

(c) Copies of the “Federal Motor Carrier Safety Regulations” and “Appendices to the Federal Motor Carrier Safety Regulations,” as found in the Code of Federal Regulations (49 C.F.R. Parts 390-397 and 49 C.F.R. Ch. III, Subch. B, App. F and G) and the Federal Register and all supplements and amendments thereto, as adopted and incorporated, by reference, herein, are available for review, during regular business hours, at:

Office of Hazardous Materials Transportation
Compliance and Enforcement
New Jersey Division of State Police
Division Headquarters
River Road, PO Box 7068
West Trenton, NJ 08628-0068

Regular business hours at this office are 8:30 A.M. to 5:00 P.M., Eastern Time, Monday through Friday. The telephone number is (609) 882-2000, extension 2582 or 2586.

Amended by R.1992 d.71, effective February 18, 1992.

See: 23 N.J.R. 3725(a), 24 N.J.R. 644(a).

Amended by R.1993 d.472, effective September 20, 1993.

See: 25 N.J.R. 3091(a), 25 N.J.R. 4501(a).

Amended by R.1994 d.253, effective May 16, 1994.

See: 26 N.J.R. 1307(a), 26 N.J.R. 2140(a).

Amended by R.2002 d.165, effective June 3, 2002.

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

In (a) and (c), deleted references to Appendices D and E in the introductory paragraphs; in (b), deleted the reference to Appendices D and E in the introductory paragraph and amended the area codes for the Camden County and Cherry Hill Public Libraries.

13:60-1.6 Assistance

(a) For general assistance and procedural questions in matters related to the “Federal Motor Carrier Safety Regulations” and “Appendices to Federal Motor Carrier Safety Regulations”, and all supplements and amendments thereto, as adopted and incorporated, by reference, herein, contact:

Bureau of Motor Carrier Safety
Federal Highway Administration
U.S. Department of Transportation
840 Bear Tavern Road, Suite 310
Trenton, NJ 08628
(609) 637-4222

(b) For assistance in matters related to enforcement of the regulations adopted and incorporated, by reference, herein, contact:

Office of Hazardous Materials Transportation,
Compliance and Enforcement
New Jersey Division of State Police
Division Headquarters
River Road, P.O. Box 7068
West Trenton, NJ 08628-0068
(609) 882-2000, extension 2582 or 2586

Note, however, statements or opinions provided by the Division of State Police do not constitute legal advice.

Amended by R.1993 d.472, effective September 20, 1993.

See: 25 N.J.R. 3091(a), 25 N.J.R. 4501(a).

Amended by R.1994 d.253, effective May 16, 1994.

See: 26 N.J.R. 1307(a), 26 N.J.R. 2140(a).

Amended by R.1997 d.65, effective February 18, 1997.

See: 28 N.J.R. 5050(a), 29 N.J.R. 581(b).

SUBCHAPTER 2. ADOPTION AND INCORPORATION, BY REFERENCE, OF FEDERAL MOTOR CARRIER SAFETY REGULATIONS AND APPENDICES TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS

13:60-2.1 Adoption and incorporation, by reference, Federal Motor Carrier Safety Regulations and Appendices to Federal Motor Carrier Safety Regulations

(a) Except as may be otherwise indicated in this chapter and appendix, the Superintendent, pursuant to N.J.S.A. 39:5B-32, hereby adopts and incorporates, by reference:

1. The Federal Motor Carrier Safety Regulations, and all supplements and amendments thereto, adopted as a final rule action by the Federal Highway Administration, U.S. Department of Transportation (49 C.F.R., Parts 390 through 397, inclusive); and

2. Appendices F and G to the Federal Motor Carrier Safety Regulations, and all supplements and amendments hereto, adopted as a final rule action by the Federal Highway Administration, U.S. Department of Transportation (49 C.F.R. Ch. III, Subch. B, App. F and G).

(b) The Parts and Appendices of the Federal Motor Carrier Safety Regulations and all supplements and amendments thereto, adopted as final rule action by the Federal Administration, United States Department of Transportation, and adopted and incorporated, by reference, herein, by the Superintendent, are summarized below. A more detailed list of the sections in the Parts and Appendices is found in the appendix to this chapter (“Appendix to the Regulations Regarding Motor Carrier Safety Regulations”). Within that list some sections, subparts, or parts may have been modified, revised, amended, made subject to a different effective date, and/or intentionally omitted by the Superintendent. Those sections, subparts, or parts are clearly identified in the text of the appendix to this chapter.

