrier Safety Regulations," as found in the Code of Federal Regulations (49 C.F.R. Parts 390-397 and 49 C.F.R. Ch. III, Subch. B, App. F and G) and the Federal Register and all supplements and amendments thereto, as adopted and incorporated, by reference, herein, may be purchased from the following sources:

1. United States Government:

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402
(202) 783-3238
U.S. Government Printing Office Bookstore
Room 110, 26 Federal Plaza
New York, NY 10278-0081
(212) 264-3825
U.S. Government Printing Office Bookstore
Robert Morris Building
100 North 17th St.
Philadelphia, PA 19103
(215) 636-1900
Federal Highway Administration
Research & Special Programs Administration
Hazardous Materials Information Exchange
(HMIX)
Electronic Bulletin Board
Toll Free: 1-800-752-6367 or 1-800-PLANFOR
To dial and access HMIX via computer:
Call (708) 972-3275
(Access requires a modem transmitting at 9600,
2400, 1200 or 300 baud. Set up: no parity, 8
data bits, 1 stop bit, VT-100 or TTY emulation.)

2. Non-governmental sources:

(Note: The inclusion of a non-governmental source, herein, does not constitute an endorsement or recommendation of the product or service offered, sold, or provided by that source or the accuracy of the information said to be contained therein. Non-governmental sources are listed solely as a convenience to interested parties.)

American Trucking Associations
2200 Mill Road
Alexandria, VA 22314-4677
Toll Free: 1-800-ATA-LINE (282-5463)
J.J. Keller & Associates
3003 West Breezewood Lane
P.O. Box 368
Neenah, Wisconsin 54957-0368
Toll Free: 1-800-558-5011
(414) 722-2848
Regulations Management Corporation
1505 Arlington Road
Bloomington, Indiana 47404-0809
(812) 333-7347
Regulation Scanning
30 West Third St.
Williamsport, PA 17701
Toll Free: 1-800-326-9303

(b) Copies of the "Federal Motor Carrier Safety Regulations" and "Appendices to the Federal Motor Carrier Safety Regulations," as found in the Code of Federal Regulations (49 C.F.R. Parts 390-397 and 49 C.F.R. Ch. III, Subch. B, App. F and G) and the Federal Register and all supplements and amendments thereto, as adopted and incorporated, by reference, herein, are available for review at the following public libraries:

New Jersey State Library
185 West State Street
Trenton, NJ 08625
(609) 292-6220
Newark Public Library
5 Washington Street
Newark, NJ 07101
(201) 733-7782
Jersey City Public Library
U.S. Government Documents Section
472 Jersey Avenue
Jersey City, NJ 07304
(201) 547-4517
New Brunswick Public Library
60 Livingston Avenue
New Brunswick, NJ 08901
(908) 745-5108
Trenton Public Library
120 Academy Street
Trenton, NJ 08608
(609) 392-7188
Camden County Public Library
Laurel Road
Voorhees, NJ 08043
(856) 772-1636
Cherry Hill Public Library
1100 Kings Highway, North
Cherry Hill, NJ 08034
(856) 667-0300

(c) Copies of the "Federal Motor Carrier Safety Regulations" and "Appendices to the Federal Motor Carrier Safety Regulations," as found in the Code of Federal Regulations (49 C.F.R. Parts 390-397 and 49 C.F.R. Ch. III, Subch. B, App. F and G) and the Federal Register and all supplements and amendments thereto, as adopted and incorporated, by reference, herein, are available for review, during regular business hours, at:

Office of Hazardous Materials Transportation
Compliance and Enforcement
New Jersey Division of State Police
Division Headquarters
River Road, PO Box 7068
West Trenton, NJ 08628-0068

Regular business hours at this office are 8:30 A.M. to 5:00 P.M., Eastern Time, Monday through Friday. The telephone number is (609) 882-2000, extension 2582 or 2586.

Amended by R.1992 d.71, effective February 18, 1992.
See: 23 N.J.R. 3725(a), 24 N.J.R. 644(a).
Amended by R.1993 d.472, effective September 20, 1993.
See: 25 N.J.R. 3091(a), 25 N.J.R. 4501(a).
Amended by R.1994 d.253, effective May 16, 1994.
See: 26 N.J.R. 1307(a), 26 N.J.R. 2140(a).
Amended by R.2002 d.165, effective June 3, 2002.
See: 34 N.J.R. 820(a), 34 N.J.R. 1951(a).

