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J O I N T P U B L I C H E A R I N G

before

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

AND

ASSEMBLY COMMERCE AND REGULATED PROFESSIONS COMMITTEE

SENATE BILL NO. 2549 AND ASSEMBLY BILL NO. 3258

(Establishes the "New Jersey Commercial Driver License Act")

June 27, 1990
Vineland City Hall
Vineland, New Jersey

MEMBER OF SENATE COMMITTEE PRESENT:

Senator Thomas F. Cowan, Chairman

MEMBERS OF ASSEMBLY COMMITTEE PRESENT:

Assemblyman Anthony Impreveduto, Chairman
Assemblyman John A. Villapiano, Vice Chairman
Assemblyman Edward H. Salmon
Assemblyman Jeffrey W. Moran

ALSO PRESENT:

Assemblyman Frank A. LoBiondo, District 1

Aggie Szilagyi
Office of Legislative Services
Aide, Senate Law, Public Safety and Defense Committee

Laurence A. Gurman
Office of Legislative Services
Aide, Assembly Commerce and Regulated Professions Committee

* * * * *

Hearing Recorded and Transcribed by
Office of Legislative Services
Public Information Office
Hearing Unit
State House Annex
CN 068
Trenton, New Jersey 08625

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New Jersey State Legislature

**SENATE LAW, PUBLIC SAFETY
AND DEFENSE COMMITTEE**

STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625-0068
TELEPHONE: (609) 984-0231

THOMAS F. COWAN
CHAIRMAN

RONALD L. RICE
VICE-CHAIRMAN

JOHN A. GIRGENTI
C. LOUIS BASSANO
JOSEPH BUBBA

NOTICE OF PUBLIC HEARING

The
Senate Law, Public Safety and Defense Committee
and the
Assembly Commerce and Regulated Professions Committee
will hold a public hearing on
Wednesday, June 27, 1990 beginning at 12:30 p.m.
Council Chambers - Vineland City Hall
Seventh & Woods Streets
Vineland, New Jersey

The purpose of this public hearing is to discuss the following identical bills. This will be the third joint public hearing on these bills.

- | | |
|--|---|
| A-3258
Improveduto/
Zangari | Establishes the "New Jersey Commercial Driver License Act." |
| S-2549
Cowan | Establishes the "New Jersey Commercial Driver License Act." |

The public may address comments and questions to Aggie Szilagyi, Committee Aide, and persons wishing to testify should contact Penny Hoffman, secretary at (609) 984-0231. Persons presenting written testimony should provide 10 copies to the committee on the day of the hearing.

DIRECTIONS

From Garden State Parkway:

Garden State Parkway - South to Exit 44 (Atlantic City Race Track). South on Route 575 to Route 40 West. At the blinker at Richland, turn left on Route 540 (Landis Avenue) to Seventh Street. Right to Wood Street. City Hall is on the left.

From New Jersey Turnpike:

New Jersey Turnpike to Exit 7 (Bordentown) to I-295 South. Take I-295 South to the Atlantic City Exit to Route 42 South. Continue down Route 42 South to Route 55 South to Vineland, Exit 32A (Landis Avenue-Route 56) to Seventh Street. Left to Wood Street. City Hall is on the left.

Issued 6/14/90



ANTHONY IMPREVEDUTO
CHAIRMAN
JOHN A. VILLAPIANO
VICE-CHAIRMAN
EDWARD H. SALMON
EFFREY W. MORAN
THOMAS J. SHUSTED

New Jersey State Legislature

ASSEMBLY COMMERCE AND REGULATED PROFESSIONS COMMITTEE
STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625-0068
(609) 984-0445

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S-2549 Cowan	Establishes the "New Jersey Commercial Driver License Act."

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Issued 06/14/90

STATE OF NEW JERSEY

INTRODUCED APRIL 5, 1990

By Senator COWAN

1 AN ACT concerning the licensing, testing, and regulation of
2 drivers of commercial motor vehicles, supplementing Title 39
3 of the Revised Statutes and amending and repealing various
4 parts of the statutory law.

5

6 BE IT ENACTED by the Senate and General Assembly of the
7 State of New Jersey:

8 1. (New section) This act shall be known and may be cited as
9 the "New Jersey Commercial Driver License Act."

10 2. (New section) The purpose of this act is to reduce or
11 prevent commercial motor vehicle accidents, fatalities, and
12 injuries by strengthening licensing and testing standards for
13 drivers of commercial motor vehicles, and by disqualifying those
14 drivers who have committed certain serious traffic violations or
15 other specified offenses. This act is also designed to
16 substantially conform the laws of this state to the requirements
17 and standards established under the federal Commercial Motor
18 Vehicles Safety Act of 1986, Pub. L. 99-570 (49 U.S.C. §2701 et
19 seq.) and the regulations promulgated pursuant to that federal
20 law. This act is a remedial law and shall be liberally construed to
21 promote the public health, safety, and welfare.

22 3. (New section) For purposes of this act, a term shall have
23 the meaning set forth in R.S.39:1-1 unless another meaning for
24 the term is set forth in this act, or unless another meaning is
25 clearly apparent from the language or context of this act, or
26 unless the meaning for the term set forth in R.S.39:1-1 is
27 inconsistent with the manifest intent of the Legislature in this
28 act.

29 For purposes of this act:

30 "Alcohol concentration" means:

31 a. The number of grams of alcohol per 100 milliliters of blood;

32 or

33 b. The number of grams of alcohol per 210 liters of breath.

34 "Commercial driver license" or "CDL" means a license issued
35 in accordance with this act to a person authorizing the person to
36 operate a certain class of commercial motor vehicle.

37 "Commercial Driver License Information System" or "CDLIS"
38 means the information system established pursuant to the federal
39 Commercial Motor Vehicle Safety Act of 1986, Pub. L. 99-570
40 (49 U.S.C. §2701 et seq.) to serve as a clearing house for locating

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 information related to the licensing and identification of
2 commercial motor vehicle drivers.

3 "Commercial motor vehicle" or "CMV" means a motor vehicle
4 or combination of motor vehicles used or designed to transport
5 passengers or property:

6 a. If the vehicle has a gross vehicle weight rating of 26,001 or
7 more pounds or displays a gross vehicle weight rating of 26,001 or
8 more pounds;

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

12 c. If the vehicle is designed to transport 16 or more passengers
13 including the driver, provided, the director may, by regulation,
14 include such vehicles designed to transport 15 or fewer
15 passengers including the driver as he deems appropriate; or

16 d. If the vehicle is transporting or used in the transportation of
17 hazardous materials and is required to be placarded in accordance
18 with subpart f. of 49 C.F.R. §172, or a vehicle displaying a
19 hazardous material placard.

20 "Controlled substance" means any substance so classified under
21 subsection (6) of the "Controlled Substances Act" (21 U.S.C.
22 §802), and includes all substances listed on Schedules I through V
23 of 21 C.F.R. §1308, or under P.L.1970, c.226 (C.24:21-1 et seq.)
24 as they may be revised from time to time. The term, wherever it
25 appears in this act or administrative regulation promulgated
26 pursuant to this act, shall include controlled substance analogs.

27 "Controlled substance analog" means a substance that has a
28 chemical structure substantially similar to that of a controlled
29 dangerous substance and that was specifically designed to
30 produce an effect substantially similar to that of a controlled
31 dangerous substance. The term shall not include a substance
32 manufactured or distributed in conformance with the provisions
33 of an approved new drug application or an exemption for
34 investigational use within the meaning of section 505 of the
35 "Federal Food, Drug and Cosmetic Act," (21 U.S.C. §355).

36 "Conviction" means an adjudication that a violation has
37 occurred, a final judgment on a verdict, a finding of guilt in a
38 tribunal of original jurisdiction, or a conviction following a plea
39 of guilty, non vult or nolo contendere accepted by a court. It also
40 includes an unvacated forfeiture of bail, bond or collateral
41 deposited to secure the person's appearance in court, or the
42 payment of a fine or court costs, or violation of a condition of
43 release without bail, regardless of whether the penalty is rebated,
44 suspended, or probated.

45 "Director" means the Director of the Division of Motor
46 Vehicles in the Department of Law and Public Safety.

47 "Disqualification" means either:

48 a. The suspension, revocation, cancellation, or any other
49 withdrawal by a State of a person's privilege to operate a

1 commercial motor vehicle:

2 b. A determination by the Federal Highway Authority under
3 the rules of practice for motor carrier safety contained in 49
4 C.F.R. §386, that a person is no longer qualified to operate a
5 commercial motor vehicle under 49 C.F.R. §391; or

6 c. The loss of qualification which automatically follows
7 conviction of an offense listed in 49 C.F.R. §383.51.

8 "Division" means the Division of Motor Vehicles in the
9 Department of Law and Public Safety.

10 "Driver license" means a license issued by this State or other
11 jurisdiction to a person authorizing the person to operate a motor
12 vehicle.

13 "Endorsement" means an authorization to a commercial driver
14 license required to permit the holder of the license to operate
15 certain types of commercial motor vehicles.

16 "Felony" means any offense under any federal law or the law
17 of a state, including this State, that is punishable by death or
18 imprisonment for a term exceeding one year. The term includes,
19 but is not limited to, "crimes" as that term is defined in
20 N.J.S.2C:1-1 et seq.

21 "Foreign jurisdiction" means any jurisdiction other than a state
22 of the United States.

23 "Gross vehicle weight rating" or "GVWR" means the value
24 specified by a manufacturer as the loaded weight of a single or a
25 combination (articulated) vehicle, or the registered gross weight,
26 whichever is greater. The GVWR of a combination (articulated)
27 vehicle, commonly referred to as the "gross combination weight
28 rating" or "GCWR," is the GVWR of the power unit plus the
29 GVWR of the towed unit or units. In the absence of a value
30 specified for the towed unit or units by the manufacturer, the
31 GVWR of a combination (articulated) vehicle is the GVWR of the
32 power unit plus the total weight of the towed unit, including the
33 loads on them.

34 "Hazardous material" means a substance or material
35 determined by the Secretary of the United States Department of
36 Transportation to be capable of posing an unreasonable risk to
37 health, safety, and property when transported in commerce and
38 so designated pursuant to the provision of the "Hazardous
39 Materials Transportation Act," (49 U.S.C. §1801 et seq.).

40 "Motor vehicle" includes all vehicles propelled otherwise than
41 by muscular power, except such vehicles as run only upon rails or
42 tracks. The term "motor vehicle" includes motorized bicycles.

43 "Out of service order" means a temporary prohibition against
44 operating a commercial motor vehicle.

45 "Representative vehicle" means a motor vehicle which
46 represents the type of motor vehicle that a driver applicant
47 operates or expects to operate.

48 "Secretary" means the Secretary of the United States
49 Department of Transportation or his designee.

1 "Serious traffic violation" means conviction for one of the
2 following offenses committed while operating a commercial
3 motor vehicle:

4 a. Excessive speeding, involving any single offense for a speed
5 of 15 miles per hour or more above the speed limit;

6 b. Reckless driving, as defined by State or local law or
7 regulation, including, but not limited to, offenses of driving a
8 commercial motor vehicle in willful or wanton disregard of the
9 safety of persons or property, including violations of R.S.39:4-96;

10 c. Improper or erratic traffic lane changes;

11 d. Following a vehicle ahead too closely, including violations
12 of R.S.39:4-89;

13 e. A violation, arising in connection with a fatal accident, of
14 State or local law relating to motor vehicle traffic control, other
15 than a parking violation. Serious traffic violations exclude
16 vehicle weight and defect violations; or

17 f. Any other violation of a state or local law relating to motor
18 vehicle traffic control, other than a parking violation, which the
19 director determines to be serious.

20 "State" means a state of the United States or the District of
21 Columbia.

22 "State of domicile" means that state where a person has a
23 true, fixed, and permanent home and principal residence and to
24 which the person intends to return whenever he is absent.

25 "Tank vehicle" means any commercial motor vehicle that is
26 designed to transport any liquid or gaseous material within a tank
27 that is either permanently or temporarily attached to the vehicle
28 or the chassis. Such vehicles include, but are not limited to,
29 cargo tanks and portable tanks as defined by the director.
30 However, this definition does not include portable tanks having a
31 rated capacity under 1,000 gallons.

32 "United States" means the fifty states and the District of
33 Columbia.

34 "Vehicle group" means a class or type of vehicle with certain
35 operating characteristics.

36 4. (New section) Notwithstanding any other provision of law
37 to the contrary, the director shall adopt and administer a
38 classified licensing system and a program for testing and ensuring
39 the fitness of persons to operate commercial motor vehicles in
40 accordance with the minimum federal standards established under
41 the federal Commercial Motor Vehicle Safety Act of 1986, Pub.
42 L. 99-570 (49 U.S.C. §2701 et seq.) and the regulations
43 promulgated pursuant to that law. The director shall not issue a
44 commercial driver license to a person unless that person passes a
45 written and driving test for operation of a commercial motor
46 vehicle which complies with the minimum established standards.
47 The director may issue commercial driver examination permits,
48 subject to such conditions and restrictions as deemed necessary,
49 to carry out the provisions of this act.

1 5. (New section) Notwithstanding any other provision of law
2 to the contrary, a person shall not operate a commercial motor
3 vehicle in this State with an alcohol concentration of 0.04% or
4 more.

5 6. (New section) a. Before issuing a commercial driver
6 license to an applicant, the director shall notify the Commercial
7 Driver License Information System of the proposed issuance and
8 shall request driving record information from the Commercial
9 Driver License Information System, the National Driver Register,
10 and from any other state which has issued a commercial driver
11 license to the applicant to determine whether the applicant has a
12 commercial driver license issued by another state, whether the
13 applicant's driving privilege has been suspended, revoked
14 cancelled, or whether the applicant has been disqualified from
15 operating a commercial driver license.

16 The director also shall provide driving record and other
17 information to the licensing authority of any other state, or
18 province or territory of Canada, which requests such information
19 in connection with a commercial driver license. The director
20 may charge such fees as are deemed appropriate to cover the
21 costs of providing information, except that no fee shall be
22 charged if the other jurisdiction does not charge New Jersey for
23 similar requests.

24 b. Within 10 days after the issuance of a commercial driver
25 license, the director shall notify the Commercial Driver License
26 Information System of that fact, providing all information
27 required to ensure identification of the licensee.

28 7. (New section) Within 10 days after receiving a report of the
29 conviction of a holder of a commercial driver license for any
30 violation of state law related to motor vehicle traffic control
31 committed in a commercial vehicle, other than parking
32 violations, or after the disqualification of the holder of a
33 commercial driver license or suspension of privileges for a period
34 of 60 days or more, the division shall notify the driver licensing
35 authority in the licensing state, if other than this State, and the
36 Commercial Driver License Information System of the
37 conviction, suspension, or disqualification. The notification shall
38 include all information the director deems necessary.

39 8. (New section) The director, in his discretion, may refuse to
40 grant a commercial driver license to a person who is, in his
41 estimation, not a proper person to be granted such a license. The
42 director may suspend or revoke a privilege to operate a
43 commercial motor vehicle, or may prohibit a person from
44 obtaining a commercial driver license. The director may suspend
45 or revoke the reciprocity privilege of a person for a violation of
46 any provision of Title 39 of the Revised Statutes or for any other
47 reasonable grounds.

48 9. (New section) The director shall issue a commercial driver
49 license only to a person who operates or will operate a

1 commercial motor vehicle and is domiciled in this State.

2 10. (New section) a. (1) Except as provided by the director by
3 rule or regulation, a person who has been issued a commercial
4 driver license shall not operate a commercial motor vehicle
5 unless the person is in possession of the valid commercial driver
6 license and endorsements for the class of vehicle being operated.
7 Such a person shall not operate a commercial motor vehicle if the
8 person is restricted from operating a commercial vehicle of that
9 type.

10 (2) Except when operating under a valid commercial driver
11 examination permit and accompanied by the holder of a
12 commercial driver license valid for the class of vehicle being
13 operated, a person shall not operate a commercial motor vehicle
14 unless the person has been issued and is in possession of a valid
15 commercial driver license and applicable endorsements for the
16 class of vehicle being operated. A person shall not operate a
17 commercial motor vehicle if the person is restricted from
18 operating a commercial vehicle of that type.

19 (3) A person violating this subsection shall be fined not less
20 than \$250 or more than \$500, or imprisoned for not more than 60
21 days, or both. This penalty shall not be applicable in cases where
22 failure to have actual possession of the commercial driver license
23 is due to an administrative or technical error by the division. If a
24 person charged with a failure to have possession of a valid
25 commercial driver license can exhibit the license to the judge of
26 the court before whom he is summoned to answer to a charge and
27 the license was valid on the day the person was charged, the
28 judge may dismiss the charge. However, the judge may impose
29 court costs.

30 b. (1) A person who has been refused a commercial driver
31 license, whose commercial motor vehicle driving privilege or any
32 endorsement has been suspended or revoked, who has been
33 prohibited or disqualified from operating a commercial motor
34 vehicle, who is subject to an out of service order, or whose
35 driving privilege is suspended or revoked, shall not operate a
36 commercial motor vehicle during the period of refusal,
37 suspension, revocation, prohibition, or disqualification, or during
38 the period of the out of service order.

39 (2) A person who violates this subsection shall, upon conviction,
40 be fined \$5,000 for each offense, or imprisoned for a term not to
41 exceed 90 days, or both. If a person is involved in an accident
42 resulting in personal injury to another person while operating a
43 commercial motor vehicle in violation of this subsection, the
44 court shall impose both a period of imprisonment for 90 days and
45 a fine of \$5,000.

46 In addition, the commercial motor vehicle driving privilege of a
47 person convicted under this subsection shall be suspended in
48 accordance with section 12 of this act.

49 11. (New section) Notwithstanding any other law to the

1 contrary, a person may operate a commercial motor vehicle in
2 this State if the person has received a waiver from the Secretary
3 of Transportation or the licensing authority of any other state or
4 jurisdiction; or has a commercial driver license issued by any
5 state, or issued by any province or territory of Canada, in
6 accordance with minimum federal standards for the issuance of
7 commercial motor vehicle driver licenses, provided that the
8 person's driving privilege is not suspended or revoked or
9 cancelled in this State or in the jurisdiction that issued the
10 commercial driver license, and that the person is not disqualified
11 from operating a commercial motor vehicle, or subject to an "out
12 of service" order.

13 Upon application for a transfer of a commercial driver license
14 from another state of domicile to this State, a person shall apply
15 to the director for a commercial driver license within 30 days
16 after establishing domicile in this State.

17 12. (New section) a. In addition to any other penalty provided
18 by law, a court shall suspend for not less than one year nor more
19 than three years the commercial motor vehicle driving privilege
20 of a person for a first violation of:

21 (1) R.S.39:4-50 if the motor vehicle was a commercial motor
22 vehicle or section 5 of this act.

23 (2) R.S.39:4-129 involving a commercial motor vehicle
24 operated by the person.

25 (3) Using a commercial motor vehicle in the commission of any
26 "crime" as defined in subsections a., c., or d. of N.J.S.2C:1-4.

27 (4) Refusal to submit to a chemical test as provided in section
28 2 of P.L.1966, c.142 (C.39:4-50.2) or section 16 of this act if the
29 motor vehicle was a commercial motor vehicle.

30 (5) Paragraph (1) of subsection b. of section 10 of this act.

31 b. If a first violation of any of the violations specified in
32 subsection a. of this section take place while transporting
33 hazardous material or take place in a vehicle displaying a
34 hazardous material placard, the court shall suspend the
35 commercial motor vehicle driving privilege of the person for
36 three years.

37 c. Subject to the provisions of subsection d. of this section, the
38 court shall revoke for life the commercial motor vehicle driving
39 privilege of a person for a second or subsequent violation of any
40 of the offenses specified in subsection a. or any combination of
41 those offenses arising from two or more separate incidents. For
42 purposes of this section, a violation committed in another state
43 but substantially similar to those enumerated in subsection a.
44 committed in another state shall be included.

45 d. The director may issue rules and regulations establishing
46 guidelines, including conditions under which a revocation of
47 commercial motor vehicle driving privilege for life under
48 subsection c. may be reduced to a period of ten years.

49 e. Notwithstanding any other provision of law to the contrary,

1 a court shall revoke for life the commercial motor vehicle driving
2 privilege of a person who uses a commercial motor vehicle in the
3 commission of a crime involving the manufacture, distribution, or
4 dispensing of a controlled substance or controlled substance
5 analog, or possession with intent to manufacture, distribute, or
6 dispense a controlled substance or controlled substance analog. A
7 revocation under this subsection shall not be subject to reduction
8 in accordance with subsection d. of this section.

9 f. A court shall suspend the commercial motor vehicle driving
10 privilege of a person for a period of not less than 60 days if the
11 person is convicted of a serious traffic violation and that
12 conviction constitutes the second serious traffic violation
13 committed in a commercial motor vehicle in this or any other
14 state arising from separate incidents occurring within a three
15 year period. A court shall suspend the commercial motor vehicle
16 driving privilege for 120 days if the conviction constitutes the
17 third or subsequent serious traffic violation committed in a
18 commercial motor vehicle in this or any other state arising from
19 separate incidents occurring within a three year period.

20 g. After suspending, revoking, or cancelling a commercial
21 motor vehicle driving privilege, a court shall make a report to the
22 director within three days in such form as the director may
23 require. The director shall notify the Commercial Driver License
24 Information System of the suspension, revocation, or
25 cancellation. In the case of non-residents, the director also shall
26 notify the licensing authority of the state which issued the
27 commercial driver license or the state where the person is
28 domiciled. The director shall provide these notices within 10
29 days after the suspension, revocation, cancellation, or
30 disqualification.

31 h. The director shall in accordance with this section suspend a
32 commercial motor vehicle driving privilege of a person holding or
33 required to hold a commercial driver license issued by this State
34 if the person is convicted in a another state or foreign
35 jurisdiction of a violation of a substantially similar nature to the
36 offenses specified in subsections a., e., or f. of this section. For
37 purposes of this section, a violation such as driving while
38 intoxicated, driving under the influence, or driving while ability is
39 impaired shall be considered substantially similar offenses.

40 i. Notwithstanding any other provision of law to the contrary,
41 a conviction arising under this section or sections 5 or 16 of this
42 act shall not merge with a conviction for a violation of
43 R.S.39:4-50 or section 2 of P.L.1966, c.142 (C.39:4-50.2).

44 13. (New section) The director may, by contract, by
45 appointment as a motor vehicle agent, or by licensing, authorize
46 qualified persons, including but not limited to an agency of this or
47 another state, an employer, a private driver training facility or
48 other private institution, or a department, agency or
49 instrumentality of local government to administer any portion of

1 a commercial motor vehicle driver examination. The director
2 may adopt such regulations as deemed necessary to establish.
3 oversee and regulate the administration of commercial motor
4 vehicle driver testing by third parties including establishment of
5 maximum fees that may be charged. The director may limit the
6 number of persons licensed to administer examinations and may
7 suspend or revoke an authorization on any reasonable ground.
8 The director may terminate third party testing at any time. A
9 person authorized to administer examinations by appointment as
10 a motor vehicle agent shall so act until this authority is revoked
11 by the director.

12 14. (New section) The director may waive the skills test for a
13 commercial driver license applicant who is licensed at the time
14 of an application and who provides proof in such form and of such
15 type as the director may require that it is appropriate to waive
16 the skills test, consistent with the purposes of this act and the
17 requirements under the federal Commercial Motor Vehicle Safety
18 Act of 1986, Pub. L. 99-570 (49 U.S.C. §2701 et seq.). The
19 burden in an application for a waiver shall be on the applicant.

20 15. (New section) The director may take such steps as are
21 necessary to provide for the efficient, timely and orderly
22 processing of persons required to obtain commercial driver
23 licenses under this act. The director may require a person who
24 operates or intends to operate a commercial motor vehicle to be
25 tested and licensed in accordance with the provisions of this act
26 at a time and place selected by the director. The director may,
27 after notice and an opportunity to be heard, suspend the privilege
28 to operate a commercial motor vehicle of a person who refuses to
29 be tested at the time and place selected by the director. The
30 suspension shall remain in effect until the person obtains a
31 commercial driver license in accordance with the provision of
32 this act.

33 16. (New section) a. A person who operates a commercial
34 motor vehicle on a public road, street, or highway, or
35 quasi-public area in this State, shall be deemed to have given his
36 consent to the taking of samples of his breath for the purposes of
37 making chemical tests to determine alcohol concentration;
38 provided, however, that the taking of samples shall be made in
39 accordance with the provisions of this act and at the request of a
40 police officer who has reasonable grounds to believe that the
41 person has been operating a commercial motor vehicle with an
42 alcohol concentration of 0.04% or more.

43 b. A record of the taking of such a sample, disclosing the date
44 and time thereof, as well as the result of a chemical test, shall be
45 made and a copy thereof, upon request, shall be furnished or
46 made available to the person so tested.

47 c. In addition to the samples taken and tests made at the
48 direction of a police officer hereunder, the person tested shall be
49 permitted to have such samples taken and chemical tests of his

1 breath, urine, or blood made by a person or physician of his own
2 selection.

3 d. The police officer shall inform the person tested of his
4 rights under subsections b. and c. of this section.

5 e. No chemical test, as provided in this section, or specimen
6 necessary thereto, may be made or taken forcibly and against
7 physical resistance thereto by the defendant. The police officer
8 shall, however, inform the person arrested of the consequences of
9 refusing to submit to such test including the penalties under
10 section 12 of this act. A standard statement, prepared by the
11 director, shall be read by the police officer to the person.

12 f. The court shall revoke for six months the right to operate
13 any motor vehicle of any person who, after being arrested for a
14 violation of section 5 of this act, shall refuse to submit to the
15 chemical test provided for in this section when requested to do
16 so, unless the refusal was in connection with a subsequent offense
17 under this section, section 5 of this act, R.S.39:4-50 or section 2
18 of P.L.1981, c.512 (C.39:4-50.4a), in which case the revocation
19 period shall be for 2 years. In addition, a court shall impose the
20 penalties provided in section 12 of this act.

21 The court shall determine by a preponderance of the evidence
22 whether the arresting officer had probable cause to believe that
23 the person had been operating or was in actual physical control of
24 a commercial motor vehicle on the public highways or
25 quasi-public areas of this State with an alcohol concentration at
26 0.04% or more, whether the person was placed under arrest,
27 whether he refused to submit to the test upon request of the
28 officer, and if these elements of the violation are not established,
29 no conviction shall issue. In addition to any other requirements
30 provided by law, a person whose driving privilege is revoked for
31 refusing to submit to a chemical test shall satisfy the
32 requirements of a program of alcohol education or rehabilitation
33 pursuant to the provisions of R.S.39:4-50. The revocation shall
34 be independent of any revocation imposed by virtue of a
35 conviction under the provisions of R.S.39:4-50 or section 12 of
36 this act.

37 In addition to imposing a revocation under this subsection, a
38 court shall impose a fine of not less than \$250 or more than \$500.

39 17. (New section) Chemical analyses of an arrested person's
40 breath, to be considered valid under the provisions of this act,
41 shall have been performed according to methods approved by the
42 Attorney General, and by a person certified for this purpose by
43 the Attorney General. The Attorney General is authorized to
44 approve satisfactory techniques or methods, to ascertain the
45 qualifications and competence of individuals to conduct analyses,
46 and to make certifications of such individuals, which
47 certifications shall be subject to termination or revocation at the
48 discretion of the Attorney General. The Attorney General shall
49 prescribe a uniform form for reports of the chemical analysis of

1 breath to be used by law enforcement officers and others acting
2 in accordance with the provisions of this act. Each chief of
3 police, in the case of forms distributed to law enforcement
4 officers and others in his municipality, or the other officer,
5 board, or official having charge or control of the police
6 department where there is no chief, and the Director of the
7 Division of Motor Vehicles and the Superintendent of State
8 Police, in the case of such forms distributed to law enforcement
9 officers and other personnel in their divisions, shall be responsible
10 for the furnishing and proper disposition of such uniform forms.
11 Each responsible party shall prepare or cause to be prepared the
12 records and reports relating to the uniform forms and their
13 disposition in the manner and at the times prescribed by the
14 Attorney General. Unless otherwise provided by the Attorney
15 General, the approval of methods and techniques, the
16 certification of persons and the prescription of forms of reports
17 pursuant to section 3 of P.L.1966, c.142 (C.39:4-50.3) shall
18 constitute approval, certification or prescription, as the case may
19 be, for purposes of this section.

20 18. (New section) A person who operates a commercial motor
21 vehicle shall not have more than one commercial driver license.

22 A person convicted of a violation of this section shall be
23 subject for each offense to a fine of \$5,000, or imprisoned for a
24 term not to exceed 90 days, or both.

25 19. (New section) The director may adopt any rules and
26 regulations, in accordance with the provisions of the
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
28 seq.), necessary to carry out the provisions of this act, including
29 the regulations necessary to place this State in substantial
30 compliance with the requirements of the federal Commercial
31 Motor Vehicle Safety Act of 1986, Pub. L. 99-570 (49 U.S.C.
32 §2701 et seq.) and the regulations promulgated pursuant to that
33 federal law.

34 20. (New section) The director may enter into or make
35 agreements, arrangements, or declarations to carry out the
36 provisions of this act. The director may also enter into an
37 agreement or arrangement with the duly authorized
38 representative of another state, the federal government, or
39 province concerning licensing or testing of commercial motor
40 vehicle operators, the exchange of information concerning
41 operators, and their operating history. Such arrangements shall,
42 in the judgment of the director, be in the best interest of this
43 State and its citizens, keeping in mind the public safety benefits
44 that flow to this State from a nationwide system for regulating
45 commercial motor vehicle operators.

46 21. (New section) Notwithstanding any other provision of law
47 to the contrary, the director may waive, in whole or in part, after
48 notice and an opportunity for comment, application of any
49 provision of this act or any regulation promulgated pursuant to

1 this act with respect to a class of persons or class of commercial
2 motor vehicles if the director determines that such waiver is not
3 contrary to the public interest and does not diminish the safe
4 operation of commercial motor vehicles. A waiver under this
5 section shall be published in the New Jersey Register, together
6 with reasons for the waiver. A waiver shall not be granted if the
7 granting of the waiver is likely to or will place the State in the
8 position of not being in substantial compliance with the
9 requirements set forth in the Commercial Motor Vehicle Safety
10 Act of 1986, Pub. L. 99-570 (49 U.S.C. §2701 et seq.). The
11 director may make such applications as he deems appropriate to
12 the Secretary to obtain any waiver permitted under federal law.

13 22. (New section) The required fee for a commercial driver
14 license for a 48 month period shall be \$17.50. The required fee
15 for an examination permit shall \$35. The required fee for an
16 endorsement for a 48 month period shall be \$12.

17 The commercial driver license shall expire on the last day of
18 the 48th calendar month following the calendar month in which
19 the license was issued, provided, however, that the director may,
20 at his discretion, issue licenses and endorsements which shall
21 expire on a date fixed by him. The fee for such licenses or
22 endorsements shall be fixed in amounts proportionately less or
23 greater than the fee otherwise established.

24 23. (New section) The provisions of this act shall be severable,
25 and if any of its provisions shall be held to be unconstitutional,
26 the decision of the court shall not affect the validity of the
27 remaining provisions of this act.

28 24. (New section) Receipts collected by the director pursuant
29 to this act shall be forwarded to the State Treasurer and be
30 deposited into a special fund. The division shall establish a
31 receivable account for the sole purpose of defraying the expenses
32 incurred for program implementation and administration. The
33 receivable account shall be relieved by monies deposited into the
34 special fund from fees derived pursuant to this act. Upon
35 completion of the implementation process, monies remaining in
36 the special fund in excess of the amount required to defray the
37 expenses of the program shall be deposited into the General State
38 Fund.

39 25. N.J.S.2A:82-10 is amended to read as follows:

40 2A:82-10. Copies of motor vehicle records

41 Copies of any act, rule, order or decision made by the director
42 of the division of motor vehicles, and of any paper filed in his
43 office when authenticated under his seal shall be evidence in like
44 manner, and with equal effect as the originals.

45 All transcripts and abstracts of the records of the division of
46 motor vehicles, the licensing authority of another state, the
47 Commercial Driver License Information System, or the National
48 Driver Register as to the names of owners of motor vehicles and
49 as to the holders of licenses to operate motor vehicles and their

1 operating records, certified by the director of the division, or
2 other appropriate official to be true copies of the record, shall be
3 received in any court as prima facie evidence of the matters and
4 facts therein stated. [Such] For the purposes of the division, such
5 transcripts and abstracts shall be copies of the original records
6 made or copies of the record thereof as recorded by the clerk or
7 other officer of the Division of Motor Vehicles.

8 For purposes of transcripts, abstracts and computer printouts
9 under this section, the seal of the director need not be impressed,
10 but such transcripts, abstracts, and computer printouts shall be
11 deemed to be sealed when there is affixed thereto, or printed or
12 marked thereon, the seal of the division.

13 (cf: P.L.1979, c.210, s.1)

14 26. Section 1 of P.L.1979, c.261 (C.39:3-10f) is amended to
15 read as follows:

16 1. In addition to the requirements for the form and content of
17 a motor vehicle driver's license under R.S.39:3-10, each initial
18 New Jersey license issued to a person under the age of 21 after
19 the effective date of this act shall have a color photograph of the
20 licensee. Each initial motor vehicle license issued to a person 21
21 years of age or older on or after May 1, 1982, shall have a color
22 photograph of the licensee. At the option of the licensee, a
23 renewal of any motor vehicle driver's license shall be either a
24 photo-license or a license that does not bear a photograph of the
25 licensee. All licenses bearing a color photograph of the licensee
26 as provided in this act shall be valid for a period of 48 calendar
27 months.

28 To replace a photo-license for a licensee who is temporarily
29 out of this State, the director may issue a "valid without photo"
30 photo-license for the unexpired term of the license.

31 The provisions of this act shall not apply with regard to driver
32 licenses issued pursuant to P.L. _____, c. _____)(C. _____)(now
33 pending before the Legislature as this bill).

34 (cf: P.L.1985, c.264, s.1)

35 27. R.S.39:3-10.1 is amended to read as follows:

36 39:3-10.1. No person shall drive any motor vehicle or trackless
37 trolley with a capacity of more than six passengers used for the
38 transportation of passengers for hire or for the transportation of
39 passengers to or from summer day camps or summer residence
40 camps or any bus as defined by the director used for the
41 transportation of passengers, except vehicles used in ride-sharing
42 arrangements, taxicabs, or any bus used to transport children to
43 and from school pursuant to N.J.S.18A:39-1 et seq. or when being
44 used by a private school to transport children to and from school,
45 unless specially licensed so to do by the director or in the case of
46 a nonresident, licensed pursuant to the laws of his resident state
47 with respect to the licensing of bus drivers. Such license shall not
48 be granted by the director until the applicant therefor is at least
49 18 years of age and has passed a satisfactory examination in

1 ascertainment of his driving ability and familiarity with the
2 mechanism of said vehicle and has presented evidence,
3 satisfactory to the director of his previous experience (including
4 proof that he has had at least three years of driving experience),
5 good character and physical fitness. Said license shall be
6 effective until suspended or revoked by the director; provided,
7 the special licensee is also the holder of a license as provided for
8 in R.S.39:3-10.

9 Every holder of a special license issued pursuant to this section
10 shall furnish to the director satisfactory evidence of continuing
11 physical fitness, good character and experience [once in every 24
12 months after the issuance of the special license] at the time of
13 application renewal or such other time as the director may
14 require, and in such form as the director may require. In
15 addition, any person applying for a special license pursuant to this
16 section for the transporting of children to and from schools,
17 pursuant to N.J.S.18A:39-1 et seq., shall comply with the
18 provisions of section 6 of P.L.1989, c.104 (C.18A:39-19.1).

19 The director may suspend or revoke a license granted under
20 authority of this section for a violation of any of the provisions of
21 this subtitle, or on other reasonable grounds, or where, in his
22 opinion, the licensee is either physically or morally unfit to retain
23 the same. Notwithstanding the provisions of any law to the
24 contrary the director shall, upon notice of disqualification from
25 the Commissioner of Education pursuant to section 6 of P.L.1989,
26 c.104 (C.18A:39-19.1), immediately revoke the special license
27 granted under authority of this section without the necessity of a
28 further hearing.

29 The director may make such rules and regulations as he may
30 deem necessary to carry out the provisions of this section.
31 (cf: P.L.1989, c.104, s.5)

32 28. R.S.39:3-13 is amended to read as follows:

33 39:3-13. The director may, in his discretion, issue to a person
34 over 17 years of age an examination permit, under the hand and
35 seal of the director, allowing such person, for the purpose of
36 fitting himself to become a licensed driver, to operate a
37 designated class of motor vehicles for a specified period of not
38 more than 90 days, while in the company and under the
39 supervision of a driver licensed to operate such designated class
40 of motor vehicles. An examination permit issued to a
41 handicapped person, as determined by the Division of Motor
42 Vehicles after consultation with the Department of Education,
43 shall be valid for nine months or until the completion of the road
44 test portion of his license examination, whichever period is
45 shorter. The permit shall be sufficient license for the person to
46 operate such designated class of motor vehicles in this State
47 during the period specified, while in the company of and under
48 the control of a driver licensed by this State to operate such
49 designated class of motor vehicles. Such person, as well as the

1 licensed driver, except for a motor vehicle examiner
 2 administering a driving skills test, shall be held accountable for
 3 all violations of this subtitle committed by such person while in
 4 the presence of the licensed driver.

5 No examination for a driver's license shall be given unless the
 6 applicant has first secured a special learner's permit or
 7 examination permit and no road test shall be scheduled for an
 8 applicant who has secured an examination permit until at least 20
 9 days shall have elapsed following the validation of the
 10 examination permit for practice driving, except that in the case
 11 of an omnibus or school bus endorsement no road test shall be
 12 scheduled until at least 10 days shall have elapsed.

13 Every applicant for an examination permit to qualify for an
 14 omnibus endorsement or an articulated vehicle endorsement shall
 15 be a holder of a valid basic driver's license.

16 The required fees for special learners' permits and
 17 examination permits shall be as follows:

18	Basic driver's license	\$ 5.00
19	Motorcycle license or endorsement	5.00
20	Omnibus or school bus endorsement	25.00
21	Articulated vehicle endorsement	15.00

22 The director shall waive the payment of fees for issuance of
 23 examination permits for omnibus endorsements whenever the
 24 applicant establishes to the director's satisfaction that said
 25 applicant will use the omnibus endorsement exclusively for
 26 operating omnibuses owned by a nonprofit organization duly
 27 incorporated under Title 15 or 16 of the Revised Statutes or Title
 28 15A of the New Jersey Statutes.

29 The specified period for which a permit is issued may be
 30 extended for not more than an additional 60 days, without
 31 payment of added fee, upon application made by the holder
 32 thereof, where the holder has applied to take the examination for
 33 a driver's license prior to the expiration of the original period for
 34 which the permit was issued and the director was unable to
 35 schedule an examination during said period.

36 (cf: P.L.1986, c.23, s.1)

37 29. Section 1 of P.L.1955, c.53 (C.39:3-17.1) is amended to
 38 read as follows:

39 1. [Any] Except as provided in section of P.L. , c. _____
 40 (C. _____)(now pending before the Legislature as this bill), any
 41 person who becomes a resident of this State and who immediately
 42 prior thereto was authorized to operate and drive a motor vehicle
 43 or motor vehicles in this State as a nonresident pursuant to
 44 sections 39:3-15 and 39:3-17 of the Revised Statutes, shall not
 45 lose his right to so operate and drive such motor vehicle or motor
 46 vehicles by becoming a resident of this State, but such right shall
 47 continue to be in full force and effect for 60 days after the
 48 establishment of his residence in this State in the same manner
 49 and to the same extent as though he were a nonresident.

50 (cf: P.L.1955, c.53, s.1)

1 30. R.S.39:3-34 is amended to read as follows:

2 39:3-34. Application for certificate or license during
3 suspension, revocation or prohibition period forbidden

4 No person whose registration certificate or [driver's license]
5 driving privilege, including any privilege to operate a commercial
6 motor vehicle as defined in P.L. _____, c. _____ (C. _____)(now
7 pending before the Legislature as this bill), has been suspended or
8 revoked, or who has been prohibited or disqualified from
9 obtaining a driver's license or registration certificate, shall apply
10 to an agent of the commissioner for a registration certificate or
11 license, or a learner's permit, as the case may be, during the
12 period of the suspension, revocation, or prohibition. A person
13 who violates this section shall be subject to a fine of not more
14 than five hundred dollars (\$500.00) or imprisonment for not more
15 than three months, or both, at the discretion of the court.

16 (cf: P.L.1945, c.222, s.1)

17 31. R.S.39:3-36 is amended to read as follows:

18 39:3-36. The registered owner of a motor vehicle or a
19 motorized bicycle and a licensed operator shall notify the
20 [commissioner, in writing,] director of a change in his residence
21 within one week after the change is made. Notice shall be in
22 such form and shall contain such information as the director may
23 require. A person who violates this section shall be subject to a
24 penalty of not more than ten dollars.

25 (cf: P.L.1983, c.105, s.3)

26 32. R.S.39:4-46 is amended to read as follows:

27 39:4-46. a. Every vehicle used for commercial purposes on a
28 street or highway, except for passenger automobiles, shall have
29 conspicuously displayed thereon, or on a name plate affixed
30 thereto, the name of the owner, lessee or lessor of the vehicle
31 and the name of the municipality in which the owner, lessee or
32 lessor has his principal place of business. Franchised public
33 utilities and operators of fleets of 50 or more commercial
34 vehicles, shall be exempted from displaying the name of the
35 municipality, provided that their vehicles display a corporate
36 identification number. The sign or name plate shall be in plain
37 view and not less than three inches high. Where available space
38 for lettering is limited, either by the design of the vehicle or by
39 the presence of other legally specified identification markings,
40 making a strict compliance herewith impractical, the size of the
41 lettering required by this section shall be as close to three inches
42 high as is possible, within the limited space area, provided the
43 name is clearly visible and readily identifiable. In the case of a
44 combination of two vehicles the requirements of this section will
45 be served when either unit of the combination conforms with the
46 above identification specifications. No person shall operate or
47 drive or cause or permit to be operated or driven on a road or
48 highway a commercial vehicle, except for passenger automobiles
49 which does not conform hereto.

1 For purposes of this section, a franchised public utility means a
2 public utility, as defined in R.S.48:2-13, that has a defined
3 geographical service territory approved by the Board of Public
4 Utilities.

5 b. Every owner of a commercial motor vehicle as defined in
6 P.L. _____, c. _____ (C. _____)(now pending before the legislature as
7 this bill) registered or principally garaged in this State shall
8 display the gross vehicle weight rating (GVWR) for the vehicle in
9 the manner set forth in subsection a. of this section. For
10 purposes of this subsection, GVWR means the value specified by
11 the manufacturer as the maximum loaded weight of a single or
12 combination (articulated) vehicle, or registered gross weight,
13 whichever is greater. Any person who knowingly displays or
14 causes to be displayed on a commercial motor vehicle a GVWR
15 less than the actual GVWR, or an owner who knowingly permits a
16 commercial motor vehicle owned by him to be operated in this
17 State with a displayed GVWR less than the actual GVWR shall,
18 for each offense, be fined \$5,000, or imprisoned for a term not to
19 exceed 90 days, or both.

20 (cf: P.L.1986, c.77, s.1)

21 33. R.S.39:5-30 is amended to read as follows:

22 39:5-30. a. Every registration certificate [and], every license
23 certificate, every privilege to drive motor vehicles, including
24 commercial motor vehicles as defined in P.L. _____, c. _____
25 (C. _____)(now pending before the Legislature as this bill), every
26 endorsement, class of license, and commercial driver license.
27 may be suspended or revoked, and any person may be prohibited
28 from obtaining a driver's license or a registration certificate, or
29 disqualified from obtaining any class of or endorsement on a
30 commercial driver license, and the reciprocity privilege of any
31 nonresident may be suspended or revoked by the director for a
32 violation of any of the provisions of this Title or on any other
33 reasonable grounds, after due notice in writing of such proposed
34 suspension, revocation, disqualification or prohibition and the
35 ground thereof.

36 He may also summon witnesses to appear before him at his
37 office or at any other place he designates, to give testimony in a
38 hearing which he holds looking toward a revocation of a license or
39 registration certificate issued by or under his authority. The
40 summons shall be served at least 5 days before the return date,
41 either by registered mail or personal service. A person who fails
42 to obey the summons shall be subject to a penalty not exceeding
43 \$100.00, to be recovered with costs in an action at law,
44 prosecuted by the Attorney General, and in addition the vehicle
45 registration or driver's license, or both, as the case may be, shall
46 forthwith be revoked. The fee for witnesses required to attend
47 before the director shall be \$1.00 for each day's attendance and
48 \$0.03 for every mile of travel by the nearest generally traveled
49 route in going to and from the place where the attendance of the

1 witness is required. These fees shall be paid when the witness is
2 excused from further attendance, and the disbursements made
3 from payment of the fees shall be audited and paid in the manner
4 provided for expenses of the department. The actual conduct of
5 said hearing may be delegated by the director to such
6 departmental employees as he may designate, in which case the
7 said employees shall recommend to the director in writing
8 whether the said licenses or certificates shall or shall not be
9 suspended or revoked.

