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TRANSPORTATION

MOTOR VEHICLE COMMISSION

Executive and Administrative Service

Proposed Amendments: N.J.A.C 13:18-1.1 through 1.16

Authorized By: Motor Vehicle Commission Board,



Stephen S. Scaturro
Vice-Chair

Authority: N.J.S.A. 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., 17:33B-41, 52:14B-3(1), and 54:39A-24, Pub. L. 102-240 § 4008, and Pub. L. 103-322.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2009-

Submit written comments by 2009 to:

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The agency proposal follows:

Summary

The rules contained in N.J.A.C. 13:18 implement the public policy of this State pursuant to N.J.S.A. 39:1-1 et seq., Motor Vehicle and Traffic Laws, and pertain to permits for overdimensional and overweight vehicles; reciprocal registration of commercial vehicles used in interstate commerce pursuant to the International Registration Plan; procedures pertaining to motor vehicle insurance verification; and guidelines for the posting of security deposits with the Motor Vehicle Commission (Commission) by uninsured owners and operators who are involved in motor vehicle accidents. The rules also implement the International Fuel Tax Agreement, N.J.S.A. 54:39A-1.1 et seq., concerning the reciprocal assessment and collection of motor fuel use taxes from owners of commercial

vehicles used in interstate commerce. The rules also set forth the Commission's organizational structure as required by N.J.S.A. 52:14B-3(1) and establish procedures and fees for the inspection and purchase of government records in accordance with the New Jersey Driver's Privacy Protection Act and the Open Public Records Act. Because the Commission has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a) 5.

The Commission is proposing amendments to Subchapter 1, Permits for Overdimensional or Overweight Vehicles. This subchapter sets forth the permit procedures for vehicles that exceed statutory dimensional or weight limitations, establishes fees, expiration dates, and minimum insurance coverage for the vehicles and sets forth escort vehicle, warning sign, warning flag, and vehicle lighting requirements for overdimensional or overweight vehicle combinations that are subject to this subchapter.

Pursuant to N.J.S.A. 39:3-84(d) and N.J.S.A. 39:4-26, it is the responsibility of the Commission to provide special permits for commercial motor vehicles that exceed the dimensional or weight restrictions established in N.J.S.A. 39:3-84(d) under certain conditions. Currently, the Commission processes approximately 100,000 permits a year for overdimensional or overweight vehicles, which has been accomplished through a manual process by Commission staff. In addition, the Commission has consulted with the New Jersey Department of Transportation (Department), via phone calls and email, on the suitability of routes to be utilized by certain overweight vehicles, primarily to

ensure that the load, and weight distribution of that load, does not overstress structures that make up the State highway system. The Department, in turn, has manually calculated the stress factors for each structure being crossed by the overweight vehicle and then confirmed with staff at the Commission if the vehicle could travel the route specified by the applicant.

In the interest of public welfare and safety, a desire to ensure that the State's infrastructure is not being overly stressed by all commercial vehicles exceeding the legal weight limit of 80,000 lbs, and recognition that a timely processing of permits is critical to the commercial trucking industry, the Commission and the Department began exploring ways to automate and expedite this permitting process. An online, automated permitting process for both overdimensional and overweight commercial motor vehicles has been selected and will be fully operational mid-2010. This system will allow applicants to apply for overdimensional and overweight permits through an online portal. The system will automatically verify that the route selected by the applicant, for the load configuration and weight of the vehicle identified, will not stress any of the structures on that route. If the load configuration and weight will potentially stress one or more structures on that route, the applicant will have the opportunity to modify the load and configuration or the route to be used by the vehicle, in order to receive a permit. The entire process should take a matter of minutes, compared to the hours required by both Commission and Department staff under the current manual system. For the convenience of the applicant, vehicle information will be able to be stored in the system, to expedite entering

information for future applications, and should a permit be denied because of the load configuration and route selected and the applicant is not be able to identify an alternative route for the vehicle, Department staff will still be available during normal business hours to assist in the identification of a suitable route.

As a test and precursor to this fully automated system, a semi-automated online permitting system has been up and successfully functional for single-trip overweight permits only, since August 2008. While the test system required no modification to the permitting process, the fully automated online system will function optimally with several modifications to the current permitting process as described in this rule proposal.

To ensure that the interim semi-automated online permitting system would be successful and that the commercial trucking industry would be prepared to use the system when it came online, discussions were held with the New Jersey Motor Truck Association, the Utility Transportation Contractor's Association, the Association of Bi-State Motor Carriers, Inc., Specialized Carriers and Riggers Association, and numerous other trucking companies. These groups were also helpful in conveying industry concerns regarding the proposed fully automated service being contemplated by the Commission. The rules proposed for amendment take into consideration the input and concerns raised by the representatives of the commercial trucking industry.