In (a) and (c), deleted references to Appendices D and E in the introductory paragraphs; in (b), deleted the reference to Appendices D and E in the introductory paragraph and amended the area codes for the Camden County and Cherry Hill Public Libraries.

13:60-1.6 Assistance

(a) For general assistance and procedural questions in matters related to the "Federal Motor Carrier Safety Regulations" and "Appendices to Federal Motor Carrier Safety Regulations", and all supplements and amendments thereto, as adopted and incorporated, by reference, herein, contact:

Bureau of Motor Carrier Safety
Federal Highway Administration
U.S. Department of Transportation
840 Bear Tavern Road, Suite 310
Trenton, NJ 08628
(609) 637-4222

(b) For assistance in matters related to enforcement of the regulations adopted and incorporated, by reference, herein, contact:

Office of Hazardous Materials Transportation,
Compliance and Enforcement
New Jersey Division of State Police
Division Headquarters
River Road, P.O. Box 7068
West Trenton, NJ 08628-0068
(609) 882-2000, extension 2582 or 2586

Note, however, statements or opinions provided by the Division of State Police do not constitute legal advice.

Amended by R.1993 d.472, effective September 20, 1993.
See: 25 N.J.R. 3091(a), 25 N.J.R. 4501(a).
Amended by R.1994 d.253, effective May 16, 1994.
See: 26 N.J.R. 1307(a), 26 N.J.R. 2140(a).
Amended by R.1997 d.65, effective February 18, 1997.
See: 28 N.J.R. 5050(a), 29 N.J.R. 581(b).

SUBCHAPTER 2. ADOPTION AND INCORPORATION, BY REFERENCE, OF FEDERAL MOTOR CARRIER SAFETY REGULATIONS AND APPENDICES TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS

13:60-2.1 Adoption and incorporation, by reference, of Federal Motor Carrier Safety Regulations and Appendices to Federal Motor Carrier Safety Regulations

(a) Except as may be otherwise indicated in this chapter and appendix, the Superintendent, pursuant to N.J.S.A. 39:5B-32, hereby adopts and incorporates, by reference:

1. The Federal Motor Carrier Safety Regulations, and all supplements and amendments thereto, adopted as a final rule action by the Federal Highway Administration, U.S. Department of Transportation (49 C.F.R., Parts 390 through 397, inclusive); and

2. Appendices F and G to the Federal Motor Carrier Safety Regulations, and all supplements and amendments hereto, adopted as a final rule action by the Federal Highway Administration, U.S. Department of Transportation (49 C.F.R. Ch. III, Subch. B, App. F and G).

(b) The Parts and Appendices of the Federal Motor Carrier Safety Regulations and all supplements and amendments thereto, adopted as final rule action by the Federal Administration, United States Department of Transportation, and adopted and incorporated, by reference, herein, by the Superintendent, are summarized below. A more detailed list of the sections in the Parts and Appendices is found in the appendix to this chapter ("Appendix to the Regulations Regarding Motor Carrier Safety Regulations"). Within that list some sections, subparts, or parts may have been modified, revised, amended, made subject to a different effective date, and/or intentionally omitted by the Superintendent. Those sections, subparts, or parts are clearly identified in the text of the appendix to this chapter.

1. Part 390, Federal Motor Carrier Safety Regulations: General.
2. Part 391, Qualifications of Drivers.
3. Part 392, Driving of Motor Vehicles.

4. Part 393, Parts and Accessories Necessary for Safe Operation.
5. Part 394, (Removed and Reserved)
6. Part 395, Hours of Service of Drivers.
7. Part 396, Inspection, Repair, and Maintenance.
8. Part 397, Transportation of Hazardous Materials: Driving and Parking Rules.
9. Appendix F to Subchapter B—Commercial Zones, Sections 1, 6, 11, 12, 43, and 44.
10. Appendix G to Subchapter B—Minimum Periodic Inspection Standards.

