

(f) If the motor vehicle passes the reinspection, the Motor Vehicle Commission, or an authorized inspector, shall issue a certificate of approval for the motor vehicle indicating compliance. If the motor vehicle fails to pass the reinspection, the Motor Vehicle Commission, or an authorized inspector, shall issue a motor vehicle inspection report indicating noncompliance.

13:20-43.12 Inspection extensions

(a)-(c) (No change.)

(d) The owner or lessee of a motor vehicle registered in New Jersey that has failed inspection and requires repairs, other than repairs required to be made pursuant to N.J.A.C. 13:20-7.6, which cannot be completed prior to the date by which the motor vehicle must be presented for reinspection due to the nature of the repairs that are required, shall notify the Motor Vehicle Commission of the **exact** date upon which the repairs to the motor vehicle shall be completed. [If a current registration has been issued for the motor vehicle] **On receipt of the notification**, the Chief Administrator, or his or her designee, may, for good cause, issue a letter extending the time period in which to have the motor vehicle reinspected; **provided that, only one extension letter shall be granted per each inspection cycle established for the motor vehicle.** The inspection extension shall be valid from [its effective date] **the date upon which repairs to the motor vehicle shall be completed** to 14 days [from the date upon which the repairs to the motor vehicle have been completed, but] **thereafter, and** in no event shall the extension be valid beyond the expiration of the inspection cycle established for the motor vehicle.

13:20-43.17 Emission inspector training and licensing; training administration; testing; application process; license fee; renewal of license; refresher training and testing; conflicts of interest

(a) No person shall perform an emission or OBD inspection required by this subchapter, unless licensed by the Motor Vehicle Commission to perform such inspection. In order to obtain licensure as a motor vehicle emission inspector, an applicant shall complete a training program that shall consist of acquiring an understanding of:

- 1.-7. (No change.)
- 8. Public relations; [and]
- 9. Personal safety and health issues related to the inspection process[.];

and

10. An overview of the New Jersey inspection program, including OBD, diesel safety inspections, and emission repairs.

(b)-(i) (No change.)

(j) An applicant who fails the written and/or hands-on inspector license test shall not be retested until a period of two calendar weeks have elapsed from the date of the applicant's last test.

SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

13:20-44.10 Inspection certificates of approval

(a) The inspection certificate of approval for motor vehicles shall be composed of a base inspection sticker and insert indicating, respectively, the year and month of expiration of the certificate of approval. [The inspection certificate of approval issued for motorcycles shall be composed of a one-piece sticker indicating the year and month of expiration of the certificate of approval.]

(b) Base inspection stickers for motor vehicles [other than motorcycles and inspection certificates of approval for motorcycles] shall be purchased by a licensee, by mail or in person, from the Private Inspection Facility Licensing Unit of the Motor Vehicle Commission at the address specified [in] **at N.J.A.C. 13:20-44.4(a).**

(c) Base inspection stickers for motor vehicles [other than motorcycles and inspection certificates of approval for motorcycles] shall be purchased by a licensee at \$1.00 per sticker in quantities of 25 or more.

(d) A licensee shall secure base inspection stickers for motor vehicles [other than motorcycles and inspection certificates of approval for motorcycles] in a locked place of limited access, such as a safe, cabinet, or desk drawer. The licensee is solely responsible for the security of base inspection stickers for motor vehicles [other than motorcycles and inspection certificates of approval for motorcycles]. A licensee's failure to take necessary precautions to secure base inspection stickers for motor

vehicles [other than motorcycles and inspection certificates of approval for motorcycles] from loss or theft shall be cause for suspension or revocation of the license.

(e)-(g) (No change.)

(h) A licensee shall secure motor vehicle inspection reports separate and apart from base inspection stickers for motor vehicles [other than motorcycles, and shall secure motorcycle inspection cards separate and apart from inspection certificates of approval for motorcycles,] in a locked place of limited access, such as a safe, cabinet, or desk drawer.

(i) A licensee shall record the date of issuance of the inspection certificate of approval on the corresponding motor vehicle inspection report [or motorcycle inspection card].

(j) A licensee shall retain defective or voided inspection certificates of approval[,] **and** motor vehicle inspection reports[, and motorcycle inspection cards] and shall surrender them to a Motor Vehicle Commission representative at the time of a periodic audit conducted by the Motor Vehicle Commission.

(k) A licensee shall notify the local law enforcement agency upon determining that a base inspection sticker(s) for a motor vehicle [other than a motorcycle or a certificate(s) of approval for a motorcycle] has been stolen and shall file a copy of such report with the Motor Vehicle Commission.