10 b. Whenever a matter is presented to the director involving an
11 alleged violation of

12 (1) R.S.39:4-98, where an excess of 20 miles per hour over the
13 authorized speed limit is alleged, and which has resulted in the
14 death of another;

15 (2) R.S.39:4-50, and which has resulted in the death of another;

16 (3) R.S.39:4-96, and which has resulted in the death of
17 another; or

18 (4) R.S.39:4-129, wherein the death of another has occurred,
19 and the director has not determined to immediately issue a
20 preliminary suspension pursuant to subsection e. of this section,
21 the director shall issue a notice of proposed final suspension or
22 revocation of any license certificate or any nonresident
23 reciprocity privilege to operate any motor vehicle or motorized
24 bicycle held by the individual charged or temporary order
25 prohibiting the individual from obtaining any license to operate
26 any motor vehicle or motorized bicycle in this State.

27 In the notice, the director shall provide the individual charged
28 with an opportunity for a plenary hearing to contest the proposed
29 final suspension, revocation or other final agency action. Unless
30 the division receives, no later than the 10th day from the date
31 the notice was mailed, a written request for hearing, the
32 proposed final agency action shall take effect on the date
33 specified in the notice.

34 Upon receipt of a timely request for a plenary hearing, a
35 preliminary hearing shall be held by an administrative law judge
36 within 15 days of the receipt of the request. The preliminary
37 hearing shall be for the purpose of determining whether, pending
38 a plenary hearing on the proposed final agency action, a
39 preliminary suspension shall be immediately issued by the judge.
40 Adjournment of such hearing upon motion by the individual
41 charged shall be given only for good cause shown.

42 At the preliminary hearing, the parties shall proceed on the
43 papers submitted to the judge, including the summons, the police
44 reports and the charged individual's prior driving record
45 submitted by the division, and any brief affidavits permitted by
46 the judge from persons who shall be witnesses at the plenary
47 hearing, and the parties may present oral argument. Based on the
48 papers, on any oral argument, on the individual's prior driving
49 record, and on the circumstances of the alleged violation

1 presented in the papers, the judge shall determine whether the
2 individual was properly charged with a violation of the law and a
3 death occurred; and, if so, whether in the interest of public
4 safety, a preliminary suspension shall be immediately ordered
5 pending the plenary hearing on the proposed suspension or
6 revocation. The administrative law judge shall transmit his
7 findings to the director.

8 A plenary hearing shall be held no later than the 45th day
9 following [receipt of a timely request] the preliminary hearing.
10 Adjournment of the hearing shall be given only for good cause
11 shown. If the hearing is otherwise postponed or delayed solely at
12 the instance of the individual charged, the administrative law
13 judge shall immediately issue a preliminary suspension of any
14 license certificate or any nonresident reciprocity privilege held
15 by the individual charged, or if any such preliminary suspension or
16 order is in effect, he shall continue such suspension or order.
17 Such preliminary suspension or temporary order shall [be
18 effective until the individual charged appears at the plenary
19 hearing] remain in effect pending a final agency decision on the
20 matter. If the hearing is otherwise postponed or delayed at the
21 instance of anyone other than the individual charged, the judge
22 shall immediately issue an order restoring the individual's license
23 certificate or any nonresident reciprocity privilege pending final
24 agency decision in the matter. The period of any preliminary
25 suspension imposed under this section shall be deducted from any
26 suspension imposed by the final agency decision in the matter.

27 c. Whenever any other matter is presented to the director
28 involving an alleged violation of this title, wherein the death of
29 another occurred and for which he determines immediate action
30 is warranted, he may proceed in the manner prescribed in
31 subsection b. above.

32 d. Whenever a fatal accident occurs in this State, [wherein any
33 operator involved in the accident is charged with any of the
34 offenses enumerated in subsection b. of this section], an
35 investigation of the incident, whether performed by the State
36 Police or by local police, shall be completed and forwarded to the
37 director within 72 hours of the time of the accident.

38 e. Whenever a matter is presented to the director involving an
39 alleged violation of

40 (1) R.S.39:4-98, where an excess of 20 miles per hour over the
41 authorized speed limit is alleged, and which has resulted in the
42 death or serious bodily injury of another;

43 (2) R.S.39:4-50, which has resulted in the death or serious
44 bodily injury of another;

45 (3) R.S.39:4-96 or R.S.39:4-97, which has resulted in the death
46 or serious bodily injury of another; or

47 (4) R.S.39:4-129, wherein the death or serious bodily injury of
48 another has occurred, the director for good cause may, without
49 hearing, immediately issue a preliminary suspension of any

1 license certificate or any nonresident reciprocity privilege to
2 operate any motor vehicle or motorized bicycle held by an
3 individual charged or temporary order prohibiting the individual
4 from obtaining any license to operate any motor vehicle or
5 motorized bicycle in this State. For purposes of this subsection,
6 "serious bodily injury" means bodily injury which creates a
7 substantial risk of death or which causes serious, permanent
8 disfigurement, or protracted loss or impairment of the function
9 of any bodily member or organ. Along with the notice of
10 preliminary suspension, the director shall issue a notice of
11 proposed final suspension, revocation or other final agency
12 action, and shall afford the individual the right to a preliminary
13 hearing to contest the preliminary suspension and a plenary
14 hearing to contest the proposed final agency action.

15 The preliminary suspension shall remain in effect pending a
16 final agency decision on the proposed final agency action, unless
17 a request for a preliminary hearing is received by the division no
18 later than the 10th day from the date on which the notice was
19 mailed. The proposed final agency action shall take effect on the
20 date specified in the notice unless a request for a plenary hearing
21 is received by the division no later than the 10th day from the
22 date on which the notice was mailed.

23 Upon timely request by the individual, a preliminary hearing
24 shall be held by an administrative law judge, no later than the
25 15th day from the date on which the division receives the
26 request. The preliminary hearing shall be for the purpose of
27 determining whether, pending a [plenary hearing on the proposed]
28 final agency [action] decision on the matter, the preliminary
29 suspension issued by the director shall remain in effect.
30 Adjournment of the hearing shall be given only for good cause
31 shown. If the preliminary hearing is otherwise postponed or
32 delayed solely at the instance of someone other than the
33 individual charged, the judge shall immediately order that the
34 individual's license certificate or any nonresident reciprocity
35 privilege be restored pending the rescheduled preliminary hearing.

36 At the preliminary hearing, the parties shall proceed on the
37 papers submitted to the judge, including the summons, the police
38 reports and the charged individual's prior driving record
39 submitted by the division, and any brief affidavits permitted by
40 the judge from persons who shall be witnesses at the final
41 hearing, and the parties may present oral arguments. Based on
42 the papers, on any oral argument, on the individual's prior driving
43 record, and on the circumstances of the alleged violation
44 presented in the papers, the judge shall immediately determine
45 whether the individual was properly charged with a violation of
46 the law and a death occurred; and, if so, whether in the interest
47 of public safety, the preliminary suspension shall be continued
48 pending the [plenary hearing on the proposed] final agency
49 [action] decision on the matter. The administrative law judge

1 shall transmit his findings to the director.

2 Any plenary hearing to contest the proposed final agency
3 action shall conform to the requirements for a plenary hearing
4 contained in subsection b. of this section.

5 f. In addition to any other final agency action, the director
6 shall require any person whose privileges to operate a motor
7 vehicle or motorized bicycle are suspended or who has been
8 prohibited from obtaining a license, pursuant to this section, to
9 be reexamined to determine the person's ability to operate a
10 motor vehicle or motorized bicycle, prior to regaining or
11 obtaining any driving privileges in this State.

12 Any determination resulting from any preliminary or plenary
13 hearing held pursuant to subsections b., c., or e. of this section
14 shall not be admissible at any criminal or quasi-criminal
15 proceedings on the alleged violation or violations.

16 (cf: P.L.1982, c.43, s.8)

17 34. R.S.39:5-42 is amended to read as follows:

18 39:5-42. Every judge or magistrate shall make a report, [in
19 writing] in such form as the director may require, to the
20 [commissioner] director (1) of all cases heard before him for
21 violation of this [subtitle] title, or for any other violation in
22 which a motor vehicle was used in any way, and (2) of the
23 conviction of any person of having committed a penal offense or
24 crime in the commission of which a motor vehicle was used,
25 within three days after the disposition of the case before him as a
26 judge or magistrate[, upon blanks provided by the commissioner
27 for that purpose]. The report shall state the nature of the
28 violation, the full facts concerning the use of the motor vehicle
29 in the commission of the penal offense or crime, the disposition
30 of the case by the judge or magistrate and any recommendations
31 which the judge or magistrate may deem of value to the
32 [commissioner] director in determining whether action should be
33 taken against the [license] driving, registration, or other privilege
34 of the driver or owner of the motor vehicle.

35 (cf: P.L.1942, c.334, s.10)

36 35. Section 3 of P.L.1979, c.97 (C.39:3-13.5) and section 30 of
37 P.L.1951, c.23 (C. 39:4-50.1) are repealed.

38 36. This act shall take effect immediately, except that
39 paragraph (1) of subsection a. of section 10 shall expire on March
40 31, 1992 and sections 5, 12, 16, 18, and paragraph (2) of
41 subsection a. of section 10 shall take effect April 1, 1992.

42 43 44 STATEMENT

45
46 This bill establishes the New Jersey Commercial Driver
47 License Act. This bill was drafted in response to the
48 requirements imposed on states by the federal Commercial Motor
49 Vehicle Safety Act of 1986, Pub. L. 99-570 (49 U.S.C. §2701 et

1 seq.). The bill, when enacted into law, along with the regulations
2 to be adopted by the Director of the Division of Motor Vehicles,
3 will substantially conform New Jersey law to the standards and
4 requirements mandated by the federal Commercial Motor Vehicle
5 Safety Act of 1986 and the regulations promulgated by the
6 Federal Highway Administration pursuant to that federal law.
7 Failure to comply would result in the loss to New Jersey of \$30
8 million annually in federal highway monies. This bill is designed
9 to meet the special needs of this State in the licensing, testing
10 and regulation of operators of commercial motor vehicles.

11 This bill promotes the cause of safety by establishing new and
12 more comprehensive licensing and testing procedures which are
13 tailored to the type of vehicle a person will operate and standards
14 which will allow for a full evaluation of an applicant's
15 qualifications and which are in line with the uniform requirement
16 established by the federal government. The bill is also designed
17 to remove unqualified or poor drivers from the road and to curtail
18 the problems associated with drivers holding driver licenses from
19 more than one state, whereby a driver can avoid license
20 suspension and disciplinary action by spreading violations among
21 several licenses.

22 The provisions of the bill address six major areas of concern:
23 the single driver license requirement; the lack of uniform
24 licensing systems for commercial motor vehicle operators in the
25 various states; knowledge and skill examination standards;
26 positive driver identification methods; the need for information
27 system to maintain and access a complete single driver license
28 record; and penalties to remove unsafe commercial drivers from
29 the roads.

30 Highlights of the bill's provisions follow.

31 Section 3 sets forth the special definitions needed for the New
32 Jersey Commercial Driver License Act. While these definitions
33 are self-explanatory, a few brief comments on some terms are
34 appropriate. The term "alcohol concentration" in conjunction
35 with the offense defined in section 5 of the bill is designed to
36 forestall any questions concerning the "partition ratio
37 variability" (the rate at which alcohol is absorbed by different
38 individuals) dispute now pending before the courts.

39 The term "commercial motor vehicle" or "CMV" is defined to
40 aid the law enforcement community and prosecutors in their
41 enforcement efforts. Thus, a motor vehicle which displays a
42 gross vehicle weight rating or registration weight of 26,001 or
43 more pounds or displays a hazardous material placard is a
44 commercial motor vehicle and is subject to the provisions of the
45 bill. This will remove the need, in most instances, of breaking
46 bulk or weighing a CMV or conducting time consuming laboratory
47 tests in order to establish that a vehicle is a CMV.

48 The term "conviction" is defined broadly so as to include every
49 type of adjudication, civil or criminal, regardless of the nature of

1 a plea (non vult, guilty, or nolo contendere) and to include the
2 various types of forfeitures.

3 The term "felony" is used in order to have uniform terminology
4 with other states. It includes "crimes" as defined in Title 2C of
5 the New Jersey Statutes, as well as other offenses of the type
6 described in this State or any other state or jurisdiction.

7 The term "operate" is not specifically defined. The intent is
8 that the use of the term include the uses recognized by the New
9 Jersey Supreme Court in State v. Mulcahy, 107 N.J. 467 (1987)
10 and State v. Wright, 107 N.J. 488 (1987), and that the term be
11 given a meaning broader than mere "driving."

12 Section 5 establishes a 0.04% alcohol concentration standard
13 for commercial motor vehicle operators. This standard is
14 required in order to comply with the federal Commercial Motor
15 Vehicle Safety Act of 1986 and was adopted by the federal
16 government as the result of current scientific studies which
17 demonstrate significant impairment of visual, cognitive, and
18 psychomotor facilities necessary for safe operation of a motor
19 vehicle at levels well below the current established State 0.10%
20 alcohol concentration level. Many of these studies are outlined
21 and detailed in the Special Report 216 of the Transportation
22 Research Board of the National Research Council entitled "Zero
23 Alcohol and Other Options."

24 Section 10 sets forth the basic requirement that no person
25 operate a commercial motor vehicle unless the person possesses a
26 valid commercial driver license. This section provides for a
27 phase-in period to allow the director to test and license all
28 individuals who require a CDL, and that during that time licenses
29 will be issued both under R.S.39:3-10 and this act. Paragraph (1)
30 of subsection a. is designed to apply to those persons who have
31 been tested and licensed (in this or another state) and who have
32 already been issued a CDL. Once a person is licensed in
33 accordance with CDL requirements, the person may no longer
34 operate a commercial motor vehicle on a license or endorsement
35 issued under R.S.39:3-10, except as otherwise provided by the
36 director.

37 On April 1, 1992, paragraph (1) of subsection a. will have
38 expired and paragraph (2) of subsection a. will become effective.
39 Paragraph (2) contains the federal requirement that also becomes
40 effective on that date. The penalties in paragraph (3) of
41 subsection a. mirror the penalties in R.S.39:3-10. The penalties
42 in paragraph (2) of subsection b. mirror the penalties in
43 R.S.39:3-40.

44 Section 12 addresses the federal penalty requirements for
45 certain violations. It provides that a court must suspend a
46 person's CDL or reciprocity CDL privilege when a violation
47 occurs in this State, and that the director must issue the
48 suspension when the violation occurs in another state.

49 It is not the intent of this bill to supersede the motor vehicle

1 points system. Thus, drivers who commit "serious traffic
2 violations" may be held accountable under this section with
3 regard to the commercial driver license and under the points
4 system with regard to their basic driving privilege. It is also
5 important to note that the loss of a basic driving privilege results
6 in a loss of the commercial driver license privilege as well.
7 There is no intent to create a "work license." It is essential to
8 the substantial compliance with the federal law and its
9 regulations that the suspension periods set forth in section 12 be
10 imposed. Subsection i. of section 12 was added to clarify that a
11 person convicted of one of the specified violations under this bill
12 should receive the required commercial driver license suspension,
13 even though his conduct may also constitute a violation of a
14 similar statute. This language also is made applicable to section
15 16 of the bill and section 1 of P.L.1966, c.142 (C.39:4-50.2) even
16 though those sections are civil in nature. This was done to
17 remove any doubts and to forestall litigation on the question.

18 Sections 13 and 14 of the bill authorize commercial driving
19 testing by third parties if the director determines that such
20 testing is a sound and cost effective means of issuing commercial
21 driver licenses. This section also sets forth the requirements for
22 obtaining a waiver of the skills test as permitted under federal
23 law.

24 Section 15 grants the director authority to establish an orderly
25 means for testing all of those persons who will need commercial
26 driver licenses. The process cannot be accomplished by the April
27 1, 1992 deadline if scheduling of tests is left to the unconstrained
28 discretion of the licensees. Therefore, the act gives the director
29 the necessary control over all aspects of the licensing and testing
30 function needed to accomplish the task.

31 Section 35 repeals section 3 of P.L.1979, c.97 (C.39:3-13.5)
32 which concerns the issuance of omnibus endorsements without
33 examination. This section is repealed because it is incompatible
34 with the examination requirements established in the federal
35 Commercial Motor Vehicle Safety Act. Allowing this section to
36 remain in place will result in the State being not in substantial
37 compliance with the federal act.

38 In addition, section 35 repeals section 30 of P.L.1951, c.23
39 (C.39:4-50.1) which concerns the presumptions arising from the
40 percentage of alcohol in a person's blood. This section is
41 repealed because it is incompatible with the zero blood alcohol
42 concentration standard established for operators of commercial
43 motor vehicles under the federal act. It is also being repealed in
44 light of current scientific studies which demonstrate significant
45 impairment of visual, cognitive, and psychomotor faculties
46 necessary for the safe operation of motor vehicles at levels well
47 below the current 0.10% blood alcohol concentration. Repeal of
48 this section should not be taken as an indication that blood
49 alcohol concentration bears no significance to the question of

1 whether a person is operating a motor vehicle under the influence
2 of intoxicating liquors in violation of R.S.39:4-50. By repealing
3 section 30, the intent is to allow the finder of fact to give full
4 weight to the blood alcohol concentration level in light of recent
5 scientific studies in determining whether a violation has occurred.

6 The provisions of the bill not highlighted above set forth the
7 reciprocity, waiver, rulemaking, and severability provisions.

8

9

10 MOTOR VEHICLES

11

12 Establishes the "New Jersey Commercial Driver License Act."

ASSEMBLY, No. 3258

STATE OF NEW JERSEY

INTRODUCED MARCH 22, 1990

By Assemblymen IMPREVEDUTO, ZANGARI and Menendez

1 AN ACT concerning the licensing, testing, and regulation of
2 drivers of commercial motor vehicles, supplementing Title 39
3 of the Revised Statutes and amending and repealing various
4 parts of the statutory law.

5

6 BE IT ENACTED by the Senate and General Assembly of the
7 State of New Jersey:

8 1. (New section) This act shall be known and may be cited as
9 the "New Jersey Commercial Driver License Act."

10 2. (New section) The purpose of this act is to reduce or
11 prevent commercial motor vehicle accidents, fatalities, and
12 injuries by strengthening licensing and testing standards for
13 drivers of commercial motor vehicles, and by disqualifying those
14 drivers who have committed certain serious traffic violations or
15 other specified offenses. This act is also designed to
16 substantially conform the laws of this state to the requirements
17 and standards established under the federal Commercial Motor
18 Vehicles Safety Act of 1986, Pub. L. 99-570 (49 U.S.C. §2701 et
19 seq.) and the regulations promulgated pursuant to that federal
20 law. This act is a remedial law and shall be liberally construed to
21 promote the public health, safety, and welfare.

22 3. (New section) For purposes of this act, a term shall have
23 the meaning set forth in R.S.39:1-1 unless another meaning for
24 the term is set forth in this act, or unless another meaning is
25 clearly apparent from the language or context of this act, or
26 unless the meaning for the term set forth in R.S.39:1-1 is
27 inconsistent with the manifest intent of the Legislature in this
28 act.

29 For purposes of this act:

30 "Alcohol concentration" means:

31 a. The number of grams of alcohol per 100 milliliters of blood;

32 or

33 b. The number of grams of alcohol per 210 liters of breath.

34 "Commercial driver license" or "CDL" means a license issued
35 in accordance with this act to a person authorizing the person to
36 operate a certain class of commercial motor vehicle.

37 "Commercial Driver License Information System" or "CDLIS"
38 means the information system established pursuant to the federal

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Commercial Motor Vehicle Safety Act of 1986, Pub. L. 99-570
2 (49 U.S.C. §2701 et seq.) to serve as a clearing house for locating
3 information related to the licensing and identification of
4 commercial motor vehicle drivers.

5 "Commercial motor vehicle" or "CMV" means a motor vehicle
6 or combination of motor vehicles used or designed to transport
7 passengers or property:

8 a. If the vehicle has a gross vehicle weight rating of 26,001 or
9 more pounds or displays a gross vehicle weight rating of 26,001 or
10 more pounds;

11 b. If the vehicle has a gross combination weight rating of
12 26,001 or more pounds inclusive of a towed unit with a gross
13 vehicle weight rating of more than 10,000 pounds;

14 c. If the vehicle is designed to transport 16 or more passengers
15 including the driver, provided, the director may, by regulation,
16 include such vehicles designed to transport 15 or fewer
17 passengers including the driver as he deems appropriate; or

18 d. If the vehicle is transporting or used in the transportation of
19 hazardous materials and is required to be placarded in accordance
20 with subpart f. of 49 C.F.R. §172, or a vehicle displaying a
21 hazardous material placard.

22 "Controlled substance" means any substance so classified under
23 subsection (6) of the "Controlled Substances Act" (21 U.S.C.
24 §802), and includes all substances listed on Schedules I through V
25 of 21 C.F.R. §1308, or under P.L.1970, c.226 (C.24:21-1 et seq.)
26 as they may be revised from time to time. The term, wherever it
27 appears in this act or administrative regulation promulgated
28 pursuant to this act, shall include controlled substance analogs.

29 "Controlled substance analog" means a substance that has a
30 chemical structure substantially similar to that of a controlled
31 dangerous substance and that was specifically designed to
32 produce an effect substantially similar to that of a controlled
33 dangerous substance. The term shall not include a substance
34 manufactured or distributed in conformance with the provisions
35 of an approved new drug application or an exemption for
36 investigational use within the meaning of section 505 of the
37 "Federal Food, Drug and Cosmetic Act," (21 U.S.C. §355).

38 "Conviction" means an adjudication that a violation has
39 occurred, a final judgment on a verdict, a finding of guilt in a
40 tribunal of original jurisdiction, or a conviction following a plea
41 of guilty, non vult or nolo contendere accepted by a court. It also
42 includes an unvacated forfeiture of bail, bond or collateral
43 deposited to secure the person's appearance in court, or the
44 payment of a fine or court costs, or violation of a condition of
45 release without bail, regardless of whether the penalty is rebated,
46 suspended, or probated.

47 "Director" means the Director of the Division of Motor
48 Vehicles in the Department of Law and Public Safety.

49 "Disqualification" means either:

1 a. The suspension, revocation, cancellation, or any other
2 withdrawal by a State of a person's privilege to operate a
3 commercial motor vehicle;

4 b. A determination by the Federal Highway Authority under
5 the rules of practice for motor carrier safety contained in 49
6 C.F.R. §386, that a person is no longer qualified to operate a
7 commercial motor vehicle under 49 C.F.R. §391; or

8 c. The loss of qualification which automatically follows
9 conviction of an offense listed in 49 C.F.R. §383.51.

10 "Division" means the Division of Motor Vehicles in the
11 Department of Law and Public Safety.

12 "Driver license" means a license issued by this State or other
13 jurisdiction to a person authorizing the person to operate a motor
14 vehicle.

15 "Endorsement" means an authorization to a commercial driver
16 license required to permit the holder of the license to operate
17 certain types of commercial motor vehicles.

18 "Felony" means any offense under any federal law or the law
19 of a state, including this State, that is punishable by death or
20 imprisonment for a term exceeding one year. The term includes,
21 but is not limited to, "crimes" as that term is defined in
22 N.J.S.2C:1-1 et seq.

23 "Foreign jurisdiction" means any jurisdiction other than a state
24 of the United States.

25 "Gross vehicle weight rating" or "GVWR" means the value
26 specified by a manufacturer as the loaded weight of a single or a
27 combination (articulated) vehicle, or the registered gross weight,
28 whichever is greater. The GVWR of a combination (articulated)
29 vehicle, commonly referred to as the "gross combination weight
30 rating" or "GCWR," is the GVWR of the power unit plus the
31 GVWR of the towed unit or units. In the absence of a value
32 specified for the towed unit or units by the manufacturer, the
33 GVWR of a combination (articulated) vehicle is the GVWR of the
34 power unit plus the total weight of the towed unit, including the
35 loads on them.

36 "Hazardous material" means a substance or material
37 determined by the Secretary of the United States Department of
38 Transportation to be capable of posing an unreasonable risk to
39 health, safety, and property when transported in commerce and
40 so designated pursuant to the provision of the "Hazardous
41 Materials Transportation Act," (49 U.S.C. §1801 et seq.).

42 "Motor vehicle" includes all vehicles propelled otherwise than
43 by muscular power, except such vehicles as run only upon rails or
44 tracks. The term "motor vehicle" includes motorized bicycles.

45 "Out of service order" means a temporary prohibition against
46 operating a commercial motor vehicle.

47 "Representative vehicle" means a motor vehicle which
48 represents the type of motor vehicle that a driver applicant
49 operates or expects to operate.

1 "Secretary" means the Secretary of the United States
2 Department of Transportation or his designee.

3 "Serious traffic violation" means conviction for one of the
4 following offenses committed while operating a commercial
5 motor vehicle:

6 a. Excessive speeding, involving any single offense for a speed
7 of 15 miles per hour or more above the speed limit;

8 b. Reckless driving, as defined by State or local law or
9 regulation, including, but not limited to, offenses of driving a
10 commercial motor vehicle in willful or wanton disregard of the
11 safety of persons or property, including violations of R.S.39:4-96;

12 c. Improper or erratic traffic lane changes;

13 d. Following a vehicle ahead too closely, including violations
14 of R.S.39:4-89;

15 e. A violation, arising in connection with a fatal accident, of
16 State or local law relating to motor vehicle traffic control, other
17 than a parking violation. Serious traffic violations exclude
18 vehicle weight and defect violations; or

19 f. Any other violation of a state or local law relating to motor
20 vehicle traffic control, other than a parking violation, which the
21 director determines to be serious.

22 "State" means a state of the United States or the District of
23 Columbia.

24 "State of domicile" means that state where a person has a
25 true, fixed, and permanent home and principal residence and to
26 which the person intends to return whenever he is absent.

27 "Tank vehicle" means any commercial motor vehicle that is
28 designed to transport any liquid or gaseous material within a tank
29 that is either permanently or temporarily attached to the vehicle
30 or the chassis. Such vehicles include, but are not limited to,
31 cargo tanks and portable tanks as defined by the director.
32 However, this definition does not include portable tanks having a
33 rated capacity under 1,000 gallons.

34 "United States" means the fifty states and the District of
35 Columbia.

36 "Vehicle group" means a class or type of vehicle with certain
37 operating characteristics.

38 4. (New section) Notwithstanding any other provision of law
39 to the contrary, the director shall adopt and administer a
40 classified licensing system and a program for testing and ensuring
41 the fitness of persons to operate commercial motor vehicles in
42 accordance with the minimum federal standards established under
43 the federal Commercial Motor Vehicle Safety Act of 1986, Pub.
44 L.99-570 (49 U.S.C. §2701 et seq.) and the regulations
45 promulgated pursuant to that law. The director shall not issue a
46 commercial driver license to a person unless that person passes a
47 written and driving test for operation of a commercial motor
48 vehicle which complies with the minimum established standards.
49 The director may issue commercial driver examination permits.

1 subject to such conditions and restrictions as deemed necessary,
2 to carry out the provisions of this act.

3 5. (New section) Notwithstanding any other provision of law
4 to the contrary, a person shall not operate a commercial motor
5 vehicle in this State with an alcohol concentration of 0.04% or
6 more.

7 6. (New section) a. Before issuing a commercial driver
8 license to an applicant, the director shall notify the Commercial
9 Driver License Information System of the proposed issuance and
10 shall request driving record information from the Commercial
11 Driver License Information System, the National Driver Register,
12 and from any other state which has issued a commercial driver
13 license to the applicant to determine whether the applicant has a
14 commercial driver license issued by another state, whether the
15 applicant's driving privilege has been suspended, revoked
16 cancelled, or whether the applicant has been disqualified from
17 operating a commercial driver license.

18 The director also shall provide driving record and other
19 information to the licensing authority of any other state, or
20 province or territory of Canada, which requests such information
21 in connection with a commercial driver license. The director
22 may charge such fees as are deemed appropriate to cover the
23 costs of providing information, except that no fee shall be
24 charged if the other jurisdiction does not charge New Jersey for
25 similar requests.

26 b. Within 10 days after the issuance of a commercial driver
27 license, the director shall notify the Commercial Driver License
28 Information System of that fact, providing all information
29 required to ensure identification of the licensee.

30 7. (New section) Within 10 days after receiving a report of the
31 conviction of a holder of a commercial driver license for any
32 violation of state law related to motor vehicle traffic control
33 committed in a commercial vehicle, other than parking
34 violations, or after the disqualification of the holder of a
35 commercial driver license or suspension of privileges for a period
36 of 60 days or more, the division shall notify the driver licensing
37 authority in the licensing state, if other than this State, and the
38 Commercial Driver License Information System of the
39 conviction, suspension, or disqualification. The notification shall
40 include all information the director deems necessary.

41 8. (New section) The director, in his discretion, may refuse to
42 grant a commercial driver license to a person who is, in his
43 estimation, not a proper person to be granted such a license. The
44 director may suspend or revoke a privilege to operate a
45 commercial motor vehicle, or may prohibit a person from
46 obtaining a commercial driver license. The director may suspend
47 or revoke the reciprocity privilege of a person for a violation of
48 any provision of Title 39 of the Revised Statutes or for any other
49 reasonable grounds.

1 9. (New section) The director shall issue a commercial driver
2 license only to a person who operates or will operate a
3 commercial motor vehicle and is domiciled in this State.

4 10. (New section) a. (1) Except as provided by the director by
5 rule or regulation, a person who has been issued a commercial
6 driver license shall not operate a commercial motor vehicle
7 unless the person is in possession of the valid commercial driver
8 license and endorsements for the class of vehicle being operated.
9 Such a person shall not operate a commercial motor vehicle if the
10 person is restricted from operating a commercial vehicle of that
11 type.

12 (2) Except when operating under a valid commercial driver
13 examination permit and accompanied by the holder of a
14 commercial driver license valid for the class of vehicle being
15 operated, a person shall not operate a commercial motor vehicle
16 unless the person has been issued and is in possession of a valid
17 commercial driver license and applicable endorsements for the
18 class of vehicle being operated. A person shall not operate a
19 commercial motor vehicle if the person is restricted from
20 operating a commercial vehicle of that type.

21 (3) A person violating this subsection shall be fined not less
22 than \$250 or more than \$500, or imprisoned for not more than 60
23 days, or both. This penalty shall not be applicable in cases where
24 failure to have actual possession of the commercial driver license
25 is due to an administrative or technical error by the division. If a
26 person charged with a failure to have possession of a valid
27 commercial driver license can exhibit the license to the judge of
28 the court before whom he is summoned to answer to a charge and
29 the license was valid on the day the person was charged, the
30 judge may dismiss the charge. However, the judge may impose
31 court costs.

32 b. (1) A person who has been refused a commercial driver
33 license, whose commercial motor vehicle driving privilege or any
34 endorsement has been suspended or revoked, who has been
35 prohibited or disqualified from operating a commercial motor
36 vehicle, who is subject to an out of service order, or whose
37 driving privilege is suspended or revoked, shall not operate a
38 commercial motor vehicle during the period of refusal,
39 suspension, revocation, prohibition, or disqualification, or during
40 the period of the out of service order.

41 (2) A person who violates this subsection shall, upon conviction,
42 be fined \$5,000 for each offense, or imprisoned for a term not to
43 exceed 90 days, or both. If a person is involved in an accident
44 resulting in personal injury to another person while operating a
45 commercial motor vehicle in violation of this subsection, the
46 court shall impose both a period of imprisonment for 90 days and
47 a fine of \$5,000.

48 In addition, the commercial motor vehicle driving privilege of a
49 person convicted under this subsection shall be suspended in

1 accordance with section 12 of this act.

2 11. (New section) Notwithstanding any other law to the
3 contrary, a person may operate a commercial motor vehicle in
4 this State if the person has received a waiver from the Secretary
5 of Transportation or the licensing authority of any other state or
6 jurisdiction; or has a commercial driver license issued by any
7 state, or issued by any province or territory of Canada, in
8 accordance with minimum federal standards for the issuance of
9 commercial motor vehicle driver licenses, provided that the
10 person's driving privilege is not suspended or revoked or
11 cancelled in this State or in the jurisdiction that issued the
12 commercial driver license, and that the person is not disqualified
13 from operating a commercial motor vehicle, or subject to an "out
14 of service" order.

15 Upon application for a transfer of a commercial driver license
16 from another state of domicile to this State, a person shall apply
17 to the director for a commercial driver license within 30 days
18 after establishing domicile in this State.

19 12. (New section) a. In addition to any other penalty provided
20 by law, a court shall suspend for not less than one year nor more
21 than three years the commercial motor vehicle driving privilege
22 of a person for a first violation of:

23 (1) R.S.39:4-50 if the motor vehicle was a commercial motor
24 vehicle or section 5 of this act.

25 (2) R.S.39:4-129 involving a commercial motor vehicle
26 operated by the person.

27 (3) Using a commercial motor vehicle in the commission of any
28 "crime" as defined in subsections a., c., or d. of N.J.S.2C:1-4.

29 (4) Refusal to submit to a chemical test as provided in section
30 2 of P.L.1966, c.142 (C.39:4-50.2) or section 16 of this act if the
31 motor vehicle was a commercial motor vehicle.

32 (5) Paragraph (1) of subsection b. of section 10 of this act.

33 b. If a first violation of any of the violations specified in
34 subsection a. of this section take place while transporting
35 hazardous material or take place in a vehicle displaying a
36 hazardous material placard, the court shall suspend the
37 commercial motor vehicle driving privilege of the person for
38 three years.

39 c. Subject to the provisions of subsection d. of this section, the
40 court shall revoke for life the commercial motor vehicle driving
41 privilege of a person for a second or subsequent violation of any
42 of the offenses specified in subsection a. or any combination of
43 those offenses arising from two or more separate incidents. For
44 purposes of this section, a violation committed in another state
45 but substantially similar to those enumerated in subsection a.
46 committed in another state shall be included.

47 d. The director may issue rules and regulations establishing
48 guidelines, including conditions under which a revocation of
49 commercial motor vehicle driving privilege for life

1 under subsection c. may be reduced to a period of ten years.

2 e. Notwithstanding any other provision of law to the contrary,
3 a court shall revoke for life the commercial motor vehicle driving
4 privilege of a person who uses a commercial motor vehicle in the
5 commission of a crime involving the manufacture, distribution, or
6 dispensing of a controlled substance or controlled substance
7 analog, or possession with intent to manufacture, distribute, or
8 dispense a controlled substance or controlled substance analog. A
9 revocation under this subsection shall not be subject to reduction
10 in accordance with subsection d. of this section.

11 f. A court shall suspend the commercial motor vehicle driving
12 privilege of a person for a period of not less than 60 days if the
13 person is convicted of a serious traffic violation and that
14 conviction constitutes the second serious traffic violation
15 committed in a commercial motor vehicle in this or any other
16 state arising from separate incidents occurring within a three
17 year period. A court shall suspend the commercial motor vehicle
18 driving privilege for 120 days if the conviction constitutes the
19 third or subsequent serious traffic violation committed in a
20 commercial motor vehicle in this or any other state arising from
21 separate incidents occurring within a three year period.

22 g. After suspending, revoking, or cancelling a commercial
23 motor vehicle driving privilege, a court shall make a report to the
24 director within three days in such form as the director may
25 require. The director shall notify the Commercial Driver License
26 Information System of the suspension, revocation, or
27 cancellation. In the case of non-residents, the director also shall
28 notify the licensing authority of the state which issued the
29 commercial driver license or the state where the person is
30 domiciled. The director shall provide these notices within 10
31 days after the suspension, revocation, cancellation, or
32 disqualification.

33 h. The director shall in accordance with this section suspend a
34 commercial motor vehicle driving privilege of a person holding or
35 required to hold a commercial driver license issued by this State
36 if the person is convicted in a another state or foreign
37 jurisdiction of a violation of a substantially similar nature to the
38 offenses specified in subsections a., e., or f. of this section. For
39 purposes of this section, a violation such as driving while
40 intoxicated, driving under the influence, or driving while ability is
41 impaired shall be considered substantially similar offenses.

42 i. Notwithstanding any other provision of law to the contrary,
43 a conviction arising under this section or sections 5 or 16 of this
44 act shall not merge with a conviction for a violation of
45 R.S.39:4-50 or section 2 of P.L.1966, c.142 (C. 39:4-50.2).

46 13. (New section) The director may, by contract, by
47 appointment as a motor vehicle agent, or by licensing, authorize
48 qualified persons, including but not limited to an agency of this or
49 another state, an employer, a private driver training facility or

1 other private institution, or a department, agency
2 or instrumentality of local government to administer any portion
3 of a commercial motor vehicle driver examination. The director
4 may adopt such regulations as deemed necessary to establish,
5 oversee and regulate the administration of commercial motor
6 vehicle driver testing by third parties including establishment of
7 maximum fees that may be charged. The director may limit the
8 number of persons licensed to administer examinations and may
9 suspend or revoke an authorization on any reasonable ground.
10 The director may terminate third party testing at any time. A
11 person authorized to administer examinations by appointment as
12 a motor vehicle agent shall so act until this authority is revoked
13 by the director.

14 14. (New section) The director may waive the skills test for a
15 commercial driver license applicant who is licensed at the time
16 of an application and who provides proof in such form and of such
17 type as the director may require that it is appropriate to waive
18 the skills test, consistent with the purposes of this act and the
19 requirements under the federal Commercial Motor Vehicle Safety
20 Act of 1986, Pub. L.99-570 (49 U.S.C. §2701 et seq.). The burden
21 in an application for a waiver shall be on the applicant.

22 15. (New section) The director may take such steps as are
23 necessary to provide for the efficient, timely and orderly
24 processing of persons required to obtain commercial driver
25 licenses under this act. The director may require a person who
26 operates or intends to operate a commercial motor vehicle to be
27 tested and licensed in accordance with the provisions of this act
28 at a time and place selected by the director. The director may,
29 after notice and an opportunity to be heard, suspend the privilege
30 to operate a commercial motor vehicle of a person who refuses to
31 be tested at the time and place selected by the director. The
32 suspension shall remain in effect until the person obtains a
33 commercial driver license in accordance with the provision of
34 this act.

35 16. (New section) a. A person who operates a commercial
36 motor vehicle on a public road, street, or highway, or
37 quasi-public area in this State, shall be deemed to have given his
38 consent to the taking of samples of his breath for the purposes of
39 making chemical tests to determine alcohol concentration;
40 provided, however, that the taking of samples shall be made in
41 accordance with the provisions of this act and at the request of a
42 police officer who has reasonable grounds to believe that the
43 person has been operating a commercial motor vehicle with an
44 alcohol concentration of 0.04% or more.

45 b. A record of the taking of such a sample, disclosing the date
46 and time thereof, as well as the result of a chemical test, shall be
47 made and a copy thereof, upon request, shall be furnished or
48 made available to the person so tested.

49 c. In addition to the samples taken and tests made at the

1 direction of a police officer hereunder, the person tested shall be
2 permitted to have such samples taken and chemical tests of his
3 breath, urine, or blood made by a person or physician of his own
4 selection.

5 d. The police officer shall inform the person tested of his
6 rights under subsections b. and c. of this section.

7 e. No chemical test, as provided in this section, or specimen
8 necessary thereto, may be made or taken forcibly and against
9 physical resistance thereto by the defendant. The police officer
10 shall, however, inform the person arrested of the consequences of
11 refusing to submit to such test including the penalties under
12 section 12 of this act. A standard statement, prepared by the
13 director, shall be read by the police officer to the person.

14 f. The court shall revoke for six months the right to operate
15 any motor vehicle of any person who, after being arrested for a
16 violation of section 5 of this act, shall refuse to submit to the
17 chemical test provided for in this section when requested to do
18 so, unless the refusal was in connection with a subsequent offense
19 under this section, section 5 of this act, R.S.39:4-50 or section 2
20 of P.L.1981, c.512 (C.39:4-50.4a), in which case the revocation
21 period shall be for 2 years. In addition, a court shall impose the
22 penalties provided in section 12 of this act.

23 The court shall determine by a preponderance of the evidence
24 whether the arresting officer had probable cause to believe that
25 the person had been operating or was in actual physical control of
26 a commercial motor vehicle on the public highways or
27 quasi-public areas of this State with an alcohol concentration at
28 0.04% or more, whether the person was placed under arrest,
29 whether he refused to submit to the test upon request of the
30 officer, and if these elements of the violation are not established,
31 no conviction shall issue. In addition to any other requirements
32 provided by law, a person whose driving privilege is revoked for
33 refusing to submit to a chemical test shall satisfy the
34 requirements of a program of alcohol education or rehabilitation
35 pursuant to the provisions of R.S.39:4-50. The revocation shall
36 be independent of any revocation imposed by virtue of a
37 conviction under the provisions of R.S.39:4-50 or section 12 of
38 this act.

39 In addition to imposing a revocation under this subsection, a
40 court shall impose a fine of not less than \$250 or more than \$500.

41 17. (New section) Chemical analyses of an arrested person's
42 breath, to be considered valid under the provisions of this act,
43 shall have been performed according to methods approved by the
44 Attorney General, and by a person certified for this purpose by
45 the Attorney General. The Attorney General is authorized to
46 approve satisfactory techniques or methods, to ascertain the
47 qualifications and competence of individuals to conduct analyses,
48 and to make certifications of such individuals, which
49 certifications shall be subject to termination or revocation at the

1 discretion of the Attorney General. The Attorney General shall
2 prescribe a uniform form for reports of the chemical analysis of
3 breath to be used by law enforcement officers and others acting
4 in accordance with the provisions of this act. Each chief of
5 police, in the case of forms distributed to law enforcement
6 officers and others in his municipality, or the other officer,
7 board, or official having charge or control of the police
8 department where there is no chief, and the Director of the
9 Division of Motor Vehicles and the Superintendent of State
10 Police, in the case of such forms distributed to law enforcement
11 officers and other personnel in their divisions, shall be responsible
12 for the furnishing and proper disposition of such uniform forms.
13 Each responsible party shall prepare or cause to be prepared the
14 records and reports relating to the uniform forms and their
15 disposition in the manner and at the times prescribed by the
16 Attorney General. Unless otherwise provided by the Attorney
17 General, the approval of methods and techniques, the
18 certification of persons and the prescription of forms of reports
19 pursuant to section 3 of P.L.1966, c.142 (C.39:4-50.3) shall
20 constitute approval, certification or prescription, as the case may
21 be, for purposes of this section.

22 18. (New section) A person who operates a commercial motor
23 vehicle shall not have more than one commercial driver license.

24 A person convicted of a violation of this section shall be
25 subject for each offense to a fine of \$5,000, or imprisoned for a
26 term not to exceed 90 days, or both.

27 19. (New section) The director may adopt any rules and
28 regulations, in accordance with the provisions of the
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
30 seq.), necessary to carry out the provisions of this act, including
31 the regulations necessary to place this State in substantial
32 compliance with the requirements of the federal Commercial
33 Motor Vehicle Safety Act of 1986, Pub. L.99-570 (49 U.S.C. §2701
34 et seq.) and the regulations promulgated pursuant to that federal
35 law.

36 20. (New section) The director may enter into or make
37 agreements, arrangements, or declarations to carry out the
38 provisions of this act. The director may also enter into an
39 agreement or arrangement with the duly authorized
40 representative of another state, the federal government, or
41 province concerning licensing or testing of commercial motor
42 vehicle operators, the exchange of information concerning
43 operators, and their operating history. Such arrangements shall,
44 in the judgment of the director, be in the best interest of this
45 State and its citizens, keeping in mind the public safety benefits
46 that flow to this State from a nationwide system for regulating
47 commercial motor vehicle operators.

48 21. (New section) Notwithstanding any other provision of law
49 to the contrary, the director may waive, in whole or in part, after

1 notice and an opportunity for comment, application of any
2 provision of this act or any regulation promulgated pursuant to
3 this act with respect to a class of persons or class of commercial
4 motor vehicles if the director determines that such waiver is not
5 contrary to the public interest and does not diminish the safe
6 operation of commercial motor vehicles. A waiver under this
7 section shall be published in the New Jersey Register, together
8 with reasons for the waiver. A waiver shall not be granted if the
9 granting of the waiver is likely to or will place the State in the
10 position of not being in substantial compliance with the
11 requirements set forth in the Commercial Motor Vehicle Safety
12 Act of 1986, Pub. L.99-570 (49 U.S.C. §2701 et seq.). The
13 director may make such applications as he deems appropriate to
14 the Secretary to obtain any waiver permitted under federal law.

15 22. (New section) The required fee for a commercial driver
16 license for a 48 month period shall be \$17.50. The required fee
17 for an examination permit shall be \$35. The required fee for an
18 endorsement for a 48 month period shall be \$12.

19 The commercial driver license shall expire on the last day of
20 the 48th calendar month following the calendar month in which
21 the license was issued, provided, however, that the director may,
22 at his discretion, issue licenses and endorsements which shall
23 expire on a date fixed by him. The fee for such licenses or
24 endorsements shall be fixed in amounts proportionately less or
25 greater than the fee otherwise established.

