

unlikely that the proposed amendments or new rule would evoke a change in the average costs associated with housing because the proposed amendments and new rule concern the regulation of weapons.

#### Smart Growth Development Impact Analysis

The proposed amendments and new rule will have an insignificant impact upon smart growth and there is an extreme unlikelihood that the proposed amendments or new rule would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the proposed amendments and new rule concern the regulation of weapons.

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

#### SUBCHAPTER 1. FIREARMS PURCHASER IDENTIFICATION CARD AND PERMIT TO PURCHASE A HANDGUN

##### 13:54-1.2 Definitions

The words and terms used in this chapter shall have the following meanings:

...  
**“Stun gun” means any weapon or other device that emits an electrical charge or current intended to temporarily or permanently disable a person.**  
 ...

##### 13:54-1.3 State of New Jersey [Firearms] **firearms** identification card or permit to purchase a handgun and form of register required; **prohibition on sale of certain weapons**

(a) No person, other than a licensed or registered retail or wholesale dealer, shall receive, purchase, or otherwise acquire a rifle, shotgun, or antique cannon, other than an antique rifle or shotgun, unless that person possesses and exhibits a valid firearms purchaser identification card. No person shall sell, give, transfer, assign, or otherwise dispose of a rifle, shotgun, or antique cannon, other than an antique rifle or shotgun, to a person other than a licensed or registered retail or wholesale dealer, unless the buyer or receiver possesses and exhibits a valid firearms purchaser identification card. No person shall sell, acquire, or possess a sawed-off shotgun. **No person shall sell, give, transfer, assign, or otherwise dispose of a stun gun to a person under 18 years of age, and no person under 18 years of age shall receive, purchase, or otherwise acquire a stun gun.**

(b)-(d) (No change.)

#### SUBCHAPTER 5. MACHINE GUNS, ASSAULT FIREARMS, [AND] LARGE CAPACITY AMMUNITION MAGAZINES, AND STUN GUNS

##### 13:54-5.8 Possession of a stun gun by a minor

**No person under 18 years of age shall possess a stun gun. Any stun gun possessed by a person under the age of 18 shall be subject to confiscation by law enforcement.**

(a)

## DIVISION OF STATE POLICE

### Motor Carrier Safety Regulations

#### Proposed Amendments: N.J.A.C. 13:60-1.2 and 2.1

#### Proposed Repeal: N.J.A.C. 13:60 Appendix

Authorized By: Colonel Joseph R. Fuentes, Superintendent, Division of State Police.

Authority: N.J.S.A. 39:5B-32.

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

Proposal Number: PRN 2017-188.

Submit comments in writing to:

Colonel Joseph R. Fuentes, Superintendent  
 Division of State Police  
 Attn: Transportation Safety Bureau  
 3925 U.S. Route 1  
 Princeton, N.J. 08540  
 or electronically at: [NJADOPTION@gw.njsp.org](mailto:NJADOPTION@gw.njsp.org).

The agency proposal follows:

#### Summary

The Superintendent of the Division of State Police (Superintendent), under the authority of N.J.S.A. 39:5B-32, is proposing amendments to N.J.A.C. 13:60. At the direction of the Superintendent, the rules at N.J.A.C. 13:60 were reviewed and were found to be in need of minor amendments to ensure compliance with the Federal Motor Carrier Safety Regulations. In accordance with N.J.S.A. 39:5B-32, appropriate representatives of the Motor Vehicle Commission and Department of Transportation have been consulted on the proposed amendments.

N.J.A.C. 13:60 incorporates by reference Federal regulations adopted pursuant to the Surface Transportation Assistance Act of 1982 (49 U.S.C. §§ 31101, 31102, 31103, and 31104), as amended and supplemented. The Federal rules are collectively known as the Federal Motor Carrier Safety Regulations. The rules in the chapter apply to all motor carrier operators and vehicles engaged in interstate and intrastate commerce or used or operated wholly within a municipality. N.J.A.C. 13:60-1.2 explains the application of the chapter in further detail. The Superintendent proposes to amend N.J.A.C. 13:60-1.2 to update citations to applicable Federal regulations.

N.J.A.C. 13:60-2.1 incorporates by reference the Federal Motor Carrier Safety Regulations. The Superintendent proposes to amend this section by adding a new subsection (d) to incorporate parts of the Federal regulations, including 49 CFR Part 390 (Federal Motor Carrier Safety Regulations: General) to conform with State intrastate commerce rules. Accordingly, the Superintendent proposes to repeal the Appendix to the Regulations Regarding Motor Carrier Safety Regulations and all references to this appendix in Chapter 60. The State of New Jersey enforces Federal regulations governing both motor carrier safety and the transportation of hazardous materials. The proposed amendments will permit New Jersey to continue these public safety programs, whose continuation has been directed by the Legislature pursuant to N.J.S.A. 39:5B-26 and 39:5B-32.

Because a 60-day comment period has been provided on 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.

#### Social Impact

The proposed amendments and repeal impact motor carriers, motor carrier operators, and persons operating commercial motor vehicles in intrastate commerce, in that they will be required to comply with, and be knowledgeable of, current Federal Motor Carrier Safety Regulations as found at 49 CFR 350.341(e) and the Appendices to those Federal regulations as found in the Code of Federal Regulations (currently revised as of February 1, 2017). Adoption of these Federal regulations does not impose any new burden on those operating in intrastate commerce since they are required to comply with most Federal Motor Carrier Regulations.

