

CHAPTER 18

EXECUTIVE AND ADMINISTRATIVE SERVICE

Authority

N.J.S.A. 17:33B-41, 39:2-3, 39:2-3.3 et seq., 39:3-4e, 39:3-6.12b, 39:3-20, 39:3-43, 39:3-84, 39:5-30, 39:6-25, 39:6-50, 39:6-86.1, 39:6-86.4, 47:1A-1 et seq., 52:14B-3(1), 54:39A-24, and Pub. L. 102-240, § 4008 and Pub. L. 103-322.

Source and Effective Date

R.2000 d.174, effective March 28, 2000.
See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

Executive Order No. 66(1978) Expiration Date

Chapter 18, Executive and Administrative Service, expires on March 28, 2005.

Chapter Historical Note

Chapter 18, Executive and Administrative Service, was filed and became effective prior to September 1, 1969.

Chapter 18, Executive and Administrative Service, was repealed and Chapter 18, Executive and Administrative Service, was adopted as new rules by R.1972 d.107, effective July 1, 1972. See: 4 N.J.R. 105(a), 4 N.J.R. 165(c).

Subchapter 6, Insurance, was adopted as R.1973 d.62, effective March 8, 1973. See: 5 N.J.R. 52(c), 5 N.J.R. 120(b).

Subchapter 7, Payment and Collection of Bus Excise Tax, was adopted as R.1973 d.188, effective July 11, 1973. See: 5 N.J.R. 193(a), 5 N.J.R. 290(e).

Subchapter 4, Registrations, Identifying Markers and Reports, was repealed and Subchapter 4, Motor Fuels Use Tax Act, was adopted as new rules by R.1973 d.215, effective August 8, 1973. See: 5 N.J.R. 231(a), 5 N.J.R. 317(b).

Subchapter 2, Unsatisfied Claim and Judgment Fund Board, was adopted as new rules by R.1973 d.278, effective September 25, 1973. See: 5 N.J.R. 289(c), 5 N.J.R. 390(b).

Subchapter 3, Overwidth Vehicles, was adopted as new rules by R.1974 d.30, effective February 7, 1974. See: 6 N.J.R. 20(b), 6 N.J.R. 120(a).

Subchapter 8, Overhangs, was adopted as R.1975 d.285, effective October 1, 1975. See: 7 N.J.R. 340(a), 7 N.J.R. 483(a).

Subchapter 9, Uninsured Motorists, was adopted as R.1976 d.75, effective March 8, 1976. See: 8 N.J.R. 82(b), 8 N.J.R. 204(a).

Subchapter 10, Unsatisfied Claim and Judgment Fund's Reimbursement of Excess Medical Expense Benefits Paid by Insurers, was adopted as R.1978 d.207, effective June 22, 1978. See: 10 N.J.R. 119(c), 10 N.J.R. 350(b).

Subchapter 11, Organization of the Division of Motor Vehicles, was adopted as R.1989 d.365, effective June 14, 1989. See: 21 N.J.R. 2048(a).

Subchapter 2, Unsatisfied Claim and Judgment Fund Board, and Subchapter 10, Unsatisfied Claim and Judgment Fund's Reimbursement of Excess Medical Expense Benefits Paid by Insurers, were repealed by R.1990 d.121, effective February 20, 1990. See: 21 N.J.R. 3432(a), 22 N.J.R. 662(c).

Pursuant to Executive Order No. 66(1978), Chapter 18, Executive and Administrative Service, was readopted as R.1990 d.225, effective March 30, 1990, and Subchapter 3, Overwidth Vehicles, and Subchapter

7, Payment and Collection of Bus Excise Tax, were repealed by R.1990 d.225, effective May 7, 1990. See: 22 N.J.R. 614(a), 22 N.J.R. 1378(b).

Subchapter 6, Insurance, was repealed and Subchapter 6, Insurance Verification, was adopted as new rules by R.1991 d.289, effective June 3, 1991. See: 23 N.J.R. 973(a), 23 N.J.R. 1806(b).

Pursuant to Executive Order No. 66(1978), Chapter 18, Executive and Administrative Service, was readopted as R.1995 d.218, effective March 28, 1995, and Subchapter 5, Connecting Devices and Towing Methods, and Subchapter 8, Overhangs, were repealed by R.1995 d.218, effective May 1, 1995. See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

Subchapter 2, International Registration Plan, was adopted as new rules by R.1996 d.186, effective April 1, 1996. See: 28 N.J.R. 791(a), 28 N.J.R. 1867(a).

Subchapter 3, International Fuel Tax Agreement Implementation, was adopted as new rules, and Subchapter 4, Motor Fuels Use Tax Act, was repealed by R.1996 d.311, effective July 1, 1996. See: 28 N.J.R. 2328(a), 28 N.J.R. 3307(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Executive and Administrative Service, was readopted as R.2000 d.174, effective March 28, 2000. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. PERMITS FOR OVERDIMENSIONAL OR OVERWEIGHT VEHICLES

13:18-1.1 Scope

(a) This Subchapter 1 replaces the following regulations previously adopted:

1. Subchapter 1 (Special Permits for Overdimensional Vehicles) of this Chapter;
2. Subchapter 2 (Permits in Book Form) of this Chapter;
3. Subchapter 3 (Special Permits for Overweight Vehicles) of this Chapter;
4. Subchapter 13 (Dimensional Restrictions) of Chapter 20 (Enforcement Service).