26 23. (New section) The provisions of this act shall be severable,
27 and if any of its provisions shall be held to be unconstitutional,
28 the decision of the court shall not affect the validity of the
29 remaining provisions of this act.

30 24. (New section) Receipts collected by the director pursuant
31 to this act shall be forwarded to the State Treasurer and be
32 deposited into a special fund. The division shall establish a
33 receivable account for the sole purpose of defraying the expenses
34 incurred for program implementation and administration. The
35 receivable account shall be relieved by monies deposited into the
36 special fund from fees derived pursuant to this act. Upon
37 completion of the implementation process, monies remaining in
38 the special fund in excess of the amount required to defray the
39 expenses of the program shall be deposited into the General State
40 Fund.

41 25. N.J.S.2A:82-10 is amended to read as follows:

42 2A:82-10. Copies of motor vehicle records

43 Copies of any act, rule, order or decision made by the director
44 of the division of motor vehicles, and of any paper filed in his
45 office when authenticated under his seal shall be evidence in like
46 manner, and with equal effect as the originals.

47 All transcripts and abstracts of the records of the division of
48 motor vehicles, the licensing authority of another state, the
49 Commercial Driver License Information System, or the National

1 Driver Register as to the names of owners of motor vehicles and
2 as to the holders of licenses to operate motor vehicles and their
3 operating records, certified by the director of the division, or
4 other appropriate official to be true copies of the record, shall be
5 received in any court as prima facie evidence of the matters and
6 facts therein stated. [Such] For the purposes of the division, such
7 transcripts and abstracts shall be copies of the original records
8 made or copies of the record thereof as recorded by the clerk or
9 other officer of the Division of Motor Vehicles.

10 For purposes of transcripts, abstracts and computer printouts
11 under this section, the seal of the director need not be impressed,
12 but such transcripts, abstracts, and computer printouts shall be
13 deemed to be sealed when there is affixed thereto, or printed or
14 marked thereon, the seal of the division.

15 (cf: P.L.1979, c.210, s.1)

16 26. Section 1 of P.L.1979, c.261 (C.39:3-10f) is amended to
17 read as follows:

18 1. In addition to the requirements for the form and content of
19 a motor vehicle driver's license under R.S. 39:3-10, each initial
20 New Jersey license issued to a person under the age of 21 after
21 the effective date of this act shall have a color photograph of the
22 licensee. Each initial motor vehicle license issued to a person 21
23 years of age or older on or after May 1, 1982, shall have a color
24 photograph of the licensee. At the option of the licensee, a
25 renewal of any motor vehicle driver's license shall be either a
26 photo-license or a license that does not bear a photograph of the
27 licensee. All licenses bearing a color photograph of the licensee
28 as provided in this act shall be valid for a period of 48 calendar
29 months.

30 To replace a photo-license for a licensee who is temporarily
31 out of this State, the director may issue a "valid without photo"
32 photo-license for the unexpired term of the license.

33 The provisions of this act shall not apply with regard to driver
34 licenses issued pursuant to P.L. _____, c. _____)(C. _____)(now
35 pending before the Legislature as this bill).

36 (cf: P.L.1985, c.264, s.1)

37 27. R.S.39:3-10.1 is amended to read as follows:

38 39:3-10.1. No person shall drive any motor vehicle or trackless
39 trolley with a capacity of more than six passengers used for the
40 transportation of passengers for hire or for the transportation of
41 passengers to or from summer day camps or summer residence
42 camps or any bus as defined by the director used for the
43 transportation of passengers, except vehicles used in ride-sharing
44 arrangements, taxicabs, or any bus used to transport children to
45 and from school pursuant to N.J.S.18A:39-1 et seq. or when being
46 used by a private school to transport children to and from school.
47 unless specially licensed so to do by the director or in the case of
48 a nonresident, licensed pursuant to the laws of his resident state
49 with respect to the licensing of bus drivers. Such license shall not

1 be granted by the director until the applicant therefor is at least
2 18 years of age and has passed a satisfactory examination in
3 ascertainment of his driving ability and familiarity with the
4 mechanism of said vehicle and has presented evidence,
5 satisfactory to the director of his previous experience (including
6 proof that he has had at least three years of driving experience),
7 good character and physical fitness. Said license shall be
8 effective until suspended or revoked by the director; provided,
9 the special licensee is also the holder of a license as provided for
10 in R.S.39:3-10.

11 Every holder of a special license issued pursuant to this section
12 shall furnish to the director satisfactory evidence of continuing
13 physical fitness, good character and experience [once in every 24
14 months after the issuance of the special license] at the time of
15 application renewal or such other time as the director may
16 require, and in such form as the director may require. In
17 addition, any person applying for a special license pursuant to this
18 section for the transporting of children to and from schools,
19 pursuant to N.J.S.18A:39-1 et seq., shall comply with the
20 provisions of section 6 of P.L.1989, c.104 (C.18A:39-19.1).

21 The director may suspend or revoke a license granted under
22 authority of this section for a violation of any of the provisions of
23 this subtitle, or on other reasonable grounds, or where, in his
24 opinion, the licensee is either physically or morally unfit to retain
25 the same. Notwithstanding the provisions of any law to the
26 contrary the director shall, upon notice of disqualification from
27 the Commissioner of Education pursuant to section 6 of P.L.1989,
28 c.104 (C.18A:39-19.1), immediately revoke the special license
29 granted under authority of this section without the necessity of a
30 further hearing.

31 The director may make such rules and regulations as he may
32 deem necessary to carry out the provisions of this section.
33 (cf: P.L.1989, c.104, s.5)

34 28. R.S.39:3-13 is amended to read as follows:

35 39:3-13. The director may, in his discretion, issue to a person
36 over 17 years of age an examination permit, under the hand and
37 seal of the director, allowing such person, for the purpose of
38 fitting himself to become a licensed driver, to operate a
39 designated class of motor vehicles for a specified period of not
40 more than 90 days, while in the company and under the
41 supervision of a driver licensed to operate such designated class
42 of motor vehicles. An examination permit issued to a
43 handicapped person, as determined by the Division of Motor
44 Vehicles after consultation with the Department of Education,
45 shall be valid for nine months or until the completion of the road
46 test portion of his license examination, whichever period is
47 shorter. The permit shall be sufficient license for the person to
48 operate such designated class of motor vehicles in this State
49 during the period specified, while in the company of and under

1 the control of a driver licensed by this State to operate such
 2 designated class of motor vehicles. Such person, as well as the
 3 licensed driver, except for a motor vehicle examiner
 4 administering a driving skills test, shall be held accountable for
 5 all violations of this subtitle committed by such person while in
 6 the presence of the licensed driver.

7 No examination for a driver's license shall be given unless the
 8 applicant has first secured a special learner's permit or
 9 examination permit and no road test shall be scheduled for an
 10 applicant who has secured an examination permit until at least 20
 11 days shall have elapsed following the validation of the
 12 examination permit for practice driving, except that in the
 13 case of an omnibus or school bus endorsement no road test shall be
 14 scheduled until at least 10 days shall have elapsed.

15 Every applicant for an examination permit to qualify for an
 16 omnibus endorsement or an articulated vehicle endorsement shall
 17 be a holder of a valid basic driver's license.

18 The required fees for special learners' permits and
 19 examination permits shall be as follows:

20	Basic driver's license	\$ 5.00
21	Motorcycle license or endorsement	5.00
22	Omnibus or school bus endorsement	25.00
23	Articulated vehicle endorsement	15.00

24 The director shall waive the payment of fees for issuance of
 25 examination permits for omnibus endorsements whenever the
 26 applicant establishes to the director's satisfaction that said
 27 applicant will use the omnibus endorsement exclusively for
 28 operating omnibuses owned by a nonprofit organization duly
 29 incorporated under Title 15 or 16 of the Revised Statutes or Title
 30 15A of the New Jersey Statutes.

31 The specified period for which a permit is issued may be
 32 extended for not more than an additional 60 days, without
 33 payment of added fee, upon application made by the holder
 34 thereof, where the holder has applied to take the examination for
 35 a driver's license prior to the expiration of the original period for
 36 which the permit was issued and the director was unable to
 37 schedule an examination during said period.

38 (cf: P.L.1986, c.23, s.1)

39 29. Section 1 of P.L.1955, c.53 (C. 39:3-17.1) is amended to
 40 read as follows:

41 1. [Any] Except as provided in section of P.L. , c. .
 42 (C.) (now pending before the Legislature as this bill), any
 43 person who becomes a resident of this State and who immediately
 44 prior thereto was authorized to operate and drive a motor vehicle
 45 or motor vehicles in this State as a nonresident pursuant to
 46 sections 39:3-15 and 39:3-17 of the Revised Statutes, shall not
 47 lose his right to so operate and drive such motor vehicle or motor
 48 vehicles by becoming a resident of this State, but such right shall
 49 continue to be in full force and effect for 60 days after the

1 establishment of his residence in this State in the same manner
2 and to the same extent as though he were a nonresident.

3 (cf: P.L.1955, c.53, s.1)

4 30. R.S.39:3-34 is amended to read as follows:

5 39:3-34. Application for certificate or license during
6 suspension, revocation or prohibition period forbidden

7 No person whose registration certificate or [driver's license]
8 driving privilege, including any privilege to operate a commercial
9 motor vehicle as defined in P.L. , c. (C.)(now
10 pending before the Legislature as this bill), has been suspended or
11 revoked, or who has been prohibited or disqualified from
12 obtaining a driver's license or registration certificate, shall apply
13 to an agent of the commissioner for a registration certificate or
14 license, or a learner's permit, as the case may be, during the
15 period of the suspension, revocation, or prohibition. A person
16 who violates this section shall be subject to a fine of not more
17 than five hundred dollars (\$500.00) or imprisonment for not more
18 than three months, or both, at the discretion of the court.

19 (cf: P.L.1945, c.222, s.1)

20 31. R.S.39:3-36 is amended to read as follows:

21 39:3-36. The registered owner of a motor vehicle or a
22 motorized bicycle and a licensed operator shall notify the
23 [commissioner, in writing,] director of a change in his residence
24 within one week after the change is made. Notice shall be in
25 such form and shall contain such information as the director may
26 require. A person who violates this section shall be subject to a
27 penalty of not more than ten dollars.

28 (cf: P.L.1983, c.105, s.3)

29 32. R.S.39:4-46 is amended to read as follows:

30 39:4-46. a. Every vehicle used for commercial purposes on a
31 street or highway, except for passenger automobiles, shall have
32 conspicuously displayed thereon, or on a name plate affixed
33 thereto, the name of the owner, lessee or lessor of the vehicle
34 and the name of the municipality in which the owner, lessee or
35 lessor has his principal place of business. Franchised public
36 utilities and operators of fleets of 50 or more commercial
37 vehicles, shall be exempted from displaying the name of the
38 municipality, provided that their vehicles display a corporate
39 identification number. The sign or name plate shall be in plain
40 view and not less than three inches high. Where available space
41 for lettering is limited, either by the design of the vehicle or by
42 the presence of other legally specified identification markings,
43 making a strict compliance herewith impractical, the size of the
44 lettering required by this section shall be as close to three inches
45 high as is possible, within the limited space area, provided the
46 name is clearly visible and readily identifiable. In the case of a
47 combination of two vehicles the requirements of this section will
48 be served when either unit of the combination conforms with the
49 above identification specifications. No person shall operate or

1 drive or cause or permit to be operated or driven on a road or
2 highway a commercial vehicle, except for passenger automobiles
3 which does not conform hereto.

4 For purposes of this section, a franchised public utility means a
5 public utility, as defined in R.S. 48:2-13, that has a defined
6 geographical service territory approved by the Board of Public
7 Utilities.

8 b. Every owner of a commercial motor vehicle as defined in
9 P.L. , c. (C.)(now pending before the legislature as
10 this bill) registered or principally garaged in this State shall
11 display the gross vehicle weight rating (GVWR) for the vehicle in
12 the manner set forth in subsection a. of this section. For
13 purposes of this subsection, GVWR means the value specified by
14 the manufacturer as the maximum loaded weight of a single or
15 combination (articulated) vehicle, or registered gross weight,
16 whichever is greater. Any person who knowingly displays or
17 causes to be displayed on a commercial motor vehicle a GVWR
18 less than the actual GVWR, or an owner who knowingly permits a
19 commercial motor vehicle owned by him to be operated in this
20 State with a displayed GVWR less than the actual GVWR shall,
21 for each offense, be fined \$5,000, or imprisoned for a term not to
22 exceed 90 days, or both.

23 (cf: P.L.1986, c.77, s.1)

24 33. R.S.39:5-30 is amended to read as follows:

25 39:5-30. a. Every registration certificate [and], every license
26 certificate, every privilege to drive motor vehicles, including
27 commercial motor vehicles as defined in P.L. , c.
28 (C.)(now pending before the Legislature as this bill), every
29 endorsement, class of license, and commercial driver license,
30 may be suspended or revoked, and any person may be prohibited
31 from obtaining a driver's license or a registration certificate, or
32 disqualified from obtaining any class of or endorsement on a
33 commercial driver license, and the reciprocity privilege of any
34 nonresident may be suspended or revoked by the director for a
35 violation of any of the provisions of this Title or on any other
36 reasonable grounds, after due notice in writing of such proposed
37 suspension, revocation, disqualification or prohibition and the
38 ground thereof.

39 He may also summon witnesses to appear before him at his
40 office or at any other place he designates, to give testimony in a
41 hearing which he holds looking toward a revocation of a license or
42 registration certificate issued by or under his authority. The
43 summons shall be served at least 5 days before the return date,
44 either by registered mail or personal service. A person who fails
45 to obey the summons shall be subject to a penalty not exceeding
46 \$100.00, to be recovered with costs in an action at law,
47 prosecuted by the Attorney General, and in addition the vehicle
48 registration or driver's license, or both, as the case may be, shall
49 forthwith be revoked. The fee for witnesses required to attend

1 before the director shall be \$1.00 for each day's attendance and
2 \$0.03 for every mile of travel by the nearest generally traveled
3 route in going to and from the place where the attendance of the
4 witness is required. These fees shall be paid when the witness is
5 excused from further attendance, and the disbursements made
6 from payment of the fees shall be audited and paid in the manner
7 provided for expenses of the department. The actual conduct of
8 said hearing may be delegated by the director to such
9 departmental employees as he may designate, in which case the
10 said employees shall recommend to the director in writing
11 whether the said licenses or certificates shall or shall not be
12 suspended or revoked.

13 b. Whenever a matter is presented to the director involving an
14 alleged violation of

15 (1) R.S. 39:4-98, where an excess of 20 miles per hour over the
16 authorized speed limit is alleged, and which has resulted in the
17 death of another;

18 (2) R.S. 39:4-50, and which has resulted in the death of
19 another;

20 (3) R.S. 39:4-96, and which has resulted in the death of
21 another; or

22 (4) R.S. 39:4-129, wherein the death of another has occurred,
23 and the director has not determined to immediately issue a
24 preliminary suspension pursuant to subsection e. of this section.
25 the director shall issue a notice of proposed final suspension or
26 revocation of any license certificate or any nonresident
27 reciprocity privilege to operate any motor vehicle or motorized
28 bicycle held by the individual charged or temporary order
29 prohibiting the individual from obtaining any license to operate
30 any motor vehicle or motorized bicycle in this State.

31 In the notice, the director shall provide the individual charged
32 with an opportunity for a plenary hearing to contest the proposed
33 final suspension, revocation or other final agency action. Unless
34 the division receives, no later than the 10th day from the date
35 the notice was mailed, a written request for hearing, the
36 proposed final agency action shall take effect on the date
37 specified in the notice.

38 Upon receipt of a timely request for a plenary hearing, a
39 preliminary hearing shall be held by an administrative law judge
40 within 15 days of the receipt of the request. The preliminary
41 hearing shall be for the purpose of determining whether, pending
42 a plenary hearing on the proposed final agency action, a
43 preliminary suspension shall be immediately issued by the judge.
44 Adjournment of such hearing upon motion by the individual
45 charged shall be given only for good cause shown.

46 At the preliminary hearing, the parties shall proceed on the
47 papers submitted to the judge, including the summons, the police
48 reports and the charged individual's prior driving record
49 submitted by the division, and any brief affidavits permitted by

1 the judge from persons who shall be witnesses at the plenary
2 hearing, and the parties may present oral argument. Based on the
3 papers, on any oral argument, on the individual's prior driving
4 record, and on the circumstances of the alleged violation
5 presented in the papers, the judge shall determine whether the
6 individual was properly charged with a violation of the law and a
7 death occurred; and, if so, whether in the interest of public
8 safety, a preliminary suspension shall be immediately ordered
9 pending the plenary hearing on the proposed suspension or
10 revocation. The administrative law judge shall transmit his
11 findings to the director.

12 A plenary hearing shall be held no later than the 45th day
13 following [receipt of a timely request] the preliminary hearing.
14 Adjournment of the hearing shall be given only for good
15 causes shown. If the hearing is otherwise postponed or delayed
16 solely at the instance of the individual charged, the
17 administrative law judge shall immediately issue a preliminary
18 suspension of any license certificate or any nonresident
19 reciprocity privilege held by the individual charged, or if any such
20 preliminary suspension or order is in effect, he shall continue
21 such suspension or order. Such preliminary suspension or
22 temporary order shall [be effective until the individual charged
23 appears at the plenary hearing] remain in effect pending a final
24 agency decision on the matter. If the hearing is otherwise
25 postponed or delayed at the instance of anyone other than the
26 individual charged, the judge shall immediately issue an order
27 restoring the individual's license certificate or any nonresident
28 reciprocity privilege pending final agency decision in the matter.
29 The period of any preliminary suspension imposed under this
30 section shall be deducted from any suspension imposed by the
31 final agency decision in the matter.

32 c. Whenever any other matter is presented to the director
33 involving an alleged violation of this title, wherein the death of
34 another occurred and for which he determines immediate action
35 is warranted, he may proceed in the manner prescribed in
36 subsection b. above.

37 d. Whenever a fatal accident occurs in this State, [wherein any
38 operator involved in the accident is charged with any of the
39 offenses enumerated in subsection b. of this section], an
40 investigation of the incident, whether performed by the State
41 Police or by local police, shall be completed and forwarded to the
42 director within 72 hours of the time of the accident.

43 e. Whenever a matter is presented to the director involving an
44 alleged violation of

45 (1) R.S. 39:4-98, where an excess of 20 miles per hour over the
46 authorized speed limit is alleged, and which has resulted in the
47 death or serious bodily injury of another;

48 (2) R.S. 39:4-50, which has resulted in the death or serious
49 bodily injury of another;

1 (3) R.S. 39:4-96 or R.S. 39:4-97, which has resulted in the
2 death or serious bodily injury of another; or

3 (4) R.S. 39:4-129, wherein the death or serious bodily injury of
4 another has occurred, the director for good cause may, without
5 hearing, immediately issue a preliminary suspension of any
6 license certificate or any nonresident reciprocity privilege to
7 operate any motor vehicle or motorized bicycle held by an
8 individual charged or temporary order prohibiting the individual
9 from obtaining any license to operate any motor vehicle or
10 motorized bicycle in this State. For purposes of this subsection,
11 "serious bodily injury" means bodily injury which creates a
12 substantial risk of death or which causes serious, permanent
13 disfigurement, or protracted loss or impairment of the function
14 of any bodily member or organ. Along with the notice of
15 preliminary suspension, the director shall issue a notice of
16 proposed final suspension, revocation or other final agency
17 action, and shall afford the individual the right to a preliminary
18 hearing to contest the preliminary suspension and a plenary
19 hearing to contest the proposed final agency action.

20 The preliminary suspension shall remain in effect pending a
21 final agency decision on the proposed final agency action, unless
22 a request for a preliminary hearing is received by the division no
23 later than the 10th day from the date on which the notice was
24 mailed. The proposed final agency action shall take effect on the
25 date specified in the notice unless a request for a plenary hearing
26 is received by the division no later than the 10th day from the
27 date on which the notice was mailed.

28 Upon timely request by the individual, a preliminary hearing
29 shall be held by an administrative law judge, no later than the
30 15th day from the date on which the division receives the
31 request. The preliminary hearing shall be for the purpose of
32 determining whether, pending a [plenary hearing on the proposed]
33 final agency [action] decision on the matter, the preliminary
34 suspension issued by the director shall remain in effect.
35 Adjournment of the hearing shall be given only for good cause
36 shown. If the preliminary hearing is otherwise postponed or
37 delayed solely at the instance of someone other than the
38 individual charged, the judge shall immediately order that the
39 individual's license certificate or any nonresident reciprocity
40 privilege be restored pending the rescheduled preliminary hearing.

41 At the preliminary hearing, the parties shall proceed on the
42 papers submitted to the judge, including the summons, the police
43 reports and the charged individual's prior driving record
44 submitted by the division, and any brief affidavits permitted by
45 the judge from persons who shall be witnesses at the final
46 hearing, and the parties may present oral arguments. Based on
47 the papers, on any oral argument, on the individual's prior driving
48 record, and on the circumstances of the alleged violation
49 presented in the papers, the judge shall immediately determine

1 whether the individual was properly charged with a violation of
2 the law and a death occurred; and, if so, whether in the interest
3 of public safety, the preliminary suspension shall be continued
4 pending the [plenary hearing on the proposed] final agency
5 [action] decision on the matter. The administrative law judge
6 shall transmit his findings to the director.

7 Any plenary hearing to contest the proposed final agency
8 action shall conform to the requirements for a plenary hearing
9 contained in subsection b. of this section.

10 f. In addition to any other final agency action, the director
11 shall require any person whose privileges to operate a motor
12 vehicle or motorized bicycle are suspended or who has been
13 prohibited from obtaining a license, pursuant to this section, to
14 be reexamined to determine the person's ability to operate a
15 motor vehicle or motorized bicycle, prior to regaining or
16 obtaining any driving privileges in this State.

17 Any determination resulting from any preliminary or plenary
18 hearing held pursuant to subsections b., c., or e. of this section
19 shall not be admissible at any criminal or quasi-criminal
20 proceedings on the alleged violation or violations.

21 (cf: P.L.1982, c.43, s.8)

22 34. R.S.39:5-42 is amended to read as follows:

23 39:5-42. Every judge or magistrate shall make a report, [in
24 writing] in such form as the director may require, to the
25 [commissioner] director (1) of all cases heard before him for
26 violation of this [subtitle] title, or for any other violation in
27 which a motor vehicle was used in any way, and (2) of the
28 conviction of any person of having committed a penal offense or
29 crime in the commission of which a motor vehicle was used,
30 within three days after the disposition of the case before him as a
31 judge or magistrate[, upon blanks provided by the commissioner
32 for that purpose]. The report shall state the nature of the
33 violation, the full facts concerning the use of the motor vehicle
34 in the commission of the penal offense or crime, the disposition
35 of the case by the judge or magistrate and any recommendations
36 which the judge or magistrate may deem of value to the
37 [commissioner] director in determining whether action should be
38 taken against the [license] driving, registration, or other privilege
39 of the driver or owner of the motor vehicle.

40 (cf: P.L.1942, c.334, s.10)

41 35. Section 3 of P.L.1979, c.97 (C.39:3-13.5) and section 30 of
42 P.L.1951, c.23 (C. 39:4-50.1) are repealed.

43 36. This act shall take effect immediately, except that
44 paragraph (1) of subsection a. of section 10 shall expire on March
45 31, 1992 and sections 5, 12, 16, 18, and paragraph (2) of
46 subsection a. of section 10 shall take effect April 1, 1992.

STATEMENT

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This bill establishes the New Jersey Commercial Driver License Act. This bill was drafted in response to the requirements imposed on states by the federal Commercial Motor Vehicle Safety Act of 1986, Pub. L.99-570 (49 U.S.C. §2701 et seq.). The bill, when enacted into law, along with the regulations to be adopted by the Director of the Division of Motor Vehicles, will substantially conform New Jersey law to the standards and requirements mandated by the federal Commercial Motor Vehicle Safety Act of 1986 and the regulations promulgated by the Federal Highway Administration pursuant to that federal law. Failure to comply would result in the loss to New Jersey of \$30 million annually in federal highway monies. This bill is designed to meet the special needs of this State in the licensing, testing and regulation of operators of commercial motor vehicles.

This bill promotes the cause of safety by establishing new and more comprehensive licensing and testing procedures which are tailored to the type of vehicle a person will operate and standards which will allow for a full evaluation of an applicant's qualifications and which are in line with the uniform requirement established by the federal government. The bill is also designed to remove unqualified or poor drivers from the road and to curtail the problems associated with drivers holding driver licenses from more than one state, whereby a driver can avoid license suspension and disciplinary action by spreading violations among several licenses.

The provisions of the bill address six major areas of concern: the single driver license requirement; the lack of uniform licensing systems for commercial motor vehicle operators in the various states; knowledge and skill examination standards; positive driver identification methods; the need for information system to maintain and access a complete single driver license record; and penalties to remove unsafe commercial drivers from the roads.

Highlights of the bill's provisions follow.

Section 3 sets forth the special definitions needed for the New Jersey Commercial Driver License Act. While these definitions are self-explanatory, a few brief comments on some terms are appropriate. The term "alcohol concentration" in conjunction with the offense defined in section 5 of the bill is designed to forestall any questions concerning the "partition ratio variability" (the rate at which alcohol is absorbed by different individuals) dispute now pending before the courts.

The term "commercial motor vehicle" or "CMV" is defined to aid the law enforcement community and prosecutors in their enforcement efforts. Thus, a motor vehicle which displays a gross vehicle weight rating or registration weight of 26,001 or more pounds or displays a hazardous material placard is a

1 commercial motor vehicle and is subject to the provisions of the
2 bill. This will remove the need, in most instances, of breaking
3 bulk or weighing a CMV or conducting time consuming laboratory
4 tests in order to establish that a vehicle is a CMV.

5 The term "conviction" is defined broadly so as to include every
6 type of adjudication, civil or criminal, regardless of the nature of
7 a plea (non vult, guilty, or nolo contendere) and to include the
8 various types of forfeitures.

9 The term "felony" is used in order to have uniform terminology
10 with other states. It includes "crimes" as defined in Title 2C of
11 the New Jersey Statutes, as well as other offenses of the type
12 described in this State or any other state or jurisdiction.

13 The term "operate" is not specifically defined. The intent is
14 that the use of the term include the uses recognized by the New
15 Jersey Supreme Court in State v. Mulcahy, 107 N.J. 467 (1987)
16 and State v. Wright, 107 N.J. 488 (1987), and that the term be
17 given a meaning broader than mere "driving."

18 Section 5 establishes a 0.04% alcohol concentration standard
19 for commercial motor vehicle operators. This standard is
20 required in order to comply with the federal Commercial Motor
21 Vehicle Safety Act of 1986 and was adopted by the federal
22 government as the result of current scientific studies which
23 demonstrate significant impairment of visual, cognitive, and
24 psychomotor facilities necessary for safe operation of a motor
25 vehicle at levels well below the current established State 0.10%
26 alcohol concentration level. Many of these studies are outlined
27 and detailed in the Special Report 216 of the Transportation
28 Research Board of the National Research Council entitled "Zero
29 Alcohol and Other Options."

30 Section 10 sets forth the basic requirement that no person
31 operate a commercial motor vehicle unless the person possesses a
32 valid commercial driver license. This section provides for a
33 phase-in period to allow the director to test and license all
34 individuals who require a CDL, and that during that time licenses
35 will be issued both under R.S.39:3-10 and this act. Paragraph (1)
36 of subsection a. is designed to apply to those persons who have
37 been tested and licensed (in this or another state) and who have
38 already been issued a CDL. Once a person is licensed in
39 accordance with CDL requirements, the person may no longer
40 operate a commercial motor vehicle on a license or endorsement
41 issued under R.S.39:3-10, except as otherwise provided by the
42 director.

43 On April 1, 1992, paragraph (1) of subsection a. will have
44 expired and paragraph (2) of subsection a. will become effective.
45 Paragraph (2) contains the federal requirement that also becomes
46 effective on that date. The penalties in paragraph (3) of
47 subsection a. mirror the penalties in R.S.39:3-10. The penalties
48 in paragraph (2) of subsection b. mirror the penalties in
49 R.S.39:3-40.

1 Section 12 addresses the federal penalty requirements for
2 certain violations. It provides that a court must suspend a
3 person's CDL or reciprocity CDL privilege when a violation
4 occurs in this State, and that the director must issue the
5 suspension when the violation occurs in another state.

6 It is not the intent of this bill to supersede the motor vehicle
7 points system. Thus, drivers who commit "serious traffic
8 violations" may be held accountable under this section with
9 regard to the commercial driver license and under the points
10 system with regard to their basic driving privilege. It is also
11 important to note that the loss of a basic driving privilege results
12 in a loss of the commercial driver license privilege as well.
13 There is no intent to create a "work license." It is essential to
14 the substantial compliance with the federal law and its
15 regulations that the suspension periods set forth in section 12 be
16 imposed. Subsection i. of section 12 was added to clarify that a
17 person convicted of one of the specified violations under this bill
18 should receive the required commercial driver license suspension,
19 even though his conduct may also constitute a violation of a
20 similar statute. This language also is made applicable to section
21 16 of the bill and section 1 of P.L.1966, c.142 (C.39:4-50.2) even
22 though those sections are civil in nature. This was done to
23 remove any doubts and to forestall litigation on the question.

24 Sections 13 and 14 of the bill authorize commercial driving
25 testing by third parties if the director determines that such
26 testing is a sound and cost effective means of issuing commercial
27 driver licenses. This section also sets forth the requirements for
28 obtaining a waiver of the skills test as permitted under federal
29 law.

30 Section 15 grants the director authority to establish an orderly
31 means for testing all of those persons who will need commercial
32 driver licenses. The process cannot be accomplished by the April
33 1, 1992 deadline if scheduling of tests is left to the unconstrained
34 discretion of the licensees. Therefore, the act gives the director
35 the necessary control over all aspects of the licensing and testing
36 function needed to accomplish the task.

37 Section 35 repeals section 3 of P.L.1979, c.97 (C.39:3-13.5)
38 which concerns the issuance of omnibus endorsements without
39 examination. This section is repealed because it is incompatible
40 with the examination requirements established in the federal
41 Commercial Motor Vehicle Safety Act. Allowing this section to
42 remain in place will result in the State being not in substantial
43 compliance with the federal act.

44 In addition, section 35 repeals section 30 of P.L.1951, c.23
45 (C.39:4-50.1) which concerns the presumptions arising from the
46 percentage of alcohol in a person's blood. This section is
47 repealed because it is incompatible with the zero blood alcohol
48 concentration standard established for operators of commercial
49 motor vehicles under the federal act. It is also being repealed in

1 light of current scientific studies which demonstrate significant
2 impairment of visual, cognitive, and psychomotor faculties
3 necessary for the safe operation of motor vehicles at levels well
4 below the current 0.10% blood alcohol concentration. Repeal of
5 this section should not be taken as an indication that blood
6 alcohol concentration bears no significance to the question of
7 whether a person is operating a motor vehicle under the influence
8 of intoxicating liquors in violation of R.S.39:4-50. By repealing
9 section 30, the intent is to allow the finder of fact to give full
10 weight to the blood alcohol concentration level in light of recent
11 scientific studies in determining whether a violation has occurred.

12 The provisions of the bill not highlighted above set forth the
13 reciprocity, waiver, rulemaking, and severability provisions.

14

15

16 MOTOR VEHICLES

17

18 Establishes the "New Jersey Commercial Driver License Act."

TABLE OF CONTENTS

	<u>Page</u>
Earl Mattison Executive Director New Jersey School Bus Owners Association	2
Donald Henry Special Projects Division of Motor Vehicles New Jersey Department of Law and Public Safety	4
Colonel Clinton L. Pagano, Sr. Director Division of Motor Vehicles New Jersey Department of Law and Public Safety	7
Richard Hammell Chairman Legislative Committee New Jersey School Bus Owners Association	8
Dominick Spataro Transportation Specialist Office of Motor Carriers Federal Highway Administration	14
Clark C. Martin American Association of Motor Vehicle Administrators	14
Jill L. Hochman Chief Standards Review Division Federal Highway Administration	14
Robert Marra Joint Council No. 73 International Brotherhood of Teamsters	42
Gus Kakavas Transportation Coordinator and Supervisor Toms River School District	56

TABLE OF CONTENTS (continued)

	<u>Page</u>
Alvin Herman International Brotherhood of Teamsters Local No. 676 Collingswood, New Jersey	63
Steve DeSanto Business Agent International Brotherhood of Teamsters Local No. 676 Collingswood, New Jersey	73
Richard M. Stokes Manager of Government Affairs Atlantic Electric Company	79
John Henderson Associate Director Government Relations New Jersey School Boards Association	84
Donald R. Souders Vineland, New Jersey	89
Lynne Stanlick President School Transportation Supervisors of New Jersey	95
Teresa Dondrea Chairman CDL Committee School Transportation Supervisors of New Jersey	95
Thomas Pogue Member of the Board Southern New Jersey Health Systems Agency	97
APPENDIX:	
Statement submitted by Earl Mattison	1x
Statement, plus attachment, submitted by Clark C. Martin	7x

TABLE OF CONTENTS (continued)

APPENDIX (continued):

	<u>Page</u>
Letter addressed to The Honorable Thomas Cowan from Alvin Herman and Steve DeSanto	16x
Statement submitted by Richard M. Stokes	17x
Statement submitted by John Henderson	22x
Letter to Committee Aide, plus attachments, submitted by Lynne Stanlick	24x

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mjz: 1-100

ASSEMBLYMAN ANTHONY IMPREVEDUTO (Co-Chairman): Good afternoon, ladies and gentlemen. I would like to take the opportunity first to apologize for the roughly 58-minute late start. My co-pilot, Assemblyman Moran, missed a turn (laughter), or else we would have been here right on time. But we are here, and certainly are pleased to be here in the City of Vineland, in District 1, home of Assemblyman Salmon and Assemblyman LoBiondo.

This hearing is the third in a series of hearings which we have had concerning the new commercial driver's license legislation. We will be leaving here-- As I understand it from Assemblyman Salmon, they would like us out of here by 4:00, so we are going to try to expedite this proceeding as best we can. We heard quite a lot in the last two hearings. We have compiled much of it, and from that, hopefully, we will be able to draw a piece of legislation that will be fair, compassionate, something that certainly will meet the Federal guidelines, and which all of us, eventually, can accept.

Before I go any further, I understand the City Council President -- the Vineland City Council President -- Mr. Griffin-- Mr. Griffin? (no response) No? Okay.

Assemblyman Salmon, this is your home district. Would you like to say a few words?

ASSEMBLYMAN SALMON: Thank you very much, Mr. Chairman. First of all, I would like to welcome everybody here. It is always great to have these people from North Jersey come down to South Jersey. I want to tell you, the Chairman gave me a telephone call at noon saying he was 10 minutes away, but that is North Jersey time 10 minutes away. (laughter)

ASSEMBLYMAN IMPREVEDUTO: Well, that was because we were on Eighth Street looking for Seventh. (laughter)

ASSEMBLYMAN SALMON: He said he didn't realize it was so rural down here in the beautiful part of the southern part of the Garden State. But, we welcome you here, Mr. Chairman, and also Assemblyman Moran. I know Assemblyman LoBiondo and I are very proud to help to host this hearing in the First District. We also want to commend you for taking the hearings to North Jersey, Central Jersey, and now having this hearing here in South Jersey, so the people in our part of the State will have an opportunity to testify on these important bills.

ASSEMBLYMAN IMPREVEDUTO: Thank you. With that, we may as well get going. We have had a request from Mr. Earl Mattison to be brought up first. Mr. Mattison is from the New Jersey School Bus Owners Association, Inc. Earl?

E A R L M A T T I S O N: Chairman Impreveduto and members of the panel, let me state for the record: My name is Earl Mattison. I am Executive Director of the New Jersey School Bus Owners Association. I have with me today Mr. Richard Hammell, President of the Village Bus Company of Sparta, New Jersey. His family, for three generations, has been involved in school pupil transportation. He is past President of our Association, and presently is Chairman of our Legislative Committee.

Let me say at the onset that we appreciate this opportunity to speak to you and address some of our concerns on this proposal; also to commend the Committee on the fact that you are having public hearings. There were concerns that, in the absence of public hearings, many people would not have had this opportunity to be heard, so we would like to commend you for that.

We appear before you today to offer specific recommendations and amendments to the proposed bills, which we feel certain will assist school bus drivers throughout the State to attain compliance with the State and Federal mandates. During my recommendations and references, I will be referring to your Assembly Bill No. 3258.

Recommendation I, special bus drivers endorsement: We recommend that section 4 on page 4 be amended to provide for a school bus driver's endorsement on the commercial driver's license. Such an endorsement, perhaps designated by the letter "S," would restrict the bearer to the operation of a school bus.

This recommendation is provided for in accordance with FHWA interpretations of the commercial driver's license and related regulations in 49-CFR, part 383. A similar provision has been adopted by several states, including Delaware and Pennsylvania.

ASSEMBLYMAN IMPREVEDUTO: Excuse me, sir.

MR. MATTISON: Yes?

ASSEMBLYMAN IMPREVEDUTO: That's section 4. What line again did you start with?

MR. MATTISON: Section 4, page 4. We didn't go to a specific line, but simply the reference which deals with the classification of driver's licenses.

Recommendation II, revision of the proposed testing process: In order to facilitate the implementation of a school bus driver endorsement, and to alleviate the concerns of school bus drivers throughout the State, we urgently recommend that the general knowledge portion of the test be reduced to 30 questions through the elimination of nonrelated items on such topics as cargo handling, articulated vehicles, and hazardous materials; further, that a number of items required for the current school bus drivers' endorsement be substituted. This revised test would be in addition to the passenger endorsement test which is required by FHWA regulations for a CDL.

This procedure, which complies with FHWA regulations, would assure that school bus drivers are knowledgeable and qualified regarding applicable school pupil transportation statutes and regulations of the New Jersey Division of Motor Vehicles and the Department of Education.

In response to concerns regarding the time constraints imposed by the April 1, 1992 deadline, we would suggest that inasmuch as school bus drivers constitute a small segment -- 16,500 -- of the total CMV driver population -- which is estimated at around 350,000 -- testing for school bus drivers could be deferred until the spring of 1991, thereby allowing time for appropriate training procedures, as well as such revisions of the testing process as may be necessary.

Recommendation III, definition of commercial motor vehicle: It is recommended that the definition of "commercial motor vehicle" as proposed on page 2, subsection e. be revised by ending the sentence on line 15 with a period rather than a comma, which is to say, limit the application of the CDL to "16 or more passengers including the driver," which conforms with FHWA standards.

ASSEMBLYMAN IMPREVEDUTO: Earl, once again--

MR. MATTISON: Yes?

ASSEMBLYMAN IMPREVEDUTO: That's a question I thought we talked to at the last meeting. I have really forgotten the answer, and I don't have the-- I guess the question was: If I am driving a school station wagon and I am carrying one passenger, am I required by the Federal regs to have a CDL? Colonel, are you here? The Colonel is here someplace. (no audible response) Or Don Henry?

D O N A L D H E N R Y: (speaking from audience) Yes, sir?

ASSEMBLYMAN IMPREVEDUTO: If I am driving a school station wagon carrying one passenger, under the Federal regs, do I need to have a CDL?

MR. HENRY: If it is a school vehicle -- a small school vehicle, a school bus -- transporting children, yes.

ASSEMBLYMAN IMPREVEDUTO: Okay. So, when we talked, at the last hearing, about the 15 passengers, or eight passengers, or zero passengers for the regular passenger endorsement, that has nothing to do with the school bus

endorsement, correct? I'm sorry; let me get my thoughts straight here.

If we were to reduce the number from 15 passengers to zero -- you know, to one passenger--

MR. HENRY: Yes?

ASSEMBLYMAN IMPREVEDUTO: --for the regular passenger endorsement, that would pertain to commercial transportation of people, correct, not the school bus, Don?

MR. HENRY: Yes.

ASSEMBLYMAN IMPREVEDUTO: Okay. If I am carrying-- Right now the way the law is written, if I am a school bus driver, and I am only carrying one passenger, and my route is to drive the school station wagon or one of these little tiny minibuses, and I am only carrying one passenger to a special school in the morning, and I pick the child up in the afternoon and bring him or her back, do I need a CDL? (Mr. Henry's response indiscernible to transcriber; no microphone)

SENATOR THOMAS F. COWAN (Co-Chairman): Anthony, I think maybe if we are going to have questions and answers, it might be good if they come up here so we can get this on the tape. Otherwise, from what I understand, we will not get it.

ASSEMBLYMAN IMPREVEDUTO: Okay, I'm sorry.

MR. HENRY: (moving closer to a microphone; however, still speaking off mike) That is correct, Mr. Chairman.

SENATOR COWAN: Okay, thank you.

ASSEMBLYMAN IMPREVEDUTO: The reason I am doing this, ladies and gentlemen, is, if we can ask some of the questions as we go along-- It is a clouded issue right now.

MR. MATTISON: Surely, surely. While he is approaching the front, may I say that it would be our impression and understanding that, in fact, there is no specific reference to "school bus vehicle" as such in the Federal regulations or in the CDL legislation.

ASSEMBLYMAN IMPREVEDUTO: Is that mike hooked up to your-- (Hearing Reporter responds in the affirmative) Okay.

Don, I am the football coach of my high school. I am going to transport my team to every game. Do I need a CDL?

MR. HENRY: If you are driving a school bus, yes.

ASSEMBLYMAN IMPREVEDUTO: Okay. I am the golf coach, and I have four members on my golf team. It's myself as the coach, and the four members, and I am driving the school station wagon, or the school's minibus. Do I need a CDL?

MR. HENRY: If you are driving a school vehicle, yes.

ASSEMBLYMAN IMPREVEDUTO: Okay, even though there are only four people in the vehicle?

MR. HENRY: Yes. If it is a private passenger vehicle, under the current standards today, and you have occasion to transport in that same situation four people -- less than eight, actually, even less -- then it is not a requirement.

ASSEMBLYMAN IMPREVEDUTO: In my own personal vehicle. But, if I am going to use the school bus, the yellow thing--

MR. MATTISON: Could we make a distinction here--

ASSEMBLYMAN IMPREVEDUTO: I'm sorry. Yes, Earl?

MR. MATTISON: --in the sense that, when Mr. Henry answered that question now, was he referring to CDL regulations, FHWA requirements, or was he talking about present standards in New Jersey?

MR. HENRY: See, what I-- Maybe I can clarify that. (still speaking off mike) That is a good point, Earl. The current issue as to how we do business today with the bus, of course, is, we include those categories. When--

MR. MATTISON: In New Jersey?

MR. HENRY: The legislation, as it is proposed now, would allow us, by regulation, to keep those same individuals currently required to have a bus endorsement within the constraints of the commercial driver's license

(indiscernible). That is, they would have to have a CDL. That would not release people -- drivers -- who currently need to have bus endorsements from the CDL requirements. It would include them.

ASSEMBLYMAN IMPREVEDUTO: All right. Putting the State's proposed legislation aside for a second, just dealing with the minimum standards that are in the "Federal Register" that the FHWA requires -- minimum standards--

MR. HENRY: Sixteen and above.

ASSEMBLYMAN IMPREVEDUTO: Sixteen and above? And that includes the yellow school bus -- the yellow school bus that is going to drive four kids?

MR. HENRY: Designed to carry is the key, whether or not there are four children in the bus or 16.

MR. MATTISON: That's right.

MR. HENRY: It is the design to carry of the vehicle. In the case of the school bus that is designed to carry 16 more, each driver, under those conditions, would, in fact, have to have a CDL.

MR. MATTISON: But if he were driving a vehicle that was designed to transport less than 16, he would not be required to have a CDL under either Federal statute or Federal regulations.

MR. HENRY: That is a correct statement. That is the Federal standard as it currently exists, yes.

C O L O N E L C L I N T O N L. P A G A N O, S R.:
(speaking off mike) But we can, by regulation, define it further--

MR. MATTISON: That's right.

COLONEL PAGANO: --and that is what we were trying to do.

MR. MATTISON: That's right, and the basis of our testimony is, in effect, to say, "Adhere to the Federal regulation," by virtue of the fact that the FHWA went to rule

making and did extensive research and study. If they did not come up with a proposal that recommended inclusion of smaller vehicles, then our question was, you know, why should we exceed those requirements? We cannot recommend, as an Association, that we exceed the Federal regulations in that instance.

ASSEMBLYMAN IMPREVEDUTO: I guess the question here -- and it is the question that the Senator and I are probably most concerned about -- is, up in North Jersey--

MR. MATTISON: Right?

ASSEMBLYMAN IMPREVEDUTO: --where we have these commercial vans which carry, I guess, eight people back and forth to New York, which have hurt the commercial bus industry as we know it-- Don, if we--

COLONEL PAGANO: (speaking off mike) There are a variety of other reasons, too, Assemblyman, why you would want to define it further than the regulations. We do have a lot of yellow buses carrying three, four, or two passengers. They are required to adhere to school bus regulations. The driver approaching those vehicles is required to adhere to a specific set of laws, as opposed to a station wagon carrying four kids on a golf team. We can define these things by regulation, and I think if we narrow the bill and leave it only where the Federal Act, and the Federal Act alone stands, we are not going to meet the needs of the State of New Jersey.

