

13:21-13.7 Audible signal

Every motor vehicle used in the transportation of migratory farm workers shall be equipped with a horn in good working condition capable of emitting sound audible under normal conditions from a distance of not less than 200 feet.

13:21-13.8 Exhaust system

Every motor vehicle used in the transportation of migratory farm workers shall be equipped with a muffler in good working order to prevent the escape of fumes and smoke from any outlet except the exhaust pipe and to prevent excessive or unusual noise.

13:21-13.9 Mirrors

Every motor vehicle which is so constructed or so loaded as to obstruct a rear view from an interior mirror shall be equipped with a mirror mounted on each side of the vehicle and so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle and no person shall drive any such vehicle not so equipped.

13:21-13.10 Windshield wipers, windshield, side and rear glass

(a) Windshields must be unobstructed and equipped with cleaners. Every motor vehicle having a windshield shall be equipped with at least one device in good working order for cleaning rain, snow or other moisture from the windshield so as to provide clear vision for the driver, and all such devices shall be so constructed and installed as to be operated or controlled by the driver.

(b) No person shall drive any motor vehicle with any sign, poster, sticker or other nontransparent material upon the front windshield, wings, reflectors, side shields, corner lights, adjoining windshield or front side windows of such vehicles other than a certificate or other article required to be so displayed by Statute or by regulations of the Director. No person shall drive any vehicle so constructed, equipped or loaded as to unduly interfere with the driver's vision to the front and to the sides. All glazing materials used in any motor vehicle used in the transportation of migratory farm workers shall be glass so treated or combined with other materials as to reduce the likelihood of injuries to passengers due to shattering, when glass is cracked or broken.

13:21-13.11 Tires

(a) Any motor vehicle used in the transportation of migratory farm workers shall be equipped with tires of adequate capacity to support the gross weight of vehicle and load.

(b) No such motor vehicle shall be operated on tires which have been worn so smooth as to expose the tire fabric or which shall have any other defect likely to cause failure of the tire.

13:21-13.12 Speedometer

Every bus, truck or truck trailer used in the transportation of migrant workers shall be equipped with a speedometer indicating vehicle speed in miles per hour which shall be operative with reasonable accuracy.

13:21-13.13 Fire extinguisher

Every bus or truck-tractor used in the transportation of migrant workers shall be equipped with at least one fire extinguisher securely mounted in a position easily accessible to the driver. This extinguisher must be in good working order at all times.

13:21-13.14 Road warning devices

Every bus, truck and truck-tractor used in the transportation of migrant workers must carry at least three red burning fuses and at least three flares (oil burning pot torches), red electric lanterns or red emergency reflectors.

13:21-13.15 Markings

(a) Every bus used in the transportation of migrant farm workers shall have removed from it all legends, lettering and identification lights which would indicate it as a school bus.

(b) Every vehicle used in the transportation of migrant farm workers shall, in addition to the name and address of the owner, lessee or lessor as required by N.J.S.A. 39:4-46, carry the wording "Farm Labor Transport" legibly painted on both sides and on the rear in letters at least six inches in height.

13:21-13.16 Penalties

The Director or any employee of the Division of Motor Vehicles deputized by the Director, may suspend or revoke the registration of the vehicle of any person, firm or corporation, operated in the transportation of migrant farm workers, in violation of any of the regulations in this Subchapter or in violation of any of the provisions of N.J.S.A. 39:3-4, 39:3-15, or 39:3-17, Motor Vehicles and Traffic Regulations.

13:21-13.17 Insurance

(a) No person may use any motor vehicle, bus, truck or semitrailer for the purpose of transporting migrant workers to or from the place of employment, either from a migrant labor camp or on a "day haul" basis, unless the vehicle so used has been insured as follows:

1. Each person or contractor shall furnish liability insurance for bodily injury or death in the following minimum amounts:

i. Vehicles transporting one to 12 persons—\$25,000 for one person, \$150,000 for one accident;

ii. Buses transporting 13 to 20 persons—\$25,000 for one person, \$200,000 for one accident;

iii. Buses transporting 21 to 30 persons—\$25,000 for one person, \$250,000 for one accident;

iv. Buses transporting 31 or more persons—\$25,000 for one person, \$300,000 for one accident.

2. Such insurance shall be through a company authorized to insure in New Jersey.

3. Satisfactory evidence of such insurance to be carried in the vehicle whenever it is operated for transportation of migrant laborers.

13:21-13.18 Statutory compliance

In addition to the regulations in this subchapter, all drivers of motor vehicles transporting migratory farm workers and all vehicles used in the transportation of such workers are responsible for compliance with the provisions of N.J.S.A. 39, Motor Vehicles and Traffic Regulations.

