

CHAPTER 60

MOTOR CARRIER SAFETY REGULATIONS

Authority

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

Source and Effective Date

R.2007 d.296, effective August 20, 2007.
See: 39 N.J.R. 2210(a), 39 N.J.R. 3945(a).

Chapter Expiration Date

Chapter 60, Motor Carrier Safety Regulations, expires on August 20, 2012.

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

Chapter 60, Motor Carrier Safety Regulations, was readopted as R.2007 d.296, effective August 20, 2007. See: Source and Effective Date. See, also, section annotations.

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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 (49 C.F.R. Parts 40, 325, 350, 355, 380, 382, 383, 384, 385, 387, 388, and 390 through 398), Subchapter B-Federal Motor Carrier Safety Regulations, Chapter III-Federal Highway Administration, Department of Transportation, Title 49;
- ii. 49 C.F.R. Parts (49 C.F.R. Parts 40, 325, 350, 355, 380, 382, 383, 384, 385, 387, 388, and 390 through 398);
- 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;