ASSEMBLYMAN IMPREVEDUTO: Currently, does a person driving that small, eight-passenger, yellow school bus-- Is he or she required to have a school bus driver's license?

COLONEL PAGANO: Yes.

MR. MATTISON: An endorsement on their existing operator's license. That's correct.

ASSEMBLYMAN IMPREVEDUTO: Right. So, if they are driving a-- What is the smallest school bus you guys own?

R I C H A R D H A M M E L L: The smallest school bus? Normally, the smaller vehicles would transport six or eight people. Again, they are not yellow by New Jersey law.

ASSEMBLYMAN IMPREVEDUTO: No, forget the yellow.

MR. HAMMELL: These people must have a New Jersey school bus endorsement, and we feel that they should continue to have that. But our suggestion here -- our recommendation -- is that the 16 and above be required to have the CDL. Those under should continue to be licensed as they are today.

ASSEMBLYMAN IMPREVEDUTO: In other words, have two separate tests?

MR. HAMMELL: We have a Type I.

COLONEL PAGANO: Too confusing; too cumbersome. We need the CDL as the core license, and from there we will offer the endorsement. Keep some semblance of order (indiscernible) bringing this particular end of the commercial area into line.

MR. MATTISON: We would, in effect, I presume, under those circumstances, have three tests anyway. You would have the general knowledge test under CDL and you would have the passenger endorsement, which is mandated. All right, now, unless I am hearing Colonel Pagano suggest that we eliminate the existing test--

COLONEL PAGANO: We will eliminate it.

MR. MATTISON: You will? Then what we wind up with -- all right? -- are two tests which have absolutely nothing to do with respect to the operation of a school bus.

ASSEMBLYMAN IMPREVEDUTO: Well, what if there were a school bus endorsement?

MR. MATTISON: What we are suggesting, then, is, eliminate 20 or so nonrelated items--

ASSEMBLYMAN IMPREVEDUTO: No, no--

MR. MATTISON: --and take them from the existing test.

ASSEMBLYMAN IMPREVEDUTO: No, follow my thinking for a second.

MR. MATTISON: All right.

ASSEMBLYMAN IMPREVEDUTO: You take the general knowledge test.

MR. MATTISON: Yes.

ASSEMBLYMAN IMPREVEDUTO: Then you take a school bus endorsement.

MR. MATTISON: Right.

ASSEMBLYMAN IMPREVEDUTO: That's all you have to take.

MR. MATTISON: Well, you would need to have a passenger endorsement under CDL. Now--

ASSEMBLYMAN IMPREVEDUTO: No, no, no, no. We're saying that-- Listen to me; listen very carefully to what I am saying to you.

MR. MATTISON: All right.

ASSEMBLYMAN IMPREVEDUTO: Everybody must take a general knowledge test.

MR. MATTISON: That is correct.

ASSEMBLYMAN IMPREVEDUTO: Okay. Now, if, in fact, this panel decides that we are going to add a school bus endorsement--

MR. MATTISON: Correct.

ASSEMBLYMAN IMPREVEDUTO: --in addition to the passenger endorsement--

MR. MATTISON: Right; all right.

ASSEMBLYMAN IMPREVEDUTO: --in addition to the air brakes, in addition to the hazardous material--

MR. MATTISON: Right, right, right.

ASSEMBLYMAN IMPREVEDUTO: Okay? And we do institute a school bus endorsement--

MR. MATTISON: Correct.

ASSEMBLYMAN IMPREVEDUTO: Your people would be required to take general knowledge--

MR. MATTISON: Right.

ASSEMBLYMAN IMPREVEDUTO: --and the school bus endorsement. Correct?

MR. MATTISON: All right, but--

ASSEMBLYMAN IMPREVEDUTO: Which would only permit them, now, to drive a school bus -- nothing else -- which is what I think you may want.

MR. MATTISON: My understanding of the FHWA interpretation on that issue is that the individual must also take the Federal passenger endorsement test.

ASSEMBLYMAN IMPREVEDUTO: Well, I'll tell you: We have someone from the FHWA and we will ask him that question as soon as you are finished.

MR. MATTISON: Okay. But I think we are driving toward the same thing; that is, a separate endorsement. What we are saying is, you know, administer, or adjust the testing process as may be required, and as will facilitate the process, and, you know, to accommodate the interests of, particularly, bus drivers. All right?

Recommendation IV, we are requesting that the duplicate fee schedule under this proposal then be rescinded. We are saying, in lieu of the fee schedule proposed on page 12, subsection 22, for the proposed CDL -- which I am sure you are familiar with -- which subsumes the present school bus driver's licensing process, eliminate the \$25 fee indicated on page 15, line 22, for the omnibus or school bus driver's learner's and examination permit, as presently required under R.S. 39:3-13. That is on page 15, line 22, and is in the existing legislation.

What we are saying is: If we are going to subsume, or combine, then let's not have double dipping as far as the permit fee is concerned.

ASSEMBLYMAN IMPREVEDUTO: A one-shot deal. You're got it.

MR. MATTISON: Recommendation V, waiver of skills testing: We applaud the bill's intent of grandfathering incumbent drivers for the skills portion of the test. However, we believe that that should be mandated, rather than permissive. We recommend that "may" be changed to "shall" on page 9, line 14.

We further recommend that the minimal standards be adopted as far as the criteria are concerned for grandfathering. We understand that some states have gone beyond the Federal requirements, and what we are saying is, we would urge you to consider the Federal minimum as the standard for grandfathering.

Recommendation VI, third party skills testing: We support the concept of a partnership between the State and private enterprise inherent in the proposed third party testing for the skills portion. However, we would like to see the criteria included in the bill. Additionally, we believe this provision constitutes a major statewide policy decision that should be made by the Legislature. Therefore, we recommend that line 10, on page 9, which allows the director to terminate third party testing at any time, be stricken. Our feelings are that third party testers would expend considerable time and money in setting up a third party testing site. If it is found from experience over a period of time that it is not working, it would seem to me that the abundance of data would enable a revision of the statute very, very quickly.

Recommendation VII, elimination of the road test waiting period: Eliminate the current 10-day waiting period between the written test and the road test as stipulated by R.S. 39:3-13 on page 15, line 14, by placing a period after "practice driving" on line 12.

It is anticipated that resident applicants for a CDL will hold a basic driver's license and possess a broad range of driving experience and skills. CDL holders transferring from other states will be grandfathered probably for the skills portion. Existing overloads at DMV testing centers should be abated by third party skills testing. The existing regulation has frequently proven to be an unwarranted and unnecessary restriction on driver applicants, frequently unnecessarily delaying them from gainful employment.

Recommendation VIII, eliminate posting of the CVWR on the vehicle: Proposal (b) under 39:4-46 on page 17 calls for the display of the CVWR on the vehicle which, in accordance with provision (a), page 16, line 32, I quote: "Shall be conspicuously displayed thereon." It is clear this proviso was intended for trucks as a means of detecting overweight vehicles. Additionally, buses do have the gross weight listed on the manufacturer's plate which is affixed to every vehicle. To add this requirement would seem redundant, create confusion, and result in the unnecessary added expense of requiring existing, as well as new school buses, to be so lettered.

Therefore, we recommend that page 17, line 8, be amended to read: "Every owner of a commercial motor vehicle" -- and we would suggest this added language, "except school pupil transportation vehicles."

Recommendation IX, save harmless third party examiners: Our final recommendation is to amend the proposed revision of R.S. 39:3-11 on page 15, line 3, to read: "except for a motor vehicle or other private third party examiner." In other words, they would hold that employees of the Division of Motor Vehicles should be saved harmless from certain litigation arising out of accidents when they are conducting a test. We're saying, if you are going to expand this to include third party testers, our feelings are that those persons should have the same consideration, or the same measure of protection, as do State employees who are administering the same process.

That concludes our testimony, Mr. Chairman and members of the panel. Again, we would like to thank you for this opportunity to appear before you, and we stand ready to answer any questions you may have.

ASSEMBLYMAN IMPREVEDUTO: Thank you, Earl. Certainly, we will take this into consideration. We thank you for your many suggestions along the way. As I said at the very beginning, we want to make this a piece of legislation that is

fair, compassionate, and something that everybody is going to be able to live with, and I am sure we will.

MR. MATTISON: Thank you; thank you very much, gentlemen.

ASSEMBLYMAN IMPREVEDUTO: First of all, I would like to introduce Senator Tom Cowan. Senator Cowan is Chairman of the Senate Law, Public Safety and Defense Committee, and is the sponsor of this particular legislation over in the Senate. I would like to offer Tom the opportunity to say a few words.

SENATOR COWAN: It is nice to be here with you in Vineland. We got stuck on the Turnpike coming down, with some of the construction that is going on.

With that, I will end my comments, and listen to you.

ASSEMBLYMAN IMPREVEDUTO: Okay. We would like to call Mr. Clark Martin, from the American Association of Motor Vehicle Administrators. Clark? I guess, while Clark is coming up, it might be a good idea to ask Dominick Spataro-- Is Dominick here?

D O M I N I C K S P A T A R O: (speaking from audience) Yes.

ASSEMBLYMAN IMPREVEDUTO: Dominick, why don't you come up and sit next to Clark? And Jill Hochman, from the FHWA -- the Federal Highway Administration? You guys are the key players in this game, and I guess you can probably give us all the answers and tell us what we have to do, so we can get this done real quick and have this legislation in place and do our testing. Maybe the government will give us a couple of hundred thousand to help us along the way.

C L A R K C. M A R T I N: No problem.

MR. SPATARO: Two out of three may not be bad.
(laughter)

J I L L L. H O C H M A N: If we had it, I'm sure we would give it to you.

ASSEMBLYMAN MORAN: You could always raise a tax here or there.

ASSEMBLYMAN IMPREVEDUTO: You could always raise the taxes.

MS. HOCHMAN: A good idea; a new idea.

MR. MARTIN: Mr. Chairman, I have a somewhat brief statement. If you will permit me, I will go ahead and read it, and then answer any questions you may have.

ASSEMBLYMAN IMPREVEDUTO: Please.

MR. MARTIN: As you indicated, Ms. Hochman is with the FHWA Office of Motor Carriers, and Mr. Spataro is a member of her staff.

On behalf of the Association of Motor Vehicle Administrators and its member jurisdictions, I want to thank you for the opportunity to make this statement concerning the New Jersey commercial driver license legislation.

AAMVA is the international organization representing motor vehicle and police traffic safety agency interests. As the State motor vehicle organization, AAMVA has taken a leadership role in coordinating the implementation of the Commercial Driver's License Program. AAMVA continues to work very closely with the Federal Highway Administration in the U.S. Department of Transportation concerning CDL policies and programs affecting implementation.

AAMVA, through its committee structure, and in concert with Federal Highway, has developed model legislation for states to consider in implementing state laws; developed the model CDL drivers' manual, classified license system, and test program; designed and implemented the commercial driver license information system, the support telecommunications system -- called AAMVAnet -- and a national public information program. AAMVA also serves as a clearinghouse for CDL implementation activities.

The framework for the program is included in the Commercial Motor Vehicle Safety Act, which requires the Secretary of Transportation to establish minimum standards for

state commercial driver testing and licensing procedures, blood alcohol content, driver disqualification, and single license.

The FHWA minimum standards provide for a high degree of uniformity throughout the country which has been supplemented by the model programs developed by AAMVA and adopted in the states. We recognize the Commercial Driver License Program is a significant development and implementation effort for the state motor vehicle agencies. State motor vehicle data processing and communication systems must be modified, a new classified driver licensing program must be adopted, a new testing program, and the associated personnel training and procedure changes.

The result will be a comprehensive and effective commercial driver licensing system. For the first time in more than 30 years and since the commercial motor vehicle industry came into its own following World War II, state agency officials will have the information they need to make licensing decisions; employers will be able to make more intelligent employment decisions; and perhaps most important, the motoring public will have some assurance that they are sharing the highway with competent, professional commercial drivers.

ASSEMBLYMAN MORAN: Mr. Chairman, if I may interrupt-- Mr. Martin, I hate to interrupt you in your speech, but in looking through this, and skimming it real quickly, and listening very closely to your reading it, we are going to sit here for eight pages-- We can read it. We have tons and tons of testimony here that people would love to come up here and read. If you could briefly -- at the pleasure of the Chairmen--

ASSEMBLYMAN IMPREVEDUTO: Yeah, if you could just summarize.

MR. MARTIN: Let me do that. In fact, Mr. Chairman--

ASSEMBLYMAN IMPREVEDUTO: We will make the whole thing part of the record.

MR. MARTIN: Thank you. I can appreciate that this is the third hearing, and I know you've got a lot of people.

ASSEMBLYMAN IMPREVEDUTO: Your entire document will be made a part of the record.

MR. MARTIN: Okay. There are three issues, though, that I would like to touch on very briefly. One deals with alternative testing and a concern -- I think a very legitimate one -- that people who do not read well are going to have trouble studying this manual and taking these tests. In addition to these other activities I have talked about briefly, we are developing a true/false test that, at the discretion of the states, they can administer orally to people who do not read well. We are also working on a test preparation program for functionally illiterate people.

ASSEMBLYMAN IMPREVEDUTO: I guess our question -- which has been a question all along the way-- We heard a whole lot of stuff about some kind of an oral test that can be given by telephone, and all this other kind of stuff, which may or may not be ready or prepared. But I understand you guys are working on something now and it should be ready by the time we are ready to go.

MR. MARTIN: Right.

ASSEMBLYMAN IMPREVEDUTO: My question is -- and I guess it is something that we, probably, will have to define-- I am just wondering if you people at the FHWA or the AAMVA have defined this -- learning disabilities. I mean, how do we define who we are going to give this oral test to?

MR. SPATARO: The Federal regulations do not specifically identify that, or classify anyone as functionally illiterate. It is a state function to determine who to give that particular test to.

ASSEMBLYMAN IMPREVEDUTO: Okay, so we could set up something in our own legislation which would determine--

MR. SPATARO: Right, right.

MS. HOCHMAN: Some states actually use a screening test. Pennsylvania -- one of your neighbors -- has developed a scheme where they give a pretest to folks. Rather than ask the person whether they have a reading problem, they give them a little test, and the scores on that test signify to the folks in Pennsylvania whether the individual has a reading problem or not. Then, if they do have a reading problem, they treat them differently.

ASSEMBLYMAN MORAN: Then they are eligible to take the true or false orally?

MS. HOCHMAN: That would be so, but I believe in Pennsylvania they are eligible to become part of the training program that they have developed with their Department of Education for functionally illiterate individuals.

MR. MARTIN: I don't think that that program in Pennsylvania is a test necessarily given by the DMV as a condition of taking the test for the CDL. It is a program that is, in fact, a reading education program, and these pretests are given to determine whether or not the individual should go into a more sophisticated reading program or something very elementary. They are using the CDL materials as the base material for that instruction.

ASSEMBLYMAN IMPREVEDUTO: Yeah, but the important point is that that is something we can work out with DMV as to how we are going to do that.

MR. MARTIN: I think so.

MS. HOCHMAN: Yes, absolutely.

MR. MARTIN: Just one other consideration, Mr. Chairman. The field tests we are running will make the written tests and the oral tests comparable. We don't want to put, obviously, an applicant at an advantage or at a disadvantage simply because they read better in terms of testing their knowledge.

ASSEMBLYMAN IMPREVEDUTO: Yeah, I understand.

MR. MARTIN: I think in the states, one factor in who will be eligible to take these tests will be, in fact, the delivery system the state has. If it has a sophisticated delivery system where they can handle a number of people and give these oral tests at one time, I think that is going to be much more cost-effective for them. If they have an examiner who sits down to read a somewhat lengthy test to someone, obviously that is going to be time-consuming. We expect that the oral tests will have more questions than multiple choice, simply because of the fact that you've got about a 50% chance to answer correctly.

ASSEMBLYMAN IMPREVEDUTO: You are preparing a general knowledge oral. Are you also preparing the individual endorsements oral?

MR. MARTIN: Yes, we are; yes, we are. We are field testing all of those.

ASSEMBLYMAN IMPREVEDUTO: And you think they should be ready for a go at what point in time?

MR. MARTIN: Well, we are estimating mid-August to complete the field tests. We will do some analyses, and I think probably late August or early September we should have those tests out to the states.

ASSEMBLYMAN IMPREVEDUTO: So, if and when we are ready to go, and I'm hoping sometime in December, or let's say January 1, we will be ready to begin testing here. We're on board with this.

MR. MARTIN: Yeah, we should have those done long in advance of that.

ASSEMBLYMAN IMPREVEDUTO: A question I have concerns something you heard just a little bit ago, and that's school bus endorsement. That is something-- You guys really missed the boat on that, particularly, I mean, the Federal government. When they drew this particular test for passenger vehicles, there should have been some concern and some

questioning, since they were talking about the fact that people driving school buses would be required to have this. There should have been questions about the nuances of school buses that do not happen with a passenger vehicle or a truck. And I think that is important.

People driving school buses are certainly carrying precious cargo, and to have someone who knows what he is doing is really important. We in New Jersey do give a school bus test, and I suppose many states do that. The question relates to what those people do. If, in fact, we want to have a school bus endorsement, we need to prepare a test, I guess, which we already have. We have a test that we give. It is my understanding that we asked the FHWA to take a look -- Don, am I correct? (affirmative response) -- at the school bus test and give us some indication as to whether or not this would pass your muster. I guess it hasn't.

My next question would be, would it be possible for you folks to take a look at that test again, and tell us what we need to do so that it can pass your muster?

MS. HOCHMAN: Okay. I have to admit a little bit of confusion here. We did analyze the test that New Jersey gives to bus drivers. Whether that was--

ASSEMBLYMAN IMPREVEDUTO: School bus drivers or bus drivers?

MS. HOCHMAN: I believe it was the general bus drivers.

MR. HENRY: (speaking from audience) The bus drivers, which includes--

ASSEMBLYMAN IMPREVEDUTO: Regular bus drivers, which includes school bus drivers.

MS. HOCHMAN: So, whether you have a separate test for school bus drivers-- If you do, and you would like us to look at that, that is not a problem. We can certainly look at that.

ASSEMBLYMAN IMPREVEDUTO: Do we? I was under the impression that we did. Do we?

ASSEMBLYMAN MORAN: Isn't that the same test that you gave them?

MR. HENRY: (speaking from audience) I gave them-- That is the test they have.

ASSEMBLYMAN IMPREVEDUTO: And there are school bus questions on there?

MR. HENRY: Yes.

ASSEMBLYMAN IMPREVEDUTO: We don't have a separate test, then, for--

MR. HENRY: It's the bus test. I believe it is for school bus drivers as well.

ASSEMBLYMAN IMPREVEDUTO: Okay. And that test did not pass your muster?

MS. HOCHMAN: No.

ASSEMBLYMAN MORAN: Why did it fail?

MS. HOCHMAN: Dominick analyzed that test. I have three people on my staff who are experts in how the testing portion of the standards was put together. We have developed a checklist which describes the general areas where you need to have at least one question on a test to ensure that the driver would have that kind of knowledge, and there were several of those areas where they were missing.

MR. SPATARO: That is correct. I don't recall exactly what those knowledge areas were, but it was a case where it did not meet the standards we have in the regulations.

Again, the model tests that were given to the states do meet the standards, and certainly in many respects may exceed the standards, so we know that much. In terms of coming up with a new test, we would actually need to go back to the standards themselves and compare each question to the specific requirements that we have in our standards, to make sure that all of the knowledge areas are covered and all the other requirements are met.

ASSEMBLYMAN IMPREVEDUTO: That would be the general knowledge part. I am talking about--

MS. HOCHMAN: That would be for either the general knowledge or for any specific endorsements you are concerned with.

MR. SPATARO: Or endorsements.

ASSEMBLYMAN IMPREVEDUTO: If the State of New Jersey, today, decided that we want to have a new endorsement -- we want to add an additional endorsement, and that would be the school bus endorsement, so that a person would take the general knowledge test, school driver's endorsement, and then would only be permitted, with the CDL -- couldn't drive anything else unless it took other endorsements, certainly-- What would we have to do?

MR. SPATARO: Okay. If this is in addition to the general knowledge test and the endorsement -- and the passenger endorsement test that New Jersey would--

ASSEMBLYMAN IMPREVEDUTO: No, no, no, no, no.

ASSEMBLYMAN MORAN: May I ask the same question again, Mr. Chairman?

ASSEMBLYMAN IMPREVEDUTO: Try your words.

ASSEMBLYMAN MORAN: Okay. We have the first part. That is the general, and there is no argument that everyone should be responsible to take the general. Now, the question is: We have, presently, in New Jersey a driver's license test that you have evaluated. You said that it does not compare to the passenger endorsement test, and it cannot be used in lieu of.

My question to you was: What was it that it did not muster up to, and what would we have to do to correct that existing test to muster up to yours? I got the impression that your answer was there were various indicators that were not addressed that we would have to have addressed. Okay?

MR. SPATARO: Right.

ASSEMBLYMAN MORAN: So the possibility does exist that we could take our existing test and modify it to some extent to

get the passenger endorsement test. But what Assemblyman Impreveduto is saying is, instead of having the passenger endorsement test, which incorporates some things other than being a bus driver, we wish to have a bus driver's test in lieu of that particular test.

ASSEMBLYMAN IMPREVEDUTO: A school bus driver's test.

ASSEMBLYMAN MORAN: Right. So, we would have the general test and the school bus driver's test. The school bus driver's test would be our present -- let me finish -- test modified to meet the minimum standards that you would require for a bus driver license.

MS. HOCHMAN: So an individual who wants to get a school bus driver's license--

ASSEMBLYMAN MORAN: Only a school bus driver's license.

MS. HOCHMAN: --does not take the passenger endorsement otherwise; they take the school bus endorsement.

ASSEMBLYMAN MORAN: Correct.

MS. HOCHMAN: Okay. We would need to look at that to make sure that the items are covered; if there were adjustments you would make to those items, other than the basic items. In other words, the Essex Test may go in a direction that you do not choose to go for your school bus drivers. You want to substitute questions on local law, and that sort of thing. We would have to look at it and make a judgment. Then the license document that you would issue to the individual would have to restrict them somehow from operating the other vehicles that would otherwise fall into the vehicle group.

ASSEMBLYMAN MORAN: Correct. Colonel, did you wish to say something?

COLONEL PAGANO: (speaking from audience) No, sir.

MR. SPATARO: I just want to add that in developing a school bus specific test -- okay? -- we could certainly do that and we could work with DMV in reevaluating the previous test and work together to come up with the questions that were

lacking in the initial review. But if the objection to the existing test is the fact that the existing test includes cargo-handling questions or hazardous materials questions-- Now, if those areas were eliminated from this bus specific test, then the individual license would have to be restricted to passenger carry vehicles only.

Now, that is certainly a possibility within the Federal standards. I think one thing to keep in mind in doing that, is the fact that under the existing regulation the person taking the general knowledge test and the passenger endorsement test, which contains those two particular areas, would also be able to drive trucks within a same vehicle group that he or she is going to be licensed for.

ASSEMBLYMAN IMPREVEDUTO: No, no, no, no, no.

ASSEMBLYMAN MORAN: No, no. We must be speaking a different language.

MS. HOCHMAN: Under the Federal standards.

MR. SPATARO: Under the Federal standards. In other words, if the individual driver took the test -- the model test -- which includes those cargo-handling questions and hazardous materials, then the license would be a full CDL. That person would be able to drive buses, and also drive trucks within that same group.

ASSEMBLYMAN IMPREVEDUTO: All right. Let me ask you a question: If I just take the general knowledge and nothing else, what does that permit me to do?

MS. HOCHMAN: It permits you to drive vehicles which fall within the category--

ASSEMBLYMAN IMPREVEDUTO: Twenty-six thousand pounds.

MS. HOCHMAN: --that you applied for--

ASSEMBLYMAN IMPREVEDUTO: That are single-unit vehicles.

MS. HOCHMAN: --which do not require any of the endorsements.

ASSEMBLYMAN IMPREVEDUTO: That does not have air brakes; does not have hazardous material.

MR. SPATARO: No air brakes.

MS. HOCHMAN: That doesn't carry "placardable" amounts of hazardous materials.

ASSEMBLYMAN IMPREVEDUTO: Okay. So, in other words, if I just take the general knowledge part, I am already-- I don't have to take any other endorsements, as long as my truck has manual brakes, and all that stuff, and doesn't carry hazardous material, and I carry rugs or something like that on it.

MS. HOCHMAN: Right. However, if you want to get a passenger endorsement on that, you need to take the passenger endorsement portion, and the skills test that you would take-- You would either bring in your passenger type vehicle, or you would be eligible for the grandfathering--

ASSEMBLYMAN IMPREVEDUTO: All right. Now--

MS. HOCHMAN: --and you would be allowed to drive the truck, or the--

ASSEMBLYMAN IMPREVEDUTO: The next question, then, would be-- I am following what you are saying. The next question, then, would be-- I have my general knowledge CDL, with all of the Essex questions, cargo handling-- I have another general knowledge test where if I eliminate the cargo loading questions that I am giving to my bus drivers, including my school bus drivers -- okay?--

Now, they take this general knowledge test with the questions eliminated concerning cargo loading and hazardous materials, which ~~is~~ permitted, as I understand it-- What does that entitle them to do? Just the general knowledge test without the questions -- cargo loading? It doesn't entitle them to do anything, correct?

MS. HOCHMAN: Right.

ASSEMBLYMAN IMPREVEDUTO: So now they need an endorsement. Okay, now, they can either take a passenger vehicle endorsement, which is for regular bus drivers, which right now would include school bus drivers and regular bus drivers, or they can take-- If they just want to be a school bus driver -- I think this is the question -- they just want to be a school bus driver-- I am a retired guy; I don't want to drive a bus; I don't want to drive a truck. I want to spend four hours a day driving my little yellow school bus. Can I create a school bus endorsement?

MS. HOCHMAN: Sure.

ASSEMBLYMAN IMPREVEDUTO: Okay. Now, what do I need to do to do that? That is where we started out.

MS. HOCHMAN: Right, and our answer was, you would need to look at the Federal regulations and see the knowledge areas that are required to be on a test--

ASSEMBLYMAN IMPREVEDUTO: Okay -- must be covered.

MS. HOCHMAN: --for a passenger type endorsement, and you can word the questions related to those knowledge areas more specific to a school bus vehicle, if that is what you choose to do.

ASSEMBLYMAN IMPREVEDUTO: Okay. Or, I can take the passenger endorsement--

MS. HOCHMAN: Right.

ASSEMBLYMAN IMPREVEDUTO: --add some questions concerning school buses--

MS. HOCHMAN: Related to school bus operations.

MR. SPATARO: Right.

ASSEMBLYMAN IMPREVEDUTO: --or I can just leave it alone.

MS. HOCHMAN: Right.

ASSEMBLYMAN IMPREVEDUTO: Then if I take it and I pass it, then I can drive a big bus or a little bus.

MS. HOCHMAN: Right.

MR. SPATARO: Correct.

MS. HOCHMAN: So you have a lot of discretion as to how you want to handle that.

ASSEMBLYMAN IMPREVEDUTO: To your knowledge, have any other states established a separate school bus endorsement?

MS. HOCHMAN: Yes.

ASSEMBLYMAN MORAN: Who?

ASSEMBLYMAN IMPREVEDUTO: Was Pennsylvania one of them?

MS. HOCHMAN: I'm not sure how Pennsylvania has ultimately done it. They have recently passed their legislation and had it signed by the Governor, but we have not yet gotten a copy of it to analyze. South Carolina, North Carolina?

MR. SPATARO: North Carolina.

MS. HOCHMAN: Has a separate school bus endorsement.

ASSEMBLYMAN IMPREVEDUTO: And their tests have passed your muster?

MS. HOCHMAN: Yes. Another state has what they are calling a "separate school bus endorsement," but which, in fact, it is not. They only separated it that way to change the fee structure they would charge. In other words, a person takes the same test, but because they are asking for the school bus portion, they get to pay a lower fee, so they give them a different letter to represent that, after they pass the test on the document. That's Virginia.

MR. SPATARO: We also have another request from Indiana, which is also interested in developing a bus specific test. We have not given final approval. We have given preliminary verbal approval, yes, in essence explaining to them that the Federal regulations allow for that. But we haven't looked at the specific questions involved to actually approve a specific test.

MS. HOCHMAN: Because they haven't developed them yet.

ASSEMBLYMAN IMPREVEDUTO: Is there a model out there of anybody who has done it that we could see, or is that--

MS. HOCHMAN: I'm sure we can get -- we can work with Don and the other folks at DMV to give them any state's test that we have, that have been sent to us.

ASSEMBLYMAN IMPREVEDUTO: Okay. I would strictly be concerned with the school bus endorsement thing.

I guess the last question concerning this whole school bus issue is: What is the downside? Why shouldn't we do that? Tell me why we shouldn't do this, or why we should. I mean, we have heard why we should, but why shouldn't we?

MS. HOCHMAN: May I give a little background?

ASSEMBLYMAN IMPREVEDUTO: Sure.

MS. HOCHMAN: Originally, in the Notice of Proposed Rule Making which came out for folks to react to before we came up with the final rule, we had a separate set of bus classes. We handled buses completely separately. Largely the comments we got from the states, and other organizations, were that separating that out increased the burdens on them to get this whole thing done. In other words, they would have to keep track -- a paperwork kind of track -- of eight types of vehicles, instead of four, or they would have to develop separate scoring procedures -- separate testing procedures -- and that was enough of an administrative burden that they did not choose-- Their desire was for us not to create a final standard that did that.

ASSEMBLYMAN MORAN: Well, if they just took--

MS. HOCHMAN: So, we ended up with a final standard that incorporated the bus vehicles in with the rest.

ASSEMBLYMAN MORAN: If they just took the same--

MS. HOCHMAN: So, it was largely that it would result in an administrative burden for the DMV.

MR. MARTIN: The other considerations -- I think there are two, Mr. Chairman-- A number of states have substantially more demanding requirements of school bus drivers, through background checks and some tests.

ASSEMBLYMAN IMPREVEDUTO: We had that here, also.

MR. MARTIN: Yeah. See, you are not alone. There is already a fairly well established, more stringent school bus program. To go back and break that out in terms of the CDL would have been an additional burden on the school bus people, in addition to what they were already doing. It was felt that it would make more sense to have a single passenger endorsement program.

ASSEMBLYMAN IMPREVEDUTO: See, the funny part about this is, this is coming from the school bus people. They are saying: "Give us the test. We want our own specialized test." I suspect this is for a number of reasons. Number one, in the State of New Jersey -- I don't know how the other states are -- it is very difficult to come by school bus drivers. I guess the fear is that if we begin to give passenger endorsement, we may lose the school bus drivers we have to the big bus drivers.

MS. HOCHMAN: Or, I have heard the fear expressed that if you -- that because a person has a passenger endorsement, they can drive the non-passenger type vehicles in that group; that instead of working to drive a school bus, they may go to work for UPS--

ASSEMBLYMAN IMPREVEDUTO: No, nobody wants to work for them.

MS. HOCHMAN: --or a company like that, where they might be able to make more money. That is a real concern.

ASSEMBLYMAN MORAN: But if that is the case, that is his or her decision--

ASSEMBLYMAN IMPREVEDUTO: Decision, yes.

ASSEMBLYMAN MORAN: --and they know the consequences, that they have to get a different license.

MS. HOCHMAN: That's right; that's right.

ASSEMBLYMAN MORAN: I think the primary objective of what we are trying to do here is-- We don't want to squeeze

people out. First of all, we can't get them in New Jersey -- school bus drivers -- and those that we have we want to keep. Those persons who are our future bus drivers-- We don't want to make it so miserable for them that it is going to cost them time and money to get the certification to make \$6 an hour. It's just impossible. It doesn't work.

ASSEMBLYMAN SALMON: Mr. Chairman, I was going to make the same comment. I have been in education for 26 years, and if you want a tough job, try to find school bus drivers. They really have to go out and search to fill in and get those needs secured. I think the harder we make it on them, the worse it is to fill in those positions. I think, as a Committee member, I would like to look at ways to implement the law and follow the Federal law -- because we don't want to lose \$30 million of Federal funds -- but at the same time, I don't want to make it impossible to get school bus drivers.

I think we have to have some flexibility on this issue. I sort of agree a lot with the testimony that has been given here by the New Jersey School Bus Owners Association, because I know from my personal experience how difficult it is to get school bus drivers. They have a thankless job. It's a tough job.

ASSEMBLYMAN IMPREVEDUTO: Okay. I think we understand the law now, finally. We finally got that put away. Hopefully it is fully understood by all of us, so this Committee can speak about it and decide what we want to do with it.

I think the next question that has been clouding this CDL issue from day one, is the vehicle inspection; the walk-around inspection before the truck driver, or bus driver, or whoever else, gets into their vehicle to drive it away. Are the new requirements for CDL any different than the requirements that are currently in existence for a truck driver, before he leaves the yard, to examine his vehicle?

MR. SPATARO: I am not totally familiar with New Jersey requirements right now, but I will get right to the areas that I believe are at issue in this particular area, and that is--

ASSEMBLYMAN IMPREVEDUTO: Could you please speak into that mike so that the rest can hear you? The little mikes are for recording purposes; the big one will spread you out throughout the auditorium.

MR. SPATARO: Okay. We have heard that people have a misconception that as part of the pre-trip requirements, they are required to climb underneath the vehicle in order to check particular items, or they are required to open the hood, and that is not the case. Certainly the way the material is presented in the manual itself, it may convey that particular message, but the requirements do not require either one of those two things.

From the Federal standards, the applicant needs to have knowledge of a pre-trip procedure. In essence, what that individual needs to demonstrate to the examiner is that he or she has the knowledge to determine whether a vehicle is safe and road-worthy. They can do that through a combination of checks -- actual checks -- and verbal explanations. Again, to deal with those particular areas that are brought to our attention that I believe are of concern here in New Jersey also, there is no requirement that the individual go underneath the vehicle or have extensive knowledge where they would be required to be mechanics, to go underneath the hood and actually -- to demonstrate the functioning of the various parts.

ASSEMBLYMAN IMPREVEDUTO: Okay. After reading the manual and viewing a number of videotapes put out by a few different companies -- Wheels To Go West Corporation and somebody else and somebody else -- what I see the book saying, and what I see the films saying is: "I, as the driver, before I move my vehicle from the yard, should check the oil, check

the belts, check the springs, check the brake linings, check the exhaust system--"

ASSEMBLYMAN MORAN: We did that on his car on the way down here. We stopped. (laughter)

ASSEMBLYMAN IMPREVEDUTO: We stopped so many times we could have.

ASSEMBLYMAN MORAN: That's why we were late, because he did pre-inspection.

MS. HOCHMAN: And I am sure your vehicle functioned safely all the way down here.

ASSEMBLYMAN MORAN: No, the State Police pulled us over. We were ticketed for speeding. (laughter)

ASSEMBLYMAN IMPREVEDUTO: It's true.

So, what I read in the manual-- The manual in New Jersey -- the manual prepared by Essex Corporation, which we are giving out to the people of our State -- talks about S-cam brakes and all kinds of other brakes, and the exhaust system, the integrity of my exhaust system, you know. When I watched the one film, it showed me looking at a tractor-trailer -- I'm sorry, a straight truck without the body on it. So I could see the drive shaft, and I could see all these other things. The thought occurs: What happens when you put the body on this truck? How do I look at this stuff?

The second part is: We heard testimony from people in the Teamsters, who said, in order for us to check the oil, we need to turn the whole cab over.

MS. HOCHMAN: It depends on the vehicle.

ASSEMBLYMAN IMPREVEDUTO: Yeah, I mean-- If you are asking the driver to do that, you know, you are going to have him in the yard for an hour. So what I understand you to tell me now, is that the Federal regulation does not mandate that that be done. The driver does not have to lift the cab, test the oil, look at the belts.

MS. HOCHMAN: The Federal requirements for the CDL -- for taking that exam -- mandate that the driver have knowledge--

ASSEMBLYMAN IMPREVEDUTO: Excuse me. Clark, may I ask you to do me a favor? Could you be the mediator, and send your mike back and forth? The little mike you are talking into is just for recording. This one here is the one that gets us out there. (Mr. Martin complies)

MS. HOCHMAN: The Federal CDL standard does mandate that the driver have knowledge of pre-trip inspection, largely because pre-trip inspections can point out malfunctions which could cause an accident on the highway, particularly with the braking system. That is a very common cause of accidents.

The standards for CDL themselves do not dictate that an individual actually perform a pre-trip inspection as part of the test. Now, the model manual and the model materials developed by Essex, in conjunction with 12 states and two provinces in Canada, dealt with that section of our requirements as if it were going to be a skills test, because it is easier, perhaps, to measure a person's knowledge if they have the vehicle there. In addition, what is discovered is that a lot of times vehicles are not in a safe operating condition, even though they are brought in for an individual to take his skills test on. So, this keeps the examiner in the state from going out in an unsafe vehicle--

ASSEMBLYMAN IMPREVEDUTO: Oh, yeah.

MS. HOCHMAN: --believe it or not. So, what they have done is structure it as if it were a skills test. So the standard -- because it says the driver must have knowledge -- could be done using a model of a truck or a bus or a school bus or a car, if the car was going to be placarded for hazardous materials, or it could be done using a piece of paper and a drawing. But it seems as if the most practical way for the DMVs is to do it with the actual vehicle.

ASSEMBLYMAN IMPREVEDUTO: So, whatever we are doing here in New Jersey today, whatever kind of pre-trip inspection has been mandated by either the State or the Federal government, according to today's rules for a truck driver-- If we continue to do those, we're safe. I mean, we don't have to change that. Pre-trip inspection-- I take my CDL, I pass it, I am ready to take my truck out of the yard. What kind of an inspection do I have to give: the one I am currently giving, or something that you are telling me the Federal government hasn't mandated?

MS. HOCHMAN: Each company, if they are large companies, may have different operating practices.

ASSEMBLYMAN IMPREVEDUTO: Right.

MS. HOCHMAN: But the Federal requirements do require a pre-trip inspection be completed.

ASSEMBLYMAN IMPREVEDUTO: I understand that.

MS. HOCHMAN: Who does that, is a different question.

ASSEMBLYMAN IMPREVEDUTO: But I guess there is no change in what the Federal government requires today than what it will require on April 1, 1992.

MS. HOCHMAN: That is correct, to my understanding.

ASSEMBLYMAN IMPREVEDUTO: So whatever I am doing to my truck today with my company, and as long as I am meeting whatever my State requires and my company requires and my Federal government requires-- That will not change?

MS. HOCHMAN: That is correct.

ASSEMBLYMAN IMPREVEDUTO: Is everybody in agreement with that?

MR. MARTIN: (speaking off mike) Well, Mr. Chairman, won't change-- I think we've got to make a distinction here. I think you are speaking of the pre-trip inspection required in the Federal motor carrier safety regulations.

ASSEMBLYMAN IMPREVEDUTO: Pre-trip inspection.

MR. MARTIN: Okay, as opposed to this licensing task. Very similar; very similar. And they won't change.

ASSEMBLYMAN IMPREVEDUTO: I have already gotten my license. I am going to take my truck out of the yard.

MR. MARTIN: Right.

ASSEMBLYMAN IMPREVEDUTO: What I do today, as long as I am meeting all of the standards that are out there--

MR. MARTIN: You, to take your truck out of the yard, you do what you do today.

ASSEMBLYMAN IMPREVEDUTO: Okay.

MR. MARTIN: (speaking off mike) You're right, that is not going to change. One other comment in terms of this question Jill talked about -- the practicality of the truck. I think the State has the discretion to reconcile some recommendations in the Essex programs, in terms of opening the cab, raising the hood-- I don't believe that Essex ever recommended crawling under the vehicle, but the implication may be there; but certainly raising the hood, belts, oil. There is no question about that. A number of states have chosen not to make that a part of their pre-trip inspection, and still meet the knowledge skills.

Now, as you indicated, there is an awful lot of latitude there, but in terms of testing that individual's knowledge, having the truck there, and wanting to point out the things they look for in terms of a safe vehicle, is a lot better approach than a diagram on paper and so on. So, I am trying to strike a balance between that kind of an approach and one that is obviously more extreme in terms of raising the hood, and that kind of thing. There is a lot of latitude there.

ASSEMBLYMAN IMPREVEDUTO: Yeah. I think the problem has been that all through the hearings we have heard people say: "Yes, you have to do this thing. You have to check the oil, and you've got to check the belts, and all the other stuff." And we are hearing other people say: "No, you

don't." Really, why we asked you guys to come, was to hear it from the horse.

MR. MARTIN: Well, you don't.

ASSEMBLYMAN IMPREVEDUTO: Okay.

MS. HOCHMAN: Right; exactly right.

ASSEMBLYMAN IMPREVEDUTO: So, does everybody out there hear that?

MR. MARTIN: But don't throw the baby out with the bath water.

ASSEMBLYMAN IMPREVEDUTO: No, I fully understand that.

MR. SPATARO: From a testing perspective-- Again, I am not totally familiar with the process -- the procedure -- that New Jersey goes through now, but I suspect that the pre-trip inspection that is currently required of the commercial drivers right now as part of the test, would probably satisfy the Federal standards.

ASSEMBLYMAN IMPREVEDUTO: Okay. What I am going to do is--

MR. SPATARO: And I don't believe that procedure involves going underneath the vehicle, or actually opening the hood.

ASSEMBLYMAN IMPREVEDUTO: What I am going to do is, as soon as this body is finished asking you any specific questions they may have, besides myself-- I am going to bring the Teamsters up. I know they are going to have some questions. Again, you guys are the experts here and, you know, we put our faith and our trust in your hands. I am sure you will give us the answers that we need to have. So I am going to ask you to stick around, okay?

Does anyone have questions?

ASSEMBLYMAN MORAN: Yes, I have. At our last hearing -- unfortunately, you were not here -- the same question came up that Assemblyman Impreveduto brought up about the pre-trip. I hate to say it again, but I did see the Wheels To Go and the

Essex Corporation films, and they specifically go into detail about, "Make sure you know this because it is going to be on the test." I read the test booklet and the manual and, in fact, it says: "You damned well better know it, because it is on the test."

I have seen the sample example test they have given, and it is on the test. Now you are sitting here telling me: "We are in charge of the test, and don't worry about it. Just know about it, but we are not going to test you on it. In fact, it is up to your company whether you do it or not." I have a book, and it says it right there.

MS. HOCHMAN: You are looking at, I believe, the model manual prepared by Essex Corporation.

ASSEMBLYMAN MORAN: Yes.

MS. HOCHMAN: And they are, of course, referring to the model tests prepared by Essex Corporation.

ASSEMBLYMAN MORAN: Correct.

MS. HOCHMAN: That manual and those tests go absolutely hand in hand.

ASSEMBLYMAN MORAN: Correct.

MS. HOCHMAN: And, I might also venture to say, I have seen a lot of these films, too, and it is-- When you go around the country and you talk to safety department personnel and motor carriers, or other organizations that have vehicles, they are very proud of their work and they are usually doing a terrific job. One of the things they always have is a film or a video or a class that they give over and over to their people on pre-trip inspection. That is a very visual thing for companies to have and for training folks to focus on. If you are actually doing a pre-trip, it has parts of it that are fairly easy to measure for testing purposes.

So what you will see as a logical result of that is a lot of focus on pre-trip. The Essex folks, I think, when they put that together, working with the 12 departments of motor

vehicles across the country that they worked with, and having a technical review panel of 24 other experts, which included members of the International Brotherhood of Teamsters, the American Trucking Association, the United Bus Owners Association, moving companies, on down the line -- they were pretty much the spectrum of experts -- agreed that these are the types of things that would make up a very good pre-trip.

ASSEMBLYMAN MORAN: But it is not part of the requirement?

MS. HOCHMAN: Not to actually complete a pre-trip inspection.

MR. MARTIN: Mr. Moran, I want to clarify this: When you say, "It's in the tapes, it's in the manuals, and so on, and it is going to be on the test," it may, in fact, be on the knowledge test. I think my point anyway -- and I think Jill and Don were making a similar point -- is that this whole issue of when you go out to do a pre-trip inspection on-site with a vehicle, there is a lot of discretion there from the State as to whether or not they open the hood, crawl under the vehicle -- physically do that -- as opposed to--

ASSEMBLYMAN MORAN: Okay, let me just--

MR. MARTIN: --it being on a knowledge test. If they say in the book that, "It may be on the test," or they say in the film, "It may be on the test," it may be on the knowledge test perhaps and, in fact, there will be no questions on the knowledge test that are in that manual. So I am making that distinction between the knowledge test and the--

ASSEMBLYMAN MORAN: But then these particulars could be on the knowledge test?

MR. MARTIN: That is correct. That could happen.

ASSEMBLYMAN MORAN: You know, you are confusing the living hell out of me, and I have a master's in reading. I have studied it, and I have thoroughly gone over it, and it told me, the 101 times I read this thing -- each and every time

-- that the fact of the matter is, I've got to know about the wheel and the rim problems of my vehicle, my pre-inspection.