The proposed amendments are as follows:

To conform to Department practices, the words "single trip" and "multiple trip" are now hyphenated and amendments are made throughout the subchapter

as needed. Also, the phrase “annual multiple trip” is amended to read “annual ocean borne containerized cargo multiple-trip” as needed.

At N.J.A.C. 13:18-1.2(a), amendments are proposed to add that a single-trip permit is required for each one-way trip of a vehicle that exceeds the dimension or weight provisions of N.J.S.A. 39:3-84 and to provide the statutory provision. At N.J.A.C. 13:18-1.2(b), language is added to clarify that a single permit is issued for each one-way trip. At N.J.A.C. 13:18-1.2(c), amendments are proposed to correct punctuation. At N.J.A.C. 13:18-1.2(c)(2), language is added to clarify the type of vehicles that are intended to move sealed containers under this exemption to the single-trip permit requirements. Amendments are also proposed to change the maximum combined axle weight on a tandem axle configuration from 38,000 to 34,000 pounds and add new requirements for tri-axle trailer configurations. Additionally, language is added to clarify that if a vehicle or combination of vehicles exceed the weight limitations of this section, an annual multiple-trip permit will not be valid and a single-trip permit will be required. At N.J.A.C. 13:18-1.2(c)(3), language is added to clarify that permits issued pursuant to this paragraph are “annual ocean borne containerized cargo multiple-trip” permits. N.J.A.C. 13:18-1.2(c)4 is added to emphasize that travel by combination vehicles transporting ocean borne sealed containers under an annual multiple-trip permit shall be restricted from travelling over a specific list of bridges, as identified by the Department in the permit and also provided on the Department’s website. By identifying the structures that cannot be accommodated by these vehicles, approval of routes will not be required. If,

however, travel by these vehicles over these structures cannot be avoided, a single-trip overweight permit will be required. N.J.A.C. 13:18-1.2(c)4 and 5 are recodified as 1.2(c)5 and 6. They are amended to conform with Department practices.

For the purposes of reorganization and conformance with Department practices, current N.J.A.C. 13:18-1.3(a) is deleted in its entirety. The current provision allowing vehicles with a gross vehicle weight greater than 150,000 pounds or more to be issued a permit valid for five days is no longer necessary since all single trip overweight permits, except for trailers with a Code 23 registration, will be valid for five days. Proposed N.J.A.C. 13:18-1.3(a) includes language formerly found in the deleted paragraph and clarifies that there are three periods of permit validity for permits issued pursuant to this chapter. N.J.A.C. 13:18-1.3(a)1 amends the time frame for single-trip permit validity from three to five days in recognition that, often times, permit applicants cannot pinpoint the exact day of travel for these vehicles and that unanticipated changes in weather conditions, deliveries, or other factors create instances where a three-day delivery window is not reasonable. This change should minimize the need for the commercial trucking industry to request permit extensions. N.J.A.C. 13:18-1.3(a)2 establishes that annual ocean borne containerized cargo multiple-trip permits are valid for a period not to exceed 365 days. N.J.A.C. 13:18-1.3(a)3 is added to allow a provision for overweight vehicles utilizing a trailer with a Code 23 registration to be issued a single trip permit that will be valid for 10 days. This allowance is in recognition that trailers with a Code 23 registration are

transporting heavy machinery, road building machinery, traction engines, rollers and structural units, as described at N.J.S.A. 39:4-26, generally associated with the construction industry. Their transportation is typically scheduled day-to-day, depending on the progression of construction which is dependent on many factors which cannot be predicted. A longer period of permit validity will minimize the need to request permit extensions by the construction industry.

The current N.J.A.C. 13:18-1.5 is recodified as N.J.A.C. 18:13-1.6 and the newly proposed N.J.A.C. 13:18-1.5 is added to provide the permit application process. N.J.A.C. 13:18-1.5(a) provides the website information. N.J.A.C. 13:18-1.5(b) specifies the information required of an applicant for a single-trip permit which includes, but is not limited to, the name, address and telephone number of the applicant; vehicle information; vehicle height, length, width, axle configuration and weight over each axle; overall gross vehicle weight; dates of travel; details of anticipated route of travel including locations of entrance to and exit from the New Jersey State highway system; and the name of the insurance provider and policy number required pursuant to N.J.A.C. 13:18-1.7(b). N.J.A.C. 1.5(c) specifies the information required of an applicant for an annual ocean borne containerized cargo multiple-trip permit which includes, but is not limited to, the name, address and telephone number of the vehicle owner and the name of the insurance provider and policy number required pursuant to N.J.A.C. 13:18-1.7(b). N.J.A.C. 1.5(d) sets forth the parameters for the review of the route being used. N.J.A.C. 1.5(e) provides the basis for rejection of a vehicle's route, the alternatives that the applicant can use to choose a suitable route and contact

