

CHAPTER 53A**BUS SAFETY COMPLIANCE OVERSIGHT,
ENFORCEMENT, OUT-OF-SERVICE
VIOLATIONS AND PENALTIES****Authority**

N.J.S.A. 2A:58-10 et seq., 48:4-2.1c et seq. and 52:14D-6;
and October 5, 1978 Executive Reorganization Plan.

Source and Effective Date

R.2004 d.331, effective July 30, 2004.
See: 36 N.J.R. 1672(a), 36 N.J.R. 4163(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 53A, Bus Safety Compliance Oversight, Enforcement, Out-of-Service Violations and Penalties, expires on January 26, 2010. See: 41 N.J.R. 3036(a).

Chapter Historical Note

Chapter 53A, Financial And Accounting Conditions and Criteria for Bus Operating Assistance Program, was adopted as R.1979 d.302, effective August 7, 1979. See: 11 N.J.R. 301(b), 11 N.J.R. 471(b).

Pursuant to Executive Order No. 66(1978), Chapter 53A, Financial and Accounting Conditions and Criteria for Bus Operating Assistance Program, expired on August 7, 1984.

Chapter 53A, Financial and Accounting Conditions and Criteria for Bus Operating Assistance Program, was adopted as new rules by R.1985 d.193, effective April 15, 1985. See: 17 N.J.R. 272(a), 17 N.J.R. 977(a). Chapter 53A, Financial and Accounting Conditions and Criteria for Bus Operating Assistance Program, was repealed by R.1990 d.54, effective February 5, 1990. See: 21 N.J.R. 3633(a), 22 N.J.R. 362(b).

Chapter 53A, Bus Safety Compliance Oversight, Enforcement, Out-of-Service Violations and Penalties, was adopted as new rules by R.1999 d.133, effective April 19, 1999. See: 31 N.J.R. 253(c), 31 N.J.R. 1073(a).

Chapter 53A, Bus Safety Compliance Oversight, Enforcement, Out-of-Service Violations and Penalties, was readopted as R.2004 d.331, effective July 30, 2004. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS**16:53A-1.1 Scope**

(a) This chapter establishes a schedule of bus safety out-of-service violations and applicable sanctions and penalties for buses operating with bus safety out-of-service violations.

(b) These rules categorize each bus safety out-of-service violation as either a category 1 or category 2 violation. The rules further establish a specific monetary civil penalty for each bus safety out-of-service violation which shall be proportional to the nature and severity of such violation. The bus operator shall be responsible for all penalties.

(c) These rules are consistent with national safety standards established by the Federal Highway Administration and the Commercial Vehicle Safety Alliance. The Commercial Vehicle Safety Alliance is an organization of Federal, State and Provincial government agencies and representatives from private industry in the United States, Canada and Mexico dedicated to improvement of commercial vehicle safety.

SUBCHAPTER 2. DEFINITIONS**16:53A-2.1 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Bus” or “buses” means and includes all autobuses, of whatever size or configuration, under the jurisdiction of the Motor Vehicle Commission; all autobuses of NJ Transit and its contract carriers which are under the inspection jurisdiction of the Commission; all autobuses, of whatever size or configuration, that are subject to Federal Motor Carrier Safety Regulations, operated on public highways or in public places in this State; and all autobuses operated on public highways or in public places in this State under the authority of the Interstate Commerce Commission, or its successor agency, the Federal Highway Administration. The term “bus” or “buses” shall not include school buses, as defined pursuant to N.J.S.A. 39:1-1.

“Bus safety out-of-service violation” means any serious mechanical, electrical or vehicular condition that is determined to be so unsafe as to potentially cause an accident or breakdown, or would potentially contribute to loss of control of the vehicle by the driver.

“Category 1 violation” means any bus safety out-of-service violation that should have been detected during the daily pre-trip inspection or during periodic repair and maintenance procedures conducted by the driver or operator.

“Category 2 violation” means any bus safety out-of-service violation that may have occurred after the daily pre-trip inspection and therefore might not have been detected by the operator or driver during the daily pre-trip inspection or during periodic repair and maintenance procedures.