MR. MARTIN: Right.

ASSEMBLYMAN MORAN: I've got to know about the steering system defects. I've got to lift up the hood to get to the steering system -- all right? -- of my truck and/or my bus. I am a union worker. I have a union mechanic. I am not supposed to be underneath that hood. He or she is supposed to be underneath that hood. I don't want to be responsible for touching or feeling the cables and the wires and everything else. That is his or her responsibility.

MR. MARTIN: Well, I think I am being consistent here. My point was that the State doesn't have to require a pre-trip inspection that those things be done.

ASSEMBLYMAN MORAN: Then why have it in the test?

MR. MARTIN: Well, it is worthwhile knowledge. I mean, it is important for the driver to have some appreciation of those systems. That is a far cry from--

ASSEMBLYMAN MORAN: You know, it is no different -- and as legislators we hear it all the time -- "Well, don't worry about it. It's in the bill, but don't worry; we are not going to enforce it." You know, it is like a judge saying, "But it's in the law. You broke the law, but the Legislature said they weren't going to enforce it." Here we're saying that there is something in the manual, something on the test, but those of you who are responsible for it -- to regulate it -- are saying: "We just want them to know it."

Well, in my business, if you have to know something, you are going to be tested on it. And if you are tested on it, you better know it.

MR. MARTIN: I thought the concern was that the applicant would be asked to raise the hood and crawl under the vehicle. My point was, the State has the discretion not to require those kinds of things and, as I said earlier, a number

of states are not. That is when they actually do the pre-trip inspection. Now, that is different from sitting down and taking a written test, and a question may or may not be on any one of those items you cited about oil, rims, tires, and so on.

So, I am just making the distinction between the physical pre-trip inspection on-site at the agency and the written test, because I thought a concern was that applicants have to crawl under the vehicle and raise the hood up.

ASSEMBLYMAN IMPREVEDUTO: The question, again, comes to this: I have taken the test. I have passed the test. I have my little license which says that I am now certified to drive doubles, triples, quadruples, air brakes, hazardous-- I get every endorsement you want. I go into my company tomorrow -- I work for X,Y,Z Trucking Company -- and I get into my tractor-trailer. I check my blinkers; I check my headlights; I check my brakes to make sure the pressure is proper. Do I need to check the oil? Do I need to check the belts? Do I need to check the lug nuts? Do I need to check the brake drums? Do I need to check the exhaust system? Do I need to check anything that this book tells me I am supposed to check?

Do I have to do that, or is that just something you are giving me in this test, or asking me to know about, but I am not required to check on? If you are saying that I have to check it, after I have my license in my hand, and I'm a little guy and I've got to take this big tractor-trailer and open it up, and I still don't know what the hell I am looking at-- I know where the oil is, but I have a mechanic who does that. Do I have to do it?

MR. MARTIN: You don't have to do it in the CDL test -- pre-trip -- and you don't have to do it--

ASSEMBLYMAN IMPREVEDUTO: Later on?

MR. MARTIN: --later on. You don't have to do it.

MR. SPATARO: Later on, it would depend on the individual employer, whatever policy the company had.

ASSEMBLYMAN IMPREVEDUTO: That I understand. The employer could do whatever he wanted. It's his company, it's his truck, and I'm working for him. But I just don't want to have someone come back to us and say, "Well, the Federal government requires us to do this," and we are not doing it. I want to make sure that the Federal government is not requiring us to go underneath the school bus to check the -- whatever it is they have to check, or to open up the hood of the school bus, or to open up the hood of the truck to check the oil, the brakes, the belts, or whatever else I find underneath the hood. Because the union people's complaint is, I am a driver; I am not a mechanic. If you want to do that, let the mechanic do it.

ASSEMBLYMAN MORAN: And I'm a mechanic, and I don't want him messing with my bus, or my truck.

ASSEMBLYMAN IMPREVEDUTO: And the company is saying, "I don't want to do that because the guy is going to lose fingers. He'll probably have the motor on when he goes in there to check the oil, and a fan belt is going to hit him" -- or whatever might hit him -- "and he is going to lose his fingers. Now I am going to lose a guy on compensation. It is going to cost me money, and second of all, it is going to take him two hours to get out of the damned yard, because he is going to milk it." So, I don't have to do that?

ASSEMBLYMAN MORAN: Not our guys.

ASSEMBLYMAN IMPREVEDUTO: Not our guys, only those over-the-road guys who come from--

ASSEMBLYMAN MORAN: Now, are we overreacting to something we are reading here, or what is the story?

MS. HOCHMAN: What the story is, I am not 100% certain. (laughter) I think we are trying to figure that out together. We are trying to do that together.

ASSEMBLYMAN MORAN: Well, it is nice of you to admit it.

MS. HOCHMAN: I think that what has happened is, drivers in interstate commerce who are subject to the Federal regulations outside the CDL -- the traditional Federal Motor Carriers Safety Regulations -- have to fill out a pre-trip inspection report. They have had to do that since these regulations were put into place in the '30s.

ASSEMBLYMAN MORAN: Correct. Okay.

MS. HOCHMAN: Now, the extent of that report varies according to company policy or, if it is an independent owner/operator, according to his personal desire. There are people who would use about a 35-step pre-trip inspection. There are people who might use a five-step pre-trip inspection. The detail as to how it is done and the exact specifications are not included in those Federal Motor Carriers Safety Regulations. They are more broad than that, because we have to address the whole universe.

ASSEMBLYMAN IMPREVEDUTO: Okay. I think you did clarify this, but we have some teamsters here. Bob Marra? Bob, could you please come up, so we can get you on the microphone? You are a member of a local Teamsters union. You have been driving a tractor-trailer for a number of years, I know that.

R O B E R T M A R R A: Thirty-five years.

ASSEMBLYMAN IMPREVEDUTO: Okay. What kind, or what is the--

MR. MARRA: Can you hear me from here?

ASSEMBLYMAN IMPREVEDUTO: Yeah, but why don't you turn around here so you can speak right into the mike? In fact, if you would like, roll up a chair, too. Bring the chair over to the table right here.

MS. HOCHMAN: You can sit next to us.

MR. MARTIN: Come over here, Bob.

ASSEMBLYMAN IMPREVEDUTO: They're the Feds, don't worry.

MR. MARRA: I'm used to that. (laughter)

ASSEMBLYMAN IMPREVEDUTO: Don't worry. They're the Feds. They are here to help us.

MR. MARRA: What I was thinking while I was sitting there was, I wish you had been there at the first meeting we had in Secaucus. I think we could have had this all put to bed by now, and could have understood it. But, to come to the last meeting--

ASSEMBLYMAN IMPREVEDUTO: Well, no. We just thought about bringing them on. That was my fault. I take the full blame on that.

MR. MARRA: Okay, because what I was thinking while I was back there was, I would like to take a test to be an Assemblyman, but I really don't want the job. (laughter)

ASSEMBLYMAN IMPREVEDUTO: Nor do we want to be truck drivers.

ASSEMBLYMAN MORAN: I can understand that after last week, Mr. Chairman.

MS. HOCHMAN: I'll bet you don't want to be Federal regulation writers either.

ASSEMBLYMAN IMPREVEDUTO: No. Since you are familiar with the trucking industry, what kind of an inspection is required today?

MR. MARRA: Currently, actually, it takes about 10 minutes. They have to go around and, of course, they have to check their tires; they have to check their lights. Of course, they check their brakes. When they get into the units-- Let's stay with the tractor-trailers, so we don't get confused. After the unit is hooked up, the driver is definitely going to check the tractor brakes and the trailer brakes, through the use of the trolley brake, which will lock to make sure that they hold.

Is that driver going to crawl under the trailer to feel the depth or look at the depth? Absolutely not. That

unit, the night before, or even the night that he brings it in, if there is anything wrong with that trailer, he writes it up according to the regs. He gives it to the mechanic. The mechanic signs off on it. The next morning, the second driver gets the truck. "Oh, it was put in the shop last night. The mechanic cleared it." He double checks the brakes the same way. He is not going to crawl under that unit.

ASSEMBLYMAN IMPREVEDUTO: No. I think what we need to know is: What do you do today? You are going to take a truck out of the yard in about 10 minutes. What do you have to do?

MR. MARRA: Okay. As soon as I walk outside-- Let's say--

ASSEMBLYMAN IMPREVEDUTO: It's hooked up, ready to go. You're the driver. What are you going to do?

MR. MARRA: What I will do is: I will walk around. I will look at the tires; I'll see if the tires are bald. I would actually kick them to see if they are soft. Then I would walk around with a gauge to see what the pressure was. Okay? If the tires are soft, naturally there is a problem.

As I am walking around, I already have the lights on the truck -- the signal lights, the body lights. Those are being checked. Then I will pull the brake down, the lock brake for the trailer, to see that the brake lights are operative also. While I am walking around, I can see the springs to a certain point. From the outside, I can see if there is a busted spring, with the exception of-- If it is a unit with a lot of grease on it--

ASSEMBLYMAN IMPREVEDUTO: You might not be able to--

MR. MARRA: --the only way I would be able to know, would be to actually get underneath. But you would be able to see it. Everything we do currently, you can do visually. You do not have to get under the unit.

ASSEMBLYMAN IMPREVEDUTO: Do you check your exhaust system? Are you supposed to?

MR. MARRA: Do you check the exhaust system? Yes, okay? To physically touch it, or anything like that, no. You would tell by sound through experience. You would hear the noise. If you heard something rattling, or saw excessive smoke coming out, or anything like that, you would bring it to your mechanic.

ASSEMBLYMAN IMPREVEDUTO: Do you open the hood?

MR. MARRA: Absolutely not. I wouldn't even know how in 35 years. I have never opened the hood.

Now, as far as in the test, where Mr. Moran was coming from, where it says to check the pressure of the belts, the only way you can do belts, or you can do oil -- where you could do that, would be to lift the hood. So that is why I am a little confused also with the testimony today.

ASSEMBLYMAN MORAN: Thank you. You are making me feel a little bit better.

MS. HOCHMAN: Once again, I think it gets back to: This is the test developed by the Essex Corporation as a model test. The model test very clearly meets the standards. Lots of people would say it goes well beyond the standards; other people would say it just goes a little beyond the standards. It does go beyond the standards. How far, is a matter of personal opinion on the issue of driving safely.

ASSEMBLYMAN IMPREVEDUTO: But I guess the question still comes back to this: If we say, yes, we think they should know where the oil gauge is, or the oil drip thing is, do they have to check it after they take the test?

UNIDENTIFIED WITNESS: No.

ASSEMBLYMAN IMPREVEDUTO: Can I do what he is doing right now after April 1, 1992 -- the way he is checking his vehicle now?

MS. HOCHMAN: Yes.

ASSEMBLYMAN IMPREVEDUTO: That is not going to change?

MS. HOCHMAN: No.

MR. SPATARO: Right, right.

MS. HOCHMAN: That is correct.

MR. MARRA: Well, I have a problem with that, Anthony.

ASSEMBLYMAN IMPREVEDUTO: Okay.

MR. MARRA: The problem I have-- We had a union meeting about a month ago. One of our members got up who drives for Ward's Trucking. He has been with them for 42 years -- 42 years of safe driving, accident free. The man is illiterate, through no fault of his own. He has been driving and working since he was 15 years old. How could that man study the Essex book and be able to pass this test and know what they are talking about in the Essex book? This man's job is on the line here.

ASSEMBLYMAN IMPREVEDUTO: We are going to address that in a second. I just want to come back to the inspection part. We will come back to that in a second. I lost my trend of thought now.

I think you just said, whatever inspection-- The inspection you do now, Bob, is that by some regulation someplace?

MR. MARRA: Yes, that is Federal Regulation 2 -- whatever. I have the number here someplace.

ASSEMBLYMAN IMPREVEDUTO: Okay.

MR. MARTIN: (speaking off mike) Yes, it's Part 392 of the Federal--- (remainder of response indiscernible to transcriber)

ASSEMBLYMAN IMPREVEDUTO: Okay, all right. So that is not going to change. The inspection they are doing is still the inspection they will do in 1993, 1994, 1995, or whatever else happens, as long as no laws will change at that point?

MR. MARTIN: And that inspection, Mr. Chairman, will meet the minimum standards for the CDL test. They are looking for consistency there. I think that is the real issue.

ASSEMBLYMAN IMPREVEDUTO: Okay. So what we are saying, then, is that we can remove, should we choose to, the questions that pertain to missing nuts and bolts, cotter pins, or other parts, bent or loose or broken parts -- those kinds of questions?

MR. MARTIN: Well, I think you could interpret--

ASSEMBLYMAN IMPREVEDUTO: Steering systems, brake drums, wheel rims?

MR. MARTIN: Oh, I don't know that you could go that far.

ASSEMBLYMAN IMPREVEDUTO: I'm just saying--

MR. MARTIN: Examples of checking the oil, belt pressures--

MR. MARRA: Brake linings.

MR. MARTIN: (speaking off mike) Well, brake linings, I think, but not the air hose connections from tractor to trailer.

MR. MARRA: No, you can see them visually.

MR. MARTIN: Air hose connections, those kinds of things. Those are part of the inspected sections that Bob has been doing for 35 years. So I think if we got some consistency there, the pre-trip and inspection requirement would start with the Federal Motor Safety Regulations, which a number of states have adopted anyway, and will satisfy the CDL pre-trip inspection.

I think what we can do -- and I won't presume to speak for Joe O'Donnell, of Federal Highway-- It might be worthwhile to do a comparison of those two, so that there is some comfort here that there is not going to be radical change. Again, I won't presume to speak for Colonel Pagano either, in terms of what they want, or what you want, in terms of exceeding the standards.

But I can tell you, a number of states do not require individuals to raise the hood and crawl under the vehicle. I

don't know of a state that does. A number of them have deleted those requirements from their pre-trip inspections. Now, if there are some questions on the test, Mr. Moran will have to look at that. I don't know offhand.

ASSEMBLYMAN IMPREVEDUTO: Well, we are looking at the test now. Jeff is.

MR. MARTIN: That would frankly surprise me. I have been through that test many times, and I don't recall. To say that it is in the manual and could be on the test, that's true. If it is-- I don't think it is. Should it be? I don't think it should be either, for the reasons we talked about.

But again, eliminating those kinds of concerns to those out of the ordinary activities, in terms of raising the hood, crawling under the vehicle-- What is not a reasonable expectation for a commercial driver, and I think everyone here would agree.

ASSEMBLYMAN IMPREVEDUTO: I'm glad we have finally gotten that cleared, because the perception was -- and DMV, you know, could probably tell us until we are blue in the face that, no, no, no, no, no -- but if you look at the book and you watch the video, the hood is open, the guy is pointing out things that you can't see, you know, unless you are under there, so, you know, the perception is: "No matter what they're saying, they must be telling us a fib."

MR. MARTIN: The CDL program is so comprehensive. There is an awful lot of training material out there. It is impossible to control, and I think that is unfortunate. If someone is going to put out a tape like that, there ought to be some qualifying information there. "Your state may not do this. You are not required to do this. This is recommended," something along those lines, because that, frankly, I think, is damaging misinformation.

ASSEMBLYMAN IMPREVEDUTO: Well, that is where a lot of the confusion has come in.

MR. MARTIN: Sure, that's understandable.

ASSEMBLYMAN IMPREVEDUTO: I guess Bob can testify to-- The calls that I have been getting from bus owners, bus drivers, truck owners, and truck drivers was: "What, are you crazy? This thing is going to take an hour for the guy to get out of the yard." The truck drivers are saying: "I don't want to do this. It's not my job."

MR. MARTIN: And they have been misled. And it is implied clearly in the manual. We take some responsibility for that.

MS. HOCHMAN: And in developing the training materials, which various groups and organizations and small companies have done, they may have decided that it is easier for a person to figure out what this is all about if they are actually having someone do it; you know, a pre-trip inspection, or a complete mechanic's inspection, or whatever you want to call it, on the videotape, so they can actually show you where the oil pan might be located or, you know, how you would raise the hood. But those are for purposes of the training.

ASSEMBLYMAN IMPREVEDUTO: Have you taken the test yet?

MS. HOCHMAN: Have I taken the test? I have not taken the air brake portion. (laughter)

ASSEMBLYMAN IMPREVEDUTO: Colonel, you guys were right. We apologize. How could we ever have-- (Colonel Pagano's response indiscernible)

MR. MARRA: Mr. Impreveduto, then I would have to ask-- I came down today and, really, I do not have a proposal. We just came down to your joint Committee to thank you very much for the opportunity to come to these meetings, because we really appreciate getting our input in.

But now we will have to add something. What I would like to add is, if there are going to be questions on the test where a driver must lift the hood, or a school bus driver, who is maybe driving a small vehicle with one or two children in

it-- I don't think I could see maybe a 55- or 60-year-old woman getting underneath to check brake linings or having to know about it, if it is being done in the shop. I would like to recommend that those questions be deleted from the test.

ASSEMBLYMAN IMPREVEDUTO: We are looking at the Essex test right now.

MR. MARRA: Thank you.

ASSEMBLYMAN IMPREVEDUTO: We have one or two questions that Jeff has picked up on.

Let me ask you this: You are checking your wheels and rims during your pre-trip inspection. Which of these statements is true: Rust around the wheel nuts may mean they are loose; cracked wheels or rims can be used if they have been welded; mismatched lock rings can be used on the same vehicle? One of those is true. It's got to be the first one, right -- the rust? No? You see, rust--

MR. MARRA: No, sometimes rust-- If you get rust on the lug nuts, that could show the looseness of the lug nut. There is what they call a "slide" that goes around it, and you will see the rust on there. That could show--

ASSEMBLYMAN IMPREVEDUTO: That's what I'm saying: That would be true.

MR. MARRA: But that you could visually see.

ASSEMBLYMAN IMPREVEDUTO: Yes, we're saying that. I am just asking, that would not be something you would be opposed to?

MR. MARRA: No, not at all.

ASSEMBLYMAN IMPREVEDUTO: What you are opposed to is the question that Jeff has found--

MR. MARRA: That is currently being done.

ASSEMBLYMAN IMPREVEDUTO: Jeff, did you find the question?

ASSEMBLYMAN MORAN: Yeah, I found one. I'll see if I can find it for you. Bear with me, because this lighting affects my eyes.

ASSEMBLYMAN IMPREVEDUTO: Jeff is a special education reader, so we need to help him. Sucking the exhaust system a little too often.

ASSEMBLYMAN MORAN: You are checking your steering and your exhaust system during your pre-trip inspection. Which of these statements is true: A steering wheel play of more than 10 degrees, two inches, a 20-inch steering wheel, can make it hard to steer? I saw that in a movie, and that's true. Okay?

MS. HOCHMAN: You have to be trained to--

UNIDENTIFIED WITNESS: That is a reasonable question.
(several persons speaking at once at this point)

ASSEMBLYMAN MORAN: Leaks in the exhaust system are not a problem if they are outside the cab.

UNIDENTIFIED WITNESS: That's not true.

ASSEMBLYMAN SALMON: They are not a problem for the driver. (laughter)

UNIDENTIFIED WITNESS: It depends on what is leaking.

MR. MARRA: The problem is the guy behind him.

ASSEMBLYMAN SALMON: That's right.

ASSEMBLYMAN MORAN: Some leakage of power steering fluid is normal. I wouldn't know the difference between water, oil, transmission or whatever steering fluid from iced tea. I take it it is not good, though.

MR. MARTIN: That's true. I guess a couple of things, Mr. Moran: First, I think that is a very good question. There is a big problem -- and I think Bob will agree; we will hear from him in a minute on this-- The steering wheel play-- You shouldn't have steering wheel play. Drivers know that; the experienced drivers know that. That is one of the things they will report on their post-trip inspection, for the mechanic to repair. Ten percent is a pretty good guideline. It is in the manual.

The other things on the exhaust and the leaking and the power steering fluid make sense, too. I think all of those things are things you would expect drivers to know.

ASSEMBLYMAN IMPREVEDUTO: They are all true?

MR. MARRA: Right, but according to the test, if I found that little bit of play, I would have to lift the hood. I would have to look at the leakage going down. I would have to know what--

ASSEMBLYMAN IMPREVEDUTO: No, not--

MR. MARTIN: No, no. All you need to do is simply mark "A."

MR. MARRA: Colonel Pagano, isn't that in the test?

COLONEL PAGANO: Absolutely not.

ASSEMBLYMAN IMPREVEDUTO: No, no, no; that's in the book.

MR. MARTIN: If we can get away from the pre-trip inspection and just realize--

MR. MARRA: No, no, but aren't those questions in the test, though?

MR. MARTIN: No.

MR. MARRA: Don't you have to know the steering problem for what it is? That is what I read.

MR. MARTIN: Anything in the test dealing with pre-trip inspection is the general knowledge information. (several witnesses speaking over each other at this point; not possible to transcribe accurately)

ASSEMBLYMAN IMPREVEDUTO: We have just looked through the Essex test as written -- the test right here. I have not found a question, and neither has Jeff. Did you find a question in it? (no response from Assemblyman Moran)

MR. MARRA: It's in the book, though.

ASSEMBLYMAN IMPREVEDUTO: Well, that is one of the problems, I think, that we talked to.

MR. MARRA: Okay.

ASSEMBLYMAN IMPREVEDUTO: According to the test -- as we just looked through it -- there are some questions about the lug bolts. I asked you the question that Jeff just asked. But there is nothing that says that by pressing on the belt, how do I know how much play-- There is nothing--

MR. MARRA: But yet it is in the Essex book. How do we overcome all this -- rhetoric, I guess?

ASSEMBLYMAN IMPREVEDUTO: Well, that is unfortunate, and you're right. You have to study the book. You may find that after you study the book, some of the things you studied are not going to be on the test.

MR. MARRA: I know. Again, that is fine for myself, and maybe for you, Mr. Impreveduto--

ASSEMBLYMAN IMPREVEDUTO: Yeah, but the problem is--

MR. MARRA: --but what about the majority of truck drivers, as I said about the gentleman I just spoke to, which are a great majority in our local? What do we do for that gentleman?

ASSEMBLYMAN MORAN: Let me give you an example of what you're saying--

MR. MARRA: Right now, this gentleman is petrified of losing his job.

ASSEMBLYMAN MORAN: I don't know whether of them are here, but I have senior citizen communities -- quite a few of them -- in my legislative district, and a lot of the elderly men and women who are retired bus drivers have volunteered to be bus drivers for their villages. They are ready to quit. They refuse to be part of this because: "I am retired. I do this as a volunteer thing." Now these villages are coming to me and saying: "Hey, Jeff, now we are going to have to hire licensed CDL drivers and pay them, because the drivers we presently have, who are licensed drivers, are not going to go through the CDL because they have seen the manual, and they have read the manual." They have actually had clubhouse meetings with people, which I have gone to, and they pointed to this and said: "Jeff, I have no intention of going underneath the bus. I don't know what the exhaust pipe is. All I know is that if it makes noise, there is something wrong with it," which you have said.

Based on the conversation we have had with the DMV, that is not something that is going to be tested. The manual -- when they read it-- I have gone over it with them. I spent nights with them, and I walked out of there beating my head against the wall thinking, "There is obviously somebody trying to get these people not to be bus drivers." That is exactly what--

MR. MARTIN: With some degree of success, I am sorry to say.

MR. MARRA: Excuse me.

MR. MARTIN: Go ahead.

MR. MARRA: Mr. Moran, I had no intention of coming here and speaking today. But one of the things that we were going to do was just-- At the last meeting, there was quite a bit of the day spent on bus drivers. The AFL-CIO was there. We took their proposals, and we read them very, very carefully. We brought them back to our Joint Council President, Mr. Frank Caroscenno (phonetic spelling). He asked us to let you know that we definitely, as teamsters, Joint Council No. 73, support the AFL-CIO and the bus drivers of this State on their problems. Because trailer drivers and truck drivers have enough problems with the CDL test, but from what we have read about what they want these poor people to do driving buses-- The majority of the language in the bus test is not necessary to them. I think it is terrible. That book is a disgrace.

ASSEMBLYMAN IMPREVEDUTO: Thank you.

ASSEMBLYMAN MORAN: Thank you, Bob. (applause)

ASSEMBLYMAN MORAN: Did I get the answers right?

MR. MARTIN: Congratulations.

ASSEMBLYMAN IMPREVEDUTO: I think I know the answer to this question, but I want it for the record from the guys in the know: We have been approached by municipal employees who drive the local dump trucks for the DPW -- the local trash

trucks for the DPW -- and, in fact, at the very last hearing, someone who represented them came before us. I need to be careful how I say this now. As represented to us -- and this is not my statement; it was represented to us -- many times the municipality becomes the employer of last resort. Okay? Sometimes it is probably the right thing to do. You can hire people who may not be able to be employed by someone else, to do the jobs that you need to get done.

People, many times, have special problems -- as we heard from this gentleman. There are those who wouldn't be able to drive the local dump truck or garbage truck, because that wasn't a good job to have 30 years ago -- driving a garbage truck. So the municipalities employed those who could not read or write or do many things. Those were the only guys they could get to drive those trucks.

ASSEMBLYMAN MORAN: Ask the question.

ASSEMBLYMAN IMPREVEDUTO: Thank you. The question is: Are there any waivers for anyone that the Federal government is granting except for firemen, farmers, and somebody else?

MS. HOCHMAN: Active duty military personnel.

ASSEMBLYMAN IMPREVEDUTO: Oh, active duty Army guys, yeah. So, that's military, agricultural, and firemen. Are there any other waivers that can be granted?

MS. HOCHMAN: There are no other waivers that have been granted. We have been approached by many, many groups, included municipal employees, including school bus groups, including nonactive duty military personnel, and none of those waivers have yet been granted. Safety is our paramount concern, and we are sticking with that. (applause)

ASSEMBLYMAN IMPREVEDUTO: Thank you, and we will have no further outbursts, please. That's for the record, so that everybody-- We have the "Federal Register," which we have given out to the different municipalities. I just wanted that

said by you guys on the record; that that, in fact, is what's what. Okay?

Is there anyone else-- Bob, do you have any more questions from the--

MR. MARRA: No, no.

ASSEMBLYMAN IMPREVEDUTO: Okay.

ASSEMBLYMAN MORAN: Can we just have Gus come up after this? Gus, could you come up and give us a two-minute explanation of a pre-trip inspection on a bus -- a school bus -- so we can compare theirs with yours? Bob, you stay there, if you don't mind.

MR. MARRA: Sure.

ASSEMBLYMAN MORAN: Gus, do we have a chair for you? There's one right there. You have gone through the Essex manual.

ASSEMBLYMAN IMPREVEDUTO: Tell us who Gus is first.

ASSEMBLYMAN MORAN: Gus Kakavas is the Director of Transportation for the Toms River schools, probably the single largest publicly owned transportation system in New Jersey. Gus?

G U S K A K A V A S: Basically, in concurrence with what the gentleman said from the trucking industry, school bus drivers would tend to be responsible to make sure that the various components of their buses are functioning, but they are not required to know the mechanical makeup or the precise degree or the precise amount of inches of tread that is on their vehicle.

Primarily what would happen with a school bus driver is, they would come in-- In my particular operation, school bus drivers aren't even responsible for their oil level, or for the air tanks. All of my buses are air-brake equipped. We have a gentleman who is responsible to do that. He does that in the evenings. He checks the oil on all the buses, and also does the air brake inspections on all of the vehicles.

So, when the drivers come in, if they don't see a puddle of oil under their bus, and there is no red sticker -- we have a procedure that we do with that -- they check off on their daily checkoff sheet that the oil has been checked and that the air brakes have been checked. The only time that wouldn't happen, is if there is a red sticker. It is a procedure we do in our district, and it works very well.

The only thing a driver will do at that point is start up the bus. He will do the walk-around that was described by the gentleman from the trucking industry. That walk-around includes a tire check. It would include any unfamiliar noises. He is checking his lights. He is checking the basic safety functions of the vehicle. When he gets into the vehicle, he is going to check all of the peculiar items that school buses have. You are going to check your morning lights. You have monitors on the inside of the bus, and you also go on the outside of the bus to check your morning lights, your brake lights, your directionals -- things of that nature.

Basically, it is a walk-around inspection. That is how we refer to it. At no point have we ever required a driver to get underneath a vehicle; have we ever required a driver to lift the hood to check the tension on their belts, to check the basic mechanical nature of the bus. Quite honestly, I think you have hit it right on the head. Bus drivers come in. It is usually a part-time job situation. It is a situation where they are either housewives, or homemakers. These are people who are coming into the industry primarily because they enjoy children. That is the first thing that usually draws them to it.

Second of all, it fits into their schedule, and third of all, they just happen to want to keep busy. They are not looking to make a major source of income out of the profession. It is just something that fits into their life-style very well. So, the walk-around inspection, as it

has existed, has functioned very well. There is a regular sheet that the Bureau of Pupil Transportation requires that our bus drivers fill out, and DMV. Upon being stopped by a police officer, they are required to have this inspection sheet. On that sheet -- I wish I had brought one with me; I didn't -- are things like steering, are things like brakes, are things like first aid kits, are things like lights. But they are all things that are done on a very superficial level. They are not things that are done on a detailed level or where you get underneath the hood.

I think that if you start requiring that -- and this is only an opinion on my part -- number one, you are going to scare drivers away from the profession, and number two, I think we would be asking a lot more of them than they are qualified to do. I think you are going to be asking for trouble.

I think Assemblyman Moran said it very well, when he said we have mechanics who are there who are doing an excellent job of what they do. That is their line of work. I think the bus driver should stay with driving the bus, driving the kids, taking care of the kids, and doing the good job that he has done for the past 50 years in our State. I don't think we should ask more of them than that.

ASSEMBLYMAN MORAN: The final question I have for you is: Have many of the people in your organization, or people you work with-- Are they getting confused by the manual's interpretation of this?

MR. KAKAVAS: Yeah, I think you have hit that right on the head, too. If I may speak for a lot of the people who are in the back of the room, I think there is a tremendous amount of confusion right now because we have been led to believe that when our drivers went for, not only the written test, but when the new drivers who were not grandfathered went for the skills portion of the test that includes pre-trip, they were very much under the impression that they were going to have to get down

on a creeper and get underneath that bus and start pointing out the various portions of that vehicle, and were actually going to have to get in there, roll their sleeves up, and start doing some things they never had to do before.

And I'll tell you, it scared the hell out of us. Quite honestly, we have a deficiency of drivers in this State right now, and if we start getting competitive with some of the other industries which pay a lot more money, we are just not going to get the kids to school. So I think the Assembly has definitely hit the nail on the head. I think you are going in the right direction. We certainly hope that this clarification that is coming about results in finding something written coming to the drivers, letting them know there has been some misinformation out there. You are not crawling under the bus. You are not lifting up the hoods. You are not going to be responsible for doing that during the pre-trip. I think that will put a lot of-- The anxiety level is sky-high right now in the industry. I think just the story he told about the gentleman with 45 years-- Just in my fleet alone, I've got drivers right now-- Twenty percent of them are not going to take the test. They are just going to take an early retirement, or find another way to make a living. And these are excellent drivers who have done a great job.

You know who suffers? The kids. And that is not right.

ASSEMBLYMAN IMPREVEDUTO: Well, unfortunately, we have to give the test.

MR. KAKAVAS: I understand that.

ASSEMBLYMAN IMPREVEDUTO: That has to be understood up-front. We have to do that. The thing we need to do -- and I am saying this, I guess, for the third time today -- is make it as fair and as compassionate as possible. We will do that -- you can take that to the bank -- and yet meet the guidelines.

MR. KAKAVAS: The only thing I want to say -- and perhaps this is a misconception, too -- most of us in the industry feel that the school bus was kind of an afterthought in the CDL process. If that is wrong, then I will stand corrected. But I am just telling you the perception we have. We kind of feel that the school bus was an afterthought in this process. We do not see too much relevance to the school bus operation and what we are seeing in front of us, and we feel that even though we are an afterthought, we are going to pay a dear price for it, in the fact that it is going to have a severe impact on our operations because of the lack of drivers.

So, anything you can do to help us in this will be tremendously appreciated by us, and by the kids.

ASSEMBLYMAN IMPREVEDUTO: I think you are about to be corrected.

MR. KAKAVAS: Okay.

MS. HOCHMAN: Sorry, I can't let this go by. The Senate report language that accompanied the 1986 Federal statute that is causing all of this to happen, very specifically said that the folks who were to be included included bus drivers, especially school bus drivers, so I think that from the beginning there was a recognition that school bus drivers would be incorporated into this new program.

MR. MARRA: Did that also state that school bus drivers have to know about hazardous materials and about mechanical--

MR. SPATARO: No.

MS. HOCHMAN: Actually, the act went further with respect to hazardous materials than we limited it to in our regulations. If we followed the exact wording of the act itself, you and I, driving groceries home which have a can of whipped cream in them-- Because that has a DOT label on it, because it is a vessel under pressure, we, too, would have to have gotten CDLs. So we went back a little bit on the act on that one. (laughter)

ASSEMBLYMAN IMPREVEDUTO: Good job, guys; good job. Gentlemen, thank you. Oh, I'm sorry. Gus?

MR. KAKAVAS: I am going to surrender the mike very quickly. I just want to say one thing: In fact, maybe the Feds did plan for school buses to be part of this thing right at the onset, but somehow between the original thought and the final product, I don't see where school bus drivers and the school bus industry were seriously taken into consideration.

For the most part, it is not a full-time profession. It is a very low paying profession compared to most of the other areas. It is drawn that you need a certain type of driver and, quite honestly, from what I understand -- and I may be corrected on this, too -- it is the safest form of land transportation out there. They have a tremendous safety record. They have been doing something right.

I am not quite sure why this is happening. All I can tell you is, I really appreciate the efforts of the Assembly to try to address the needs of the school bus drivers themselves. They are a very small part of it, only 16,000 or so drivers, but it is a very important part to the kids, and to the operations. It ties right in with what is happening in education in the budget, the whole nine yards. For us, at this time, with what is going on in the rest of the State, to be looking at paying our drivers perhaps 25% to 50% more is unrealistic, or is certainly going to be a tremendous burden.

So again, thank you for your efforts. (applause)

SENATOR COWAN: A question: Do you have a pre-trip inspection now with your drivers?

MR. KAKAVAS: Absolutely. It is--

SENATOR COWAN: How long does it take?

MR. KAKAVAS: We allow our drivers 15 minutes to do their pre-trip inspections.

SENATOR COWAN: You're in the ball game.

ASSEMBLYMAN SALMON: I would like to ask a question, Mr. Chairman.

ASSEMBLYMAN IMPREVEDUTO: I'm sorry, go ahead.

ASSEMBLYMAN SALMON: Do you have a shortage now with getting school bus drivers?

MR. KAKAVAS: Yes. Right now, I would say -- and if anyone in the audience wants to jump in-- I think there is probably about a 10% to 15% shortage of drivers right now. Each of us could certainly use 10% to 15% more drivers than we have, particularly as sub drivers, or that type of thing. It is not uncommon in our industry for the director of transportation or a vendor operation, for the owner of the company to get out and drive a bus when one of his drivers calls in sick, because he simply can't get people to come into the profession. And with all of this happening, it is only going to get much worse.

ASSEMBLYMAN SALMON: I just wanted to find out if Toms River was the same as Millville and Vineland, because we have exactly the same problem.

MR. KAKAVAS: I don't know of anybody who has a surplus of drivers. I think that would certainly be a unique situation if it did occur. This can only make it worse.

ASSEMBLYMAN SALMON: Thank you.

MR. MARRA: That also goes for the trucking industry, too. Contrary to what people may think, it is very, very difficult for the companies to be able to get drivers. Now, with this test, a lot of guys are looking to retire. I only hope that what has transpired here today will get out to them, so they can relax a little bit and not run to retire, but stick around, because the State needs them and we need them.

Again, gentlemen, thank you for allowing us to be here three times. Thank you.

ASSEMBLYMAN IMPREVEDUTO: Thank you, Bob.

Since we are in the home base here, may I bring up Al Herman, from Local No. 676 in Collingswood? Al, are you here? Do you want to speak? Al? (affirmative response from audience)

ASSEMBLYMAN VILLAPIANO: Mr. Chairman, while he is coming up--

ASSEMBLYMAN IMPREVEDUTO: Sure.

ASSEMBLYMAN VILLAPIANO: --may I just address--

ASSEMBLYMAN IMPREVEDUTO: Absolutely, John. By the way, this is Assemblyman Villapiano from -- District 11, John, Ocean County?

ASSEMBLYMAN VILLAPIANO: Monmouth County.

ASSEMBLYMAN IMPREVEDUTO: Monmouth County, sorry.

ASSEMBLYMAN VILLAPIANO: Concerning the comments of the last gentleman on the school bus endorsement, what is the feeling of the Federal government? If it has been addressed before, please don't answer. Just say, "It has been addressed," and I will take it from the record. But, what is the feeling of the Federal government on the so-called school bus -- not exclusion, but separate tests? Is that allowable under the act of '86?

ASSEMBLYMAN IMPREVEDUTO: Separate endorsements.

ASSEMBLYMAN VILLAPIANO: That is okay?

MR. SPATARO: Yes.

MS. HOCHMAN: Yes.

ASSEMBLYMAN IMPREVEDUTO: Okay. With us, I guess, we have Mr. Al Herman. Al?

A L V I N H E R M A N: I'm Al.

ASSEMBLYMAN IMPREVEDUTO: Okay. Teamsters Local Union No. 676, Collingswood.

MR. HERMAN: Yes, sir.

ASSEMBLYMAN IMPREVEDUTO: Are you guys part of Joint Council No. 73 also?

MR. HERMAN: What's that?

ASSEMBLYMAN IMPREVEDUTO: Are you guys part of Joint Council No. 73?

MR. HERMAN: No.

ASSEMBLYMAN IMPREVEDUTO: Okay.

ASSEMBLYMAN MORAN: Do you want to be?

ASSEMBLYMAN IMPREVEDUTO: Do you want to be?
(laughter)

MR. HERMAN: No. My name is Al Herman. I am the representative for Teamsters Local Union No. 676 in Collingswood. This is our business agent, Steve DeSanto.

The issue I wanted to address, which I think should be recognized by the board here, is, in essence, the people who are unemployed. I attended the meeting last time. I heard nothing with regard to a person who is unemployed, or a person who is working right now who becomes unemployed because a company goes out of business, or whatever, and he is down here without a job. He has a flaw on his license, which might be a DWI, or whatever, and he is required to take the skills test. How does he take the test without any equipment? He's not working for anybody.

That is what I want to address: the fact that we are not taking into consideration people who will be out of work when this test goes into effect, and the people who are unemployed right at the moment.

ASSEMBLYMAN IMPREVEDUTO: I guess the question is -- and I understand what you're saying -- today, if I want to get an articulated license, which I need to drive a tractor-trailer in the State of New Jersey, I need to take a written test, I guess, and a skills test. Where do I get my vehicle today?

MR. HERMAN: Correct.

ASSEMBLYMAN IMPREVEDUTO: Forget the CDL. It is not going to happen. Let's make believe that it doesn't exist. We do have an articulated license that you must have in the State of New Jersey to drive a tractor-trailer. Correct -- right now?

MR. HERMAN: Correct.

ASSEMBLYMAN IMPREVEDUTO: I take the written test. Now it comes time for me to take the driving part -- the skills test. Where do I get my vehicle?

MR. HERMAN: You are referring to a person who is newly coming into the field, correct?

ASSEMBLYMAN IMPREVEDUTO: Right now. I want to join the Teamsters Union. I want to be a truck driver.

MR. HERMAN: Well, you would probably go to a tractor-trailer driving school to get the qualifications. I'm talking about a person-- Right now, like myself, I work for a company I have been with for 20 years. I am a tractor-trailer driver. My company folds up in October, and my license is up in December. Now I am down here at the union hall unemployed, and I've got a DWI, we'll say, on my license, and they require me to take that skills test. How do I take the test?

I have no equipment. I'm not working for anybody. The State is not supplying a piece of equipment to take it in. How do I, as a person in this State-- How do I get the choice to go down there and take a test, when I have nothing to take the test in?

ASSEMBLYMAN IMPREVEDUTO: Well, I bring you back to the very same question I just asked, and I don't understand. I have a DWI record -- I got it while I was driving with Jeff Moran -- on my car, but I want to go to work as a truck driver. Because of my DWI, I got fired from the Assembly and I want to go to work as a truck driver. Where do I get the vehicle to take the test?

MR. HERMAN: I believe you are misleading in your question.

ASSEMBLYMAN IMPREVEDUTO: No, I am asking a question.

MR. HERMAN: You're using the "for instance" of a person coming in who wants to drive a tractor-trailer. I am talking about a person who already is a tractor-trailer driver, who became unemployed because his company folded up.

ASSEMBLYMAN IMPREVEDUTO: Okay.

MR. HERMAN: They went out of business.

ASSEMBLYMAN IMPREVEDUTO: Out of business, all right.

MR. HERMAN: As you know, in this State, and in many other states, the drugs and alcohol are tremendous. We have a lot of people paying surcharges through the court systems because they have lost their licenses for speeding, or whatever.

Now, this gentleman is out of a job. He is required to take the test because he has flaws on his license. How does he take the test? He has to have a piece of equipment. The State is not going to supply that tractor-trailer.

ASSEMBLYMAN IMPREVEDUTO: And, quite honestly, nor should they.

MR. HERMAN: Well, maybe they shouldn't. But if the fellow, we'll say, even went through a rehabilitation center and he wants to go back to work and he has proved that he is qualified and he is not even working, how does he-- He doesn't even have the money-- He would have to go rent a tractor-trailer.

ASSEMBLYMAN IMPREVEDUTO: Well, I guess my answer would be that he is not working-- That is what you said. Your premise is that he is not working. Now, in order to drive a truck, you need the license. Well, if I am not working, I obviously don't need the license. But if I have an offer of a job from this gentleman, is he going to let me use one of his vehicles to take the test?

I mean, I don't need the license if I can't drive. If I don't have a job, then I don't need the license. However, if I am offered a job-- If I am offered a job from LoBiondo Trucking, are you going to let me use one of your trucks to take my skills test? No?

ASSEMBLYMAN LoBIONDO: Wait a minute now. If you are just coming in and you--

ASSEMBLYMAN IMPREVEDUTO: Yeah. I want a job. I want to be a truck driver. I have been a truck driver for 40 years. I got caught DWI before this whole stuff began.

ASSEMBLYMAN LOBIONDO: I am going to pull a truck off the road, send it to-- Where is the test going to be administered?

ASSEMBLYMAN IMPREVEDUTO: Wherever that is.

ASSEMBLYMAN LOBIONDO: Okay, 30 miles away, 40 miles away. I am going to take the revenue of that truck off for the day, when the trucking industry is having a hard enough time now?

ASSEMBLYMAN IMPREVEDUTO: Just going beyond his question, then-- In other words, you will only hire people who currently hold a license -- an articulated license?

ASSEMBLYMAN LOBIONDO: We have no choice.

ASSEMBLYMAN IMPREVEDUTO: So, if a guy was--

ASSEMBLYMAN LOBIONDO: We can't hire anyone who doesn't have an articulated license.

ASSEMBLYMAN IMPREVEDUTO: So that person, then-- The answer to that question would be, that person would have to go to one of the training schools and pay the tab and drive the truck.

MR. HERMAN: Well, that is what I was trying to get out. I know what you're saying, and I agree with what you are trying to do here. But you did not take into consideration the man who is not working. All right, he might have a flaw. We'll say two reckless driving, or whatever.

ASSEMBLYMAN IMPREVEDUTO: Yeah, but I guess the answer to that question is this: If that guy had a DWI or two reckless driving, I don't even know if I want that guy driving a truck.

MR. HERMAN: All right, let me ask you a question: Do you know offhand how many people in the State of New Jersey have a flaw on their license and may be required to take a skills test?

ASSEMBLYMAN IMPREVEDUTO: Well, that depends on how this legislation comes about and what we determine to be a serious infraction that that person is going to be required to take a skills test.

MR. HERMAN: I understand, but what I am trying to get at-- The bottom line is, I have lived in this State all of my life. I am a taxpayer; I am a voter and everything else. We are looking at a situation that is going to develop where we are going to wind up with people applying for welfare because they cannot take that test without the equipment, and nobody -- like this gentleman said -- is going to give him that equipment, and they can't hire him unless he has the qualification license.

Now, regardless of how it resulted through the years, these people have these flaws on their licenses. They are going to be required by the State, when this is passed, to take the skills test. Now, if this--

ASSEMBLYMAN IMPREVEDUTO: Well, again, Mr. Herman, I have to come back to the point and tell you that it is going to depend on the kind of infraction that was.

Let me tell you something: My wife and my kids go in my car. If there is someone out there who has a couple of DWIs or a couple of reckless driving, I don't want that guy driving a truck.

MR. HERMAN: Yeah, but what if he went to a rehabilitation-- He is an honest person--

ASSEMBLYMAN IMPREVEDUTO: I don't care what he is.