13:18-1.2 Requirement of permit

(a) A permit is required for each one-way trip of an oversize or overweight vehicle.

(b) In the event the vehicle is both oversize and overweight, two permits are required for each one-way trip.

13:18-1.3 Period of permit validity

(a) A permit shall be valid for a period of three days.

(b) In the event the one-way trip cannot be completed within the valid life of the permit due to hazardous road conditions or vehicle breakdown, a one-day extension may be granted provided that the request is made to the Division before the permit expires.

13:18-1.4 Reservation of Division's rights

The Division reserves the right to designate the routes of travel, speed limits, exact day and time of operation, or to impose any other restrictions which may be necessary to minimize traffic delays or safety hazards.

13:18-1.5 Fees

(a) The base fee for a permit shall be \$10.00.

(b) There shall be an additional fee of \$1.00 for each foot or fractional portion thereof that the dimensions of any vehicle or combination of vehicles as that term is defined in N.J.S.A. 39:3-84a, including load or contents or of any part or portion thereof, exceed 14 feet in width. There shall be an additional fee of \$1.00 for each foot or fractional portion thereof that the dimensions of any combination of vehicles as that term is defined in N.J.S.A. 39:3-84a, including load or contents or of any part or portion thereof, exceed 63 feet in length. There shall be an additional fee of \$1.00 for each foot or fractional portion thereof that the dimensions of any house-type trailer and its towing vehicle or any house-type semitrailer and its towing vehicle exceed 70 feet in length.

(c) There shall be an additional fee of \$5.00 for each 2,000 pounds or fractional portion thereof that the weight of the vehicle, including load, exceeds either the axle or gross weight limits—whichever is greater—set forth in Title 39 of the Revised Statutes.

(d) No fee shall be imposed for a permit issued to a vehicle owned or operated by the United States, the State, any government or local government subdivision, agency or instrumentality thereof.

As amended, R.1973 d.261, effective September 14, 1973.
See: 5 N.J.R. 289(a), 5 N.J.R. 357(a).
Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).
Amended by R.2000 d.174, effective May 1, 2000.
See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).
Rewrote (b).

13:18-1.6 Liability for damage; application requirements; insurance

(a) Any person driving any vehicle, object or contrivance subject to and in excess of statutory weight limitations and permit requirements upon any highway or highway structure, whether temporary or permanent, shall be liable for all damage which the highway or highway structure may sustain as a result of any such operation, driving or moving of such vehicle, object or contrivance.

1. Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure.

2. The fact that the vehicle, object, or contrivance causing the damage was being operated, driven or moved within the authorized size and weight limitations or permitted by a special permit as provided by law, shall not be accepted as a defense to any action brought as provided in this subsection if damage is caused to highways or structures posted for weight limits less than those set forth by statute.

3. Whenever the driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any damage.

(b) An application for a permit or book of permits shall not be accepted unless the applicant has filed in the Division of Motor Vehicles a certificate of insurance in the following minimum limits:

1. \$100,000 for bodily injury or death to any one person in any one occurrence;
2. \$300,000 for bodily injury or death to two or more persons in any one occurrence;
3. \$100,000 for damage to or destruction of property in any one occurrence.

(c) Said certificate shall contain a provision that there will be ten-day prior notice to the Division in the event of cancellation or termination of the insurance.

Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).

13:18-1.7 Exceptions; insurance certificate requirement

The filing of an insurance certificate shall not be required in the case of an oversize permit issued for the operation of a private utility trailer, house-type trailer, or semitrailer. In such cases the provisions of the Compulsory Motor Vehicle Insurance Law (N.J.S.A. 39:6B-1 et seq.) and the Security-Responsibility Law (N.J.S.A. 39:6-23 et seq.) will apply.

Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).
Amended by R.1995 d.218, effective May 1, 1995.
See: 27 N.J.R. 637(a), 27 N.J.R. 1806(b).

13:18-1.8 Permits generally

(a) No permit shall be valid:

1. For the operation of a vehicle or combination of vehicles transporting a load that can be dismembered, dismantled, or divided in such a manner so that the weight and dimensional limitations prescribed in Title 39 of the Revised Statutes are not exceeded, except for sealed containers of the type commonly used for the conveyance of freight transportation in international oceangoing commerce, bearing the seal of the United States Custom Service, the seal of another governmental agency, or the seal of the shipper, where the per-axle weight limitation does not exceed 38,000 pounds for one tandem axle unit only in a tractor/ semitrailer combination;

2. On any toll road;

3. Unless there is compliance with all applicable requirements of this subchapter and pertinent statutory provisions.

As amended, R.1976 d.297, effective September 22, 1976.
See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).
Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).
Amended by R.1996 d.227, effective May 20, 1996.
See: 28 N.J.R. 1478(a), 28 N.J.R. 2565(a).