information if assistance is needed in choosing acceptable alternative routes of travel. N.J.A.C. 1.5(f) provides the situations under which a single-trip permit may be revised prior to the dates of travel. N.J.A.C. 1.5(g) provides the situations under which a single-trip permit requiring modification will require a new permit application and associated fees. N.J.A.C. 1.5(h) provides the situations under which an annual ocean borne containerized cargo multiple-trip permit may be revised.

For the purposes of reorganization and conformance with current Department practices, recodified N.J.A.C. 18:13-1.6(a) is deleted in its entirety. Proposed N.J.A.C. 18:13-1.6(a) includes language formerly found in the deleted paragraph and establishes the base permit fees for the three types of permits. The current fees are unchanged except for vehicles that are both oversize and overweight. Their base fee will be \$20.00, plus any additional fees which may apply. N.J.A.C. 13:18-1.6(d) is added and establishes a new fee of \$12.00 plus a service charge of 5% of the total permit fee, for each permit transaction. Single-trip permits issued for vehicles that are both oversize and overweight will only be charged as one transaction. These charges will cover the costs of route verification for vehicle load and configuration as well as the development and maintenance of the online permitting system. Recodified N.J.A.C. 13:18-1.6(e) is amended to clarify that permits issued to a vehicle owned or operated by the United States, the State, any government or local government subdivision, agency or instrumentality thereof, shall not be charged a permit fee other than the transaction fee of \$12.00 plus a service charge of 5% of the total permit fee.

13:18-1.6(f) is added and provides that permits issued to a combination of vehicles utilizing a trailer with a Code 23 registration shall not be charged a permit fee other than the transaction fee of \$12.00 plus a service charge of 5% of the total permit fee. This allowance recognizes that owners of trailers registered under Code 23 are already paying a higher registration fee than other commercial trailer. N.J.A.C. 13:18-1.6(g) is added and provides, at the discretion of the Chief Administrator and proper notification, a refund for permits that are canceled before the first day of travel as identified on a valid permit.

The current N.J.A.C. 13:18-1.6 is recodified as N.J.A.C. 13:18-1.7. N.J.A.C. 13:18-1.7(b) is amended to delete the reference to “book permits” because these permits will no longer be issued by the Commission and to delete the requirement that a certificate of insurance be submitted to the Commission. Applicants for permits issued under this chapter will still be required to maintain the same levels of insurance coverage and will be required to provide proof of coverage by including the name and policy number of their insurance carrier at the time a permit application is made. N.J.A.C. 13:18-1.7(c) is amended to delete the words “Said certificate” and add the words “The insurance policy.”

The current N.J.A.C. 13:18-1.7 is recodified as N.J.A.C. 13:18-1.8. Language requiring the filing of an insurance certificate is deleted, consistent with the amendments to proposed N.J.A.C. 13:18-1.7(b).

The current N.J.A.C. 13:18-1.8 is recodified as N.J.A.C. 13:18-1.9. N.J.A.C. 13:18-1.9(a)1 is amended to delete the phrase “where the per-axle weight limitation does not exceed 38,000 pounds for one tandem axle unit only in

a tractor/ semitrailer combination' and add the phrase "pursuant to the provisions of N.J.A.C. 13:18-1.2(c)" so that readers are directed to the section of this chapter that describes all of the requirements of vehicles transporting ocean borne sealed containers. N.J.A.C. 13:18-1.9(a)2 is amended to clarify that permits will not be valid on any toll road without the express approval of the tolling authority and examples of tolling authorities to which this rule applies are provided.

The current N.J.A.C. 13:18-1.9 is recodified as N.J.A.C. 13:18-1.10 and the subchapter heading is amended for the purpose of clarification. It now reads "Invalidity of overweight permits."