MR. HERMAN: All right. I am not saying just a DWI; I am talking about other things -- reckless driving or careless driving, speeding tickets. Most truck drivers, as far as I know--

Now, as I said, I have been with the same company for 20 years. I have a good driving record. I have a watch here for five million miles safe driving from our company. I am

proud of that. I don't drink. But the person who has these infractions, whether it is DWI, speeding tickets -- which happen occasionally; I had one myself, I'm not perfect--

If they are required to take that test-- If this man was working and now becomes unemployed because the company has folded up, he is going to be penalized because he is not going to be allowed to take that test unless he goes out and hires a tractor-trailer and goes down there to wherever they have the test, to take it. If he isn't working, he doesn't have the money to do this.

SENATOR COWAN: Well, Alvin, I think what you are trying to address here is a very worthwhile point, and I can see that you are representing the people you represent within the context of the thoughts you are expressing. I think what you are talking about now is, when the comment was made before so far as the industry itself is concerned, it is a depressed industry. If you have a man out of work at this point in time, it is not going to make much difference whether he has a CDL or not, because the industry is depressed.

But I would say this: In all probability, as soon as that industry starts up, the trucking industry will make vehicles -- if that is necessary -- available to get a man on to work and move the product that he is to move.

MR. HERMAN: All right, I appreciate that. I just wanted to get the point across that this should be taken into consideration.

SENATOR COWAN: Yeah, I understand what you're saying, and I am sure the Assemblymen-- We all understand what you're saying, but I think you are confusing the economics of the industry today with what will be, hopefully, in the future, when we complete a few more of our interstates, and so forth-- We will need those people to move the products and the growth will start again in this State. There isn't an industry that will not, I'm sure, if they can make money on it, and the

demand is there-- If the economic demand is there, you will get the response from the industry to make sure that vehicles are available, if that is the case; if they are the only ones supplying them, if something else doesn't come in, which I am sure you understand, too, coming from the industry.

MR. HERMAN: Yeah, I just wanted to bring that point out, which was good. I am looking at it as a taxpayer. I am looking at people collecting welfare because they can't get this.

SENATOR COWAN: Just like what happened-- Now, the articulating license, that came into existence -- what, within the last eight or ten years? Is it that long?

MR. HENRY: (speaking from audience) What, articulating?

SENATOR COWAN: Yeah.

MR. HENRY: In 1978.

SENATOR COWAN: That's 10 years, right -- 12 years, right? That happened at that point in time? That was something that was going to shock the industry, wasn't it, in some instances? You had almost the same fear that you have out there today with some of the school bus drivers. Isn't that correct?

ASSEMBLYMAN LOBIONDO: Everybody was grandfathered in on that.

SENATOR COWAN: Some were, yes.

MR. HERMAN: You are running into the problem -- like this gentleman here said -- of the shortage of all drivers, in all of the classifications, in every craft. I mean, I consider myself a professional. For 30 years I have been driving, 20 years with the same company.

SENATOR COWAN: But the grandfathering in wasn't -- as far as what we are talking about now with the articulation--

MR. HERMAN: Yeah, but I think what we are trying to--

SENATOR COWAN: With the articulation, you have to have a certain amount of experience before being grandfathered.

ASSEMBLYMAN LoBIONDO: Yeah, but anybody who had the experience didn't have--

ASSEMBLYMAN IMPREVEDUTO: The difference then and now is, that was a State requirement. This is a Federal requirement, which if we do not meet it, the State will lose approximately \$30 million in highway funds each and every year.

MR. HERMAN: I understand that, but we are also stressing the point of safety -- correct -- like the gentleman stressed safety?

ASSEMBLYMAN IMPREVEDUTO: Absolutely, 100%. We've got to meet it; we've got to do it. Not only is it the fact that we are going to lose dollars, is it the right thing to do?

MR. HERMAN: Right. But, see, we are talking about individual companies, like -- was it LoBiondo? I am with Gypsum Haulage. We haul Sheetrock. We have the flatbeds. He's familiar with that. We don't handle box trailers -- very rarely. But the thing is, every company has a set pattern, like St. Johnsbury, or probably LoBiondo. They pull their rigs through a (indiscernible) and they get checked properly before they go out as part of their pre-trip inspection, like you were talking about. Every company has a different version of a pre-trip inspection.

ASSEMBLYMAN IMPREVEDUTO: Right, but you still need to meet the minimum Federal requirements that are in whatever else that law is.

MR. HERMAN: Correct, right.

ASSEMBLYMAN IMPREVEDUTO: So, as long as you meet those now, you are going to have to meet them later -- same thing.

MR. HERMAN: Well, as long as you got my point, what I was trying to get across. Like I said, I don't have a DWI. I have a perfect driving record. But how about the poor guy who

had a problem and is trying to straighten it out? He is still going to be penalized, even though he went to a rehab, or whatever, because he still has to go down there and take that skills test, and he has to have the equipment. That means he has to either go rent it, which he does not have the money for, or he has a problem getting it. Then he is going to wind up applying for welfare, which is going to raise my taxes. Correct?

ASSEMBLYMAN IMPREVEDUTO: It's a catch-22, you're right.

MR. HERMAN: Well, that is what I am looking at. All my life I lived here. I pay enough taxes. I don't want to pay more.

ASSEMBLYMAN IMPREVEDUTO: Well, it is certainly something that we can sit down--

SENATOR COWAN: Your point is well taken.

MR. HERMAN: All right, thank you.

SENATOR COWAN: Thank you.

MR. HERMAN: Number two was on the air brake test. We feel the air brake test should be addressed. What is visible to the driver, I can understand, but what is not visible, and he cannot see, such as the inner functions of the braking system-- We should look at this. The questions that will probably be on the test -- from what other tests I have seen around the different states, such as California, which failed 50% on air brakes, Tennessee, which failed 40% of the drivers on their brakes-- Everything pops up air brakes.

Why? I feel it is because you are asking questions pertaining to what the mechanic -- which was just brought out -- is required to understand and know, not the driver. If you are an owner/operator, I can see it. He has his problems; we have ours. But we also have mechanics who do that work. I don't think that these questions popping up on the air brake test should be there. I think they should be eliminated. I don't think they should be asked.

ASSEMBLYMAN IMPREVEDUTO: I've taken the air brake part of the test on the practice test, and I have never driven a truck in my entire life that had air brakes. After reading the manual and taking the test, I found that I didn't do that well. The second time I took the test I passed it, you know, just marking it myself.

Questions, things like: Why should you bleed them in the wintertime? You don't think that is important?

MR. HERMAN: That has nothing to do with the brake.

ASSEMBLYMAN IMPREVEDUTO: Well, if there is ice built up in your--

MR. HERMAN: Yeah, you could lose your brakes. You drain them daily. I know the answer to the question.

ASSEMBLYMAN IMPREVEDUTO: But shouldn't the driver know that? Don't you think that is important?

MR. HERMAN: Yes. I'm saying-- I didn't say that all of the questions should be eliminated. I said that some of them should be looked at closely by qualified people, people -- truck drivers, people who are familiar with it, and mechanics. They should look at these questions and give you an idea, an insight, as to what should be asked, not just a group of people coming out and saying: "This is the way it's got to be." It is like what the bus driver complained about. It is not fair that they should have to answer questions and have 20%, 21% who failed -- right? If you miss 21 questions out of 100, you fail. Correct? You have to have 80% to pass, according to what they have right now.

Now, if they fail that, the next step is they have to go down and lose a day's work to do it again.

S T E V E D e S A N T O: Mr. Chairman, if I may say something-- My name is Steve DeSanto. I am the Business Agent with the Teamsters. I think what Al is trying to point out are questions such as: What do slack adjusters do? What direction does the S-cam turn when the guy steps on the pedal? What is

another name for a brake pedal? I formerly was a mechanic. I know it is a treadle pedal, but 90% of the drivers do not know that.

ASSEMBLYMAN IMPREVEDUTO: May I ask a question, though?

MR. DeSANTO: We would ask you just to review these questions to see what their pertinence is to testing.

ASSEMBLYMAN IMPREVEDUTO: Questions like that -- what is another name for the pedal, or whatever it is now-- If you read the manual once -- and I understand what Bob Marra said, that you have people who cannot read the manual-- That part I can understand.

MR. DeSANTO: Exactly.

ASSEMBLYMAN IMPREVEDUTO: But for the guy who can read, if he thinks he is going to walk into this test -- and that is the problem they had in California -- without reading the manual, he is not going to pass it. I don't care how long he has been driving. But if he reads the manual-- If he has been driving for 20 years and he has the ability to read the manual, chances are he is going to score very well the first time around on the test that I have taken, the one right here, never having driven a vehicle.

MR. DeSANTO: I understand what you're saying, but the thing is--

ASSEMBLYMAN IMPREVEDUTO: You know, somebody clapped before when we talked about safety. Maybe we should do that, you know. Hey, I'm for labor 100%. Bob Marra is from the union I used to work for when I was in college. I worked as a warehouseman. I was in that union -- the Teamsters Union -- in that local, as a matter of fact. So, you know, I don't come from a whole lot of good stuff.

MR. DeSANTO: Okay.

ASSEMBLYMAN IMPREVEDUTO: I had to work for a living, too, and, you know, yeah, my heart goes out. I have offered his local-- I will tell you what I offered them: my ability

to go there and tutor his guys who can't read, two nights a week.

MR. DeSANTO: That would be greatly appreciated. That is what is going to have to happen for us to--

ASSEMBLYMAN IMPREVEDUTO: And what else he is going to do is bring in his retired teamsters who can read, two nights a week, to tutor his people who can't read, to help them to go through the book. Stuff like that is important, you know, but to say that all of the things that we are looking to do, such as the air brake-- Some of that stuff is important.

MR. DeSANTO: We are not saying that some of it is not important. There is a lot of it that is important, but there are some things that are not perfect; that are not really relevant to the driver's ability to drive safely.

We would just ask that you review the questions, and be as specific as you can--

ASSEMBLYMAN IMPREVEDUTO: You've got that. You've got that, I guarantee it.

MR. MARTIN: Mr. Chairman, we recognize a lot of these concerns. Our Association has the property rights to all of these materials. We will have, and have now, in fact, an ongoing maintenance program. That is not to say that some of these questions that, frankly, within the industry there is some disagreement over, will be resolved overnight, but we are going to continually update this test -- the tests in this manual -- and try to meet the (indiscernible; not near recording mike) as far as we can, recognizing at first cut that there are some disagreements.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. MARTIN: That is not to say they are necessarily right or wrong, but he asked that there be a review of this material, and I do want to assure Steve that there will be a review, and an ongoing--

MR. DeSANTO: Very good.

ASSEMBLYMAN IMPREVEDUTO: And we can guarantee that. Just a simple question. I think it was Mr. Herman who talked about bringing truckers in. When you developed the test, how was the test developed? Were there people from the trucking industry involved?

MR. MARTIN: There was a cross section. I think Bob and Steve would agree that there is quite a diversity in the trucking industry and in the bus industry. There was a technical review panel that was composed of representatives from the cargo/tank segment of the trucking industry and from the bus industry. They would review the material, manual drafts and so on, that the contractor -- the Essex Corporation -- developed. Revisions were made, and so on and so forth. Those reviews were taken--

ASSEMBLYMAN IMPREVEDUTO: So these were not done by some bureaucrat in some office?

MR. MARTIN: No, not at all.

ASSEMBLYMAN IMPREVEDUTO: I mean, it was hands-on people.

MR. MARTIN: As I say, this is a complex area, and you are basically trying to put in one place the information that a professional driver should know to operate his vehicle safely. There is some controversy even within the industry over a number of issues. It takes quite a bit of research to get the right answer. We are looking, frankly, at this whole question of downhill braking. Right now, the information is in the manual.

ASSEMBLYMAN IMPREVEDUTO: That was one of the questions I read in the test and spoke to the drivers about, about depending upon your front--

MR. MARTIN: The steady light versus the intermittent? We can't get agreement in the Brake Engineering Committee.

ASSEMBLYMAN IMPREVEDUTO: And going down in an icy situation -- the front brakes versus the rear brakes, the trolley brakes, or something. If you lock in the brakes, as your book says, according to the drivers I have spoken to, you are all over the road.

MR. MARTIN: Well, that's--

MS. HOCHMAN: According to whether the brakes are in adjustment or not.

MR. MARTIN: Again, we talked to the brake researchers, and have some material up for their review right now. They suggested to the states that they were biased in the (indiscernible; no recording mike) and it does affect a couple of test questions. So we are continuing to look at the material. We recognize it is not exactly the way it necessarily should be, but by the same token, we have a commitment that if the material is not in the manual, it is not going to be on the test.

There are different opinions out there. If you have a question about your personal experience versus what the manual says, answer the question the way the manual says.

ASSEMBLYMAN IMPREVEDUTO: Yeah. I think the first time around is always the lousiest time around, because you have to work out the bugs. Believe me, guys, this is the third hearing we have had. You have been at two of them. We are not doing this because we have nothing else to do. You know, we are doing this because we want to get this down to the best possible first-time-out shot.

MR. HERMAN: Well, when it was first developed, our President, Eddie Mulvenna, took it on his own to-- I volunteered for this, me and-- I don't know if you know Perry Wright (phonetic spelling). He is the driver of New Jersey -- the top driver-- He is one of the 25 in the nation, in our United States. I am working with this gentleman. We volunteered. We have a program of our own, down in our union

hall for the people -- we go out here to Vineland -- where we get them programmed and ready for this test.

We have taken every available -- the Essex, the Centurian from California-- Any test I could grab ahold of, I got it. We got the people who couldn't read or write. We encouraged them to come out. We showed them videos. We gave them the test. We have done all of this. We are doing it now; we have been doing it for four months.

We are concerned. We want all of our people who have to have this driver's license to pass the test, regardless of what it is. If you decide every question you want to put in there-- We are preparing ourselves for this, but you would be surprised how many people are going to get out of this industry because of this development, and it is not going to be good.

ASSEMBLYMAN IMPREVEDUTO: I don't disagree with you.

MR. HERMAN: Thank you.

ASSEMBLYMAN IMPREVEDUTO: Thank you. Just out of curiosity, how long have you been driving a car?

MR. HERMAN: Excuse me?

ASSEMBLYMAN IMPREVEDUTO: How long have you been driving a car?

MR. HERMAN: Since I was 16.

ASSEMBLYMAN IMPREVEDUTO: Do you think that if you were to take the written test today you could pass it without reading the book?

MR. HERMAN: Probably not.

ASSEMBLYMAN IMPREVEDUTO: Thank you.

MR. DeSANTO: Good question.

ASSEMBLYMAN IMPREVEDUTO: I know I couldn't. According to the trooper I got on the way down, I should read the book again, as a matter of fact.

MS. HOCHMAN: It must have been the same one I hit.
(laughter)

ASSEMBLYMAN IMPREVEDUTO: Except you probably didn't get a ticket.

Is Richard Stokes here? (affirmative response from audience) The School Boards Association will be next.

R I C H A R D M. S T O K E S: Mr. Chairman, my name is Richard Stokes. I am with the Atlantic Electric. I am the Manager of Government Affairs for the company. To my left is Jeff Hayden, who is the Safety Coordinator for the company. He is here to answer any technical questions.

ASSEMBLYMAN IMPREVEDUTO: Could you please speak into the mike, because I am having some trouble hearing you.

MR. STOKES: (Mr. Stokes complies) I understand that time is short. I am respectful of your time commitments to other places, and all that, so I will not read my testimony to you.

ASSEMBLYMAN IMPREVEDUTO: Do we have a copy of it?

MR. STOKES: I have provided copies to you, and to your staff.

Let me begin, though, by emphasizing the safety aspects of utility companies and how important they are to us. We have a full-fledged department that looks into these issues and, on a project to project basis, we will consider changing our program on an "as needed" basis. At the same time, we have ongoing programs that require safety drivers' ed -- if you want to call it that -- for drivers.

Presently, we have approximately 700 drivers at our company. Our company is about 2000 employees, so close to 25% of our company employees are actually driving. Some of those drive other than strictly commercial vehicles as under the regulations. However, we do have a substantial number of those. Those include: bucket trucks, derrick trucks, linemen trucks, those types of vehicles which are constantly on the road.

When the proposed regulations first came out on the Federal side, we sought an exemption as part of the utility industry, and as was discussed today, that was denied, along

with many other groups. One of the things we want to point out to this Committee is, there are other options the Committee can look at. Certainly in contacting the Federal legislators as a Committee -- as a legislative body -- it would be important to emphasize that there are special unique situations, and we think the utility industry is in that mold.

One of the things we thought in looking at the legislation-- The legislation is pretty good from our standpoint. We are not opposed to it, but I think there are some things that we are concerned about. One is the interpretation of the bureaucracy. When State regulations come out, are they going to be, in fact, following pretty much the guise of the legislation?

ASSEMBLYMAN MORAN: It always does.

ASSEMBLYMAN IMPREVEDUTO: They have to.

ASSEMBLYMAN MORAN: It always does.

MR. STOKES: We would like to see some sort of long-term legislative oversight.

ASSEMBLYMAN MORAN: It always does.

MR. STOKES: Have they?

ASSEMBLYMAN IMPREVEDUTO: They have to.

ASSEMBLYMAN MORAN: No, no, no. I'm saying, the rules and regulations promulgated to the act always comply to the law. You know that.

MR. STOKES: Yeah. That is why we are always concerned about it.

ASSEMBLYMAN MORAN: If you find a law where it doesn't, point it out to me. It will be a first.

MR. STOKES: That whole debate goes on, continually I guess, as to legislative oversight and sunseting in various legislation. We think that would be an important part of looking at this particular legislation. If and when the regulations come out, will they be exactly to the points of your concerns as you voiced them today, and certainly our

concerns, too? We would be happy to work with you as they come out -- touch base with you.

ASSEMBLYMAN MORAN: I don't think that for this particular Committee, whether it be this year, last year, two years ago, or five years from now -- especially this particular Committee in the Assembly and in the Senate -- being as technical as it is with many areas-- We will always have that problem of how the different boards regulate the particular legislation -- the manner in which they interpret it and write their rules and regulations.

So, in that respect, in answer to your question, I think what we better do is wait. We have to wait until the rules and regulations are implemented to carry out this particular law, and then we can go back and look at that and correct any deficiencies we find, which were not intended in the bill.

MR. STOKES: Well, we would appreciate that when the time comes -- if and when it comes.

ASSEMBLYMAN IMPREVEDUTO: Well, I can tell you this: There will be oversight built into the legislation.

MR. STOKES: Good. The other major point we want to emphasize in our testimony is, because of the unique situation of utility truck drivers, generally less than 30 miles a day, localized, more generally intrastate drivers -- I don't think that any of our drivers go out-of-state for any particular reasons whatsoever -- there should be considered some sort of a special utility driving program, or endorsement, or something along that line, that may recognize our special needs and, at the same time, meet the criteria of the Federal mandates.

Those are the things I think we would maybe like to have the Committee think about and consider as it deliberates on this particular legislation. We are not asking for, I guess, more onerous standards, but, at the same time, we have a lot of in-house programs, in-house activities, going on right

now that we could join jointly with the State, and work together on, to make it a much better program, but at the same time realize some of the time benefits by coordinating resources and efforts.

ASSEMBLYMAN IMPREVEDUTO: Jill, is the Federal government looking at anything right now that would help to resolve some of the utility problems?

MS. HOCHMAN: We are not, within the context of the CDL, because of what we have discovered over the course of the last year-and-a-half; that is, a lot of the confusions expressed by the electric utility companies relate to other Federal motor carrier safety regulations, rather than the CDL, particularly relief in emergencies from various of the requirements for driver qualifications all the way from hours of service. And that problem is being dealt with, but it is separate and distinct from the commercial driver licenses.

ASSEMBLYMAN IMPREVEDUTO: Okay. So you are looking at-- Public Service raised that issue up in North Jersey, you know, in case of an emergency, where a guy drives out and is working on poles, and maybe 10 hours later he is getting back in the truck to drive it back home-- According to this law, he can't.

MR. STOKES: And that was one of our concerns also. I understand our trade association in Washington -- the Edison Electric Institute -- is working with the administrators on this issue and, hopefully, something will come out that will be of benefit.

ASSEMBLYMAN IMPREVEDUTO: Yeah. Again, we do not have the authority to do anything about that, but as long as we know that you guys are working in that direction, you know, we can--

MR. STOKES: That basically concludes my testimony, unless you have any specific questions, which I would be happy to answer.

ASSEMBLYMAN IMPREVEDUTO: No. But I do fully understand your unique situation as a utility operation when it comes to some of those items.

MR. STOKES: We appreciate the time and effort of this Committee to get into the issues. As usual, you are very technical and very good at asking the right type of questions, and we appreciate that very much.

ASSEMBLYMAN IMPREVEDUTO: That is because of the good staff we have behind us. Thank you.

MR. STOKES: Thank you very much.

ASSEMBLYMAN IMPREVEDUTO: Let's see -- John Henderson. John is from the New Jersey School Boards Association.

You guys are super. I really thank you for doing this. You are really finally getting some of these questions answered. (speaking to witnesses from the Federal Highway Administration)

ASSEMBLYMAN MORAN: Where are you headquartered?

MS. HOCHMAN: I'm sorry?

ASSEMBLYMAN MORAN: Where are your offices located?

MS. HOCHMAN: Washington, D.C.

ASSEMBLYMAN MORAN: So, did you fly in for the day?

MS. HOCHMAN: We drove.

ASSEMBLYMAN MORAN: Oh, you drove? You have an FAA right here.

MS. HOCHMAN: Yes, I know. (laughter)

ASSEMBLYMAN IMPREVEDUTO: By the way, the fellow from the utility-- Where is he? (no response)

MS. HOCHMAN: People were encouraging us to take the train, but--

ASSEMBLYMAN IMPREVEDUTO: We tried to get Public Service to lend us their helicopter to bring us up here today, but they wouldn't do that. So, you guys are going to get beat up on this one.

ASSEMBLYMAN MORAN: I'm sorry?

MS. HOCHMAN: We were encouraged to take Amtrak, but we did drive to Wilmington.

ASSEMBLYMAN MORAN: So you drove?

MS. HOCHMAN: We drove, yes.

ASSEMBLYMAN MORAN: Well, that's not-- Four hours, three-and-a-half hours?

MS. HOCHMAN: It took us about three.

ASSEMBLYMAN IMPREVEDUTO: That's what it took us.
(laughter)

MS. HOCHMAN: Well, come down to Washington.

ASSEMBLYMAN MORAN: Is that an invitation?

MS. HOCHMAN: Sure.

ASSEMBLYMAN MORAN: I'll make a note of it.

ASSEMBLYMAN IMPREVEDUTO: John Henderson, from the New Jersey School Boards Association. John?

J O H N H E N D E R S O N: Mr. Chairman, members of the Committee: Given the hour, we will cut to the heart of our testimony. So if you would look to page 2, we will cover the heart of what we want to say today. That is in the written testimony. Then we have an additional comment that we want to make.

On page 2 you will notice, at the top paragraph: All of the representatives of organizations that come before you comment on CDL within the context of commercial driving being their sole or primary career. This is not the case with the majority of school bus drivers. Consequently, we expect to lose 5% to 10% and, Assemblyman Salmon, that goes to the question you asked previously. We expect to lose 5% to 10% of the currently already inadequate pool of drivers statewide, just because the CDL is going into effect. It will not be worth the hassle to prepare for it, take it, and perhaps have to retake it.

Drivers who fail the test once drop out of the profession either out of frustration, or embarrassment may account for another 2% to 5% loss from the statewide pool of drivers, even more so based on what we have heard today about a restricted bus driver's license. This next paragraph is crucial.

Our request to you is that you assure, in the legislation itself, the opportunity to head off the crisis in the supply of drivers by helping school boards to help drivers to pass the first time with the highest rate possible. We ask the Committee to require the Department of Education, at a minimum, to develop a singular model curriculum tied to the test -- tied particularly to the special test that you have in mind, and see to it that it is distributed to local district transportation supervisors in a timely manner. This would reduce the confusion surrounding the various study aids currently available. Our bus drivers do not need the Essex manual, you know, particularly if you are going to change the test, which we agree should be changed. They need their own manual.

The Department of Education can use the Essex test for 80% of it. They do not have to hire staff; they are adequately staffed to do this. This is not a major undertaking we are asking you to do, but from my discussions with some of the transportation people, they fear a spread of curriculum materials. School districts that do not know what they are reviewing when they get bombarded with these materials, will be having to make shortsighted choices. So, a model curriculum from the Department of Education focused on the bus driver test is what we believe is appropriate.

The Committee should also consider requiring the Department of Education to at least offer training in regionalized centers throughout the State for the initial testing process -- the initial training process and the testing

process. This would be helpful to the smaller transporting districts which may not feel competent to offer the training themselves.

The second point is not related to our written statement, but came up as a result of one of the first questions you were asked; and that has to do with the Type 2 vehicles that are not vans, and the drivers of them. I think that when you discuss this people frequently don't know, and therefore you should focus on it. Don't talk about the Type 1 bus, of course, nor the little van that hangs around the school. Talk about the station wagon -- the Ford Fairlane station wagon, the Country Squire station wagon. Through a loophole -- and New Jersey is one of the few states that has it, as far as I know -- we allow those also to be called Type 2 vehicles, and plenty of districts have them to transport the golf teams, the small teams. Any coach who transports his students, or players, in those types of vehicles -- the Country Squire, a Chevy, whatever the hell, should have a CDL, for two reasons:

The first reason is, the smaller the vehicle, the greater the danger, so the better the skills the driver should have. If the CDL contributes to that, so be it.

The second thing is, if -- heaven forbid -- the vehicle gets into an accident, and it is found out that it could have been required that the driver have a CDL, then you would become more liable for legal problems -- lawsuits.

So, head it off at the beginning. Require the coach, if he is going to use the district-owned station wagon, to pass the CDL test and have the license. Also, put it in the bill. After discussions with the DMV about putting it in code-- Our advice is, try not to put things in code that you can foresee ahead of time. Put it in the bill. Let it be in the law where the public can see it and discuss it up-front. Don't leave it to the code process in the "New Jersey Register," which hides more than it shows.

ASSEMBLYMAN IMPREVEDUTO: John, just to understand, what you're saying in this last piece, then, is somewhat different from what the school bus people are saying?

MR. HENDERSON: That is absolutely right.

ASSEMBLYMAN IMPREVEDUTO: You're saying that everybody who transports one child or 100 children should have a CDL?

MR. HENDERSON: Unless it is their own car. If it is a district-owned vehicle, for safety's sake, and for uniformity, have them have a CDL.

ASSEMBLYMAN MORAN: You know, I agree with you totally in that respect. But as a building administrator for 18 years, when I had my teams leaving and I didn't have a bus driver, and I had to coach and I had a driver's ed car available, and I had three kids who had to go someplace, I would throw them the keys and say: "Peace be with you. Drive safely."

MR. HENDERSON: But right now, my understanding is--

ASSEMBLYMAN MORAN: They won't be able to do that.

MR. HENDERSON: --they have to have the bus driver's license.

ASSEMBLYMAN IMPREVEDUTO: No, no, no, no, no. The Federal requirement is that they do not need to have one if they are only going to be driving--

MR. HENDERSON: That's right, the Federal requirement, but we already in New Jersey now--

ASSEMBLYMAN IMPREVEDUTO: The State requirement-- As it stands right now in the State of New Jersey, if, in fact, we were to pass this unamended version of the bill -- the very first version of the bill -- yes, they-- No, they wouldn't be required to have it.

ASSEMBLYMAN MORAN: They wouldn't?

MR. HENDERSON: No. What I am suggesting is that now--

ASSEMBLYMAN MORAN: You're saying that they do.

MR. HENDERSON: --if it is a district-owned station wagon, the coach is supposed to have the bus driver's license.

ASSEMBLYMAN IMPREVEDUTO: Or anyone who drives that vehicle.

MR. HENDERSON: That's right.

ASSEMBLYMAN IMPREVEDUTO: He's right.

MR. HENDERSON: Now, if the coach is using his own car--

ASSEMBLYMAN MORAN: There goes the track meet.

MR. HENDERSON: If the coach is using his own car, which many do, then we are not suggesting that you--

ASSEMBLYMAN MORAN: See, we do not allow that in any--

MR. HENDERSON: But again, we say, "Please do it, and please put it up-front in the bill." If it is going to be a fighting matter, if it is going to be-- This is not a particularly popular position with all the school boards in the State. We will probably divide on this, but right now the thinking is that this is the right way to go.

ASSEMBLYMAN IMPREVEDUTO: Thank you.

I have two further speakers. I don't know if we need you folks anymore (speaking to previous witnesses), unless-- Does anyone have any further questions of FHWA or AAMVA?

ASSEMBLYMAN MORAN: I'm just waiting for the invitation to come down. Send it in writing.

MS. HOCHMAN: Thank you for giving us this opportunity.

ASSEMBLYMAN IMPREVEDUTO: Colonel, Don, do you guys have any questions of FHWA or AAMVA? (no response) We appreciate it. You really helped us out. Thank you. We will have our State Police escort you to the State line.

ASSEMBLYMAN MORAN: That way they'll be going with you, not with us. (laughter)

ASSEMBLYMAN IMPREVEDUTO: I told you not to get the Colonel upset, Jeffrey.

ASSEMBLYMAN MORAN: You drove.

ASSEMBLYMAN IMPREVEDUTO: May we speak with Mr. Donald R. Souders, from the Vineland Fire Department?

Hold on, guys. (Chairman consults with Aide at this point regarding exemptions; inaudible to transcriber) When Don asks that question, you answer it, okay? We have anticipated your question already, Don, but go ahead.

D O N A L D R. S O U D E R S: Mr. Chairman, members of the panel: That was one of my questions. Mr. Martin and Mr. Spataro brought up a few of the others, which are already answered.

The exemptions would be the first thing I would like to speak on. I would like to see if I could possibly get an answer on this. You have the volunteer fire fighters, who are exempt from this CDL. I understand there is a bill to exempt the career fire fighters which has not yet been signed.

ASSEMBLYMAN IMPREVEDUTO: That was the question we anticipated, and we are going to let Aggie (referring to Committee Aide) answer it for you.

MS. SZILAGYI (Committee Aide): Last year we enacted legislation to exempt, among other groups, volunteer fire fighters. We are not quite sure why only volunteers were exempt. Legislation is currently pending to apply to all fire fighters. It is now pending in the Assembly Judiciary Committee, and it should be signed--

ASSEMBLYMAN MORAN: It passed Municipal Government already.

ASSEMBLYMAN IMPREVEDUTO: In our house?

ASSEMBLYMAN MORAN: Yeah, in our house. Is it in the Judiciary yet?

MS. SZILAGYI: The Senate bill may have passed the Senate and gone to the Assembly Judiciary for some reason.

ASSEMBLYMAN MORAN: Oh, okay.

MS. SZILAGYI: But they are along in the process.

MR. SOUDERS: My question on this would be -- and I contacted a lot of career stations around-- There were a lot of fellow fire fighters who were in favor of taking this test

and getting a CDL. Okay? We can stop right there on that part. But also, by the same token, as the volunteers are being exempted, when they can come into the service at 18 years old, and maybe they have driven nothing bigger than a pickup truck-- Now you are going to put them in a 34,000- or 35,000-pound vehicle, driving at emergency speeds, with no prior training.

ASSEMBLYMAN IMPREVEDUTO: My town has a volunteer fire department, and they need to go to school up in Mahwah to become a volunteer fireman.

MR. SOUDERS: To become a volunteer fire fighter. What about the training process on driving?

ASSEMBLYMAN IMPREVEDUTO: We have our own internal process within the town, where they can't drive the vehicle, you know, after a certain--

MR. SOUDERS: Do all municipalities--

ASSEMBLYMAN IMPREVEDUTO: Oh, I don't know that.

MR. SOUDERS: See, this is the question that is being thrown back and forth.

ASSEMBLYMAN IMPREVEDUTO: I think that would be a question-- That is a good question, but it is not a CDL question. It is a question that we need to take care of motor vehicallly within the State.

MR. SOUDERS: Okay. I understand now that heavy duty rescue will have to have CDL. Correct?

ASSEMBLYMAN IMPREVEDUTO: That's a good question. Only because under the waiver it is fire or emergency vehicles -- correct? -- if I remember how the wording read. Now, what defines an emergency vehicle? Your question was?

MR. SOUDERS: Heavy duty.

ASSEMBLYMAN IMPREVEDUTO: Heavy duty emergency vehicle? Well, if it is a heavy duty vehicle that is pertaining to putting out a car fire, or something that has to do with the life safety of the person in the vehicle, that would be exempt.

For instance, we have, where I come from, the Holland and Lincoln Tunnels--

MR. SOUDERS: Okay.

ASSEMBLYMAN IMPREVEDUTO: --which are not far from me. The Port Authority has these big, gigantic tow trucks with big bumpers on the front that are used to pull people out of the tunnel when they break down. I don't know-- If they are used also to extract people from the vehicle, then I guess the guys who drive those would be exempt. Right?

MS. HOCHMAN: (speaking from audience) The waiver right now would be limited to fire fighting organizations.

ASSEMBLYMAN IMPREVEDUTO: Fire fighting organizations only. (Ms. Hochman's response from audience indiscernible to transcriber)

MS. SZILAGYI: Just the list right there.

SENATOR COWAN: Farm vehicles, fire fighting equipment, military vehicles, transit buses--

MS. SZILAGYI: No, that's it right there.

SENATOR COWAN: That's it?

ASSEMBLYMAN IMPREVEDUTO: That's it.

SENATOR COWAN: Okay.

MS. SZILAGYI: All those people asked for an--

SENATOR COWAN: If they asked for it-- Okay.

ASSEMBLYMAN IMPREVEDUTO: Remember the definition is in there. How do we define fire fighting vehicle? (no response) If this big truck is used by the fire department not to put out fires, but--

SENATOR COWAN: Before we get into that, why don't we ask--

MS. HOCHMAN: Don't worry about the-- (remainder of comment from audience indiscernible to transcriber)

SENATOR COWAN: Are you giving the definition now of an emergency vehicle?

MS. HOCHMAN: I'm sorry?

SENATOR COWAN: Are you giving the definition now of an emergency vehicle, or a fire fighting vehicle?

MS. HOCHMAN: No, he was-- (remainder indiscernible; three or four people speaking at once)

MS. SZILAGYI: There is no definition of fire fighting equipment. We just say "fire fighting equipment."

ASSEMBLYMAN IMPREVEDUTO: So we really don't have a definition. Did the Feds give us a definition as to what they are?

MS. HOCHMAN: We use the term "authorized emergency vehicle operated by a paid or volunteer fire fighting organization meeting the Uniform Vehicle Code," which is something that the State DMV licensing folks get together on. They have a definition.

COLONEL PAGANO: (speaking from audience; no mike) We have a definition--

ASSEMBLYMAN IMPREVEDUTO: We have a definition? They are all coded? Does the equipment you are concerned about-- Would it fall within their definition, or--

MR. SOUDERS: It would fall within 39, correct.

ASSEMBLYMAN IMPREVEDUTO: Then it is covered. According to our State, it would be covered. They would not need, then, to get the CDL.

MR. SOUDERS: Another thing I am trying to get to is: I am in total favor of the CDL license. I figure in my quotation-- Again, I am not representing the City or the Vineland Fire Department; I am representing myself. Being a DEC instructor, and also starting to give instructions on the CDL program through the New Jersey State Safety Council, and also attending seminars with Mr. Don Henry, again I am glad to see this come about, because we can get "Mr. Joe Cowboy" off the streets.

One of the other questions I have is: Will we meet the deadline?

ASSEMBLYMAN IMPREVEDUTO: Absolutely. We will have this legislation done -- I am not going to speak for the Senator, but I think he might agree with my statement -- well in time, by September. We think you can begin -- you, the DMV -- should be able to begin testing in our State by January 1.

MR. SOUDERS: We are going to have sufficient time for--

ASSEMBLYMAN IMPREVEDUTO: If they are ready, we will be ready.

COLONEL PAGANO: (speaking from audience) We'll be ready before that. That is something we have to discuss.

ASSEMBLYMAN IMPREVEDUTO: Well, certainly we will. We will be ready for you when you are ready for us, or whatever.

COLONEL PAGANO: We're ready for you right now. (laughter)

ASSEMBLYMAN IMPREVEDUTO: Let's take a vote. We can pass our new version you haven't seen yet.

ASSEMBLYMAN MORAN: He's not kidding.

MR. SOUDERS: Mr. Chairman, both Mr. Martin and Mr. Spataro answered my other questions. Thank you for your time and your answers.

ASSEMBLYMAN IMPREVEDUTO: Well, I applaud you guys for wanting to take the CDL. I think you should.

MR. SOUDERS: I can't wait to take it.

ASSEMBLYMAN IMPREVEDUTO: Me neither.

MR. SOUDERS: I'm ready. I think it is going to be a challenge.

ASSEMBLYMAN IMPREVEDUTO: Really, I think-- In fact, I think the Feds screwed up by not making you guys-- You know, why not military guys? They're driving heavy vehicles, too. You know, I don't see that reasoning, guys. I've got to tell you that.

MR. SOUDERS: The military has their own driving license, also, on each vehicle they have.

ASSEMBLYMAN IMPREVEDUTO: Are they taking the same kind of heavy duty test as, you know--

COLONEL PAGANO: They are not regulated by the states right now.

ASSEMBLYMAN IMPREVEDUTO: Yeah, but this is a Federal thing. They should be able to take -- even the Federal CDL. They should take something. If your interest is in safety, they can be just as dangerous coming from Fort Dix to New York, as our guys who are driving trucks and everything else going the other way. So, you know--

SENATOR COWAN: Much slower, though.

ASSEMBLYMAN IMPREVEDUTO: Yeah, I'm sure. (laughter)

MR. SOUDERS: Gentlemen, thank you.

MR. MARTIN: (speaking from audience) I think they have their own licensing test equipment.

ASSEMBLYMAN IMPREVEDUTO: Would that pass your muster?

MR. MARTIN: Well, in fact, they are looking to make some changes in their program.

MS. HOCHMAN: They are adopting the same test -- the Essex test, the Essex driving manual, so--

ASSEMBLYMAN IMPREVEDUTO: Do they have to open their hoods and check the oil? (laughter)

MS. HOCHMAN: They probably don't.

ASSEMBLYMAN IMPREVEDUTO: Lynne Stanlick?

While Lynne is coming up, if this Committee should decide to have a separate -- or together with DMV decide to have a separate bus driver endorsement, how long, once we have presented you guys with something, would it take to get it through?

MR. SPATARO: (speaking from audience) It would depend on how much more New Jersey is willing to do; how much time you are willing to devote.

ASSEMBLYMAN IMPREVEDUTO: Well, that is going to depend on how much you are willing to help us with it.

MR. SPATARO: The process involves-- We actually have to take each question and identify the particular players-- (remainder of comment indiscernible here; no microphone) I would say in a manner of weeks.

ASSEMBLYMAN IMPREVEDUTO: Okay, Lynne, I'm sorry.

L Y N N E S T A N L I C K: My name is Lynne Stanlick, and I am President of the School Transportation Supervisors of New Jersey. This organization includes over 450 supervisors and managers in the field of pupil transportation.

We support the concept of the CDL. However, we have serious concerns with how it relates to school bus drivers. The bill, as it exists, will make school bus drivers better truck drivers, but it will do little to make them better school bus drivers.

In the interest of time, we will let our written testimony convey our concerns and recommendations. At this time, Mr. Chairman, may I request that you permit Ms. Teresa Dondrea to speak? (no response from Chairman) Ms. Dondrea is from our organization.

T E R E S A D O N D R E A: I ended up as Chairman of the CDL Committee for the State supervisors' organization. We put together this paper hoping to clarify some of our concerns.

There was a statement made that the manual is somewhat confusing. It is more than somewhat confusing. It is very confusing. On page 15 in that manual, the three-part skills test -- or road test, as they called it-- The first part is the pre-trip inspection. In that packet you got it will show, by picture, the difference between a truck and a bus, and if there is a requirement for a pre-trip inspection, a bus driver cannot see it, other than to go under the bus. Nobody is saying specifically in the manual that you must go under the bus, but that is the only way you can do it with a school bus.

In that packet there are what we call -- what the bus drivers call checkoff sheets. That is our pre-trip

inspection. Most school districts, in their training programs, are aware that the people we work with are not mechanics, and some of the stuff you get back on these checkoff sheets, or trouble reports, are very interesting. You might have written down, instead of an exhaust system leak at such and such a spot, "Funny noise coming from underneath the bus by the left wheel. It sounds like a rattle." They don't know it is the exhaust system, but there is something wrong; they have noted it; and it will be fixed by a qualified mechanic.

In there also are papers to point out that the school bus industry is the most regulated industry of any other industry that has presented here. Not only do Federal guidelines give us what we can and cannot do with a school bus and how it has to be manufactured, but we also have our State guidelines on that. We have State Department of Education guidelines on what can and cannot be put in a school bus. We have Division of Motor Vehicles' demands that each bus go through inspection twice a year, not once a year like a car, and they are inspected -- must be inspected by Motor Vehicle, not by an outside agency.

Any checkoff sheet quarterly reports that must be done -- it is mandated -- have to be kept with that vehicle for the life of the vehicle; not for one year, but for the 12 years that a school bus can be used in the State of New Jersey. These are all in that packet. Hopefully, what we heard here is that the Committee is aware and is looking into our concerns, and is giving consideration to a specific school bus driver's test.

I heard it said that fear of losing school bus drivers to other industries is a concern. It may be a concern, but it is not paramount. We want safer bus drivers. Taxpayers' money is going to be used for this training, directly or indirectly, especially in our district, where taxpayers are paying, through local taxes and State taxes, the bus drivers' salaries. Let's

put the money where it is going to work: Better bus drivers through better training.

I thank you for your attention.

ASSEMBLYMAN IMPREVEDUTO: Thank you.

MS. STANLICK: This concludes our testimony, and we thank you very much.

ASSEMBLYMAN IMPREVEDUTO: Thank you very much.

SENATOR COWAN: Thank you.

ASSEMBLYMAN IMPREVEDUTO: Your whole packet will be made a part of the official testimony.

Emily Cook, DAUT. I guess that is Drivers Against Unfair Testing. (no response) No? Emily, are you here? (no response) Tom Pogue? We are going to give you about 32 seconds, because we want to wrap this up with DMV. So, please--

T H O M A S P O G U E: Am I the last one?

ASSEMBLYMAN IMPREVEDUTO: You are the last one, except for DMV.

MR. POGUE: Okay.

ASSEMBLYMAN IMPREVEDUTO: Tom is a consumer health advocate from down this way.

MR. POGUE: Mr. Chairman, I became a consumer health advocate in 1976 for Atlantic County, and was appointed a member of the board for the Southern New Jersey Health Systems Agency. I am here primarily as it relates to representing a consumer point of view and, of course, a health and safety point of view.

Perhaps I should also clarify one other thing -- in case you were to make a mistake -- in my identification. For a year-and-a-half, I was the Educational Director and Research Director for the Ohio AFL-CIO, with 1,600,000 members, over 4000 local unions, and 54 central labor councils. So I am well aware of the hassles that go on within the family, one way or the other.

The reason for me to speak today is to make certain that legislators do not lose their perspective of the nitty-gritty that has gone on for three of these sessions, in which I attempted, at the end of the first session, to give some perspective on it. That is that all of the persons I have heard address you have been in favor, and supportive of the CDL process. Their only concerns that I have heard are those that have been raised regarding the administration of such a program as it basically relates to the regulations that would be considered, or because they have gone ahead and put out a manual. People get it and look at it and say, "Oh my goodness, this is what we are going to have to do."

I ask you to keep in mind that just a couple of days ago we had some concern about the Korean War. Immediately you say, "What does the Korean War have to do with this?" Then, too, we have been concerned about the Vietnam War. Well, I am a Korean War veteran, and a strange thing happened when I was the Chairman of the Health Promotion Task Force for the Southern New Jersey Health Systems Agency, when a woman came in and told us that we lose twice as many people each year on the roads in the United States than we lost in one year of the Korean War, and 10 times as many as in Vietnam. Can you believe that? We lose twice as many men and women on the roads of the United States as were lost in any year in the Korean War, and 10 times as many as were lost in Vietnam.

And yet, in those two efforts, we were all emotionally and tremendously concerned. If you look at the health care costs that are mounting and the insurance costs that are mounting, and you realize the amount of damage that is being done to our citizenry as a result of the lack of safe driving, when you know that 62% of the accidents and injuries out there result from operator error, and the other 38% are from equipment failure, then you will recognize that the regulations that they have been concerned with and have been talking about are of the utmost importance.

We know that the General Accounting Office just finished their survey of all of the states that presently are using the CDL, and 80% to 85% of their drivers are grandfathered in the skills portion. I thought maybe you should be aware of that.

ASSEMBLYMAN IMPREVEDUTO: We know that.

MR. POGUE: Consequently, I would then urge -- because of the limits on time -- that this body, jointly, move to get this piece of legislation on the books just as fast as you possibly can, because it will eliminate a hell of a lot of confusion and misinformation that exists out there in the public mind, particularly the drivers' minds. To wait until January is too late. To wait until December is too late. November is too late; even September is too late. Quite frankly, a half an hour from now is too late, if you really believe in the purposes of this law.

