

ASSEMBLY, No. 3371

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 7, 2022

Sponsored by:

Assemblyman MICHAEL TORRISSI, JR.

District 8 (Atlantic, Burlington and Camden)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

SYNOPSIS

Requires MVC to waive knowledge test requirement for certain military service members who apply for commercial driver license.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/7/2022)

1 AN ACT concerning commercial driver licenses and amending
2 P.L.2013, c.48.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.2013, c.48 (C.39:3-10.17b) is amended to
8 read as follows:

9 1. a. As used in this **[act]** section:

10 "Commercial motor vehicle" means a motor vehicle or
11 combination of motor vehicles used or designed to transport
12 passengers or property that has a gross vehicle weight rating of
13 26,001 or more pounds or displays a gross vehicle weight rating of
14 26,001 or more pounds or a gross combination weight rating of
15 26,001 or more pounds inclusive of a towed unit with a gross
16 vehicle weight rating of more than 10,000 pounds. The term shall
17 not include any of the other types of vehicles listed under the
18 definition of commercial motor vehicle pursuant to section 3 of
19 P.L.1990, c.103 (C.39:3-10.11).

20 "Military commercial driver license" means an authorization for
21 a person to operate a commercial motor vehicle which is issued by
22 any branch of the active duty or the reserve component of the
23 Armed Forces of the United States or the National Guard of any
24 state.

25 b. Notwithstanding the provisions of section 4 of P.L.1990,
26 c.103 (C.39:3-10.12) or any other law to the contrary, the Chief
27 Administrator of the New Jersey Motor Vehicle Commission shall
28 waive the knowledge test and skills test required pursuant to section
29 4 of P.L.1990, c.103 (C.39:3-10.12), as applicable, for a
30 commercial driver license applicant who has experience operating a
31 commercial motor vehicle while serving in the military and who
32 submits satisfactory proof that the applicant meets the requirements
33 for such a waiver under the federal "Commercial Motor Vehicle
34 Safety Act of 1986," as those requirements are set forth in 49 C.F.R.
35 s.383.77.

36 c. In order to qualify for the **[waiver]** waivers permitted under
37 subsection b. of this section, an applicant for a commercial driver
38 license shall submit to the chief administrator, in addition to the
39 application:

40 (1) satisfactory proof that the applicant is a member of a branch
41 of the active or the reserve component of the Armed Forces of the
42 United States or the National Guard of any state, or that the
43 applicant is a veteran who received an honorable discharge from a
44 branch of the active or reserve component of the Armed Forces of
45 the United States or the National Guard of any state;

46 (2) the applicant's military commercial driver license or other
47 documentation certifying the applicant's experience in the operation

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 of a commercial motor vehicle while serving in the military; and
2 (3) any additional documentation that the chief administrator
3 deems necessary to determine the equivalent class of commercial
4 motor vehicle that the applicant is authorized to operate.

5 d. A waiver shall not be granted under the provisions of this
6 **[act]** section if the granting of the waiver would place the State out
7 of substantial compliance with the requirements of the federal
8 "Commercial Motor Vehicle Safety Act of 1986."

9 e. Nothing in this section shall be construed to exempt an
10 applicant for a commercial driver license from any other State or
11 federal requirements for obtaining a commercial driver license or
12 any endorsement thereon, including, but not limited to, the
13 submission of fingerprints and a criminal history records check.

14 (cf: P.L.2013, c.48, s.1)

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16 2. This act shall take effect on the first day of the sixth month
17 next following the date of enactment, except that the chief
18 administrator may take such anticipatory actions in advance thereof
19 as may be necessary to effectuate this act.

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22 STATEMENT

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24 This bill requires the Chief Administrator of the New Jersey
25 Motor Vehicle Commission to waive the knowledge test
26 requirement for certain military service members who apply for a
27 commercial driver license.

28 Under the federal "Commercial Motor Vehicle Safety Act of
29 1986," the federal government requires the states to meet certain
30 standards governing the issuance of commercial driver licenses.
31 These standards include the requirement that every applicant pass a
32 knowledge test and a skills test before obtaining the license.
33 However, federal regulations allow the states to waive these testing
34 requirements for military service members who meet certain
35 conditions set forth by the federal government (49 C.F.R. s.383.77).

36 As authorized, the State currently requires the MVC to waive the
37 skills test requirement for qualified military service members who
38 apply for certain commercial driver licenses. Under the bill, the
39 MVC would also waive the knowledge test requirement for
40 qualified military service members. As required by federal
41 regulations, a current or former military service person may qualify
42 for the knowledge test waiver if, during the one-year period
43 immediately preceding the date of application, the person: (1) was
44 regularly employed as an operator of certain military vehicles; (2)
45 operated a vehicle that is representative of the type of commercial
46 motor vehicle that the person expects to operate; (3) has not
47 simultaneously held more than one civilian license; (4) has not had
48 any license suspended, revoked, or canceled; (5) has not been

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1 convicted of certain types of serious traffic offenses; and (6) has not
2 been convicted of certain types of motor vehicle violations arising
3 in connection with a traffic accident and has no record of an
4 accident in which the person was at fault.

5 However, under current State law, military applicants who seek
6 to operate the following categories of commercial vehicles are not
7 permitted to receive the skills test waiver: (1) vehicles designed to
8 transport 16 or more passengers; (2) vehicles designed to transport
9 between eight and 16 persons if used to transport such persons for
10 hire on a daily basis to and from places of employment; (3) vehicles
11 used in the transportation of hazardous materials; or (4) vehicles
12 used for the transportation of children to or from a school or other
13 similar places of education. Similarly, these applicants would not
14 qualify for the knowledge test waiver provided under the bill.