The current N.J.A.C. 13:18-1.10 is recodified as N.J.A.C. 13:18-1.11. N.J.A.C. 13:18-1.11(b) is amended to delete the prohibition on travel, by vehicles utilizing an oversize permit, during the period of after 12:00 Noon on Saturdays, or at any time on Sundays, as well as the prohibition on travel on Veterans' Day. Amendments are added to prohibit travel on the Friday before Memorial Day, the Friday before Labor Day and the Wednesday before Thanksgiving Day. All of these amendments are intended to ensure that oversize vehicles are not travelling New Jersey roadways on particularly heavy travel days such as holidays and, at the same time, allowing travel on days when traffic is not unduly heavy. The current N.J.A.C. 13:18-1.10(c) is deleted in its entirety. Newly proposed N.J.A.C. 13:18-1.11(c) includes language formerly found in the deleted paragraph and reorganizes it for the purposes of clarity. A new N.J.A.C. 13:18-1.11(d) is added to provide that an oversize permit is not valid for vehicles that

cannot operate safely at a maximum speed of 40 miles per hour during hours when lighted lamps are required. This provision is similar to the provision found at N.J.A.C. 13:18-10.2(b) and is a safety precaution. The current N.J.A.C. 13:18-1.10(d) is recodified as N.J.A.C. 13:18-1.11(e) and amended for purposes of clarification and consistency. The phrases “weekend and” and “in (d)1 through 3 below” are deleted and the word “following” is added.

The current N.J.A.C. 13:18-1.11 is recodified as N.J.A.C. 13:18-1.12. Proposed N.J.A.C. 13:18-1.12(c) is added to indicate that, pursuant to the provisions of N.J.A.C. 13:1.12(a) and (b), an additional escort vehicle is required when an oversize vehicle or combination of vehicles has been granted a waiver under N.J.A.C. 13:18-1.11(e) and is travelling during the nighttime hours of sunset to sunrise. The current N.J.A.C. 13:18-1.11(c) through N.J.A.C. 13:18-1.11(e) are recodified as 1.12(d) through 1.12(f). Proposed N.J.A.C. 13:18-1.12(g) is added to describe the formation that is required when three vehicles escort an oversize vehicle. The current N.J.A.C. 13:18-1.11(f) and (g) are recodified as 1.12(h) and 1.12(i).

The current N.J.A.C. 13:18-1.12 through N.J.A.C. 13:18-1.15 are recodified as N.J.A.C. 13:18-1.13 through N.J.A.C. 13:18-16. There is no change in text.

The current N.J.A.C. 13:18-1.16 is deleted in its entirety because book permits will no longer be issued by the Commission. Book permits provided a convenience for those companies that might need to move overdimensional vehicles on short notice. By buying these permits in advance, the company had

the ability to fill out the permit by typewriter and mailing the carbon copy back to the Commission, thereby avoiding the time it took to process a permit through the Commission by conventional means or delays if the vehicle was needed during non-business hours. The proposed amendments establish an online system in which permits can be applied for 24 hours a day, 7 days a week, and will be processed automatically, thereby negating the need for book permits.

Social Impact

The proposed amendments will continue to have a beneficial social impact because the rules for Permits for Overdimensional or Overweight Vehicles will continue to promote highway safety by limiting the operation of overdimensional vehicles or combination of vehicles to highways where there is sufficient space available for passing traffic; prohibit the operation of overdimensional vehicles or combination of vehicles on certain holidays that are also heavy traffic days; and prohibit the operation of overdimensional vehicles or combination of vehicles during nighttime or when visibility is limited to a distance of less than 500 feet, or when hazardous road conditions exist. The subchapter promotes highway safety by continuing to require that operators of overdimensional or overweight vehicles comply with the escort vehicle, warning sign, warning flag, and lighting provisions set forth therein that are intended to ensure that these vehicles are operated on the public highways in a manner that does not adversely affect the safety of other motorists.

Economic Impact

The proposed rule amendments have an economic impact on the State in funding the Motor Vehicle Commission, which is charged with the administration of these rules. The economic impact on the State is partially offset by the various permit fees that are collected by the Commission, as well as the transaction fee of \$12.00 plus 5% of the total permit fee that will be collected to offset the costs to develop, administer, and maintain the automatic permitting system being implemented with this rule proposal.

There is an economic impact on those persons and entities that are subject to the provisions of Subchapter 1, since they are required to pay the fees specified for the issuance of overdimensional or overweight permits and to comply with the escort vehicle, warning sign, warning flag, and lighting provisions set forth therein. The proposed amendment of N.J.A.C. 13:18-1.3, which extends the validity of a permit issued for an overweight vehicle from three days to five days, should somewhat reduce the economic impact on persons or entities applying for such permits.