(c) Supplements and amendments to the Federal Motor Carrier Safety Regulations and Appendices to the Federal Motor Carrier Safety Regulations which have been adopted as a final rule action by the Federal Highway Administration and become effective after October 1, 1996, are not listed in the appendix to this chapter. Those supplements and amendments are, pursuant to the (a) above, adopted and incorporated, by reference, herein, as if set forth in full. The full text of such supplements and amendments can be found by examining the Federal Register published after the above noted date. See also, N.J.A.C. 13:60-1.5, Document availability, and N.J.A.C. 13:60-1.6, Assistance.

Amended by R.1993 d.472, effective September 20, 1993.

See: 25 N.J.R. 3091(a), 25 N.J.R. 4501(a).

Amended by R.1994 d.253, effective May 16, 1994.

See: 26 N.J.R. 1307(a), 26 N.J.R. 2140(a).

Amended by R.1997 d.65, effective February 18, 1997.

See: 28 N.J.R. 5050(a), 29 N.J.R. 581(b).

In (c), amended date.

Amended by R.2002 d.165, effective June 3, 2002.

See: 34 N.J.R. 820(a), 34 N.J.R. 1951(a).

In (a)2, deleted the references to Appendices D and E throughout; in (b), deleted former 9 and 10 and recodified former 11 and 12 as 9 and 10.

APPENDIX TO THE REGULATIONS REGARDING MOTOR CARRIER SAFETY REGULATIONS

Subject to the provisions of N.J.A.C. 13:60-2.1(c), this Appendix to the Regulations Regarding Motor Carrier Safety Regulations lists the adopted and incorporated, by reference, portions of the Federal Motor Carrier Safety Regulations, by Part, Subpart, Section, or Appendix. Parts, Subparts, Sections, or Appendices are listed by letter or number and by title to identify content for the reader. Modifications, revisions, amendments, and/or delays in implementation are stated within the appropriate Part(s), Subpart(s), Section(s), or Appendices. Omitted sections are identified with the notation "(This Section intentionally omitted.)".

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

Subpart A—General Applicability and Definitions

Section 390.1 Purpose.

Section 390.3 General Applicability.

Section 390.5 Definitions.

(Section 390.5 is revised to state the following:)

“Commercial Motor Vehicle—Intrastate Commerce” means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property in intrastate commerce:

(a) If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or displays a gross vehicle weight rating of 26,001 or more pounds;

(b) If the vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(c) If the vehicle is designed to transport 16 or more passengers including the driver;

(d) If the vehicle is designed to transport 8 or more but less than 16 persons, including the driver, and is used to transport such persons for hire on a daily basis to and from places of employment; or

(e) If the vehicle is transporting or used in the transportation of hazardous material(s) and is required to be placarded in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. § 172.500 et seq.), or the vehicle displays a hazardous material(s) placard.

Section 390.7 Rules of Construction.

Subpart B—General Requirements and Information

Section 390.9 State and local laws, effect on.

Section 390.11 Motor carrier to require observance of driver regulations.

Section 390.13 Aiding or abetting violations.

Section 390.15 Assistance in investigations and special studies.

Section 390.16 (Reserved)

Section 390.17 Additional equipment and accessories.

Section 390.19 Motor carrier identification report.

Section 390.21 Marking of CMVs.

(Section 390.21 is modified to state the following:)

A commercial motor vehicle operated in intrastate commerce shall be subject to the provisions of N.J.S.A. 39:4-46.

Section 390.23 Relief from regulations.

(Section 390.23 is modified to state the following:)

The following commercial motor vehicles, operating in intrastate commerce, are exempt from the requirements of

this subchapter when any emergency occurs that affects the citizens of New Jersey:

(a) Commercial motor vehicles which are owned, operated, or leased by a public or quasi-public or private entity in this State, said entity being subject to the jurisdiction of the Board of Regulatory Commissioners; or

(b) Commercial motor vehicles which are owned, operated or leased by a public, quasi-public or private entity in this State and which are or will be operated under a contract to the State of New Jersey or a governmental or quasi-governmental entity thereof.

Such emergencies include, but are not limited to, weather and other acts of nature (e.g., snow, flooding, earthquake, power/telephone outages, disruptions to power or telephone transmission lines or facilities, supply lines or facilities for steam, water, or gas) and other emergencies (e.g., motor vehicle accidents, industrial accidents, fires, etc.)