SUBCHAPTER 14. BUS DRIVERS

13:21-14.1 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Section was "Purpose".

13:21-14.2 Definitions

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

"Bus" means:

1. Any motor vehicle used for the intrastate transportation of passengers for hire, having a carrying capacity of more than six passengers;

2. Any motor vehicle used for the intrastate transportation of passengers not for hire, having a carrying capacity of more than 16 passengers; and

3. Any "school bus" as defined in N.J.S.A. 39:1-1. The terms "bus" shall exclude taxicabs, hotel buses, and omnibuses used for the transportation of passengers in interstate or foreign commerce.

R.1970 d.7, effective January 9, 1970.

See: 1 N.J.R. 20(c), 2 N.J.R. 18(b).

13:21-14.3 Special bus license requirement

Every driver of a bus, as defined in section 1 (Definitions), of this subchapter, shall be specially licensed as a bus driver in accordance with the provisions of N.J.S.A. 39:3-10.1.

13:21-14.4 (Reserved)

13:21-14.5 Bus driver licensing regulations

(a) Applicants for bus driver licenses shall submit an application as prescribed. Applicants shall be at least 21 years of age, having a minimum of three years driving experience previously, be of good character and physically fit and possess a valid New Jersey driver license. Fingerprinting will be required.

(b) Examinations may be conducted to determine driving ability, familiarity with the mechanism of the vehicle, knowledge of the motor vehicle laws of the State of New Jersey and adequate visual capabilities.

(c) The Director may not issue a bus driver license, or may revoke or suspend the bus driver license of any person when it is determined that the applicant or holder of such license has:

1. A driving record which established revocation or suspension for operating a motor vehicle while under the influence of intoxicating liquor, narcotics or habit-forming drugs; for operating a motor vehicle while impaired by alcohol; or, for leaving the scene of an accident which resulted in personal injury or death; or

2. Twelve or more current points under the point system; or

3. A record of at least three motor vehicle accidents within one year preceding the date of application; or

4. Failed to notify his employer of any conviction for motor vehicle violations within 30 days after such convictions; or

5. Committed a misstatement of fact or withheld material information on applications; or

6. Failed to submit proof of continuing physical fitness, good character and driver experience every 24 months. (Proof of physical fitness shall be in the form of satisfactory medical report submitted by a New Jersey licensed physician); or

7. Failed to notify the Division of Motor Vehicles and employer immediately of any medical condition which may affect the ability to operate a motor vehicle safely; or

8. Failed to pass the prescribed driving test; or

9. Failed to satisfactorily complete a written examination proving adequate knowledge of the New Jersey motor vehicle laws and regulations and safe driving practices; or

10. Failed to submit renewal application within one year of the expiration of his last valid bus driver license; or

11. Failed to meet the medical and physical qualifications set forth in the regulations of United States Department of Transportation, Bureau of Motor Carrier Safety, 49 C.F.R. 391.41, effective January 1, 1971, and as thereafter amended; or

12. A criminal record which is disqualifying. The phrase "crime or other offense" as used hereinafter shall include crimes, disorderly persons offenses or petty disorderly persons offenses as defined in the "New Jersey Code of Criminal Justice" and any offenses defined by any other statute of this State. A driver has a disqualifying record if:

i. He has been convicted of, or forfeited bond or collateral upon, any of the following:

(1) An offense involving the manufacture, transportation, possession, sale or habitual use of a "controlled dangerous substance" as defined in the "New Jersey Controlled Substance Act";

(2) A crime or other offense involving deviate or illicit social behavior such as rape, incest, sodomy or carnal abuse;

(3) A crime or other offense involving the use of force or the threat of force to or upon a person or property, such as armed robbery, assault and arson;

(4) Any crime or other offense indicative of bad moral character;

(5) He fails to notify the Division of Motor Vehicles that he has been arrested for, charged with, indicted for, convicted of, or forfeited bond or collateral upon any crime or other offense within 14 days after the date of such event.

13. In the absence of a conviction, the Director shall refuse to issue or shall revoke or suspend the bus driver license of any person arrested for, charged with, or indicted for any crime or other offense if the Director determines that such person is of bad character or is morally unfit to retain the privilege of holding a bus driver license, or of a potential danger to his passengers or to other motorists or to himself.

(d) If sufficient and reasonable grounds are established at a hearing, the Director may, not inconsistent with N.J.S.A. 39:3-10, waive any portion or portions of this subchapter. Applicants seeking such waivers must, prior to a hearing, submit to the Director a request for such waiver and the basis of such request.

Amended by R.1996 d.27, effective January 16, 1996.
See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

In (a) increased the minimum age from 18 to 21.