(l) A licensee shall return all unused base inspection stickers for motor vehicles [other than motorcycles, all unused certificates of approval for motorcycles,] **and** all unused motor vehicle inspection reports[, and all unused motorcycle inspection cards] to a Motor Vehicle Commission representative upon the licensee's discontinuation of inspection certification services.

(m) A licensee shall be solely responsible for base inspection stickers for motor vehicles [other than motorcycles, certificates of approval for motorcycles], motor vehicle inspection reports, and motorcycle inspection cards issued to it by the Motor Vehicle Commission.

(n) (No change.)

SUBCHAPTER 50B. BODY STANDARDS FOR SCHOOL BUSES

13:20-50B.28 Overall width

The overall width of school buses powered solely by electricity shall not exceed 102 inches, excluding accessories, pursuant to N.J.S.A. 39:3B-28. The maximum overall width of [a] **all other** school buses shall not exceed 96 inches, excluding accessories.

(a)

MOTOR VEHICLE COMMISSION

Licensing Service

Commercial Driver Licensing

Proposed Amendments: N.J.A.C. 13:21-23.2, 23.3, 23.6, 23.10, 23.12, 23.14, and 23.15

Authorized By: Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Authority: N.J.S.A. 39:2-3, 39:2A-21, 39:2A-28, and 39:3-10.27.

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

Proposal Number: PRN 2021-069.

Submit written comments by October 1, 2021, to:

Emily H. Armstrong
 Legal and Regulatory Affairs
 Motor Vehicle Commission
 225 East State Street
 PO Box 162
 Trenton, NJ 08666-0162
 or via email to: MVC.rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

The Federal Motor Carrier Safety Administration (FMCSA) promulgated new rules for entry-level driver training (ELDT) for certain commercial driver licenses (CDL) and initial passenger (P), school bus (S), and hazardous materials (H) endorsements. The new final rules are codified at 49 CFR 380, specifically at Subparts F and G, and 49 CFR 383 and 384. These rules establish new minimum training standards for applicants who are: 1) applying for their initial CDL; 2) upgrading their CDL; or 3) applying for an initial passenger (P), school bus (S), or hazardous materials (H) endorsement. The ELDT program establishes a national baseline for all ELDT and sets forth standards that must be met by all approved training providers. The FMCSA-required ELDT training is expected to improve safety on roads throughout New Jersey and the nation. A central feature of the new safety program is FMCSA's creation and maintenance of a national registry of approved trainers, known as the Training Provider Registry (TPR) and a database of certified ELDT drivers. Through the TPR, the FMCSA will receive, retain, and relay to states a record of which initial CDL, CDL upgrade, and initial passenger (P), school bus (S), and hazardous materials (H) endorsement applicants have successfully completed ELDT training. The first step in the process is for approved training providers to register with the FMCSA through the TPR. Next, drivers search for an approved training provider through the TPR and register for ELDT training. After the driver successfully completes training, the training provider submits a driver certification to the FMCSA through the TPR. Finally, when the applicant seeks to obtain an initial CDL, CDL upgrade, or an initial passenger (P), school bus (S), or hazardous materials (H) endorsement from the New Jersey Motor Vehicle Commission (Commission), the Commission will verify the applicant's successful completion of ELDT training. Effective February 7, 2022, New Jersey must verify an applicant's completion of the required training, through the TPR, when the applicant seeks to do any of the following: obtain a CDL for the first time, upgrade an existing CDL, or obtain an initial passenger (P), school bus (S), or hazardous materials (H) endorsement.

Applicants subject to ELDT requirements must complete a prescribed program of instruction by an approved training provider listed on FMCSA's TPR before taking their knowledge and/or skills test to be issued an initial CDL or to upgrade a CDL or one of the affected initial endorsements. Training providers must submit electronic notification to the FMCSA that an individual completed the required training. The Commission will then query the TPR to verify an applicant's completion of the required ELDT training. The Commission will be responsible for verifying an applicant driver's successful completion of the required ELDT training before administering any applicable State knowledge or skills tests.

The following is a summary of the amendments that the Commission is proposing:

N.J.A.C. 13:21-23.2(a)2 is proposed for amendment to include the requirement that ELDT must be successfully completed prior to an applicant driver obtaining an initial CDL, an upgraded CDL, or an initial passenger (P), school bus (S), or hazardous materials (H) endorsement.

N.J.A.C. 13:21-23.3 is proposed for amendment to include reference to the new language at N.J.A.C. 13:21-23.2 requiring ELDT. Further, the section is amended to require the Commission to verify successful completion of ELDT prior to the administration of any knowledge or skills test.