- Section 390.25 Extension of relief from regulations—emergencies.
- Section 390.27 Locations of motor carrier safety service centers.
- Section 390.29 Location of records or documents.
- Section 390.31 Copies of records or documents.
- Section 390.33 Commercial motor vehicles used for purposes other than defined.
- Section 390.35 Certificates, reports, and records: falsification, reproduction, or alteration.
- Section 390.37 Violation and penalty.
- Subpart C (Removed and Reserved)

PART 391—QUALIFICATIONS OF DRIVERS

Subpart A—General

- Section 391.1 Scope of the rules in this part; additional qualifications; duties of carrier-drivers.
- Section 391.2 General exemptions.
- Subpart B—Qualifications and Disqualifications of Drivers
- Section 391.11 General qualifications of drivers.

(Section 391.11 is modified to state the following:)

The provisions of Section 391.11(b)(1) do not apply to a driver engaged in intrastate commerce who possesses a valid New Jersey Commercial Driver License (CDL) and is at least 18 years old, and does not transport hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. § 172.500 et seq.) or operate a vehicle displaying a hazardous material(s) placard.

- Section 391.13 Responsibilities of drivers.
- Section 391.15 Disqualification of drivers.
- Subpart C—Background and Character
- Section 391.21 Application for employment.

(Section 391.21 is modified to state the following:)

The provisions of Section 391.21 do not apply to a driver engaged in intrastate commerce who possesses a valid New Jersey Commercial Driver License (CDL) as of September 20, 1993, and does not transport hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. § 172.500 et seq.), or operate a vehicle displaying a hazardous material(s) placard.

Section 391.23 Investigation and inquiries.

(Section 391.23 is modified to state the following:)

The provisions of Section 391.23 do not apply to a driver engaged in intrastate commerce who possesses a valid New Jersey Commercial Driver License (CDL) as of September 20, 1993, and does not transport hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. § 172.500 et seq.), or operate a vehicle displaying a hazardous material(s) placard.

- Section 391.25 Annual inquiry and review of driving record.
- Section 391.27 Record of violations.
- Subpart D—Examinations and Tests
- Section 391.31 Road test.

(Section 391.31 is modified to state the following:)

The provisions of Section 391.31 do not apply to a driver engaged in intrastate commerce who possesses a valid New Jersey Commercial Driver License (CDL) as of September 20, 1993, and does not transport hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. § 172.500 et seq.), or operate a vehicle displaying a hazardous material(s) placard.

- Section 391.33 Equivalent of road test.
- Section 391.35 (Removed and Reserved)
- Section 391.37 (Removed and Reserved)
- Subpart E—Physical Qualifications and Examinations
- Section 391.41 Physical qualifications for drivers.

(Section 391.41 is modified to state the following:)

A driver engaged in intrastate commerce, who possesses a valid New Jersey Commercial Driver License (CDL) as of September 20, 1993, but who is not physically qualified to drive under Section 391.41(b) of this Subchapter may continue to drive a motor vehicle, unless the driver is transporting hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. § 172.500 et seq.), or is operating a vehicle displaying a hazardous material(s) placard.

- Section 391.43 Medical examination; certificate of physical examination.
- Section 391.45 Persons who must be medically examined and certified.
- Section 391.47 Resolution of conflicts of medical evaluation.
- Section 391.49 Alternative physical qualification standards for the loss or impairment of limbs.

(Section 391.49 is revised to state the following:)

(a) A person who is not physically qualified to drive under Section 391.41(b)(1) or (2), and who is otherwise qualified to drive a motor vehicle, may drive a motor

vehicle, if that person has been granted a waiver pursuant to this section, (49 C.F.R. § 391.49).

Subpart F—Files and Records

Section 391.51 General requirements for driver qualification files.

Subpart G—Limited Exemptions

Section 391.61 Drivers who were regularly employed before January 1, 1971.

(Section 391.61 is modified to state the following:)

The provisions of Section 391.61 do not apply to a driver engaged in intrastate commerce who possesses a valid New Jersey Commercial Driver License (CDL) as of September 20, 1993, and does not transport hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. § 172.500 et seq.), or operate a vehicle displaying a hazardous material(s) placard.