Case Notes

Rule providing that Director shall not issue, or shall suspend, bus driver license if applicant or holder has disqualifying criminal record upheld as reasonable and not violative of procedural due process rights;

conviction of assault on youngster sufficiently disqualifying. *Sanders v. Div. of Motor Vehicles*, 131 N.J.Super. 95, 328 A.2d 637 (App.Div. 1974).

Denial of commercial driver license due to licensee's failure to demonstrate physical qualification sustained. *Johnson v. Division of Motor Vehicles*, 97 N.J.A.R.2d (MVH) 1.

Passenger endorsement would be removed from bus driver's commercial license where driver suffered from chronic atrial fibrillation. *Division of Motor Vehicles v. Geibel*, 96 N.J.A.R.2d (MVH) 22.

Application for commercial driver's license passenger endorsement would be denied based upon applicant's coronary insufficiency. *Division of Motor Vehicles v. Johnson*, 96 N.J.A.R.2d (MVH) 15.

Application for bus driver's license would not be denied on basis of applicant's 30-year old assault conviction where applicant was able to demonstrate his rehabilitation. *Division of Motor Vehicles v. Outlaw*, 96 N.J.A.R.2d (MVH) 10.

Conviction of conspiring to sell or dispense a controlled dangerous substance some 20 years in past did not warrant indefinite suspension of commercial driver's license in face of demonstrated rehabilitation. *Division of Motor Vehicles v. Harvey*, 95 N.J.A.R.2d (MVH) 82.

Coronary artery disease was noncritical and did not require revocation of bus endorsement on licensee's commercial driver's license. *Division of Motor Vehicles v. Abagnale*, 95 N.J.A.R.2d (MVH) 75.

Convictions on charge of possessing marijuana were not a basis for indefinite suspension when licensee was not otherwise a threat to public safety. *Division of Motor Vehicles v. Ellerbe*, 95 N.J.A.R.2d (MVH) 65.

Drug conviction arising from isolated incident that did not otherwise reflect on reliability as bus driver did not require license suspension. *Division of Motor Vehicles v. Cecala*, 95 N.J.A.R.2d (MVH) 53.

Acquittal on charge of second degree sexual assault, in face of applicant's good character and excellent employment record, was not sufficient to deny passenger endorsement on commercial driver's license. *Department of Motor Vehicles v. Rivas*, 95 N.J.A.R.2d (MVH) 50.

Admission of occasional drug use, and consequent possession, warranted suspension of licensee's bus/commercial driving privilege. *Division of Motor Vehicles v. Borowicz*, 95 N.J.A.R.2d (MVH) 49.

Incident which led to licensee's conviction was isolated and, in view of licensee's successful rehabilitation thereafter, was not a basis for suspending licensee's bus driving privileges. *Division of Motor Vehicles v. Richardson*, 95 N.J.A.R.2d (MVH) 40.

Bus driving endorsement on commercial driver's license was properly refused on basis of conviction on counts charging conspiracy and theft and failure to reveal same on application for endorsement. *Division of Motor Vehicles v. Ortiz*, 95 N.J.A.R.2d (MVH) 39.

Driver with coronary insufficiency or ischemia could not obtain passenger endorsement on commercial driver's license. *Division of Motor Vehicles v. Lovallo*, 95 N.J.A.R.2d (MVH) 35.

Driver's conviction for assault and battery warranted his disqualification from obtaining school bus endorsement, but his subsequent rehabilitation also warranted retention of his commercial driver's license without endorsement. *Division of Motor Vehicles v. Argese*, 95 N.J.A.R.2d (MVH) 28.

Applicant with irregular heart rate was precluded from obtaining passenger endorsement on commercial driver's license by reason of coronary insufficiency. In *Matter of Oleksza*, 95 N.J.A.R.2d (MVH) 5.

Conviction on plea of guilty to murder of sixteen-year-old disqualified applicant from obtaining special license to bus juvenile offenders. *Russell v. Division of Motor Vehicles*, 95 N.J.A.R.2d (MVH) 1.

Driver's bus/commercial driving privileges were suspended indefinitely. *Division of Motor Vehicles v. Reginald Mann*, 94 N.J.A.R.2d (MVH) 71.

Licensee who had been convicted for sexually assaulting minors was allowed to retain his bus driving privilege subject to restriction. Division of Motor Vehicles v. Mead, 94 N.J.A.R.2d (MVH) 65.

Licensee was permitted to maintain commercial driver license. Division of Motor Vehicles v. Heffernan, 94 N.J.A.R.2d (MVH) 59.

Licensee was permitted to maintain bus driver license despite driving while intoxicated conviction. Division of Motor Vehicles v. Pincus, 94 N.J.A.R.2d (MVH) 58.

Licensee's bus driving privileges were suspended for careless driving. Division of Motor Vehicles v. Cromer, 94 N.J.A.R.2d (MVH) 56.