1. Part 390, Federal Motor Carrier Safety Regulations: General.
2. Part 391, Qualifications of Drivers.
3. Part 392, Driving of Motor Vehicles.
4. Part 393, Parts and Accessories Necessary for Safe Operation.
5. Part 394, (Removed and Reserved)
6. Part 395, Hours of Service of Drivers.
7. Part 396, Inspection, Repair, and Maintenance.
8. Part 397, Transportation of Hazardous Materials: Driving and Parking Rules.
9. Appendix F to Subchapter B-Commercial Zones, Sections 1, 6, 11, 12, 43, and 44.

10. Appendix G to Subchapter B—Minimum Periodic Inspection Standards.

(c) Supplements and amendments to the Federal Motor Carrier Safety Regulations and Appendices to the Federal Motor Carrier Safety Regulations which have been adopted as a final rule action by the Federal Highway Administration and become effective after October 1, 1996, are not listed in the appendix to this chapter. Those supplements and amendments are, pursuant to the (a) above, adopted and incorporated, by reference, herein, as if set forth in full. The full text of such supplements and amendments can be found by examining the Federal Register published after the above noted date. See also, N.J.A.C. 13:60-1.5, Document availability, and N.J.A.C. 13:60-1.6, Assistance.

Amended by R.1993 d.472, effective September 20, 1993.

See: 25 N.J.R. 3091(a), 25 N.J.R. 4501(a).

Amended by R.1994 d.253, effective May 16, 1994.

See: 26 N.J.R. 1307(a), 26 N.J.R. 2140(a).

Amended by R.1997 d.65, effective February 18, 1997.

See: 28 N.J.R. 5050(a), 29 N.J.R. 581(b).

In (c), amended date.

Amended by R.2002 d.165, effective June 3, 2002.

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

In (a)2, deleted the references to Appendices D and E throughout; in (b), deleted former 9 and 10 and recodified former 11 and 12 as 9 and 10.

APPENDIX TO THE REGULATIONS REGARDING MOTOR CARRIER SAFETY REGULATIONS

Subject to the provisions of N.J.A.C. 13:60-2.1(c), this Appendix to the Regulations Regarding Motor Carrier Safety Regulations lists the adopted and incorporated, by reference, portions of the Federal Motor Carrier Safety Regulations, by Part, Subpart, Section, or Appendix. Parts, Subparts, Sections, or Appendices are listed by letter or number and by title to identify content for the reader. Modifications, revisions, amendments, and/or delays in implementation are stated within the appropriate Part(s), Subpart(s), Section(s), or Appendices. Omitted sections are identified with the notation “(This Section intentionally omitted.)”.

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

Subpart A—General Applicability and Definitions

Section 390.1 Purpose.

Section 390.3 General Applicability.

Section 390.5 Definitions.

(Section 390.5 is revised to state the following:)

“Commercial Motor Vehicle—Intrastate Commerce” means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property in intrastate commerce:

(a) If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or displays a gross vehicle weight rating of 26,001 or more pounds;

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

(c) If the vehicle is designed to transport 16 or more passengers including the driver;

(d) If the vehicle is designed to transport 8 or more but less than 16 persons, including the driver, and is used to transport such persons for hire on a daily basis to and from places of employment; or

(e) If the vehicle is transporting or used in the transportation of hazardous material(s) and is required to be placarded in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (49 C.F.R. § 172.500 et seq.), or the vehicle displays a hazardous material(s) placard.

Section 390.7	Rules of Construction.
Subpart B—General Requirements and Information	
Section 390.9	State and local laws, effect on.
Section 390.11	Motor carrier to require observance of driver regulations.
Section 390.13	Aiding or abetting violations.
Section 390.15	Assistance in investigations and special studies.
Section 390.16	(Reserved)
Section 390.17	Additional equipment and accessories.
Section 390.19	Motor carrier identification report.
Section 390.21	Marking of CMVs.

(Section 390.21 is modified to state the following:)

A commercial motor vehicle operated in intrastate commerce shall be subject to the provisions of N.J.S.A. 39:4-46.

Section 390.23 Relief from regulations.

(Section 390.23 is modified to state the following:)

The following commercial motor vehicles, operating in intrastate commerce, are exempt from the requirements of this subchapter when any emergency occurs that affects the citizens of New Jersey:

(a) Commercial motor vehicles which are owned, operated, or leased by a public or quasi-public or private entity in this State, said entity being subject to the jurisdiction of the Board of Regulatory Commissioners; or