“Operator” means the person responsible for the day-to-day maintenance and operation of buses. A “person” may be an individual or individuals, a corporation, or other entity responsible for the day to day maintenance and/or operation of buses regulated under the Bus Safety Compliance Act, N.J.S.A. 48:4-2.1c et seq.

Amended by R.2004 d.331, effective September 7, 2004.
See: 36 N.J.R. 1672(a), 36 N.J.R. 4163(a).

In “Bus or buses”, substituted “Motor Vehicle Commission” for “Department of Transportation” and “Commission” for “Department”.

SUBCHAPTER 3. SCHEDULE OF VIOLATIONS AND APPLICABLE PENALTIES

16:53A-3.1 Violations and applicable penalties

The violation and penalty schedule set forth in this subchapter denotes critical vehicle inspection items, describes the pertinent bus safety out-of-service violation, the category of violation, and establishes the applicable monetary civil penalty for such violation.

16:53A-3.2 Brake system

(a) The number of defective brakes is equal to or greater than 20 percent of brakes on the vehicle or combination, provided, however, on a three axle bus, one defective brake shall constitute a violation. Steering axle brakes are to be included in the 20 percent criterion. A defective brake includes any brake that meets one of the following criteria:

1. Absence of effective braking action upon application of the service brakes, such as brake linings failing to move or contact breaking surface upon application. This is a category 2 violation. The penalty for this violation shall be \$200.00 per wheel.

2. Missing or broken mechanical components including: shoes, linings, pads, springs, anchor pins, spiders, cam rollers, pushrods, and air chamber mounting bolts. This is a category 2 violation. The penalty for this violation shall be \$200.00 per wheel.

3. Loose brake components including: air chambers, spiders, and cam shaft support brackets. This is a category 2 violation. The penalty for this violation shall be \$200.00 per wheel.

4. Audible air leak at brake chamber. (Example: ruptured diaphragm, loose chamber clamp.) This is a category 2 violation. The penalty for this violation shall be \$100.00 per wheel.

5. Brake adjustment limits. Bring reservoir pressure between 90 and 100 psi, turn engine off and then fully apply the brakes.

i. One brake at ¼ inch or more above the adjustment limit. (Example: Type 30 clamp type brake chamber pushrod measured at 2¼ inches would be one defective brake.) This is a category 2 violation. The penalty for this violation shall be \$100.00 per brake.

ii. Two brakes less than ¼ inch beyond the adjustment limit also equal one defective brake. (Example: Type 30 clamp type brake chamber pushrods measure—two at 2½ inches.) This example would equal one defective brake. This is a category 2 violation. The penalty for this violation shall be \$100.00 per brake.

iii. Any wedge brake where the combined brake lining movement of both top and bottom shoe exceeds ½ inch. This is a category 2 violation. The penalty for this violation shall be \$100.00 per brake.

6. Brake linings or pads, except on power unit steering axles.

i. Cracked, loose, or missing lining. Any violation under (a)6i(1), (2), (3) or (4) below is a category 2 violation. The penalty for each violation shall be \$300.00 per wheel. Missing lining, under (a)6i(5) below, is a category 1 violation. The penalty for this violation shall be \$2,000 per wheel.

1. Reservoir separated from its original attachment points by metal fatigue, broken or missing bolt. This is a category 2 violation. The penalty for this violation shall be \$500.00.

2. Reservoir separated from its original attachment points and the strap securing is rotted out or is improperly secured with bailing wire, coat hanger wire or other like material. This is a category 1 violation. The penalty for this violation shall be \$5,000.

(j) The following are the violations, categories and penalties pertaining to the air compressor (normally to be inspected when readily visible or when conditions indicate compressor problems):

1. Loose compressor mounting bolts. This is a category 2 violation. The penalty for this violation shall be \$100.00.

2. Cracked, broken or loose pulley. This is a category 2 violation. The penalty for this violation shall be \$100.00.

3. Cracked or broken mounting brackets, braces or adapters. This is a category 2 violation. The penalty for this violation shall be \$100.00.