I would suggest to you one other thing as I leave, and that is this: What we do here in New Jersey-- We are not the first; we are way behind. If this law that we are trying to make sure gets implemented from the national was passed in 1986-- Some of us worked for three years -- 1976, 1977, 1978 -- trying to get this brought about. We are delighted to see that it is finally getting here. I am talking about the Southern New Jersey Health Systems Agency.

In all of this, Mr. Chairman, it is essential that we recognize that this was Title 12 of the Anti Drug Abuse Act of 1986, and we need to know that over half of the fatalities and the injuries out there are from drug abuse, whether it is alcohol or whether it is another form of drugs. Consequently, what you are putting on the books here in New Jersey, in other states our drivers are going to have to live by anyway. So, the quicker you get it passed, the quicker our drivers in New Jersey will know and understand what is being required of them, and they won't be surprised when they get into other states. At the same time, we will have a safer New Jersey.

Thank you, Mr. Chairman.

ASSEMBLYMAN IMPREVEDUTO: Thank you. Don Henry didn't pay you to testify, did he, Tom?

MR. POGUE: No.

ASSEMBLYMAN IMPREVEDUTO: I'm only teasing you, Tom; only teasing.

MR. POGUE: Of course.

ASSEMBLYMAN IMPREVEDUTO: Senator, would you like to close up?

SENATOR COWAN: No, thank you. I just think it is a good time to adjourn, don't you? Is everyone finished?

ASSEMBLYMAN IMPREVEDUTO: Unless there is anything else from DMV. Colonel?

COLONEL PAGANO: There is not very much we can add, Assemblyman. We are fast closing on getting ready to go.

ASSEMBLYMAN IMPREVEDUTO: And so are we. As you well know, this is the last in a series of three hearings. We will be getting together soon, I hope. We would have gotten together, except that we had something else get in the way called the State budget.

COLONEL PAGANO: That was a bitch.

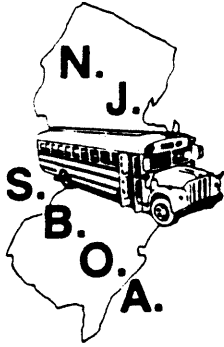
ASSEMBLYMAN IMPREVEDUTO: Yeah, it certainly was, and you didn't even have to vote for it.

We thank you all, and we will be in touch with you real soon.

SENATOR COWAN: And we got back some of the information that you sent out these past couple of days. We'll take a look at that, and some other things.

(HEARING CONCLUDED)

APPENDIX

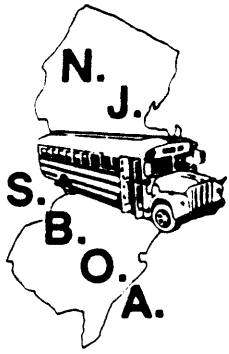


NEW JERSEY
SCHOOL BUS OWNERS ASSOCIATION, INC.
P.O. BOX 133, BROADWAY, N.J. 08808 ■ 201-454-3687

Testimony by the New Jersey School Bus Owners Association
at a combined public hearing before the New Jersey Senate Law,
Public Safety & Defense Committee and Assembly Commerce and
Regulated Professions Committee on the proposed Commercial
Drivers License Legislation.

Vineland, New Jersey

June 27, 1990



NEW JERSEY
SCHOOL BUS OWNERS ASSOCIATION, INC.
P.O. BOX 133, BROADWAY, N.J. 08808 ■ 201-454-3687

Chairman Cowan, Chairman Impreveduto, members of the combined panel, let me state for the record, my name is Earl Mattison. I am Executive Director of the New Jersey School Bus Owners Association. I have with me today, Mr. Richard Hammell, President of the Village Bus Co. of Sparta, N. J. whose family has been active in pupil transportation for 3 generations. Mr. Hammell, a Past President, who served four terms with our association is presently Chairman of our Legislative Committee.

Our association represents approximately 300 private school bus contractors throughout our state, who each morning, during the school year, transport more than 55% of New Jersey's 620,000 school children to and from school and related activities.

Let me begin by expressing the gratitude of our membership and the thousands of school bus drivers throughout the state for your conduct of these hearings for it seems that were it not for your intervention the public would have had little if any opportunity to be heard on this vital issue.

Although school pupil transportation enjoys the distinction of holding the foremost safety record in the transportation industry as reflected in the National Transportation Safety Boards recent report and we are proud to warrant the designation "The Safest Ride in New Jersey," nevertheless, our association has consistantly, actively supported initiatives which would clearly improve on the industries already outstanding safety record. We therefore endorse and support the intent of the federal act and the FHWA regulations.

We appear before you today to offer specific recommendations and amendments to the proposed bills, which we feel certain will assist school bus drivers throughout the state to attain compliance with the state and federal mandates.

Recommendation Number I

Special Bus Drivers Endorsement

We recommend, that Section 4 Page 4 be amended to provide for a school bus drivers endorsement on the Commercial Drivers License. Such an endorsement, perhaps designated by the letter "S", would restrict the bearer to the operation of a school bus.

This recommendation is provided for in accordance with FHWA interpretations of the Commercial Drivers License and related regulations in 49CFR Part 383. A similar provision has been adopted by several states including Delaware and Pennsylvania.

Recommendation Number II

Revision of Proposed Testing Process

In order to facilitate the implementation of a school bus driver endorsement, and to alleviate the concerns of school bus drivers throughout the state we urgently recommend that the General Knowledge portion of the test be reduced to 30 questions thru the elimination of non-related items on such topics as cargo handling, articulated vehicle and hazardous materials. Further, that a number of items required for the current school bus drivers endorsement be substituted. This revised test would be in addition to the passenger endorsement test required by FHWA regulations for a CDL.

This procedure, which complies with FHWA regulations would assure that school bus drivers are knowledgeable and qualified regarding applicable school pupil transportation statutes and regulations of the New Jersey Division of Motor Vehicles and the Department of Education.

In response to concerns regarding the time constraints imposed by the April 1, 1992 deadline we would suggest that inasmuch as school bus drivers constitute a small segment (16,500) of the total CMV driver population (350,000), testing for school bus drivers could be deferred until spring of 1991 thereby allowing time for appropriate training procedures, as well as such revisions of the testing process, as may be necessary.

Recommendation Number III

Definition of Commercial Motor Vehicle

It is recommended that the definition of "Commercial Motor Vehicle" as proposed on page 2 sub section e. be revised by ending the sentence on line 15 with a period rather than a comma, which is to say, limit the application of the CDL to "16 or more passengers including the driver," which conforms with FHWA standards.

In the absence of evidence to the contrary, NJSBOA is unable to recommend that New Jersey exceed FHWA minimum requirements, as defined in the notice of rulemaking.

Recommendation Number IV

Rescind Duplicate Fee Schedule

In lieu of the fee schedule proposed on page 12 sub section 22 for the proposed CDL - which subsumes the present school bus drivers licensing process eliminate the \$25.00 fee indicated on page 15 line 22 for the omnibus or school bus drivers learners and examination permit as required by RS39:3-13.

This action would eliminate "double dipping" on the fee schedule and serve to mitigate the fees imposed by the new regulations which have not been included in school district budgets or bids by private contractors and thus can not be made up in the forth coming school year.

Recommendation Number V

Waiver of Skills Testing

We applaud the bills intent of grandfathering incumbent drivers for the skills portion of the test, however we believe that that should be mandated rather than permissive and recommend that "may" be changed to "shall" on page 9 line 14. We further believe that the minimum federal standards should be the criteria for grandfathering.

Recommendation Number VI

Third Party Skills Testing

We support the concept of a partnership between the state and private enterprise inherent in the proposed 3rd party testing for the skills portion. However, we would like to see the criteria included in the bill. Additionally, we believe this provision constitutes a major statewide policy decision that should be made by the legislature. We therefore recommend that line 10 on page 9 which allows the director to terminate third party testing at any time be stricken.

It is conceivable third party testers will have invested considerable time and money in qualifying. Should overwhelming evidence dictate the elimination of the concept, an amendment could be readily adopted.

Recommendation Number VII

Eliminate Road Test Waiting Period

Eliminate the current 10 day waiting period between the written test and the road test as stipulated by R.S. 39:3-13, on page 15 line 14 by placing a period after "practice driving" on line 12.

It is anticipated, resident applicants for a CDL will hold a basic drivers license and possess a broad range of driving experience and skills. CDL holders transferring from other states will be grandfathered for the skills portion. Existing overloads at DMV testing centers should be abated by 3rd party skills testing. The existing regulation has frequently proven to be an unwarranted and unnecessary restriction on driver applicants, frequently unnecessarily delaying them from gainful employment.

Recommendation Number VIII

Eliminate Posting CVWR on Vehicle

Proposal (b) under 39:4-46 on page 17 calls for the display of the CVWR on the vehicle, which in accordance with provision (a) page 16, line 32 "shall be conspicuously displayed thereon." It is clear this proviso was intended for trucks as a means of detecting overweight vehicles. Additionally, buses do have the gross weight listed on the manufacturers plate which is affixed to every vehicle. To add this requirement would seem redundant, create confusion and result in the unnecessary added expense of requiring existing, as well as new school buses to be so lettered.

We therefore recommend that page 17 line 8 be amended to read, "Every owner of a commercial motor vehicle, (except school pupil transportation vehicles)."

Recommondation Number IX

Save Harmless 3rd Party Examiners

Our final recommendation is to amend the proposed revision of R.S.39:3-11 on page 15 line 3 to read "except for a motor vehicle or other private 3rd party examiner."

6x

**STATEMENT OF CLARK C. MARTIN
BEFORE THE NEW JERSEY LEGISLATURE
COMMERCIAL DRIVER'S LICENSE LEGISLATION
JUNE 27, 1990
VINELAND, NEW JERSEY**

Mr. Chairman:

On behalf of the American Association of Motor Vehicle Administrators and its member jurisdictions, I want to thank you for the opportunity to make this statement concerning the New Jersey Commercial Driver License legislation.

AAMVA is the international organization representing motor vehicle and police traffic safety agency interests. As the state motor vehicle organization, AAMVA has taken a leadership role in coordinating the implementation of the Commercial Driver's License Program. AAMVA continues to work very closely with the Federal Highway Administration in the U.S. Department of Transportation concerning CDL policies and programs affecting implementation.

AAMVA through its committee structure and in concert with Federal Highway has developed Model legislation for states to consider in implementing states laws, developed the model CDL drivers manual, classified license system and test program, designed and implemented the Commercial Driver License Information System and support telecommunications system, called AAMVAnet, and a national

public information program. AAMVA also serves as a clearinghouse for CDL implementation activities.

The framework for the program is included in the Commercial Motor Vehicle Safety Act of 1986, which requires the Secretary of Transportation to establish minimum standards for state commercial driver testing and licensing procedures, blood alcohol content, driver disqualification and single license.

The FHWA minimum standards provide for a high degree of uniformity throughout the country which has been supplemented by the model programs developed by AAMVA and adopted in the states. We recognize the Commercial Driver License Program is a significant development and implementation effort for the state motor vehicle agencies. State motor vehicle data processing and communication systems must be modified, a new classified driver licensing program must be adopted, a new testing program and the associated personnel training and procedure changes.

The result will be a comprehensive and effective commercial driver licensing system. For the first time in more than thirty years and since the commercial motor vehicle industry came into its own following World War II, state agency officials will have the information they need to make licensing decisions, employers will be able to make more intelligent employment decisions, and perhaps most important, the motoring public will have some assurance they

are sharing the highway with competent, professional commercial vehicle drivers.

We estimate that as many as five million individuals will be affected and must be licensed in the new Commercial Driver License Program.

The Commercial Motor Vehicle Safety Act and the Federal Highway Administration minimum standards require that individuals have a CDL by April 1, 1992 or they cannot operate a commercial motor vehicle. This is an ambitious time frame that requires a dynamic effort by state legislatures and agencies. There are several important steps in a states implementation process. First, enabling legislation must be passed to provide the agency with the authority to issue commercial driver licenses in compliance with the Commercial Motor Vehicle Safety Act and Federal Highway Administration minimum standards. The testing and licensing program is a major component, however the model drivers manual and tests will provide assistance to the states in developing their programs.

Forty-seven states have passed CDL enabling legislation, twenty-eight states are testing applicants under the new program, and thirteen states are issuing Commercial Drivers License. Generally, to issue CDLs a state must comply with the FHWA minimum testing and licensing standards and have full interface with the CDL

Information System (CDLIS) and the state telecommunications system (AAMVAnet). A state is prohibited from issuing a commercial driver license unless there is full interface with AAMVAnet and CDL Information System (CDLIS).

The CDLIS data base will contain only driver identification information including date of birth, social security number, physical description, state license control number, date of license issue and expiration, and state of issue. The CDLIS file will not contain driver record information. The motor vehicle records will be maintained in the state agencies. The system was designed this way to avoid a process of updating a central file and a state file. Prior to issuing a commercial driver license, a state is required to make inquiry of the CDLIS data base to determine if the applicant has a commercial driver license in another state. The inquiry is made through the AAMVAnet Telecommunication System which links the states with CDLIS and with the all state data bases.

A driver moving from one state to another is expected to surrender their CDL and obtain a CDL in a new state. The new state will change the CDLIS data base and will also request the driver's record to be sent electronically from the previous state. This will assure the one driver, one record program, help keep problem drivers off the road, and will serve as a deterrent to marginal drivers by encouraging them to operate their vehicles properly. This is especially important in the commercial vehicle industry as

drivers routinely operate their vehicles 100,000 miles a year compared to 10,000 or 12,000 miles for the average motorist.

Commercial bus drivers and school bus drivers are included in the program. Although their exposures to accidents are considerably less than commercial truck drivers, the nature of their cargo requires the state licensing agencies to institute reasonable and effective licensing programs to assure that drivers have the necessary knowledge and skill to operate their vehicles safely. A single mistake can result in tragedy.

The Commercial Motor Vehicle Safety Act and the FHWA minimum standards require that all commercial drivers pass a knowledge test program that is based on general knowledge requirements and a series of endorsements depending on the type of cargo or vehicle the driver will transport. It is important to note that the general knowledge and endorsement tests were carefully developed, field tested, and are being used in every state. Some states have added questions to the tests that are state specific, but have virtually left the model classification and endorsement, and test program intact.

AAMVA and the states are especially concerned that those drivers who do not read and comprehend well will be at a disadvantage in preparing for and taking the CDL written tests. The goal of the program is to improve commercial vehicle and highway safety, not

to put people out of work. We must strike a balance between the assurance that competent, professional drivers operate commercial vehicles, and a program that is reasonable and fair to those individuals. The answer is not to compromise the CDL testing program, but rather to provide the materials and test formats that will better address the functionally illiterate and reading deficient driver.

AAMVA is developing a true false test that states can administer orally ~~test to administer~~ to those drivers who do not possess sufficient reading skills to take a written knowledge test. The draft test questions have been completed and are in the process of being field tested now. We expect to have the true false test questions completed by mid August. We also recognize that there is a need to provide better materials than the 120 page written manual for functionally illiterate and reading deficient drivers to prepare for the CDL test. AAMVA has issued, in cooperation with Federal Highway Administration, a Request for Proposal and received six responses from organization to develop a test preparation program for functionally illiterate CDL applicants.

We do not expect the motor vehicle agencies to train or provide this material to the applicants, however it is our hope that working through national, state and local literacy organizations and adult education programs, that this material will be available to those who need it. We also see additional benefits to these

individuals and to society by impressing upon them in a very practical way that reading skills are important, and by linking functionally illiterate individuals with agencies and programs that can help them develop more proficient reading skills.

There has also been interest in the states for a Spanish version of the CDL materials. AAMVA, through the Texas Department of Safety, has produced a Spanish version of the Model Drivers Manual and Essex test questions. I have a copy of the Spanish manual here. We have asked selected states in various regions of the country to review this material to assure ourselves that it will be adequate to meet their needs, and that the variation in Spanish dialects around the country will not be so great as to require revision.

There has been concern in some quarters in applying the Commercial Driver License Program to some segments of the industry. A number of groups have sought waivers in the program, however with the exception of active military personnel, no waivers have been explicitly granted by the Congress or Federal Highway Administration. Waivers for farmers and firefighters are available at the discretion of the states. Any other efforts have been summarily denied for the reasons I spoke to earlier.

These licensing requirements are not unreasonable given the nature of the cargo or exposure commercial drivers have to accidents that

can result in serious injury or death. The material on the test is contained in the manual and passing rates have significantly improved since the scores recorded earlier in California of an average of only 65% passing. It is our feeling that drivers have begun to recognize that as professionals they need to demonstrate they have the knowledge to operate their vehicles safely and frankly they are spending more time studying the drivers manual.

The Commercial Drivers License Program will significantly improve highway safety. Commercial drivers will be tested in the type of vehicle they intend to drive, there will be an effective process to prevent multiple licensing and a more uniform disqualification program in the states. The successful implementation of the program will depend on the coordination, communication and cooperation of the Federal government, states, and industry. It is a major undertaking but one that the motoring public, the industry, and all professional drivers deserve.

I want to thank you again for the opportunity to address the committee and would be happy to answer any questions you may have.

**AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS
CDL PROGRAM IMPLEMENTATION STATUS
AS OF 6/26/90**

State	Legis- lation	BAC	Driver Disqual.	*Knowledge & Skill	**CDL Issue	--State expects to begin know. & Skill testing
Alabama	Yes	Yes		10/90	10/90	
Alaska	Yes	No		1/91	1/91	
Arizona	Yes	No		*** 1/90	**** 1/90	
Arkansas	Yes	Yes(5/90)	5/90	6/90	**** 6/90	
California	Yes	Yes(1/92)		*** 1/89	**** 1/89	
Colorado	Yes	Yes	Yes	*** 1/90 (KN) 7/90 (SK)	1/91	**--State expects to begin issuing CDL's in compliance with FHWA standards includ. connect with CDLIS through AAMVAnet
Connecticut	No	No		5/90	4/91	
Delaware	Yes	Yes	Yes	7/90	7/90	
D. C.	No	No		9/90	9/90	
Florida	Yes	Yes	Yes	*** 4/90 (KN) 4/91 (SK)	4/91	
Georgia	Yes	Yes		***12/89	**** 4/90	
Hawaii	Yes	Yes		1/91	1/91	
Idaho	Yes	Yes	Yes	9/90	9/90	
Illinois	Yes	Yes(4/90)	4/92	*** 4/90	**** 4/90	
Indiana	Yes	Yes			7/90	
Iowa	Yes	Yes		7/90	7/90	***--States administering know. & skill tests
Kansas	Yes	Yes		5/90	1/91	
Kentucky	Yes	Yes	Yes	1/91 (KN) 7/91 (SK)	7/91	
Louisiana	Yes	Yes		*** 3/90	7/90	
Maine	Yes	Yes		*** 1/90	1/91	
Maryland	Yes	Yes	Yes	*** 1/90	**** 1/90	
Massachusetts	No	No		4/91 (KN) *** 4/90 (SK)	4/91	****--States issuing CDL's
Michigan	Yes	Yes		*** 1/90	**** 4/90	
Minnesota	Yes	Yes	Yes	***12/89	**** 4/90	
Mississippi	Yes	Yes		*** 1/90	7/90	
Missouri	Yes	Yes(4/92)		*** 2/90 (KN) 7/90 (SK)	3/91	
Montana	Yes	Yes		***10/89	7/90	
Nebraska	Yes	Yes(4/92)	4/92	*** 9/90	9/90	
Nevada	Yes	Yes	4/90	2/90	7/90	
New Hampshire	Yes	Yes		*** 8/89	**** 4/90	
New Jersey	No	No		4/90	7/90	
New Mexico	Yes	No		7/90	9/91	
New York	Yes	Yes		*** 4/90 (SK) 11/90 (KN)	1/91	
North Carolina	Yes	Yes		9/90	9/90	
North Dakota	Yes	No		*** 7/89	7/90	
Ohio	Yes	Yes		*** 1/90	7/90	
Oklahoma	Yes	Yes		1/91	1/91	
Oregon	Yes	Yes		*** 4/90	**** 4/90	
Pennsylvania	Yes	Yes		5/90	4/91	
Rhode Island	No	No		7/90	1/91	
South Carolina	Yes	Yes		7/90	7/90	
South Dakota	Yes	Yes		***10/89	10/90	
Tennessee	Yes	Yes		*** 7/89	7/90	
Texas	Yes	Yes	4/92	6/90	6/90	
Utah	Yes	Yes(7/89)	Y-(7/89)	***10/89	**** 2/90	
Vermont	Yes	No	4/92	10/90	10/90	
Virginia	Yes	Yes		*** 1/90	**** 1/90	
Washington	Yes	Yes	Yes	***10/89	****10/89	
West Virginia	Yes	Yes(4/92)		***12/89	1/92	
Wisconsin	Yes	Yes(1/91)		1/91	4/91	
Wyoming	Yes	Yes		*** 1/90	7/90	

TEAMSTERS LOCAL UNION NO. 676

AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL-CIO

Executive Office

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EDWARD C. MULVENNA
PRESIDENT

VINCENT L. BUONDONNO
RECORDING SECRETARY

JOHN J. JACKSON
VICE-PRESIDENT

FRANK DeFULVIO, JR.
SECRETARY-TREASURER

June 27, 1990

The Honorable Thomas Cowan
Assemblyman Anthony Impreduto &
Fellow Committee Members

Dear Sir/Madam:

1. UNEMPLOYED MEMBERS

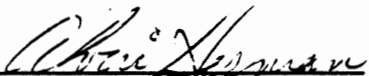
As representatives of Teamsters Local Union No. 676, we would like you to consider in your Bill, people who are currently unemployed and may become unemployed in the future, as to who would be required to supply them with the vehicular equipment to take the Skills Test. I am sure you are aware of the ever present threat of solvent companies going out of business leaving many people out of work.

2. AIR BRAKE TEST

We feel the Air Brake Test should address what is visible to the driver, not what he cannot see, such as the inner functions of the braking system.

We hope you will take these two items into consideration in your final draft of the Commercial Drivers License test.

Very truly yours,


Alvin Herman, Representative


Steve De Santo, Business Agent

16X
PROTECT YOUR DRIVERS LICENSE
BUY AMERICAN PRODUCTS





TESTIMONY
BEFORE THE
SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE
AND THE
ASSEMBLY COMMERCE AND REGULATED PROFESSIONS COMMITTEE
REGARDING
A-3258 AND S-2549

CHAIRMEN AND MEMBERS OF THE COMMITTEE:

MY NAME IS RICHARD STOKES, MANAGER OF GOVERNMENT AFFAIRS FOR ATLANTIC ELECTRIC. THANK YOU FOR PROVIDING MY COMPANY THE OPPORTUNITY TODAY TO COMMENT ON THE PROPOSED NEW JERSEY COMMERCIAL DRIVER LICENSE ACT.

ATLANTIC ELECTRIC IS AN INVESTOR-OWNED ELECTRIC UTILITY COMPANY PROVIDING ELECTRICITY TO OVER A MILLION PEOPLE IN SOUTHERN NEW JERSEY. ATLANTIC ELECTRIC OWNS GENERATING FACILITIES IN NEW JERSEY AND PENNSYLVANIA. WE ALSO HAVE OVER 7,000 MILES OF TRANSMISSION AND DISTRIBUTION LINES. ONE OF THE THINGS THAT MAKES ELECTRIC UTILITIES DIFFERENT FROM MOST INDUSTRIES, EVEN WITHIN THE UTILITY INDUSTRY, IS THE INTERDEPENDENCE WE HAVE WITH OUR SISTER UTILITIES IN ORDER TO INSURE RELIABLE SERVICE TO OUR CUSTOMERS. THUS, WE BELONG TO SUCH ORGANIZATIONS AS THE PENNSYLVANIA-JERSEY-MARYLAND INTERCONNECTION SYSTEM WHICH ATTEMPTS TO DISPATCH ELECTRICITY IN AN EFFICIENT AND RELIABLE MANNER AMONG THE STATES. WHEN THERE IS AN EMERGENCY WE WILL SEND OUR CREWS TO HELP RESTORE POWER IN OTHER STATES. ALSO, WE ARE EVEN TIMED WITH OTHER UTILITIES TO TAKE EQUIPMENT OUT OF SERVICE WHEN MAINTENANCE IS REQUIRED.

FURTHERMORE, UTILITIES TAKE SAFETY VERY SERIOUSLY. WE HAVE A FULL TIME DEPARTMENT WHICH REVIEWS OUR OPERATING ACTIVITIES ON A REGULAR BASIS AND IMPLEMENTS NEW PROGRAMS IN ORDER TO MEET THE SAFETY REQUIREMENTS OF EACH PROJECT. SAFETY IS A REGULAR AGENDA ITEM FOR OUR OFFICERS AND EMPLOYEES.

Atlantic City Electric Company
1199 Black Horse Pike
Pleasantville, N.J. 08232
609-645-4463

Capitol View Office Building
150 W. State Street
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609-393-4044, 393-0243

WE UNDERSTAND THAT THIS LEGISLATION IS A RESULT OF PASSAGE OF THE FEDERAL COMMERCIAL MOTOR VEHICLE ACT OF 1986 AND ITS REGULATIONS. FAILURE TO IMPLEMENT STATE LAW AND REGULATIONS WOULD JEOPARDIZE OUR TRANSPORTATION MONIES RECEIVED FROM THE FEDERAL GOVERNMENT. THOUGH WE AGREE THAT NEW JERSEY MUST ACT ON THIS ISSUE, WE BELIEVE THAT NEW JERSEY CAN AND SHOULD ACT FAIRLY IN IMPLEMENTING NEW LEGISLATION. THIS CAN BE DONE AND STILL MEET THE REQUIREMENTS OF THE FEDERAL MANDATES OF THE 1986 ACT.

ATLANTIC ELECTRIC OPERATES MORE THAN 600 VEHICLES AND WE HAVE OVER 700 DRIVERS. THE TYPES OF VEHICLES OUR DRIVERS OPERATE RANGE FROM BUCKET TRUCKS, DERRICK TRUCKS TO MATERIAL HANDLING TRUCKS AND LINE TRUCKS. THESE VEHICLES ARE OPERATED GENERALLY ON SHORT TRIPS (USUALLY NOT MORE THAN 25 MILES A DAY) WITHIN OUR SERVICE TERRITORY. THE VEHICLES ARE USED IN THE REPAIR OF OUR LINES AND MAINTENANCE OF OUR EQUIPMENT.

ONE OF OUR MAJOR CONCERNS IS THE SAFE OPERATION OF OUR VEHICLES ON PUBLIC ROADWAYS. SEVERAL YEARS AGO WE APPROACHED THE STATE OF NEW JERSEY TO REQUEST HELP IN PROTECTING OUR EMPLOYEES FROM THE INCREASED TRAFFIC AND HIGH SPEED OF VEHICLES WHILE THE EMPLOYEES WORK ON THE SIDE OF THE ROAD. THOUGH THE STATE WAS SYMPATHETIC TO OUR CONCERNS, THE STATE DID NOT AGREE TO OUR REQUEST FOR A CHANGE IN THE LIGHTING OF UTILITY VEHICLES. WE ALSO DEVELOPED A PROGRAM WITH THE STATE AND OTHER UTILITIES CALLED "GIVE US A BRAKE" TO CALL ATTENTION TO WORK CREWS ON PUBLIC ROADWAYS.

BESIDES THESE TYPE OF ACTIVITIES, ATLANTIC ELECTRIC HAS TAKEN THE RESPONSIBILITY OF PROVIDING IN-DEPTH TRAINING FOR OUR LICENSED DRIVERS. WE PRESENTLY REQUIRE OUR DRIVERS TO TAKE AN EIGHT HOUR DEFENSIVE DRIVING COURSE THAT IS CERTIFIED BY THE NATIONAL SAFETY COUNCIL. ALSO, ATLANTIC ELECTRIC

PROVIDES A FOUR HOUR REFRESHER COURSE. FOR SPECIAL TRAINING, WE CONTRACT WITH OUTSIDE FIRMS FOR A TWO DAY COURSE FOR TRUCK OPERATORS. BECAUSE OF OUR CONCERNS FOR OUR DRIVERS WE HAVE 18 QUALIFIED DEFENSIVE DRIVING COURSE INSTRUCTORS WITHIN ATLANTIC ELECTRIC TO INSTRUCT OUR DRIVERS WHENEVER THERE IS A NEED. THE OTHER ELECTRIC UTILITIES HAVE ALSO INDICATED THAT THEY HAVE SIMILAR SAFETY PROGRAMS.

THROUGH THESE PROGRAMS, ATLANTIC ELECTRIC HAS CLEARLY INDICATED ITS INTEREST IN THE SAFE OPERATION OF COMPANY VEHICLES. WE BELIEVE THAT THE ROADWAYS SHOULD BE SAFE AND THAT IT IS THE COMPANY'S RESPONSIBILITY TO SEE THAT EMPLOYEES DRIVE SAFELY. IN VIEW OF THE ELECTRIC UTILITIES SAFETY PROGRAMS, ATLANTIC ELECTRIC BELIEVES THAT THE LEGISLATION SHOULD RECOGNIZE THE CONCERTED EFFORTS OF OUR INDUSTRY AND, AT A MINIMUM, ALLOW FOR A SEPARATE LICENSING SYSTEM AND PROGRAM FOR TESTING OPERATORS OF UTILITY VEHICLES. WE BELIEVE THAT THIS LICENSING SYSTEM SHOULD ALLOW FOR UTILITY SPONSORED TRAINING PROGRAMS WHICH CAN BE HELD AT THE COMPANY'S FACILITIES AND WOULD ALLOW FOR COMPANY GENERATED PROGRAMS AND TESTING. WE BELIEVE THIS ACTIVITY WOULD SAVE THE STATE BOTH TIME AND MONEY IN IMPLEMENTING A TRAINING PROGRAM AND PROVIDE THE UTILITY THE FLEXIBILITY TO MEET THE NEEDS OF OUR CUSTOMERS. WE HAVE FOUND THAT IT IS NOT WHO ADMINISTERS A PROGRAM; BUT, RATHER, HOW OFTEN AND THE LEVEL OF SKILLS TAUGHT WHICH DETERMINES A QUALITY PROGRAM. WE FEEL THAT BY REGULATIONS THE ELECTRIC UTILITIES CAN PROVIDE A SOUND AND EFFECTIVE PROGRAM WHICH WILL MEET THE FEDERAL GUIDELINES.

WE ALSO RECOMMEND THAT THE LEGISLATURE PROVIDE SPECIFIC GUIDANCE TO THE DEPARTMENT IN IMPLEMENTING THE LEGISLATION. AS TOO OFTEN HAPPENS, THE BUREAUCRACY TENDS TO MODIFY THE LEGISLATIVE INTENT. ONE POINT OF PARTICULAR

CONCERN TO US IS THE TIMING OF IMPLEMENTING THE LICENSING REQUIREMENTS OF OUR EMPLOYEES. WE BELIEVE IT WOULD BE INAPPROPRIATE TO TEST ALL OUR EMPLOYEES AT ONCE. OUR WORKFLOW WOULD SUFFER AND WE WOULD BE UNABLE TO HAVE THE APPROPRIATE PEOPLE ON THE ROAD IF THEY ARE ALL TAKING THE TEST. A GRANDFATHERING OF OUR EXPERIENCED DRIVERS WOULD PROVIDE US THE FLEXIBILITY TO MEET OUR CUSTOMERS' DEMANDS WHILE COMPLYING WITH THE LEGISLATION. WE WOULD ASK THE LEGISLATURE FOR GREATER ASSURANCE THAT THE STARTUP PERIOD WOULD BE SOMETHING COMPANIES CAN COMPLY WITH. BECAUSE OF THE SERIOUSNESS OF THIS PROGRAM, WE BELIEVE THAT LEGISLATIVE OVERSIGHT MAY BE AN APPROPRIATE MEASURE.

AS WAS PREVIOUSLY POINTED OUT, ATLANTIC ELECTRIC AND THE OTHER ELECTRIC UTILITIES WILL RESPOND TO A REQUEST FOR HELP FROM A NEIGHBORING UTILITY DURING AN EMERGENCY. PRESENTLY, THE FEDERAL LAW PROHIBITS OUR ABILITY TO RESPOND IN THESE CASES OUTSIDE OF NEW JERSEY. WE BELIEVE THAT THIS IS INAPPROPRIATE BECAUSE OF THE EMERGENT NATURE OF OUR SERVICES AND THE CALAMITY WHICH FOLLOWS FOR THOSE WITHOUT ELECTRICAL SERVICES. WE WOULD ASK FOR YOUR HELP IN RESTORING THE BALANCE BETWEEN THE 1986 ACT AND THE NEED FOR HELP DURING NATURAL DISASTERS. PRESENTLY, EDISON ELECTRIC INSTITUTE IS DISCUSSING THIS ISSUE WITH THE FEDERAL HIGHWAY ADMINISTRATION. WE ARE HOPEFUL THAT AN ACCEPTABLE SOLUTION WILL BE FOUND. IF A SOLUTION IS FOUND ON THE FEDERAL LEVEL, WE WOULD URGE THE STATE LEGISLATURE TO REVIEW THIS ISSUE AND PROVIDE FOR ITS IMMEDIATE ADOPTION. IT MAY BE APPROPRIATE TO INCLUDE LANGUAGE IN THE LEGISLATION WHICH WOULD ALLOW FOR ITS AUTOMATIC ADOPTION SHOULD THE FEDERAL OFFICIALS MODIFY THEIR POSITION.

THERE ARE A NUMBER OF CONCERNS WE HAVE WITH THE FEDERAL COMMERCIAL MOTOR VEHICLE ACT OF 1986. WE UNDERSTAND THAT FEDERAL LAW IS OUTSIDE THE

PURVIEW OF THE COMMITTEE. HOWEVER, WHERE APPROPRIATE WE WOULD ASK THE COMMITTEE TO REMEMBER THAT UTILITIES ARE TYPICALLY INTRASTATE CORPORATIONS AND THEIR DRIVERS REMAIN GENERALLY IN ONE GEOGRAPHIC LOCATION BECAUSE OF THE SERVICE TERRITORY ASPECT OF A UTILITY. BECAUSE OF THESE POINTS, WE WOULD URGE THE COMMITTEE TO RECOGNIZE THE DIFFERENCE WITH UTILITY VEHICLE OPERATORS IN ADOPTING PORTIONS OF THE FEDERAL LAW.

WE WILL BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE. AGAIN, THANK YOU FOR THE OPPORTUNITY TO COMMENT ON THIS ISSUE.

RICHARD M. STOKES
MANAGER
ATLANTIC ELECTRIC
1199 BLACK HORSE PIKE
PLEASANTVILLE, N. J. 08232
(609) 645-4771



New Jersey School Boards Association

Headquarters: 413 West State Street, P.O. Box 909, Trenton, New Jersey 08605
Telephone (609) 695-7600

TESTIMONY BEFORE THE SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE
AND ASSEMBLY COMMERCE AND REGULATED PROFESSIONS COMMITTEE

by John Henderson, Associate Director
Governmental Relations Department
New Jersey School Boards Association

June 27, 1990

Thank you Mr. Chairman and members of the committees. My name is John Henderson, Associate Director of the Governmental Relations Department for the New Jersey School Boards Association. We represent 600 local boards almost all of which provide pupil transportation.

Overall, we welcome this program for the higher level of safe operation of the biggest vehicles on the road it promises. At the end, our drivers will be better for the experience and our drivers, our children, and indeed all citizens will benefit from the higher levels of accountability required from the commercial driving community.

Many of the issues we would have raised today -- the components of the CDL test, the issue of the restricted license, making the tests bilingual and offering an oral alternative to the written test -- are all areas of concern but seem well on the way to being resolved.

The New Jersey School Boards Association, as you know, in recognition of the unusually high total fees (estimated at between \$400 to \$500) paid by drivers just qualifying to get employment, has previously agreed to reimburse their own already employed drivers the initial cost for successfully securing their CDL provided that such reimbursement is made an approved state aidable item. We believe this is an appropriate measure to take on our part to help stem the exodus of drivers from the profession.

That brings us to the heart of our testimony: CDL and the supply of future bus drivers. The majority of the over 300 school districts which transport their own pupils report a continuing hardship in getting bus drivers. Most districts have increased pay of drivers with minimum results. The fundamental problem in getting drivers is that, in most cases, driving is part-time work with few benefits. It competes with mall and supermarket jobs which offer better hours and, frankly, a lot less hassle.

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All of the representatives of organizations that come before you comment on CDL within the context of commercial driving being their sole or primary career. This is not the case with the majority of school bus drivers. Consequently, we expect to lose perhaps 5% to 10% of the current already inadequate pool of drivers statewide just because any CDL test will not be worth the hassle to prepare for, take and perhaps have to retake. Bus drivers who fail the test once and drop out of the profession either out of frustration or self-inflicted embarrassment may account for another 2% to 5% loss to the statewide pool of drivers.

Consequently, our targeted request to the committees is that they assure in the legislation itself the opportunity to head off this crisis in the supply of drivers by helping school boards help drivers pass the first time with the highest rate possible. Again we remind the committee that the motivation for even taking the test, much less passing it, will be less for school bus drivers on the whole than any of the other commercial drivers affected by the legislation.

We ask the committee to require the Department of Education -- at a minimum -- to develop a singular model curriculum tied to the test and see to it that curriculum is distributed to local district transportation supervisors in a timely manner. This would reduce the confusion surrounding the various study aids currently available which themselves would have to be adapted to handle the proposed specialized test for school bus drivers. The committees should also consider requiring the Department of Education to at least offer training in regionalized centers throughout the state for the initial testing process. This would be helpful to small transporting districts which may not feel competent to offer the training themselves.

Thank you for attention to the these concerns and proposals.

SCHOOL TRANSPORTATION
SUPERVISORS
of New Jersey

June 25, 1990

Mr. Laurence A. Gurman
Committee Aide
State House Annex, CN 068
Trenton, N. J. 08625

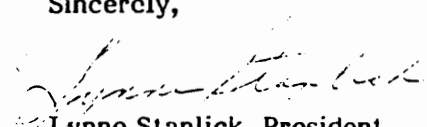
Re: ASSEMBLY BILL A#3258

Dear Mr. Gurman:

Enclosed please find a document stating the concerns and the position of the School Transportation Supervisors of New Jersey regarding ASSEMBLY BILL A#3258, Commercial Driver's License Act.

As president, I am requesting to appear on behalf of our organization at the public hearing scheduled for Wednesday, June 27, 1990 at 12:30 p.m.

Sincerely,


Lynne Stanlick, President
School Transportation Supervisors

JEFFERSON TWP. BD. OF EDUCATION
Transportation Dept.
28 Bowling Green Parkway
Lake Hopatcong, N. J. 07849
201-663-5786

cc: Senator Thomas Cowan, Chairman
Senator Ronald Rice, V. Chairman
Senator John Girgenti
Senator C. Lewis Bassano
Senator Joseph Bubba
Ms. Agie Szilagyi

Assemblyman Anthony Impreveduto
Assemblyman John Villapiano
Assemblyman Edward H. Salmon
Assemblyman Jeffrey W. Moran
Assemblyman Thomas J. Shusted

TESTIMONY BEFORE THE
N.J. STATE LEGISLATURE
JOINT COMMITTEE BILL #A-3258

JUNE 25, 1990

By: Lynne Stanlick, President
School Transportation Supervisors
of New Jersey

I am Lynne Stanlick, President of the School Transportation Supervisors of New Jersey. This organization, which was formed in 1965, represents 450 school district Transportation Supervisors who are directly responsible for providing transportation to and from school for approximately 641,825 school age students. In one school year (1988-89) these children traveled 125,250,684 miles in buses and vans driven by approximately 16,500 school bus drivers employed either by local school districts or a New Jersey School Bus Contractor. The breakdown is as follows:

District Type I buses - 42,549,883 miles
District Type II vans - 22,465,541 miles
Contract Type I buses - 37,918,216 miles
Contract Type II vans - 22,317,044 miles

Gross Expenditures \$380,348,377.00

While statistics for this one year are impressive, even more important is the fact that this was accomplished without one on board fatality. In fact, there has never been a child killed while traveling on a school bus in the state of New Jersey.

We are aware that this committee has held two previous public hearings on the New Jersey Commercial Drivers License Act, and that most, if not all, pertinent issues have been raised and discussed by various expert witnesses prior to your receiving this document. Questions posed by Committee members concerning this proposed legislation indicate that you have listened to concerns expressed at these hearings and will continue to research and investigate the issue before making a final decision on this Act, the main purpose of which is "...to reduce or prevent commercial motor vehicle accidents, fatalities and injuries by strengthening licensing and testing standards for drivers of commercial vehicles..."¹

The secondary goal of the Commercial Drivers License Act is "...to substantially conform the laws of this state to the requirements and standards established under the Federal Commercial Motor Vehicles Safety Act of 1986."¹ Reading further on this proposed legislation we also find that this act seeks to ..."promote the public health, safety, and welfare."¹

The School Transportation Supervisors of New Jersey, as an organization founded to promulgate safe school bus transportation on a state-wide level, supports the concept and purpose of the New Jersey Commercial Drivers License Act. Mandated training and stringent testing procedures afford support to local School District Transportation Supervisors who must justify budgetary expenses associated with both new driver training and in-service programs. However, as has been stressed at previous hearings, this proposed legislation does not mention or allude to school buses.

Why are we asking more than 16,000 licensed school bus drivers, who have maintained one of the finest safety records in the nation while transporting our 620,000 students at least twice a day, traveling over 125,000,000 miles during the ten month school year, to now take and pass a knowledge test developed for truck drivers? How do we justify the fact that this knowledge test does not even mention a school bus, a school light warning system or bus stop procedures; but the test must be passed in order to retain a job they have been doing in a manner above reproach? Will a school bus

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driver who does pass this proposed test meet the goal of this act, as stated previously - "to reduce or prevent ... accidents, fatalities and injuries by strengthening licensing and testing standards ... " when the training and testing does not address the demands and responsibilities inherent to their unique positions?

At the previous hearings and in newspaper coverage much has been made of the fact that both the manual and test are supposedly written at a sixth grade level, enabling most people to prepare for and pass the test with little or no problem. The State Transportation Supervisors of New Jersey will not belabor this point, since prior testimony casts doubt on this contention. If, in fact, the test is proven to be on a sixth grade level, most, if not all, currently licensed school bus drivers could be trained to pass this test. The eight hours of classroom training that will be required (per CTTS) for the 16,000 plus school bus drivers currently employed in our state will cost state and local taxpayers directly or indirectly in excess of \$1,152,000.00. This money will be used to educate school bus drivers to pass a test that has very little relation to their duties and responsibilities, in fact they will be required to learn information that is in direct conflict with existing New Jersey legislation regarding railroad crossings, standees, and bus stops. Can this \$1,152,000.00 expense to the already overburdened taxpayers of New Jersey be justified, taking into consideration that this training will not promote safer school bus transportation?

Another issue arises with the "pretrip inspection" portion of the Commercial Driver Manual issued by the New Jersey Motor Vehicle Services (SECTION 2: DRIVING SAFELY, PAGES 2-1 through 2-11). Any person not currently licensed will be required to take a three part road test, the first part of which is the pretrip inspection (CDL MANUAL, page 1-5). Our organization has long recognized the importance of a pretrip safety inspection. In fact, all school bus drivers must "pretrip" their vehicle. However, after reviewing the CDL manual and numerous "CDL TRAINING PROGRAMS" it is apparent that a School Bus was not considered when drafting this legislation. Various training videos depict the required pretrip inspection, all showing the inspection being conducted on a TRUCK. The enclosed pictures (which should be worth a thousand words) are self-explanatory. When comparing the truck with the school bus, you will note that the body panels of a school bus make it impossible to visually check the components mandated in the manual; and while the male school bus driver was able to lift the bus hood, the female could not. Even when the hood was opened, it would be necessary for most school bus drivers to stand on the bumper (or a box) to check hoses, fluid levels, etc... This is why qualified mechanics are employed throughout the industry.

Their responsibility is to ensure, through preventive maintenance which is currently regulated throughout the school bus industry, that school vehicles are safe. The attached copy of a "quarterly report" which must be completed four times a year and kept with a school bus for the life of the vehicle is but one of the requirements. All school vehicles must also be inspected by the Division of Motor Vehicles twice each year. (Copy of inspection report enclosed.)

The School Transportation Supervisors of New Jersey thanks this committee for their interest in fact finding before recommending a Commercial Driver Licensing Act. We would hope that your investigation concurs with our recommendations to you:

1. Provisions should be made to provide a School Bus Endorsement within the Commercial Drivers Licensing Procedure. This Commercial Drivers Licensing procedure for School Bus Drivers should incorporate current New Jersey testing standards for a "Type I" license so that all future applicants can be trained and tested in an efficient manner for one specific license.