N.J.A.C. 13:21-23.6 is proposed for amendment to include that, effective February 7, 2022, successful completion of ELDT is required prior to the issuance of CDL endorsements.

N.J.A.C. 13:21-23.10 is proposed for amendment to include the requirement that successful completion of ELDT is required before a CDL examination permit holder is eligible to take the required CDL knowledge or skills test.

N.J.A.C. 13:21-23.12 is proposed for amendment to require successful completion of ELDT prior to the knowledge and skills test required for a passenger (P) endorsement.

N.J.A.C. 13:21-23.14 is proposed for amendment to require successful completion of ELDT prior to the knowledge test required for a hazardous materials (H) endorsement.

N.J.A.C. 13:21-23.15 is proposed for amendment to require successful completion of ELDT prior to the knowledge and skills test required for a school bus (S) endorsement.

As the Commission has provided a 60-day comment period on this of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Commission anticipates that the proposed amendments will have a positive social impact on New Jersey drivers as individuals who are first time CDL applicants, applicant drivers upgrading their CDL, and applicant drivers seeking to obtain an initial passenger (P), school bus (S), or hazardous materials (H) endorsement because they will be required by the Federal government to obtain specific ELDT training, which will improve safety on the roads and for the residents of the State. The additional Federally mandated training is expected to equip new CDL and initial endorsement holders with training they need to safely operate CMVs.

Economic Impact

The proposed amendments will have an additional economic impact on driver applicants applying for a CDL for the first time, upgrading an existing CDL, or obtaining a passenger (P), school bus (S), or hazardous materials (H) endorsement for the first time. These driver applicants, or their employers, if their employers are absorbing the cost, will bear the cost of the Federally mandated ELDT training, which is anticipated to range from several hundred to several thousand dollars per course. Further, training providers registered with the TPR will benefit economically from the influx of ELDT trainees, because those trainees or their employers will be required to pay the providers for ELDT.

Federal Standards Statement

The proposed amendments are subject to, but do not exceed, Federal standards. The proposed amendments are intended to implement and comply with Federal law, specifically 49 CFR 380, 383, and 384.

Jobs Impact

The Commission does not anticipate that there will be any impact on jobs as a result of the proposed amendments.

Agriculture Industry Impact

Those involved in transportation for the agricultural industry otherwise subject to CDL or endorsement requirements will be required to comply with ELDT.

Regulatory Flexibility Statement

The Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., defines a "small business" as any business in this State that employs fewer than 100 employees full-time, is independently owned and operated, and is not dominant in its field. The proposed amendments do not impose reporting, recordkeeping, or other compliance requirements, as any requirements would be as a result of the Federal law change. These may be imposed on small businesses if small businesses elect to become approved training providers through the FMCSA's TPR. The proposed amendments may also impact small businesses that hire or employ individuals with CDLs or certain endorsements to their CDL, but it is the responsibility of the individual, rather than the small business, to ensure compliance with the new ELDT requirements.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on housing affordability or on the average cost of housing because the rules pertain to ELDT for CDL applicants and CDL endorsements.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain to ELDT for CDL applicants and CDL endorsements.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 23. COMMERCIAL DRIVER LICENSING

13:21-23.2 Driver application procedures; initial; examination permit; transfer from another state; renewal; upgrade; endorsements; form; fee; legal name defined

(a) To obtain a CDL, a person must meet the following requirements:
1. (No change.)

2. Pass a driving or skills test in accordance with the standards [contained in] **at N.J.A.C. 13:21-23.8 through 23.15, taken in a motor vehicle [which] that is representative of the type of motor vehicle the person operates, or expects to operate, or provide evidence that he or she has successfully passed a driving test administered by an authorized third party[.]. If the applicant is applying for the first time for a Class A or B CDL, or the applicant is applying to upgrade to a Class A or B CDL, on or after February 7, 2022, the applicant must complete driver training from a provider listed on the Training Provider Registry, and in accordance with the requirements set forth at 49 CFR 380, including Subparts F and G thereof, 49 CFR 383 and 384. If the applicant is seeking to obtain for the first time, a passenger (P), school bus (S), or hazardous materials (H) endorsement, on or after February 7, 2022, the applicant must complete driver training related to that endorsement from a provider listed on the Training Provider Registry, and in accordance with the requirements set forth at 49 CFR 380, including Subparts F and G thereof, 49 CFR 383 and 384;**
3.-8. (No change.)

(b)-(l) (No change.)