- Section 391.62 Limited exemptions for intra-city zone drivers.
- Section 391.63 Multiple-employer drivers.
- Section 391.64 Grandfathering for certain drivers participating in vision and diabetes waiver study programs.
- Section 391.65 Drivers furnished by other motor carriers.
- Section 391.67 Farm vehicle drivers of articulated commercial motor vehicles.
- Section 391.68 Private motor carrier of passengers (nonbusiness).
- Section 391.69 Private motor carrier of passengers (business).
- Section 391.71 (Removed and Reserved)
- Section 391.73 (Removed and Reserved)
- Section 391.125 (Removed and Reserved)

PART 392—DRIVING OF COMMERCIAL MOTOR VEHICLES

Subpart A—General

- Section 392.1 Scope of the rules in this part.
- Section 392.2 Applicable operating rules.
- Section 392.3 Ill or fatigued operator.
- Section 392.4 Drugs and other substances.
- Section 392.5 Alcohol prohibition.
- Section 392.6 Schedules to conform with speed limits.
- Section 392.7 Equipment, inspection and use.
- Section 392.8 Emergency equipment, inspection and use.
- Section 392.9 Safe loading.
- Section 392.9a (Removed and Reserved)
- Section 392.9b (Removed and Reserved)
- Subpart B—Driving of Commercial Motor Vehicles**
- Section 392.10 Railroad grade crossings; stopping required.
- Section 392.11 Railroad grade crossings; slowing down required.
- Section 392.12 (Removed and Reserved)
- Section 392.13 (Removed and Reserved)
- Section 392.14 Hazardous conditions; extreme caution.
- Section 392.15 (Removed and Reserved)
- Section 392.16 Use of seat belts.
- Section 392.18 (Removed and Reserved)

Subpart C—Stopped Commercial Motor Vehicles

- Section 392.20 (Removed and Reserved)
- Section 392.21 (Removed and Reserved)
- Section 392.22 Emergency signals; stopped commercial motor vehicles.
- Section 392.24 Emergency signals; flame-producing.
- Section 392.25 Flame producing devices.
- Subpart D—Use of Lighted Lamps and Reflectors**
- Section 392.30 (Removed and Reserved)
- Section 392.31 (Removed and Reserved)
- Section 392.32 (Removed and Reserved)
- Section 392.33 Obscured lamps or reflectors.
- Subpart E—License Revocation; Duties of Driver**
- Section 392.40 (Removed and Reserved)
- Section 392.41 (Removed and Reserved)
- Section 392.42 (Removed and Reserved)
- Subpart F—Fueling Precautions**
- Section 392.50 Ignition of fuel; prevention.
- Section 392.51 Reserve fuel; materials of trade.
- Section 392.52 (Removed and Reserved)
- Subpart G—Prohibited Practices**
- Section 392.60 Unauthorized persons not to be transported.
- Section 392.61 (Removed and Reserved)
- Section 392.62 Safe operation, buses.
- Section 392.63 Towing or pushing loaded buses.
- Section 392.64 Riding within closed commercial motor vehicles without proper exits.
- Section 392.65 (Removed and Reserved)
- Section 392.66 Carbon monoxide; use of commercial motor vehicle when detected.
- Section 392.67 Heater, flame-producing; on commercial motor vehicle in motion.
- Section 392.68 (Removed and Reserved)
- Section 392.69 (Removed and Reserved)
- Section 392.71 Radar detectors; use and/or possession.

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Subpart A—General

- Section 393.1 Scope of the rules of this part.
- Section 393.3 Additional equipment and accessories.
- Section 393.5 Definitions.
- Section 393.7 Matter incorporated by reference.
- Subpart B—Lighting Devices, Reflectors, and Electrical Equipment**
- Section 393.9 Lamps operable.
- Section 393.11 Lighting devices and reflectors.
- Section 393.13 Retroreflective sheeting and reflex reflectors, requirements for semitrailers and trailers manufactured before December 1, 1993.
- Section 393.17 Lamps and reflectors-combinations in driveaway-towaway operation.
- Section 393.19 Requirements for turn signaling systems.
- Section 393.20 Clearance lamps to indicate extreme width and height.
- Section 393.22 Combination of lighting devices and reflectors.
- Section 393.23 Lighting devices to be electric.
- Section 393.24 Requirements for headlamps and auxiliary road lighting lamps.
- Section 393.25 Requirements for lamps other than headlamps.
- Section 393.26 Requirements for reflectors.
- Section 393.27 Wiring specifications.

