

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 40, 325, 350, 355, 380, 382, 383, 384, 385, 387, 388, and 390 through 398 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:

Transportation Safety Bureau
New Jersey Division of State Police
3925 US Route # 1
Princeton, N.J. 08540

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) 452-2601, extension 5937 or 5938.

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.
Amended by R.2007 d.296, effective September 17, 2007.
See: 39 N.J.R. 2210(a), 39 N.J.R. 3945(a).

In the introductory paragraphs of (a) and (b), inserted “(49 C.F.R. Parts 40, 325, 350, 355, 380, 382, 383, 384, 385, 387, 388, and 390 through 398)”; in the last two addresses of (b), substituted “(856)” for “(609)”; and in (c), substituted “40, 325, 350, 355, 380, 382, 383, 384, 385, 387, 388, and 390 through 398” for “390-397”, updated the address, and substituted “452-2601, extension 5937 or 5938” for “882-2000, extension 2582 or 2586”.

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 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 final rule action by the Federal Highway Administration, U.S. Department of Transportation (49 C.F.R., Parts 40, 325, 350, 355, 380, 382, 383, 384, 385, 387, 388, and 390 through 398, 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 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.
2. Part 325, Compliance with Interstate Motor Carrier Noise Emission Standards.
3. Part 350, Commercial Motor Carrier Safety Assistance Program.
4. Part 355, Compatibility of State Laws and Regulations Affecting Interstate Motor Carrier Operations.
5. Part 380, Special Training Requirements.
6. Part 382, Controlled Substances and Alcohol Use and Testing.
7. Part 383, Commercial Driver's License Standards; Requirements and Penalties.
8. Part 384, State Compliance with Commercial Driver's License Program.
9. Part 385, Safety Fitness Procedures.
10. Part 387, Minimum Levels of Financial Responsibility for Motor Carriers.
11. Part 388, Cooperative Agreements with States.
12. Part 390, Federal Motor Carrier Safety Regulations: General.
13. Part 391, Qualifications of Drivers.
14. Part 392, Driving of Motor Vehicles.
15. Part 393, Parts and Accessories Necessary for Safe Operation.
16. Part 394, (Removed and Reserved)
17. Part 395, Hours of Service of Drivers.
18. Part 396, Inspection, Repair, and Maintenance.
19. Part 397, Transportation of Hazardous Materials: Driving and Parking Rules.
20. Part 398, Transportation of Migrant Workers.
21. Appendix F to Subchapter B—Commercial Zones, Sections 1, 6, 11, 12, 43, and 44.
22. 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 incorpo-

rated, 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.

Amended by R.2007 d.296, effective September 17, 2007.

See: 39 N.J.R. 2210(a), 39 N.J.R. 3945(a).

In (a)1, substituted "40, 325, 350, 355, 380, 382, 383, 384, 385, 387, 388, and 390 through 398" for "390-397"; added new (b)1 through (b)11; recodified former (b)1 through (b)8 as (b)12 through (b)19; added (b)20; and recodified former (b)9 and (b)10 as (b)21 and (b)22.

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 40 - PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAMS

Subpart A - Subpart A - Administrative Provisions

§ 40.1 Who does this regulation cover?

§ 40.3 What do the terms used in this regulation mean?

§ 40.5 Who issues authoritative interpretations of this regulation?

§ 40.7 How can you get an exemption from a requirement in this regulation?

Subpart B - Employer Responsibilities

§ 40.11 What are the general responsibilities of employers under this regulation?

§ 40.13 How do DOT drug and alcohol tests relate to non-DOT tests?