(k) The following are the violations, categories and penalties pertaining to hydraulic brakes (including power assist over hydraulic and engine driven hydraulic booster):

1. No pedal reserve with engine running. This is a category 2 violation. The penalty for this violation shall be \$300.00.

2. Master cylinder less than $\frac{1}{4}$ full. This is a category 2 violation. The penalty for this violation shall be \$300.00.

3. Power assist unit fails to operate. This is a category 2 violation. The penalty for this violation shall be \$300.00.

4. Seeping or swelling brake hose(s) under application of pressure. This is a category 2 violation. The penalty for this violation shall be \$100.00.

5. Hydraulic hose(s) abraded (chafed) through outer cover-to-fabric layer. This is a category 2 violation. The penalty for this violation shall be \$300.00.

6. Fluid lines or connections restricted, crimped, cracked or broken. This is a category 2 violation. The penalty for this violation shall be \$100.00.

7. Any visually observed leaking hydraulic fluid in the brake system upon full application. This is a category 2 violation. The penalty for this violation shall be \$100.00.

8. Hydraulic system: brake failure/low fluid warning light on and/or inoperative. This is a category 2 violation. The penalty for this violation shall be \$300.00.

(l) The following are the violations, categories and penalties pertaining to the vacuum system:

1. Insufficient vacuum reserve to permit one full brake application after engine is shut off. This is a category 2 violation. The penalty for this violation shall be \$300.00.

2. Vacuum hose(s) or line(s) restricted, abraded (chafed) through outer cover-to-cord ply, crimped, cracked, broken, or has collapse of vacuum hose(s) when vacuum is applied. This is a category 2 violation. The penalty for this violation shall be \$100.00.

Amended by R.2004 d.331, effective September 7, 2004.

Sec: 36 N.J.R. 1672(a), 36 N.J.R. 4163(a).

In (d), added 3.

16:53A-3.3 Exhaust system

(a) Any exhaust system, other than that of a diesel engine, leaking at a point forward of or directly below the driver/sleeper compartment and when the floor pan is in such condition as to permit entry of exhaust fumes. This is a category 2 violation. The penalty for this violation shall be \$300.00.

(b) Any bus exhaust system leaking or discharging under the chassis more than six inches forward of the rearmost part of the bus when powered by a gasoline engine, or more than 15 inches forward of the rearmost part of the bus when powered by other than a gasoline or diesel engine. This is a category 2 violation. The penalty for this violation shall be \$300.00.

(c) No part of the exhaust system of any motor vehicle shall be so located as to be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle. This is a category 2 violation. The penalty for this violation shall be \$300.00.

Amended by R.2004 d.331, effective September 7, 2004.

Sec: 36 N.J.R. 1672(a), 36 N.J.R. 4163(a).

16:53A-3.4 Frame

(a) The following are the violations, categories and penalties pertaining to frame members:

1. Any cracked, loose, sagging or broken frame siderail permitting shifting of the body onto moving parts or other condition indicating an imminent collapse of the frame. This is a category 2 violation. The penalty for this violation shall be \$500.00.

2. Any cracked, loose, or broken frame member adversely affecting support of functional components such as steering gear, engine, transmission, body parts and suspension. This is a category 2 violation. The penalty for this violation shall be \$500.00.

3. A crack one and one-half inches long or longer in the frame siderail web which is directed toward bottom flange. This is a category 2 violation. The penalty for this violation shall be \$100.00.

4. Any crack extending from the frame siderail web around the radius and into the bottom flange. This is a category 2 violation. The penalty for this violation shall be \$100.00.

5. A crack one inch or longer in siderail bottom flange. This is a category 2 violation. The penalty for this violation shall be \$100.00.

6. Any cracked, loose, sagging or broken frame siderail, resulting from a preexisting rust, corrosion or other deteriorating condition, or improperly welded frame member, which either permits shifting of the body onto moving parts or other condition indicating an imminent collapse of the frame, or affects support of functional components such as steering gear, engine, transmission, body parts and suspension. This is a category 1 violation. The penalty for this violation shall be \$1,000.