Federal Standards Statement

23 U.S.C. § 127 establishes the Federal overall gross maximum weight limitation of 80,000 pounds for vehicles using the system of interstate and defense highways. The Federal legislation sets forth certain exceptions:

"...Provided, that such overall gross weight may not exceed eighty thousand pounds, including all enforcement tolerances, except for

those vehicles and loads which cannot be easily dismantled or divided and which have been issued special permits in accordance with applicable State laws..."

Section 127, therefore, authorizes exceptions to the maximum gross weight limitation for those vehicles and loads which cannot be easily dismantled or divided and which have been issued special permits in accordance with applicable State laws. N.J.S.A. 39:3-84(d), which establishes an overall gross maximum weight limitation of 80,000 pounds consistent with 23 U.S.C. § 127, provides in part:

"The Director of the Division of Motor Vehicles may promulgate rules and regulations, including the establishment of fees, for the issuance, at his discretion and if good cause appears, of a special written permit authorizing the applicant:

(1) To operate or move a vehicle or combination of vehicles or special mobile equipment, transporting one piece loads that cannot be dismembered, dismantled or divided in order to comply with the weight limitations set forth in this act. . ."

The Chief Administrator's exercise of discretion to issue a special overweight permit under N.J.A.C. 13:18-1.8(a)1, authorizing an exception to the 80,000 pound maximum weight limitation, does not extend to "the operation of a vehicle or combination of vehicles transporting a load which can be dismantled, reduced in quantity or feasibly loaded in such a manner so that the weight and dimensional limitations prescribed in Title 39 of the Revised Statutes are not

exceeded " N.J.A.C. 13:18-1 pertaining to permits for overdimensional and overweight vehicles is, therefore, consistent with Federal law and does not impose requirements that exceed Federal standards. The proposed rule amendments do not alter this determination.

Jobs Impact

The Commission does not anticipate that any jobs will be generated or lost as a result of the proposed rule amendments.

Agriculture Industry Impact

The proposed rule amendments will have no direct impact on the agriculture industry in New Jersey, as the rules are not intended to regulate farming, crop or animal production.

Regulatory Flexibility Statement

N.J.A.C. 13:18-1 requires owners or operators of overdimensional or overweight vehicles to obtain a permit for each one-way trip of such vehicles. An undetermined number of such owners or operators are small businesses as defined in the Regulatory Flexibility Act. Fees are charged per permit pursuant to N.J.A.C. 13:18-1.5. Minimum insurance, warning sign, warning flag and vehicle lighting standards must be met. Escort vehicles may be required depending upon the overall length and/or width of the vehicle or vehicle combination. While

these requirements impose certain compliance costs on affected small businesses, no differentiation or exemption from the requirements is provided based upon the owner's or operator's business size because said requirements impact directly on the public safety on New Jersey highways.

Smart Growth Impact

Smart growth is based on the concept of focusing new growth into redevelopment of older urban and suburban areas, protecting existing open space, conserving natural resources, increasing transportation options and transit availability, reducing automobile dependency, stabilizing property taxes, and providing affordable housing. This is the same basic approach that underlies the State Development and Redevelopment Plan. The proposed rule amendments will have no impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

The proposed rule amendments will have no impact on affordable housing in New Jersey. The rules limit the operation of overdimensional and overweight vehicles on State roadways. The Commission believes that it is extremely unlikely that the rules would bring about a change in the average costs associated with housing.

Smart Growth Development Impact

The proposed rule amendments will have no impact on smart growth. The rules limit the operation of overdimensional and overweight vehicles on State roadways. The Commission believes that it is extremely unlikely that the rules would bring about a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan.

Full text of the proposed amendments and new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

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) Except as provided in (c) below, a **single-trip** permit is required for each one-way trip of an oversize or overweight vehicle[.]**that exceeds the dimension or weight provisions of N.J.S.A. 39:3-84.**

(b) In the event the vehicle is both oversize and overweight, [two permits are required] **a single-trip permit will be issued** for each one-way trip.

(c) An annual ocean borne containerized cargo [multiple trip] **multiple-trip** permit may be issued for a tractor semitrailer combination engaged in the transportation of sealed containers of the type commonly used for the conveyance of freight transportation in international ocean going commerce as follows:

1. Sealed containers transported under an annual ocean borne containerized cargo [multiple trip] **multiple-trip** permit shall bear the seal of the United States Custom Service, the seal of another governmental agency or the seal of a shipper;

2. The combined gross vehicle weight of any [vehicle or combination of vehicles,] **tractor semitrailer combination** including load or content[.] **conveying sealed containers**, shall not exceed 90,000 pounds[, and the]. **The tractor semitrailer combination** per-axle **combined** weight shall not exceed [38,000] **34,000** pounds for any one tandem axle unit in any tractor semitrailer combination[.] **and shall not exceed 45,000 pounds for any tri-axle trailer configuration.** Additionally, vehicles shall conform with the axle limitations in N.J.S.A. 39:3-84 and the maximum tire load limit in N.J.A.C. 13:18-1.9(a)2.