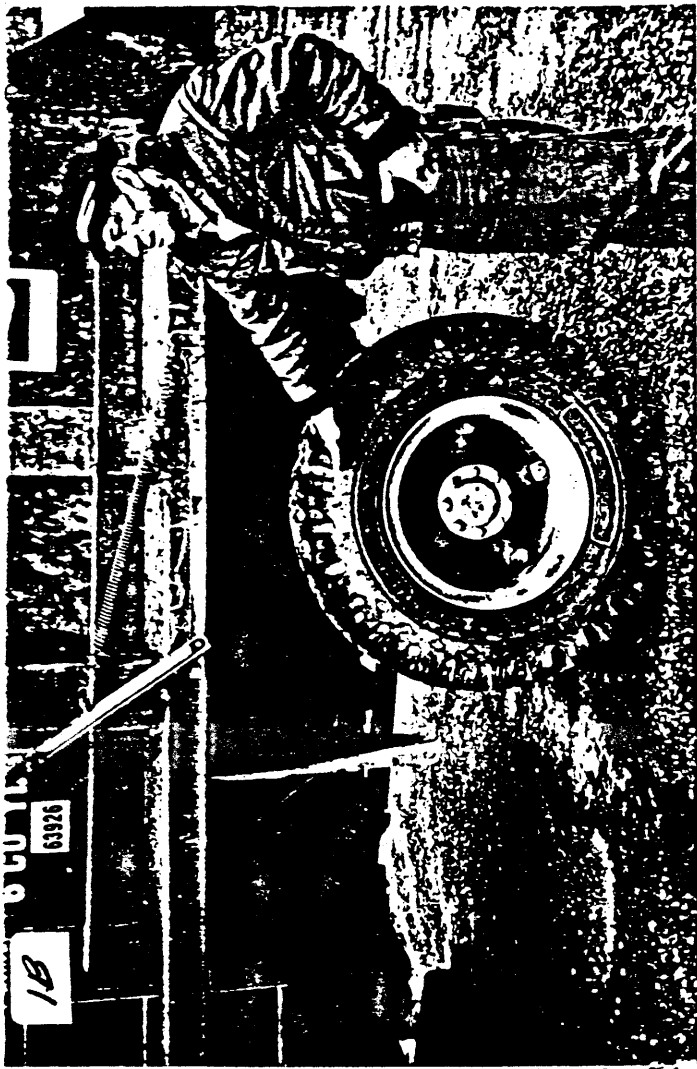
2. Pretrip inspection regulations, both in the written knowledge test and in the actual physical check, should be such that these requirements can be fulfilled by the average school bus driver. Rather than mandate a safety check that cannot be performed for reasons of vehicle conformation and/or mechanical knowledge requirements, realistic "safety check" parameters should be set, using the current standards as a guideline.
3. A curriculum guide to be followed by school districts and/or contractors in training school bus drivers should be developed through the New Jersey State Department of Education with input from industry leaders, such as the New Jersey School Transportation Supervisors, Inc., New Jersey School Bus Owners Association, and the New Jersey School Boards Association. Driver training programs should be eligible for reimbursement through state aid to transportation.

Once again, we appreciate your attention to our concerns and hope that this document will clearly establish the need for revisions in proposed Commercial Drivers Licensing Act, Bill #A-3258. While the State Transportation Supervisors fully support the stated purpose of the Commercial Drivers Licensing Act, the deficiencies in this proposed legislation must be addressed if the expressed goal is to be reached.

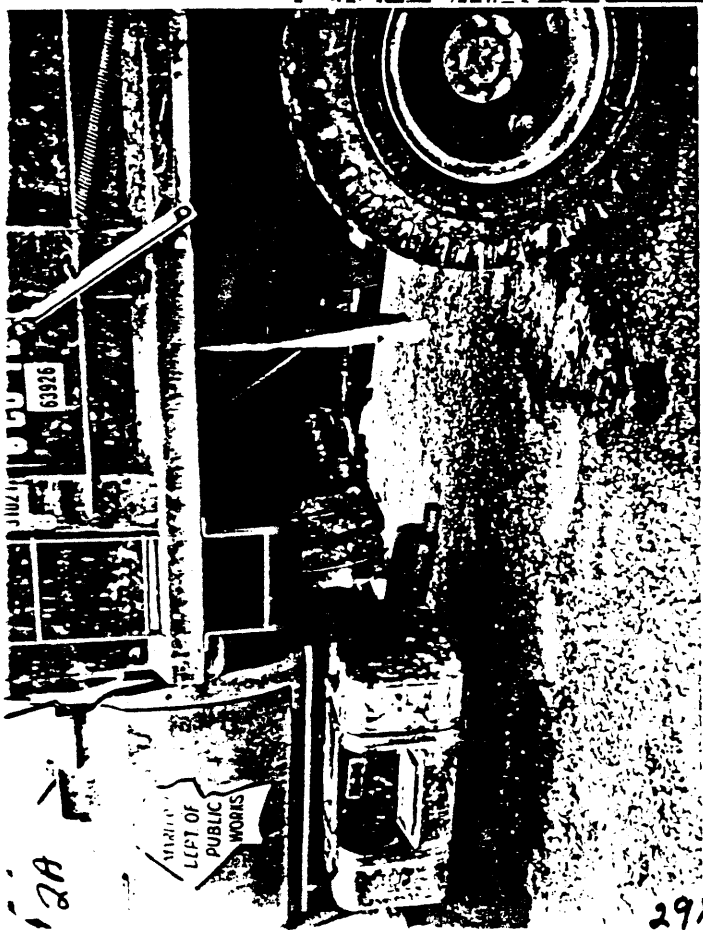
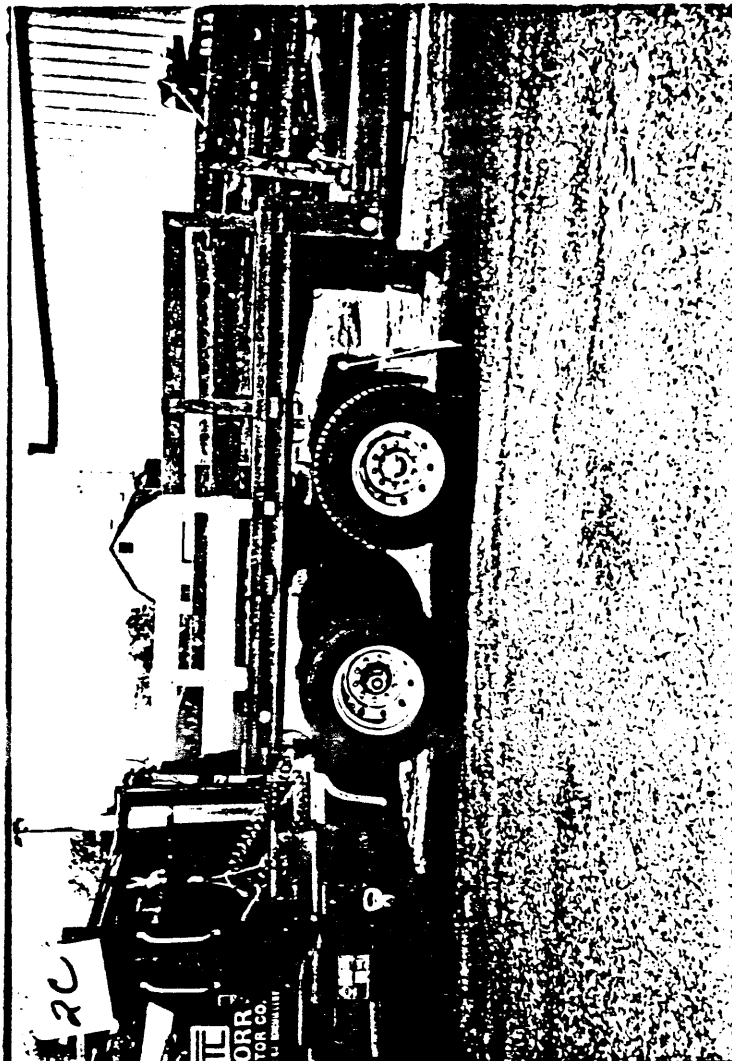
¹ Proposed Bill A#3258

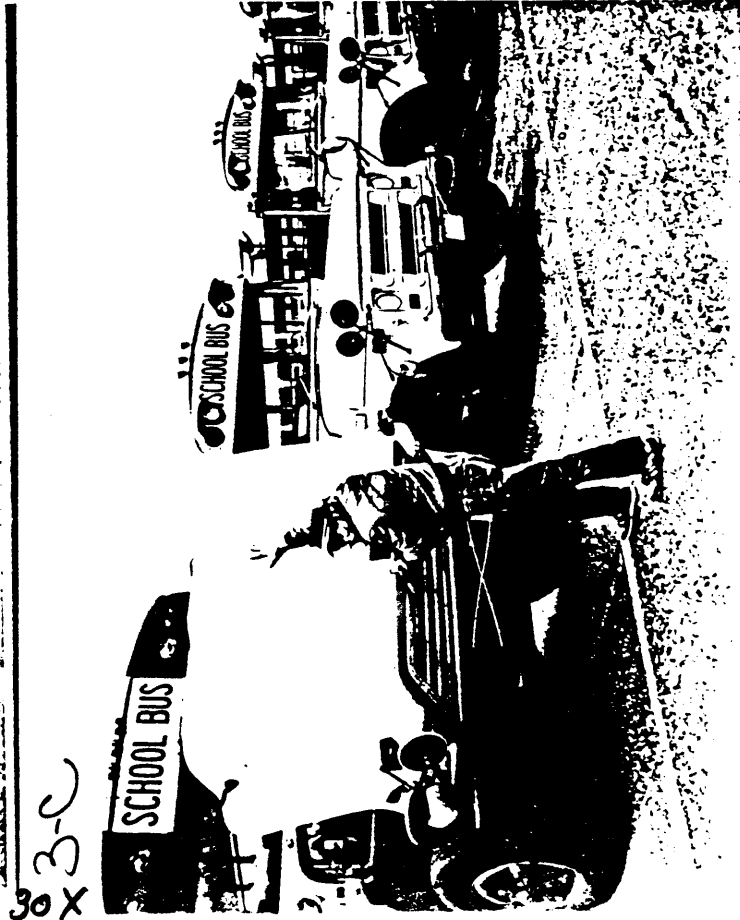
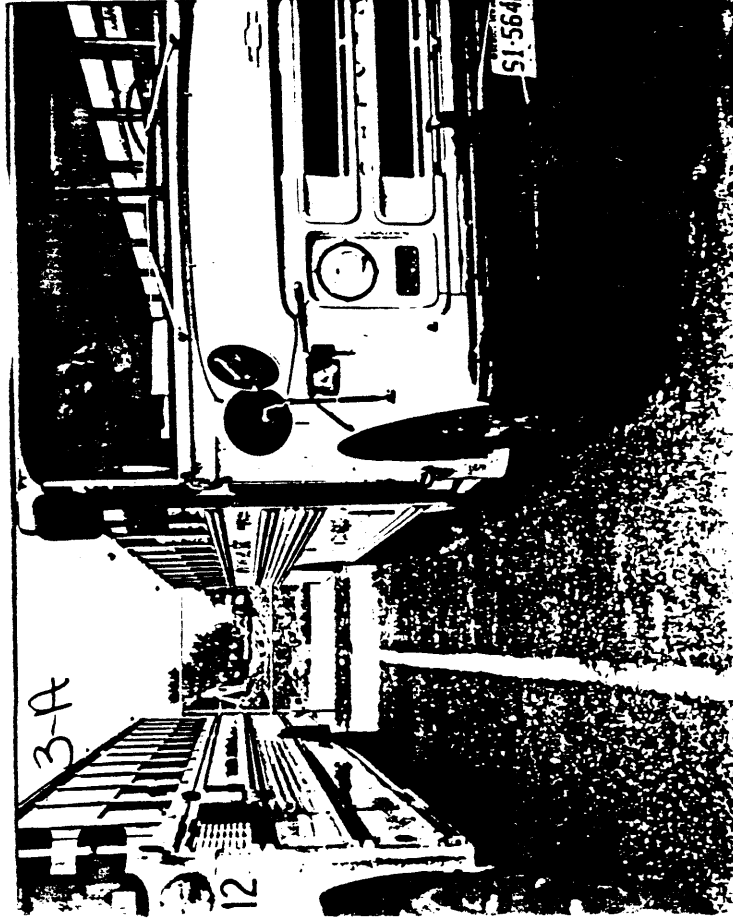
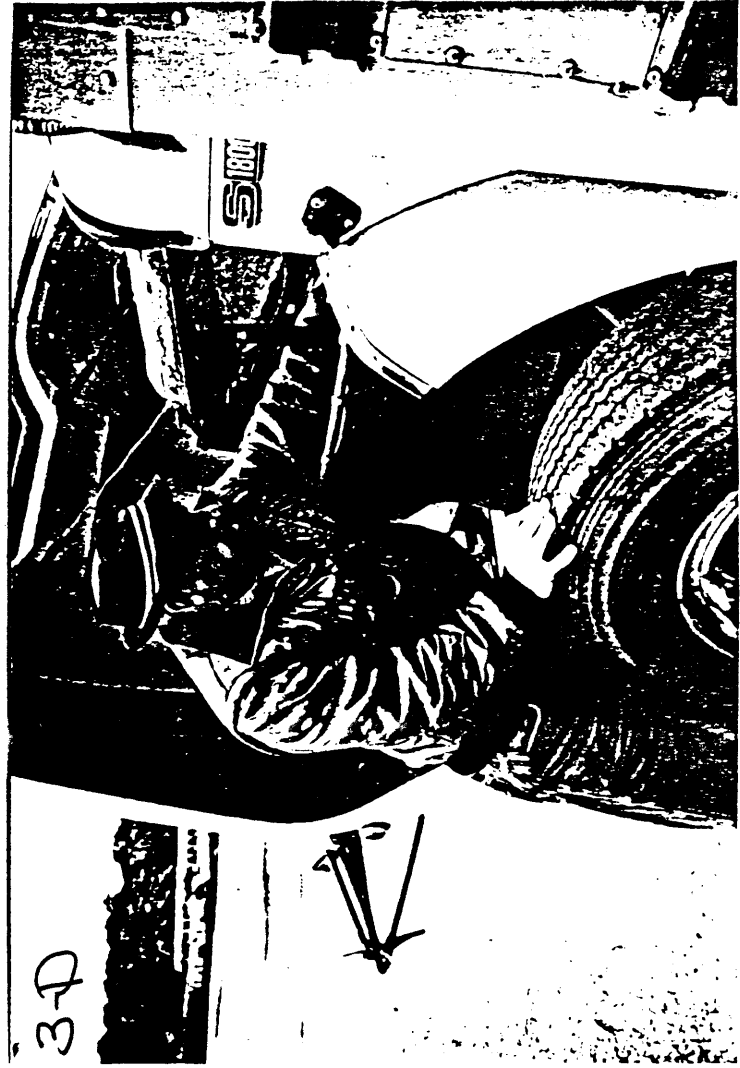
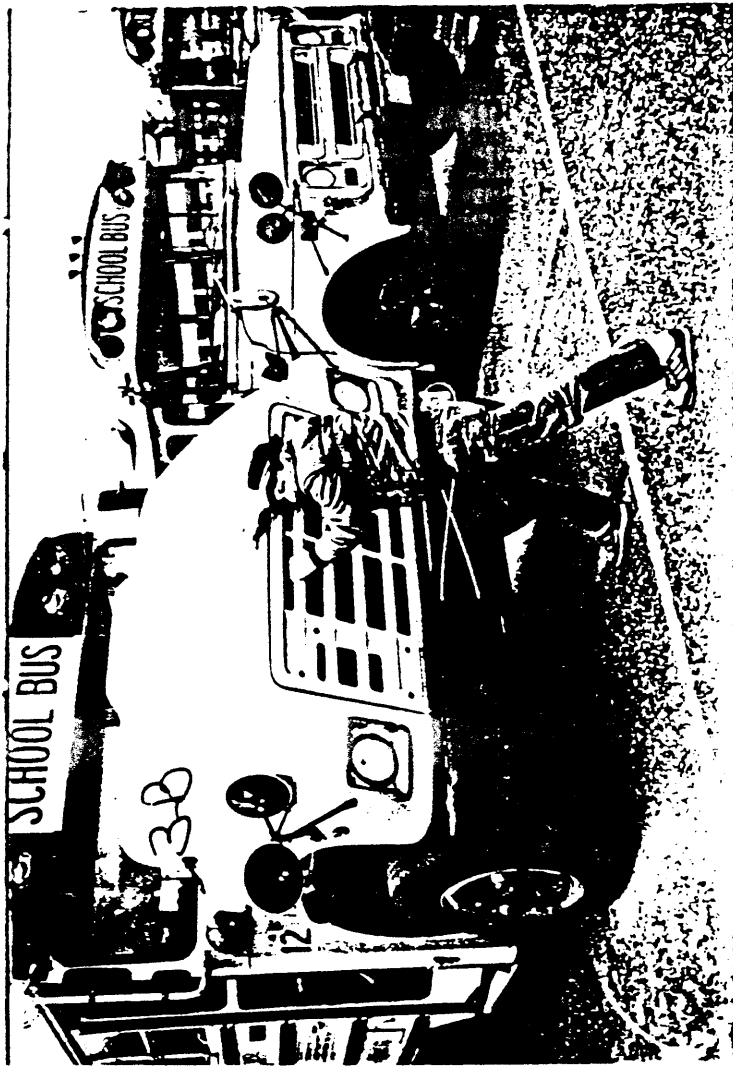
Enclosures:

1. Copies of photos sheets numbered 1 through 6
- 2: Quarterly report for school vehicles
 - Drivers Condition Report
 - Drivers Trouble Report
3. a. Inspection Form
 - b. Excerpted pages from D.M.V. School Inspection Booklet



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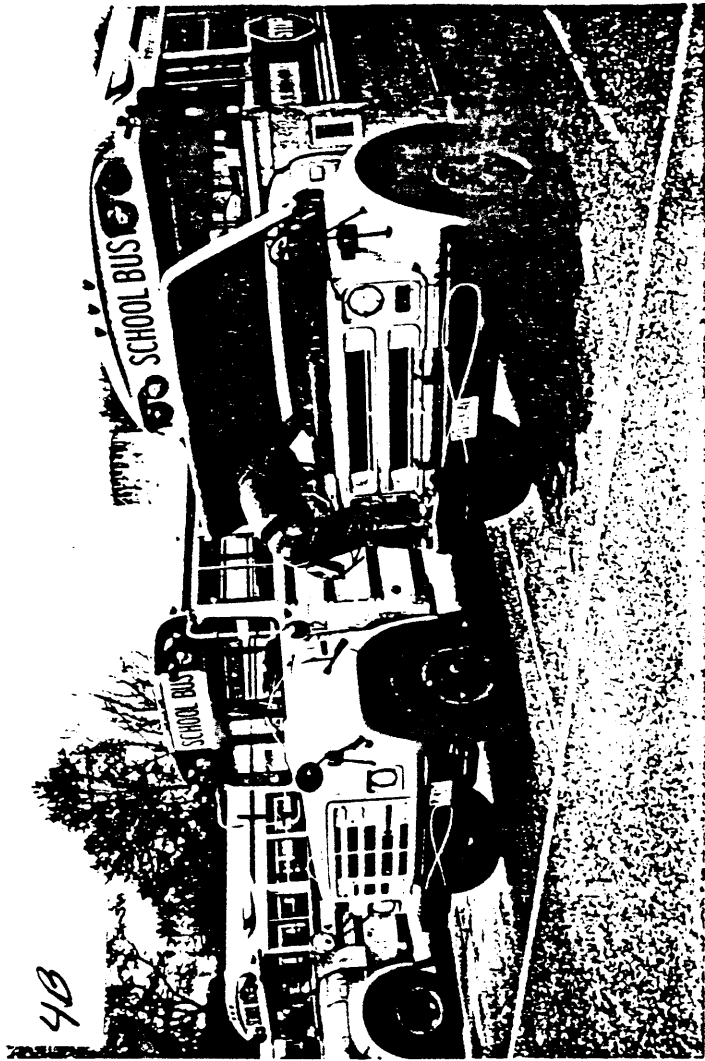




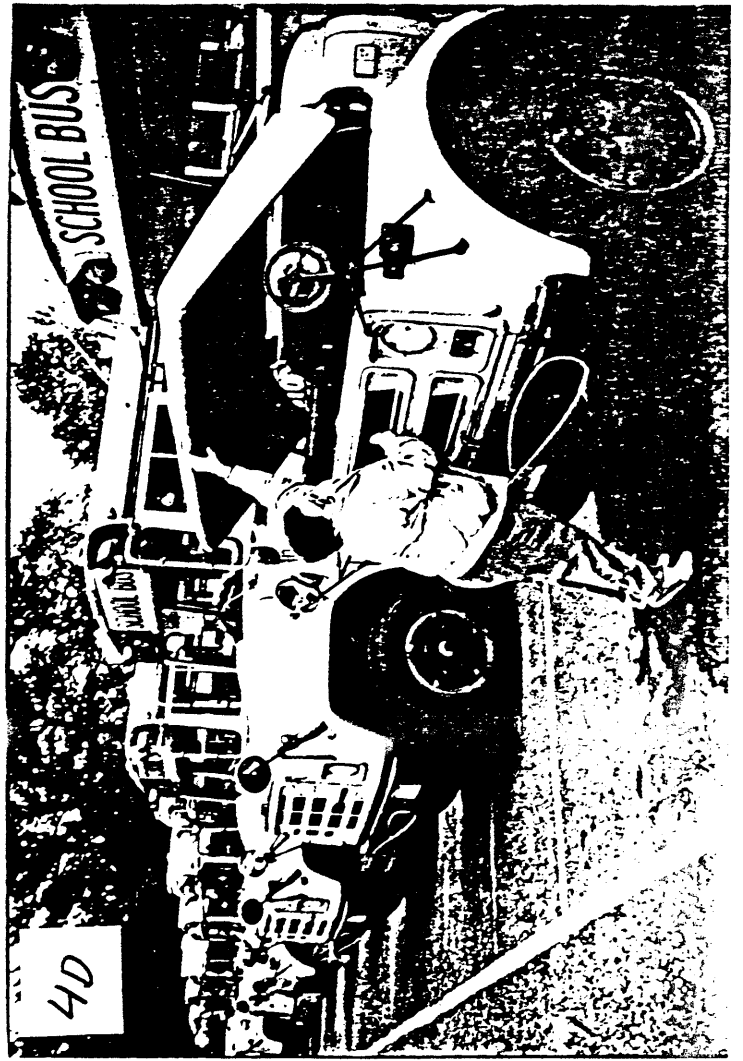
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303-C

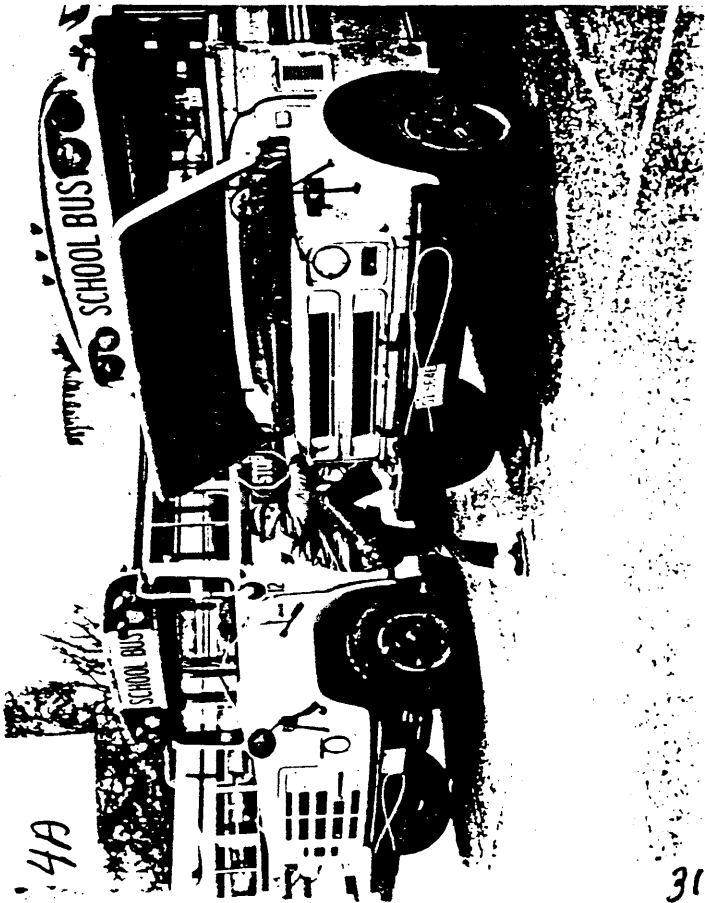
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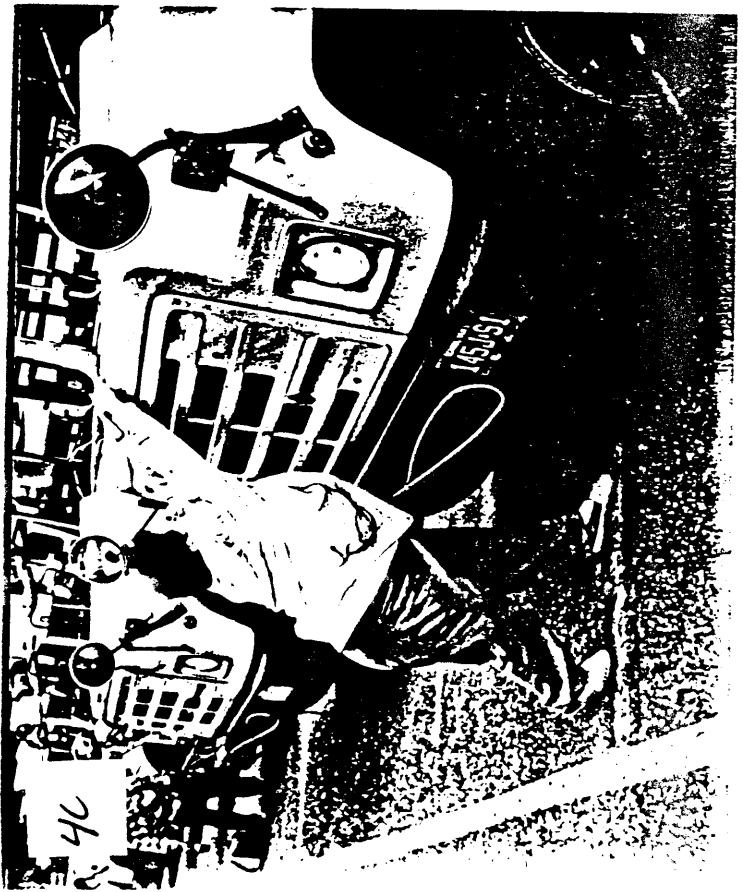
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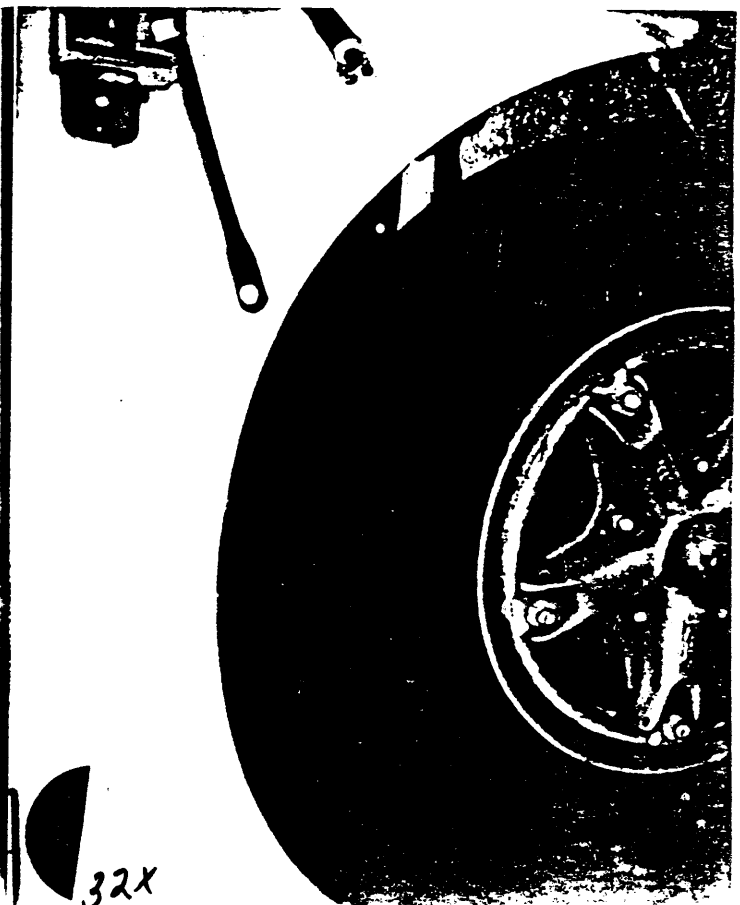
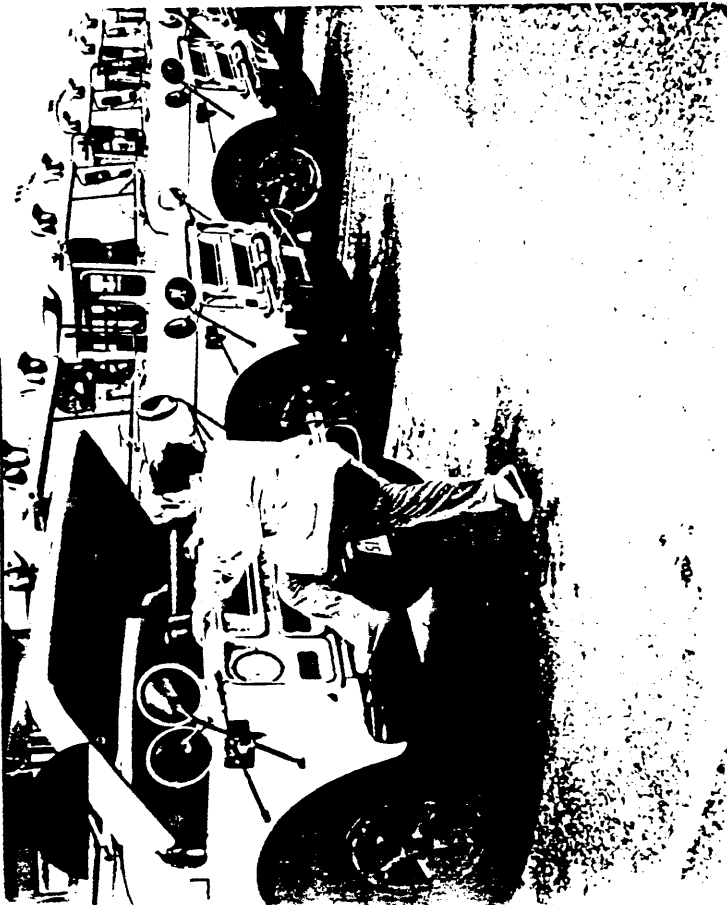
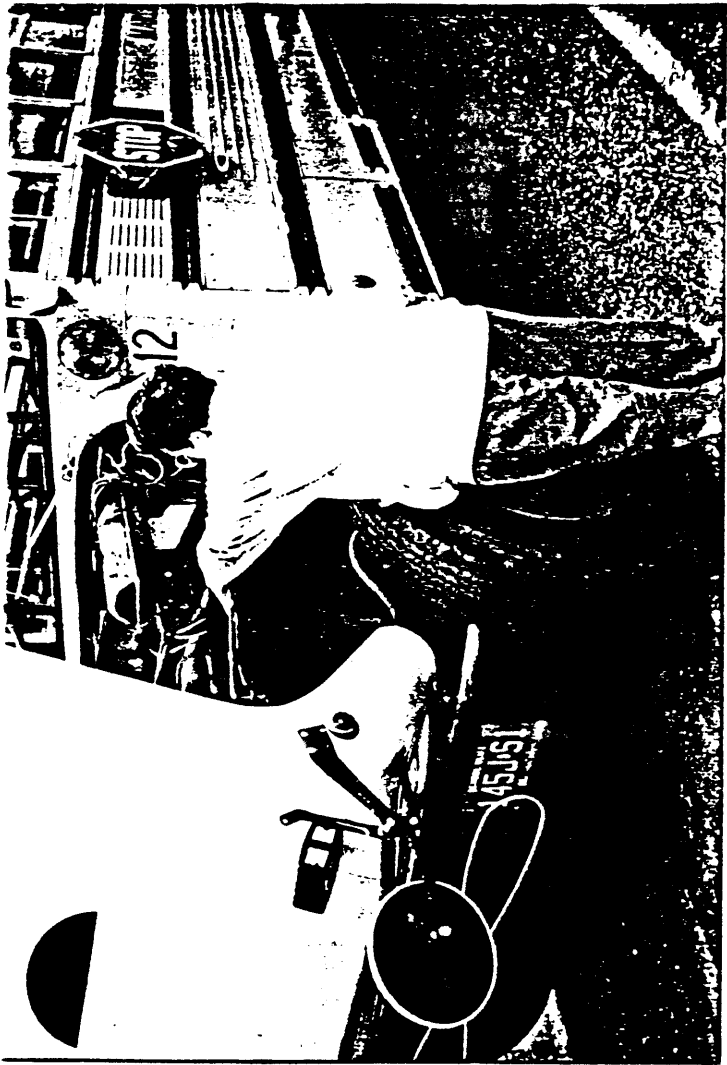


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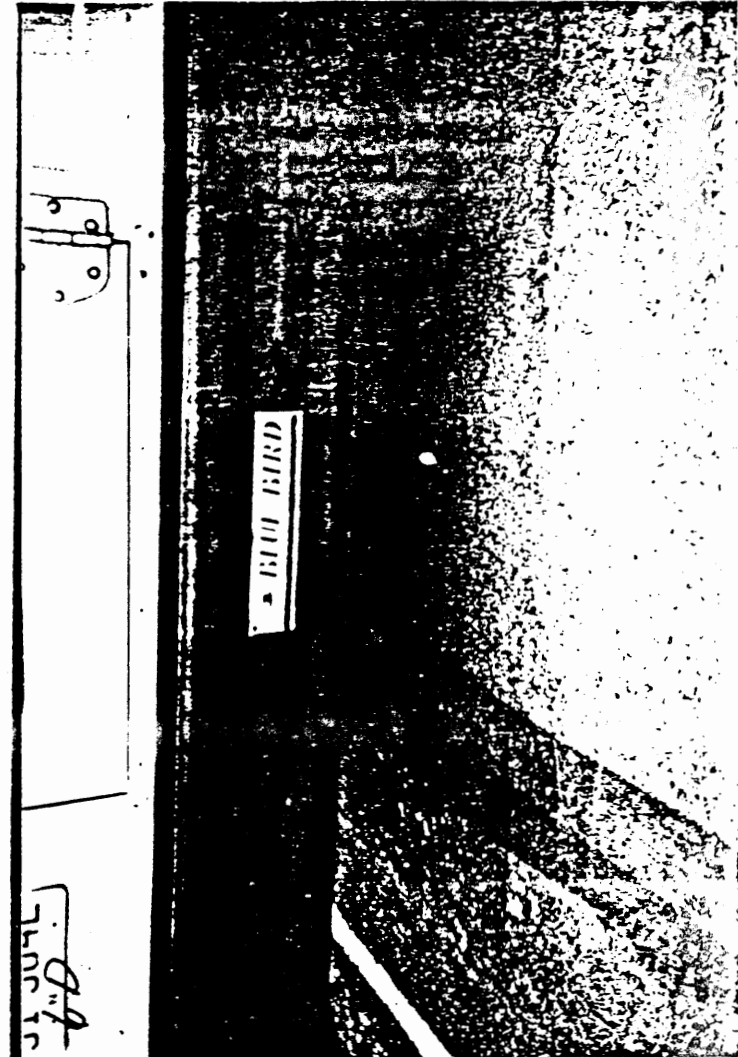


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32x



Q-9
THUR

BIRD BIRD

Q-9
THUR

33X

QUARTERLY INSPECTION AND LUBRICATION FORM

REG. NO. S2-12007 MAKE, MODEL, YEAR FORD F3 SERIAL NO. 76155 BUS NO. 53
 NUMBER OF TIRES 4 SIZE 9.50 X 16.5 PLY 8

LUBRICATION RECORD
 INDICATE FREQUENCY OF LUBRICATION AND OIL CHANGE

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.
LUBRICATION	✓		✓	✓	✓	✓		✓	✓	✓		✓
OIL CHANGE				✓				✓				✓

QUARTERLY INSPECTION RECORD

	1st QUARTER		2nd QUARTER		3rd QUARTER		4th QUARTER	
	Date	Initials	Date	Initials	Date	Initials	Date	Initials
MECHANIC INITIALS								
All Brake Lines & Linings	1/25/89	GW	4/24/89	GW	8-1-89	BC	10/17/89	GW
Drive Lines	✓		✓			✓	✓	
Doors, Aisles & Seats	✓		✓			✓	✓	
Tires, Wheels & Flaps	✓		✓			✓	✓	
Springs	✓		✓			✓	✓	
Emergency Equipment	✓		✓			✓	✓	
Fuel System	✓		✓			✓	✓	
Cooling System	✓		✓			✓	✓	
Lighting Device, Horns & Mirrors	✓		✓			✓	✓	
Transmission System	✓		✓			✓	✓	
Steering Equipment	✓		✓			✓	✓	
Axles and Tie Rod Assemblies	✓		✓			✓	✓	
Clutch	✓		✓			✓	✓	
Exhaust System	✓		✓			✓	✓	
Glass & Wipers	✓		✓			✓	✓	
Safety Equipment - N.J. Dept. of Ed.	✓		✓			✓	✓	

QUARTERLY INSPECTION REPAIRS

(LIST GENERAL MAINTENANCE REPAIRS ON SEPARATE SHEET)

DATE	REPAIRS COMPLETED
5-1-89	TUNE-UP REPAIRS FROM BOARDS

DRIVER'S SCHOOL BUS CONDITION REPORT

Check if o.k. and if defective and list under remarks. During warm up, if the vehicle has any malfunctions that will impair a safe trip, call Maintenance before moving the vehicle.

BUS # _____ N. J. REGISTRATION # _____ WEEK ENDING _____

Mileage (Beginning) _____ Mileage (Ending) _____

BEFORE OPERATING VEHICLE	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Tampering and Damage					
Safety Equip.(fire extinguisher ck)					
Tires and Wheels					
Glass and Mirrors					
Registration					
<u>DURING WARM UP:</u>					
Brake Light Indicator					
Brakes (Foot & Parking)					
Vacuum					
Oil Pressure					
Warning Lights					
Turn Signals & 4-Way					
Amp. Meter					
Lights					
Horn					
Emergency door & buzzer					
Windshield Wipers & Washers					
Heater & Defroster					
Fuel					
Passenger Door					
<u>DURING OPERATION:</u>					
Exhaust System					
Brakes					
Clutch					
Transmission					
Steering					
Instruments					
Driver Seat Belt					
Stop Arm					
Other					
<u>DRIVER MUST INITIAL AT BEGINNING OF EACH DAY'S WORK</u>					

Includes: ax, wrecking bar, portable warning devices, first aid kit, extinguisher, and chains (if required).

REMARKS: _____

PLEASE RECORD ALL GASOLINE BELOW:	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
GALLONS:					
MILES:					

CONTR NO.

PROVAL STICKER NO.

SCHOOL BUS INSPECTION

JURISDICTION OTHER - EXPLAIN

NOTICE: No passengers are permitted to stay in a school bus or school vehicle during the vehicle inspection. Please refer to your motor vehicle inspection card for additional information.

COUNTY SUPT. OF SCHOOLS

Complete this section between the double lines prior to your arrival at the motor vehicle station.

OWNER'S NAME _____ ADDRESS _____
 DISTRICT/COMPANY PHONE _____ YEAR & CHASSIS MAKE _____
 SEATING CAPACITY _____ Elementary _____ High School _____ LICENSE PLATE No. _____ SERIAL No. _____
 SCHOOL TRANSPORTATION USE _____ NON-SCHOOL USE _____ SIGNED _____ DATE _____

OK REJ.

1. IDENTIFICATION	Lettering _____ Color _____		
2. SCH BUS WARNING EQUIP	Red/Amb Lamp _____ Switching _____ Indicator Lights _____ Stop Arm _____		
3. BUS EXTERIOR	Condition _____ Bumpers _____ Rub rails _____ Fenders _____		
4. MIRRORS	Rear view _____ Cross-over _____ Interior _____ Rear view convex _____		
5. UNDERBODY	Undercoating _____ Shackles _____ Springs _____ Shockers _____ Body clips _____ Fl. Supports _____ Drive shaft guards _____ Cross members _____		
6. FUEL/TANK/S	Mounting/cage _____ Fill cap _____ Exhaust shield _____ Lines _____		
7. UNDERHOOD	Firewall _____ Drive belts _____ Wires/Hoses _____ Battery _____ Other _____		
8. SNOW TIRES/CHAINS	Snow tires on drive wheels _____ (or) Chains available in bus _____		
9. DOORS/STEPS	Service door _____ Side door/s _____ Head bump pad _____ Grab handles _____ Entry steps _____ Stirrups _____ Stepwell light _____ Seals _____		
10. EMERGENCY EXITS/DOORS	Lettering _____ Head bump pad _____ Ignition interlock _____ Door buzzer _____ Door handles _____ Push-out window _____ Roof hatch _____		
11. CRASH BARRIERS	Mounting _____ Padding _____ Covering _____ Stanchions _____		
12. SUNSHIELD	Missing _____ Not transparent _____ Not adjustable _____		
13. SAFETY EQUIPMENT	Fire extinguisher: Mounting _____ Charge _____ Size _____ First Aid Kit: Mounting _____ Missing _____ Portable Warning Devices _____ Wrecking Bar/Ax _____		
14. INSTRUMENTS	Speedometer _____ Voltmeter _____ Water temp. _____ Ammeter _____ Fuel gauge _____ Oil gauge _____ High beam indicator _____ Air/Vacuum _____		
15. WINDSHIELD WASHERS	No fluid _____ Inoperative _____		
16. GEAR SHIFT SELECTOR	Mounting _____ Pattern _____ Interlock _____		
17. HEATERS	Shielded hose _____ Defogging fans _____ Defrosters _____ Heater(s) _____		
18. SEATS	Mounting _____ Condition _____ Missing _____ Seatbelt(s) _____		
19. BUS INTERIOR	Driver area _____ Ceiling _____ Sidewalls _____ Floor _____ Aisle/Lights _____ Offensive marks _____ Litter _____ Storage Comp.: Mounting _____ Cover _____		
20. EXPLANATIONS/MISC.			

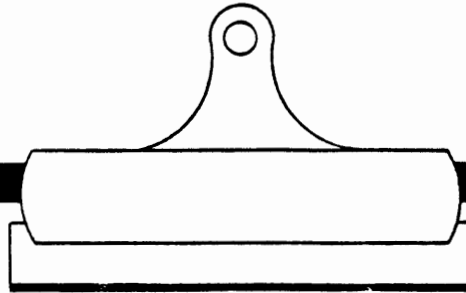
INSPECTION CARD NUMBER	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	2C	4C	15C	22C
------------------------	---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	-----

INSPECTION STATION _____ CHECKED BY _____ BADGE No. _____ DATE _____

WHITE-STATION COPY

YELLOW-COUNTY SUPERINTENDENT'S COPY

PINK-BUS OWNER/OPERATOR COPY



School Bus Inspection

- Hazard/Identification Lamps
- Emergency Door Operation
- Emission Devices
- Fuel Lines
- Mainframe
- Mirrors
- Brakes
- Tires

SCHOOL BUS INSPECTION ITEMS

EXTERIOR

Rear of Bus

Directional/STOP/Directional signals/Tail lights/Reflectors
Hazard/Identification and Clearance Lamps
Emissions system
Emergency door, including the buzzer, interlock, seal and lettering
Color/cleanliness/lettering/name (Identification)
Removal of the out-of-service signs
Rub Rails
Bumpers
Mirrors
Tires and rims
Window glazing
Fuel Cap

INTERIOR

Instruments and lights
Defogging fan
Pilot Lights and/or Audible Signals
Heater and Defroster
Dome lights
Steps and Light
Pickhead axe and Mounts (not required after 1983)
Fire extinguisher
First aid kit
Portable warning devices
Mirrors
Sunshield
Stanchion (columns that have to be added) by front seat
Aisles, seats (cleanliness, number of and condition) mounting
Snow chains or tires
Emergency door operation and seal
Floor covering

EXTERIOR

Front of bus (including under the hood)

Front lights
Wipers
Window washers
Horn
Brake hoses (cracks, leaks)
Other hoses
Connection points and clamps
Tires and springs
Tierods and wheels
Pitman arm and steering box
Idler arm and steering linkage
Steering box
Drag link (tierods)
Exhaust system
Battery lines, tubing and mounting
Oil and fuel lines, leaks
Emission devices
Air filter
Electric wires, hose clamps and firewall integrity
Fanbelts

39X

407

EXTERIOR

- Underside of bus
- Tail pipe and brackets
- Floor ribs (supports)
- Bus body clip (body to frame)
- Insulation
- Cross members (the number, as to body specs)
- Springs
- Hangers
- Brake lines, hoses, chambers (air/hydro) brake linings
- Drive shaft guards
- Fuel lines (leaks and spacing)
- Tires and rims
- Fuel tank with crash cage (after 1977)
- Mainframe
- Floor