(b) The following is the violation, category and penalty pertaining to tire and wheel clearance:

1. Any condition, including loading, that causes the body or frame to be in contact with a tire or any part of the wheel assemblies, at the time of inspection. This is a category 2 violation. The penalty for this violation shall be \$500.00.

16:53A-3.5 Fuel system

(a) A fuel system with a dripping leak at any point, including refrigeration or heater fuel systems, is a category 2 violation. The penalty for this violation shall be \$300.00.

(b) A fuel tank not securely attached to the vehicle. Some fuel tanks use spring or rubber bushings to permit movement. This is a category 2 violation. The penalty for this violation shall be \$500.00.

(c) A fuel tank improperly attached to the vehicle by use of bailing wire, coat hanger type wire or other like material is a category 1 violation. The penalty for this violation shall be \$5,000.

16:53A-3.6 Head lamps, tail lamps, stop lamps, and turn signals

(a) The following violations, categories and penalties pertain to lighting devices when lights are required:

1. The single vehicle or towing vehicle does not have at least one head lamp operative on low beam. This is a category 2 violation. The penalty for this violation shall be \$100.00 per violation.

2. The vehicle does not have at least one steady burning tail lamp on the rear of the vehicle visible from 500 feet. This is a category 2 violation. The penalty for this violation shall be \$100.00 per violation.

(b) The following violation, categories and penalties pertain to lighting devices at anytime, day or night:

1. The vehicle does not have at least one operative stop lamp on the rear visible at 500 feet. This is a category 2 violation. The penalty for this violation shall be \$100.00 per violation.

2. The vehicle does not have an operative turn signal visible on each side of the rear of the vehicle. This is a category 2 violation. The penalty for this violation shall be \$100.00 per lamp.

16:53A-3.7 Steering mechanism

(a) The following is the violation, category and penalty pertaining to steering wheel free play:

1. When any of the values—inch movement or degrees—in the chart below are met or exceeded, vehicle shall be placed out-of-service. For power steering systems, engine must be running. This is a category 1 violation. The penalty for this violation shall be \$1,000. The following chart shall be adhered to in determining steering wheel freeplay, and is incorporated herein by reference.

COMMERCIAL VEHICLE SAFETY ALLIANCE NORTH AMERICAN UNIFORM OUT-OF-SERVICE CRITERIA STEERING WHEEL FREEPLAY CHART

| Steering Wheel Diameter | Man. Sys. Movement 30 degrees or more | Power Sys. Movement ^a 45 degrees or more |
|----------------------------|--|--|
| 16 inches (41 cm) | 4½ inches (11.5 cm) (or more) | 6¾ inches (17 cm) (or more) |
| 18 inches (46 cm) | 4¾ inches (12 cm) (or more) | 7 ½ inches (18 cm) (or more) |
| 19 inches (48 cm) | 5 inches (13 cm) (or more) | 7½ inches (19 cm) (or more) |
| 20 inches (51 cm) | 5¼ inches (13 cm) (or more) | 7 ¾ inches (20 cm) (or more) |
| 21 inches (53 cm) | 5½ inches (14 cm) (or more) | 8½ inches (21 cm) (or more) |
| 22 inches (56 cm) | 5¾ inches (15 cm) (or more) | 8 ¾ inches (22 cm) (or more) |

^aFor power steering systems, if the steering wheel movement exceeds 45 degrees before steering axle tires move, proceed as follows: Rock steering wheel left to right between points of power steering valve resistance. If that motion exceeds 30 degrees (or the inch movement values shown for manual steering), vehicle shall be placed out-of-service.

(b) The following are the violations, categories and penalties pertaining to the steering column:

1. Any absence of U-bolt(s) or positioning part(s). This is a category 1 violation. The penalty for this violation shall be \$500.00.

2. Any looseness of U-bolt(s) or positioning part(s). This is a category 2 violation. The penalty for this violation shall be \$100.00.