Vehicles or combination of vehicles that exceed these weight limits may not use an annual ocean borne containerized cargo multiple-trip permit and shall obtain a single-trip permit as described in (a) above;

3. The original [multiple trip] **annual ocean borne containerized cargo multiple-trip** permit as issued by the Motor Vehicle Commission shall be carried in the tractor semitrailer combination whenever the trip requires such a permit. Photocopies or other reproductions of a permit shall specifically not be acceptable in lieu of the original permit. In the absence of the physical possession of the original permit, the trip shall be deemed as having been made without a valid permit;

4. **Travel shall not be on segments of routes crossing structures identified by the New Jersey Department of Transportation as restricted to vehicles or combination of vehicles transporting ocean borne sealed containers described above. Information regarding the structures not accessible to these vehicles can be found on the Department's website at <http://www.nj.gotpermits.com/njdot>, or by calling the New Jersey Department of Transportation Bureau of Structural Engineering at 609-530-2579. If travel over these routes cannot be avoided, a single trip permit as described in (a) above shall be required and other restrictions may apply;**

[4]5. Annual [multiple trip] **ocean borne containerized cargo multiple-trip** permits shall not be valid for the transportation of oversized or overdimensional loads; and

[5]6. Making timely application for the issuance or reissuance of an annual [multiple trip] **ocean borne containerized cargo multiple-trip** permit shall be the sole responsibility of the person(s) who desires to have or utilize such permits. The Motor Vehicle Commission shall not be responsible for mailing [ocean borne containerized cargo multiple trip] **annual ocean borne containerized cargo multiple-trip** permit renewal forms to persons whose permits are about to expire.

13:18-1.3 Period of permit validity

[(a) A permit shall be valid for a period of three days, except that an annual multiple trip permit issued pursuant to N.J.A.C. 13:18-1.2(c) shall be valid for a period not exceeding 365 days, and except that a permit issued for an overweight vehicle having a combined gross vehicle weight of any vehicle or combination of vehicles, including load or content, greater than 150,000 pounds or more shall be valid for a period of five days.]

(a) The periods of validity for permits issued pursuant to this chapter are as follows:

- 1. A single-trip permit shall be valid for a period of five days;**
- 2. An annual ocean borne containerized cargo multiple-trip permit issued pursuant to N.J.A.C. 13:18-1.2(c) shall be valid for a period not exceeding 365 days; or**

3. A permit issued for an overweight vehicle utilizing a trailer with a Code 23 registration, as issued by the Commission, shall be valid for 10 days.

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

13:18-1.4 Reservation of Commission's rights

The Motor Vehicle Commission 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 Permit Applications

(a) Applications for permits, as specified in N.J.A.C. 13:18-1.2, shall be obtained on the Department's website at <http://www.gotpermits.com/NJ>.

(b) Information to be provided by the applicant for a single-trip permit shall include, but is not be limited to the following:

1. Name, address, and telephone number of permit applicant;
2. Vehicle information including, but not limited to, the type of tractor and trailer combination;
3. Vehicle height, length and width;

4. Axle configuration and weight over each axle

5. Overall gross vehicle weight;

6. Dates of travel;

7. Details of anticipated route of travel, including locations of entrance to and exit from the New Jersey State highway system, including, but not limited to the Interstate highways, the New Jersey Turnpike, the Garden State Parkway south of Exit 105 and the Atlantic City Expressway; and

8. Name of insurance provider and policy number required pursuant to N.J.A.C. 13:18-1.7(b)

(c) Information to be provided by the applicant for an annual ocean borne containerized cargo multiple-trip permit shall include, but not be limited to the following:

1. Name, address, and telephone number of permit applicant;

2. Name of insurance provider and policy number required pursuant to N.J.A.C. 13:18-1.7(b)

(d) Applications for single-trip permits will be reviewed for acceptability of route being used in conjunction with the vehicle's load and axle configuration.

(e) Applications for single-trip permits will be rejected where the vehicle's load and axle configuration overstress the structures being crossed on the anticipated route of travel. Rejected applications will identify the structures on the proposed route being overstressed. Applicants can

either modify the vehicle's load, weight over each axle, or axle spacing to lessen the load impact or choose an alternative route. Applicants can contact the New Jersey Department of Transportation, Bureau of Structural Engineering at 609-530-2579 for assistance in the choice of acceptable alternative routes.