In (a)1 added "the seal of another government agency or the seal of the shipper".

Amended by R.2000 d.174, effective May 1, 2000.
See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

In (a)1, substituted "that can be dismembered, dismantled, or divided" for "which can be dismantled, reduced in quantity or feasibly loaded" following "load".

13:18-1.9 Overweight permits

(a) An overweight permit shall not be valid:

1. For the operation of a vehicle registered or required to be registered in New Jersey unless the vehicle is

registered in this State at the maximum registration weight permitted under N.J.S.A. 39:3-20.

2. When the gross weight of the vehicle or combination of vehicles, including load, exceeds 800 pounds per inch in width of tires on all wheels, or when the load is distributed so as to impose a weight of more than 800 pounds per inch in width of tire on any one wheel.

(b) Overweight vehicles for which permits have been issued and which are incapable of being operated safely at a maximum speed of 40 miles per hour shall be prohibited from operating on the highways during hours when lighted lamps are required, or when visibility is limited to a distance of less than 500 feet, or when hazardous road conditions exist.

As amended, R.1976 d.297, effective September 22, 1976.
See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).
Amended by R.1995 d.139, effective March 6, 1995.
See: 26 N.J.R. 2521(a), 27 N.J.R. 927(a).

13:18-1.10 Invalidity of oversize permits

(a) An oversize permit shall not be valid for the operation of a vehicle or combination of vehicles on any highway where clear space available for use by passing traffic is less than ten feet, including roadway and improved shoulder.

(b) An oversize permit shall not be valid for the operation of a vehicle or combination of vehicles after 12:00 Noon on Saturdays, or at any time on Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day. If the holiday falls on a Sunday, the operation shall not be permitted on the following Monday. If the holiday falls on a Saturday, the operation shall not be permitted on the preceding Friday.

(c) An oversize permit shall not be valid for the operation of a vehicle or combination of vehicles from a half-hour after sunset to a half-hour before sunrise, or when visibility is limited to a distance of less than 500 feet, or when hazardous road conditions exist.

(d) The Director may grant a written waiver of the holiday, weekend and/or the night-time restrictions under the minimum situations in (d)1 through 3 below. Any request for a waiver must accompany the permit application.

1. If it is determined that traffic congestion would be reduced by the waiver;
2. If the permit applicant can justify a business hardship caused by the restrictions; or
3. If an emergency condition exists.

Amended by R.1976 d.297, effective September 22, 1976.
See: 8 N.J.R. 337(a), 8 N.J.R. 483(b).
Amended by R.1990 d.225, effective May 7, 1990.
See: 22 N.J.R. 614(a), 22 N.J.R. 1378(b).

Allows oversize vehicles to operate on Saturdays until 12:00 noon.

Amended by R.1996 d.227, effective May 20, 1996.
See: 28 N.J.R. 1478(a), 28 N.J.R. 2565(a).

In (c) provided for a half-hour after sunset to a half-hour before sunrise, and added (d).

Amended by R.2000 d.174, effective May 1, 2000.
See: 32 N.J.R. 256(a), 32 N.J.R. 1517(a).

13:18-1.11 Escort vehicle requirements

(a) One escort vehicle shall be required when the width, including load, exceeds 14 feet and/or when the length exceeds 100 feet.

(b) Two escort vehicles shall be required when the width, including load, exceeds 16 feet and/or when the length exceeds 120 feet.

(c) When the height, including load, exceeds 14 feet the provisions of N.J.S.A. 39:4-28 will apply.

(d) When one escort vehicle is required, it shall precede the escorted vehicles on highways having less than four traffic lanes and shall follow the escorted vehicles on highways having four or more traffic lanes.

(e) When two escort vehicles are required, one shall precede the escorted vehicles and one shall follow the escorted vehicles.

(f) The preceding escort vehicle shall maintain a distance of from 200 feet minimum to 500 feet maximum from the lead vehicle of the escorted combination of vehicles.

(g) The following escort vehicle shall maintain a distance of from 100 feet minimum to 250 feet maximum from the rearmost vehicle of the escorted combination of vehicles.

13:18-1.12 Warning signs

(a) The minimum size of a warning sign shall be six feet wide by one foot high.

(b) The term "WIDE LOAD" or "OVERSIZE LOAD" shall be displayed on the sign in black letters of 10 inches minimum height on a yellow background.

(c) When two escort vehicles are required, a warning sign shall be displayed on the front of the preceding escort vehicle and on the rear of the following escort vehicle.

(d) When only one escort vehicle is required, a warning sign shall be displayed on the rear of the rearmost vehicle in the escorted combination and on the front of the escort vehicle if it is preceding, or on the front of the lead vehicle of the escorted combination and on the rear of the escort vehicle if it is following.

(e) When no escort vehicles are required, warning signs shall be displayed on the front and rear of the oversize vehicle combination.

As amended, R.1976 d.297, effective September 22, 1976.