- Section 393.28 Wiring to be protected.
- Section 393.29 Grounds.
- Section 393.30 Battery installation.
- Section 393.31 Overload protective devices.
- Section 393.32 Detachable electrical connections.
- Section 393.33 Wiring, installation.
- Subpart C—Brakes
- Section 393.40 Required brake systems.
- Section 393.41 Parking brake system.
- Section 393.42 Brakes required on all wheels.
- Section 393.43 Breakaway and emergency braking.
- Section 393.44 Front brake lines, protection.
- Section 393.45 Brake tubing and hose, adequacy.
- Section 393.46 Brake tubing and hose connections.
- Section 393.47 Brake lining.
- Section 393.48 Brakes to be operative.
- Section 393.49 Single valve to operate all brakes.
- Section 393.50 Reservoirs required.
- Section 393.51 Warning devices and gauges.
- Section 393.52 Brake performance.
- Section 393.53 Automatic brake adjusters and brake adjustment indicators.
- Section 393.55 Antilock brake systems.
- Subpart D—Glazing and Window Construction
- Section 393.60 Glazing in specified openings.
- Section 393.61 Window construction.
- Section 393.62 Window obstructions.
- Section 393.63 Windows, markings.
- Subpart E—Fuel Systems
- Section 393.65 All fuel systems.
- Section 393.67 Liquid fuel tanks.
- Section 393.69 Liquefied petroleum gas systems.
- Subpart F—Coupling Devices and Towing Methods
- Section 393.70 Coupling devices and towing methods, except for driveaway-towaway operations.
- Section 393.71 Coupling devices and towing methods, driveaway-towaway operations.
- Subpart G—Miscellaneous Parts and Accessories
- Section 393.75 Tires.
- Section 393.76 Sleeper berths.
- Section 393.77 Heaters.
- Section 393.78 Windshield wipers.
- Section 393.79 Defrosting device.
- Section 393.80 Rear-vision mirrors.
- Section 393.81 Horn. (This Section intentionally omitted.)
- Section 393.82 Speedometer.
- Section 393.83 Exhaust systems.
- Section 393.84 Floors.
- Section 393.85 (Reserved)
- Section 393.86 Rear impact guards and rear end protection.
- Section 393.87 Flags on projecting loads.
- Section 393.88 Television receivers.
- Section 393.89 Buses, driveshaft protection.
- Section 393.90 Buses, standee line or bar.
- Section 393.91 Buses, aisle seats prohibited.
- Section 393.92 Buses, marking emergency doors.
- Section 393.93 Seats, seat belt assemblies, and seat belt assembly anchorages.
- Section 393.94 Vehicle interior noise levels.
- Subpart H—Emergency Equipment
- Section 393.95 Emergency equipment on all power units.
- Subpart I—Protection Against Shifting or Falling Cargo
- Section 393.100 General rules for protection against shifting or falling cargo.
- Section 393.102 Securement systems.
- Section 393.104 Blocking and bracing.
- Section 393.106 Front-end structure.

- Subpart J—Frames, Cab and Body Components, Wheels, Steering, and Suspension Systems
- Section 393.201 Frames.
- Section 393.203 Cab and body components.
- Section 393.205 Wheels.
- Section 393.207 Suspension systems.
- Section 393.209 Steering wheel systems.

PART 394 (REMOVED AND RESERVED)
PART 395 HOURS OF SERVICE OF DRIVERS

- Section 395.1 Scope of rules in this part.
- Section 395.2 Definitions.
- Section 395.3 Maximum driving time.
- Section 395.7 (Removed and Reserved)
- Section 395.8 Driver's record of duty status.
- Section 395.10 (Removed and Reserved)
- Section 395.11 (Removed and Reserved)
- Section 395.12 (Removed and Reserved)
- Section 395.13 Drivers declared out of service.
- Section 395.15 Automatic on-board recording devices.