(f) Once issued, a single-trip permit may be revised, prior to the dates of travel, to modify the following information:

1. Name, address, and telephone number of permit applicant;
2. Vehicle information; or
3. Name of insurance provider and policy number required pursuant to N.J.A.C. 13:18-1.7(b).

(g) Once issued, revisions to a single-trip permit to modify any of the following, prior to the dates of travel, will require a new permit application and associated fees:

1. Vehicle height, length and width;
2. Axle configuration and weight over each axle;
3. Overall gross vehicle weight;
4. Dates of travel; or
5. Details of anticipated route of travel, including locations of entrance to and exit from the New Jersey State highway system, including, but not limited to the Interstate highways, the New Jersey Turnpike, the Garden State Parkway south of Exit 105 and the Atlantic City Expressway.

(h) Once issued, an annual ocean borne containerized cargo multiple-trip permit may be revised, prior to the dates of permit validity, to modify the following information:

- 1. Name, address, and telephone number of permit applicant; or**
- 2. Name of insurance provider and policy number required pursuant to N.J.A.C. 13:18-1.7(b).**

13:18-[1.5]1.6 Fees

[(a) The base fee for a permit shall be \$10.00. The fee for an annual permit issued pursuant to N.J.A.C. 13:18-1.2(c) shall be \$100.00.]

(a) The base permit fee shall be as follows:

- 1. For either an oversize or overweight vehicle single-trip permit - \$10.00.**
- 2. For an oversize and overweight vehicle single-trip permit - \$20.00 and the additional oversize and overweight fees shall also apply.**
- 3. For an annual ocean borne containerized cargo multiple-trip permit issued pursuant to N.J.A.C. 13:18-1.2(c) - \$100.00.**

(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) There shall be an additional fee of \$12.00 plus a service charge of 5% of the total permit fee, for each permit transaction. Single-trip permits issued for vehicles that are both oversize and overweight shall be charged this fee as one transaction.

[(d)](e) No fee, other than the transaction fee of \$12.00 plus a service charge of 5% of the total permit 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.

(f) No fee, other than the transaction fee of \$12.00 plus a service charge of 5% of the total permit fee, shall be imposed for a single-trip permit issued to a combination of vehicles utilizing a trailer with a Code 23 registration, as issued by the Commission.

(g) At the discretion of the Chief Administrator, and upon notification to the Motor Vehicle Commission, the permit fee may be refunded for permits

that are canceled before the first day of travel as identified on a valid permit.

13:18-[1.6]1.7 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 Motor Vehicle Commission a certificate of] **provides proof of coverage by** 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] **The insurance policy** shall contain a provision that there will be 10-day prior notice to the Motor Vehicle Commission in the event of cancellation or termination of the insurance.

13:18-[1.7]1.8 Exceptions; insurance certificate requirement

The [filing of an] insurance [certificate pursuant to] **provision found at** N.J.A.C. 13:18-1.[6]7 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.

13:18-[1.8]1.9 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] **pursuant to the provisions of N.J.A.C. 13:18-1.2(c);**

2. On any toll road, **without the express approval of the tolling authority, including but not limited to, the South Jersey Transportation Authority for the Atlantic City Expressway and the New Jersey Turnpike Authority for the New Jersey Turnpike and the Garden State Parkway;**

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

13:18-[1.9]1.10 [Overweight permits] **Invalidity of 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.

13:18-[1.10]1.11 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] **on** the following holidays: New Year's Day, Memorial Day[,] **and the Friday before Memorial Day**, Independence Day, Labor Day[,] **and the Friday before Labor Day**, [Veterans' Day,] Thanksgiving Day **and the Wednesday before 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 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.]

(c) An oversize permit shall not be valid for the operation of a vehicle or combination of vehicles:

- 1. During the nighttime hours of sunset to sunrise;**
- 2. When visibility is limited to a distance of less than 500 feet during the daylight hours of sunrise to sunset;**
- 3. When hazardous road conditions exist.**

(d) An oversize permit shall not be valid for the operation of a vehicle or combination of vehicles which are incapable of being operated safely at a maximum speed of 40 miles per hour during hours when lighted lamps are required.

[(d)]**(e)** The Chief Administrator may grant a written waiver of the holiday[, weekend and/]or the nighttime restrictions under the **following** 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.

13:18-[1.11]1.12 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) Pursuant to the provisions of (a) and (b) above, one additional escort vehicle shall be required when an oversize vehicle or combination of vehicles has been granted a waiver, pursuant to N.J.A.C. 13:18-1.11(e), and is traveling during the nighttime hours of sunset to sunrise.