13:21-23.3 Driver testing and licensing; initial licenses; license transfers; renewals; upgrades; issuance; penalties for false information; penalties for conviction of fraud; penalties for receipt of credible information of fraud; reciprocity

(a) Prior to issuing a CDL to a person, the Commission shall:
1.-3. (No change.)

4. Request the applicant's complete driving record from all [States] **states** where the applicant was previously licensed over the last 10 years to drive any type of motor vehicle[.];

5. If the applicant is applying for a hazardous materials endorsement, ensure that the applicant has:

i. (No change.)

ii. On or after January 31, 2005, received a Notification of No Security Threat from the TSA[.];

6. Require the driver applicant, if he or she has moved from another state, to surrender his or her driver's license issued by another state[.]; **and**

7. **Verify the applicant's completion of required training using data made available by the Training Provider Registry, as mandated at 49 CFR 380, including Subparts F and G thereof, 49 CFR 383 and 384.**

(b)-(c) (No change.)

(d) Prior to issuing an upgrade of a CDL, the Commission shall:

1. Require such driver applicant to obtain an examination permit, provide certifications and pass tests as described [in] **at N.J.A.C. 13:21-23.2[(e)];**

2. Complete a check of the driver applicant's record as described [in] **at (a)3 above; [and]**

3. If the driver applicant is applying for a hazardous materials endorsement:

i. (No change.)

ii. On or after January 31, 2005, ensure that the driver applicant has received a Notification of No Security Threat from the TSA[.]; **and**

4. **Verify the applicant's completion of required training using data made available by the Training Provider Registry, as mandated at 49 CFR 380, including Subparts F and G thereof, 49 CFR 383 and 384.**

(e)-(j) (No change.)

13:21-23.6 Endorsements; descriptions; testing requirements

(a) **If an applicant is seeking to obtain for the first time, a passenger (P), school bus (S), or hazardous materials (H) endorsement, on or after February 7, 2022, the applicant must complete driver training related to that endorsement from a provider listed on the Training Provider Registry, and in accordance with the requirements set forth at 49 CFR 380, including Subparts F and G thereof, 49 CFR 383 and 384.** In addition to taking and passing the knowledge and skills tests described [in] **at N.J.A.C. 13:21-23.8 through 23.15,** all persons who operate or expect to operate the type(s) of motor vehicles described [in] **at (b) below** shall take and pass specialized tests to obtain each endorsement. The Commission shall issue **initial** CDL endorsements only to drivers who successfully complete the [tests] **required entry-level driver training.**

(b)-(c) (No change.)

13:21-23.10 Required skills; control skills; safe driving skills; air brake skills; test area; simulation; out-of-State testing; time requirement between knowledge test and skills test

(a)-(f) (No change.)

(g) **If the applicant is applying for the first time for a Class A or B CDL, or the applicant is applying to upgrade to a Class A or B CDL, on or after February 7, 2022, the applicant must complete driver training from a provider listed on the Training Provider Registry, and in accordance with the requirements set forth at 49 CFR 380, including Subparts F and G thereof, 49 CFR 383 and 384, before that applicant can become eligible to take the required tests set forth at (f) above.**

13:21-23.12 Requirements for passenger endorsement

(a) (No change.)

(b) **An applicant seeking to obtain a passenger endorsement for the first time, on or after February 7, 2022, must complete driver training related to that endorsement from a provider listed on the Training Provider Registry, and in accordance with the requirements set forth at 49 CFR 380, including Subparts F and G thereof, 49 CFR 383 and 384, prior to taking the knowledge and skills tests required in this section.**

13:21-23.14 Requirements for hazardous materials endorsement; waiver of knowledge test

(a)-(b) (No change.)

(c) **An applicant seeking to obtain a hazardous materials endorsement for the first time, on or after February 7, 2022, must complete driver training related to that endorsement from a provider listed on the Training Provider Registry, and in accordance with the requirements set forth at 49 CFR 380, including Subparts F and G thereof, 49 CFR 383 and 384, prior to taking the knowledge test required in this section.**

13:21-23.15 Requirements for a school bus endorsement

(a) An applicant for a school bus endorsement must satisfy the following [three] **four** requirements:

1.-3. (No change.)

4. **An applicant seeking to obtain a school bus endorsement for the first time, on or after February 7, 2022, must complete driver training related to that endorsement from a provider listed on the Training Provider Registry, and in accordance with the requirements set forth at 49 CFR 380, including Subparts F and G thereof, 49 CFR 383 and 384, prior to taking the knowledge and skills tests required in this section.**

(b) (No change.)