PART 396 INSPECTION, REPAIR AND MAINTENANCE

- Section 396.1 Scope.
- Section 396.3 Inspection, repair and maintenance.
- Section 396.5 Lubrication.
- Section 396.7 Unsafe operations forbidden.
- Section 396.9 Inspection of motor vehicles in operation.
- Section 396.11 Driver vehicle inspection report(s).
- Section 396.13 Driver inspection.
- Section 396.15 Driveaway-towaway operations and inspections.
- Section 396.17 Periodic inspection.
- Section 396.19 Inspector qualifications.
- Section 396.21 Periodic inspection record keeping requirements.
- Section 396.23 Equivalent to periodic inspection.
- Section 396.25 Qualifications of brake inspectors.

PART 397 TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES

- Subpart A—General
- Section 397.1 Application of the rules in this part.
- Section 397.2 Compliance with Federal motor carrier safety regulations.
- Section 397.3 State and local laws, ordinances, and regulations. (This Section intentionally omitted.)
- Section 397.5 Attendance and surveillance of motor vehicles.
- Section 397.7 Parking.
- Section 397.9 (Removed and Reserved)
- Section 397.11 Fires.
- Section 397.13 Smoking.
- Section 397.15 Fueling.
- Section 397.17 Tires.
- Section 397.19 Instructions and documents.
- Subpart B (Reserved)
- Subpart C—Routing of Non-Radioactive Hazardous Materials
- Section 397.61 Purpose and scope.
- Section 397.63 Applicability.
- Section 397.65 Definitions.
- Section 397.67 Motor carrier responsibility for routing.
- Section 397.69 Highway routing designations; preemption.
- Section 397.71 Federal standards.

Section 397.73 Public information and reporting requirements.
 Section 397.75 Dispute resolution.
 Section 397.77 Judicial review of dispute decision.
 Subpart D—Routing of Class 7 (Radioactive) Materials
 Section 397.101 Requirements for motor carriers and drivers.
 Section 397.103 Requirements for State routing designations.
 Subpart E—Preemption Procedures
 Section 397.201 Purpose and scope of the procedures.
 Section 397.203 Standards for determining preemption.
 Section 397.205 Preemption application.
 Section 397.207 Preemption notice.
 Section 397.209 Preemption processing.
 Section 397.211 Preemption determination.
 Section 397.213 Waiver of preemption application.
 Section 397.215 Waiver notice.
 Section 397.217 Waiver processing.
 Section 397.219 Waiver determination and order.
 Section 397.221 Timeliness.
 Section 397.223 Petition for reconsideration.
 Section 397.225 Judicial review.

APPENDIX F TO SUBCHAPTER B— COMMERCIAL ZONES

Section 1 New York, N.Y.

Section 6 Philadelphia, Pa.
 Section 11 Commercial zones of municipalities in New Jersey within 5 miles of New York, N.Y.
 Section 12 Commercial zones of municipalities in Westchester and Nassau Counties, N.Y.
 Section 43 Definitions.
 Section 44 Commercial zones determined generally, with exceptions.
 Section 45 Controlling distances and population data.

APPENDIX G TO SUBCHAPTER B—MINIMUM PERIODIC INSPECTION STANDARDS

Amended by R. 1992 d.71, effective February 18, 1992.

See: 23 N.J.R. 3725(a), 24 N.J.R. 644(a).

Revised Appendix.

Amended by R. 1993 d.472, effective September 20, 1993.

See: 25 N.J.R. 3091(a), 25 N.J.R. 4501(a).

Amended by R. 1994 d.253, effective May 16, 1994.

See: 26 N.J.R. 1307(a), 26 N.J.R. 2140(a).

Amended by R. 1997 d.65, effective February 18, 1997.

See: 28 N.J.R. 5050(a), 29 N.J.R. 581(b).

Inserted, deleted, Removed and Reserved, and amended numerous Subparts and Section lines.

Amended by R. 2002 d.165, effective June 3, 2002.

See: 34 N.J.R. 820(a), 34 N.J.R. 1951(a).

Substantially amended the section.