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

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

(g) When three escort vehicles are required, one shall precede the escorted vehicles, one shall follow the escorted vehicles, and one shall travel in the adjacent lane alongside the escorted vehicles on all highways

having three or more lanes. When three or more highway lanes are not available, the third escort vehicle shall also follow the escorted vehicles.

[(f)](h) 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] (i) 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]1.13 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.

13:18-[1.13]1.14 Warning flags

(a) A warning flag shall be red in color and its minimum size shall be 18 inches square.

(b) Warning flags shall be displayed on the two front corners of the preceding escort vehicle.

(c) Warning flags shall be displayed on the two rear corners of the following escort vehicle.

(d) Warning flags shall be placed at the four corners of an oversize vehicle.

(e) When a vehicle, whether oversize or not, is transporting a load which projects beyond the sides of the vehicle the warning flags shall be placed at the four corners of the load rather than the vehicle.

(f) If the load projects only beyond the rear of the transporting vehicle, two flags shall be placed on the two rear corners of the load.

(g) If the projecting load is round or some other shape without distinguishable corners, a warning flag shall be placed at the outermost extremity of the load on each side and/or to the rear of the vehicle.

13:18-[1.14]1.15 Headlamps and taillamps

Low beam headlamps and red taillamps shall be illuminated on all escort vehicles, the towing vehicle and the towed vehicle.

13:18-[1.15]1.16 Oversize private utility or house-type trailer or semitrailer

(a) Except as set forth in (f) below, a permit shall not be valid for the operation of any private utility or house-type trailer or semitrailer, on its own wheels, with a width of more than 14 feet.

(b) Any such vehicle whose width exceeds 14 feet shall be transported on a commercial-type low-bed trailer, semitrailer or properly registered dolly wheels.

(c) The towing vehicle shall be a truck, truck tractor or road tractor equipped with dual wheels on the drive axle and a heavy-duty towing hitch.

(d) If the trailer or semitrailer is not more than 10 feet wide, the towing vehicle shall have a capacity of 3/4 ton or more, and if the trailer or semitrailer is more than 10 feet wide, the towing vehicle capacity shall be 1 1/2 tons or more.

(e) A private utility or house-type trailer or semitrailer in excess of 12 feet in width, or its towing vehicle, shall be equipped with and have in operation two sway control devices between the towing vehicle and the towed vehicle.

(f) Notwithstanding (a) above, a permit shall be valid for the operation of a house-type trailer or semitrailer with an outside width of no more than 16 feet if the vehicle is a manufactured home on a transportation system that is designed in accordance with the "Manufactured Home Construction and Safety Standards," 24 CFR Part 3280.901, promulgated by the United States Department of Housing and Urban Development, as amended and supplemented. A manufactured home with an outside width of more than 16 feet shall be transported on a commercial-type low-bed trailer, semitrailer or properly registered dolly wheels.

[13:18-1.16 Book permits

(a) Any person, firm or corporation may prepurchase permits in multiples of ten. Such permits are hereinafter referred to as "book" permits.

(b) The base fees for book permits are payable at the time of purchase. Additional fees due upon use of a permit may be charged against escrow funds deposited with the Motor Vehicle Commission by the permittee or may be remitted to the Motor Vehicle Commission together with a carbon copy of the permit provided for in (c) below.

(c) Two copies of the blank book permit will be provided to the purchaser. The permit shall be prepared for use by typewriter only and with an exact carbon copy. The permit shall be void if there are any omissions, additions, corrections, alterations or erasures. The carbon copy shall be mailed to the Motor Vehicle Commission on the day the permit is typed. The postmark on the transmitting envelope shall be considered conclusive evidence of the mailing date.

(d) Book permits are not transferable and may be used only by the original purchaser.

(e) Every book permit shall be usable only in the 12-month period from July 1 to June 30 during which it was purchased. The base fee for any book permit not used on or before June 30 shall be forfeited.

(f) Book permits shall be valid only when the dimensions of the vehicle combination, including load, do not exceed 16 feet in width and/or 120 feet in length provided that additional fees due for lengths in excess of 70 feet are paid in accordance with the provisions of (b) above.

(g) Book permits shall not be valid for operation of overweight vehicles.

(h) A book permit shall be valid for one day only. No extension will be granted if the permit is not used on the day designated on the permit.

(i) The privilege to prepurchase book permits may be withdrawn from any person, firm or corporation who or which fails to comply with the conditions for their use prescribed in this subchapter.]