Licensee's bus driving privileges were suspended. Division of Motor Vehicles v. Napolitano, 94 N.J.A.R.2d (MVH) 54.

Licensee was permitted to maintain bus/commercial driver license driving privileges; rehabilitation. In the Matter of the Bus Driver's License of Edward Lanza, 94 N.J.A.R.2d (MVH) 53.

Proposed suspension of driver's bus driving privileges due to a disqualifying cardiovascular disease was dismissed. Langlois v. Division of Motor Vehicles, 94 N.J.A.R.2d (MVH) 36.

Proposed suspension of bus driver's license arising out of a manslaughter conviction was dismissed. Division of Motor Vehicles v. Pearce, 94 N.J.A.R.2d (MVH) 34.

Driver's license was suspended for driving a bus without checking for emergency reflectors and for failing to attempt to place reflectors on the road. Division of Motor Vehicles v. Tulli, 94 N.J.A.R.2d (MVH) 13.

Suspension of passenger endorsement to bus driver's license was proper. Rech v. Division of Motor Vehicles, 94 N.J.A.R.2d (MVH) 9.

Denial of bus driver's license was proper. Division of Motor Vehicles v. Reale, 94 N.J.A.R.2d (MVH) 5.

Bus driver's license; failure to meet the medical and physical qualifications. Oleksza v. Division of Motor Vehicles, 94 N.J.A.R.2d (MVH) 1.

Driver with disqualifying criminal record could have "no passenger" mechanic's endorsement. Division of Motor Vehicles v. DiBiase, 93 N.J.A.R.2d (MVH) 13.

Driver with asymptomatic cardiovascular condition was subject to more frequent testing. Leek v. Division of Motor Vehicles, 93 N.J.A.R.2d (MVH) 9.

Bus driver not guilty of careless driving or failing to yield to pedestrian. Division of Motor Vehicles v. Hurdle, 93 N.J.A.R.2d (MVH) 1.

Amputation of left leg warranted indefinite suspension. Division of Motor Vehicles v. Ingenito, 92 N.J.A.R.2d (MVH) 31.

Bus driver was rehabilitated following conviction for criminal negligent homicide. Division of Motor Vehicles v. Montenero, 92 N.J.A.R.2d (MVH) 28.

No present cardiovascular disease warranted suspension. Michalski v. Division of Motor Vehicles, 92 N.J.A.R.2d (MVH) 24.

No disqualifying cardiovascular disease found. McLaughlin v. Division of Motor Vehicles, 92 N.J.A.R.2d (MVH) 22.

Cardiovascular disease warranted suspension of bus driving privilege. McCauley v. New Jersey Division of Motor Vehicles, 92 N.J.A.R.2d (MVH) 13.

Bus driver disclosed arrest record. Division of Motor Vehicles v. Jones, 92 N.J.A.R.2d (MVH) 5.

13:21-14.6 Release of privileged application information

(a) The information on any application for a bus driver license shall be considered as privileged information and shall not be available for release to any person except under the following conditions.

1. Upon receipt of a request for information, the Division will release the name, address, personal description and driver license numbers of the applicant; the name and address of the physician who conducted the physical examination and the date of the physical examination.

2. Upon receipt of written authorization from the licensee, a copy of the application will be released, either to the licensee or to a person designated by him.

3. Certified copies of applications may be issued, within the restrictions listed in this section, upon payment of the standard fee provided for by Title 39 of the New Jersey Statutes.

13:21-14.7 (Reserved)

Repealed by R.1996 d.27, effective January 16, 1996.

See: 27 N.J.R. 4153(a), 28 N.J.R. 275(a).

Section was "Drivers of empty buses".

13:21-14.8 through 13:21-14.10 (Reserved)

SUBCHAPTER 15. NEW JERSEY LICENSED MOTOR VEHICLE DEALERS

13:21-15.1 General provisions

(a) Applications for a dealer license required to be obtained under the provisions of N.J.S.A. 39:10-19 shall be verified by an oath or affirmation of the applicant and shall be on forms prescribed by the Director and furnished to such applicants.

(b) An initial applicant, if a natural person, shall submit with his application, two applicant (noncriminal) fingerprint cards (one State Police card and one Federal Bureau of Investigation card) with impressions taken by a recognized law enforcement agency.

(c) The initial applicant, if a corporation or partnership, shall submit with its application two applicant (noncriminal) fingerprint cards (one State Police card and one Federal Bureau of Investigation card) with impressions taken by a recognized law enforcement agency for each officer, director, controlling person or partner.

(d) Examinations may be conducted of all applicants to determine knowledge of appropriate motor vehicle laws of the State of New Jersey before granting a dealer license.