#### Economic Impact

It is anticipated that the proposed amendments and repeal will have no additional economic impact on motor carriers, motor carrier operators, or persons operating commercial motor vehicles in intrastate commerce. Pursuant to P.L. 1991, c. 491, section 1 (amending N.J.S.A. 39:5B-32) this group of commercial motor carrier operators was required to comply substantially with the Federal Motor Carrier Safety Regulations. Although Federal law does not mandate that this group comply absolutely with the Federal Motor Carrier Safety Regulations, it does condition New Jersey's participation in the Federal safety enforcement programs and receipt of Federal aid upon the State requiring substantial compliance.

**Federal Standards Statement**

A Federal standards analysis is not required because the proposed amendments and repeal contain standards that are the same as those imposed by Federal law, except where State law has modified the Federal rules for intrastate applicability. Federal law requires motor carriers and operators in interstate commerce to comply with Federal Hazardous Material Regulations and Federal Motor Carrier Safety Regulations. Federal law encourages states to require the intrastate industry to substantially comply with these regulations by conditioning states' receipt of Federal aid for participation in the Federal safety-enforcement programs upon the states' intrastate industry substantial compliance with applicable Federal regulations.

**Jobs Impact**

The proposed amendments and repeal should not result in the loss of jobs. The proposed amendments continue safety rules with which the industry is familiar and to which the industry has already adapted.

**Agriculture Industry Impact**

The proposed amendments and repeal will have no impact on agriculture in the State of New Jersey.

**Regulatory Flexibility Statement**

The proposed amendments and repeal will continue to impose reporting, recordkeeping, and compliance requirements on motor carriers and their personnel by the Federal Motor Carrier Safety Regulations if they are involved in interstate or intrastate commerce and are operating a vehicle or commercial motor vehicle within the applicable definitions, but does not impose any new requirements. Motor carriers, motor carrier operators and their personnel, and operators of vehicles that transport, in interstate or intrastate commerce, hazardous material(s) in quantities requiring hazardous material(s) placarding or displaying a hazardous material(s) placard will also be subject to reporting, recordkeeping, and compliance requirements. An undetermined number of the entities affected by this rulemaking may be small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments implement State statutory directives mandating compliance or compatibility with Federal regulations. No differentiation in requirements or exemptions can be afforded such businesses due to the Federally mandated nature of the rules and the legislative objective to protect the health and safety of the public. Professional services are not required for compliance.

**Housing Affordability Impact Analysis**

The proposed amendments and repeal will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the amendments and repeal would evoke a change in the average costs associated with housing because the proposed amendments and repeal concern motor carrier safety.

**Smart Growth Development Impact Analysis**

The proposed amendments and repeal will not have any impact upon the achievement of smart growth and it is unlikely that the amendments and repeal 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 proposed amendments and repeal concern motor carrier safety.

**Full text** of the rule proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 13:60 Appendix.

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

SUBCHAPTER 1. GENERAL REQUIREMENTS

13:60-1.1 Purpose

This chapter [and appendix] establishes rules and regulations concerning the qualifications of motor carrier operators and vehicles engaged in interstate or intrastate commerce or used or operated wholly within a municipality or a municipality's commercial zone, which substantially conform to the requirements established pursuant to sections 401 to 404 of the "Surface Transportation Assistance Act of 1982," Pub. L. 97-424 (49 U.S.C. §§ 31101-31104) and the Federal

"Motor Carrier Safety Act," Pub. L. 98-554 (49 U.S.C. §§ 31131 et seq.), by adopting and incorporating by reference: the "Federal Motor Carrier Safety Regulations," and all supplements and amendments thereto; and Appendices to the "Federal Motor Carrier Safety Regulations," and all supplements and amendments thereto.

13:60-1.2 Application

(a) The provisions of this chapter [and appendix] are applicable to every motor carrier and every person, including drivers, agents, employees, and representatives, involved or in any manner related to:

1.-4. (No change.)

5. The transportation in a commercial motor vehicle, as defined at [N.J.S.A. 39:3-10.11,] **49 CFR 390.5, to the extent and not inconsistent with this chapter and N.J.A.C. 13:60-2.1(d)**, in intrastate commerce of any non-hazardous material(s) cargo; **and**

6. The operation of a commercial motor vehicle, as defined at [N.J.S.A. 39:3-10.11] **49 CFR 390.5**, and subject to any prevailing requirements of (a)3 above, in intrastate commerce or wholly within a municipality or a municipality's commercial zone.

(b) All officers, agents, representatives, drivers, and employees of motor carriers involved or concerned with the management, maintenance, operation, or driving of any motor vehicle or vehicles, subject to these regulations, shall be conversant and knowledgeable with the rules and regulations set forth in this chapter [and appendix].

(c) The provisions of this chapter [and appendix] shall not apply to a farm vehicle registered in this State, pursuant to the provisions of N.J.S.A. 39:3-24 and 39:3-25, provided the farm vehicle is operating:

1.-4. (No change.)

13:60-1.3 Definitions and general requirements

(a) For the purposes of this chapter [and appendix], and unless another definition is specified, the terms set forth below are defined as follows:

(b) Throughout this chapter [and appendix] there are references to Federal rules and regulations pertaining to motor carrier safety, adopted by, or on behalf of, the Secretary or adopted or incorporated, by reference, herein by the Superintendent, pursuant to this chapter [and appendix], or the Commissioner, at N.J.A.C. 16:49. For convenience, those Federal rules and regulations and any supplements and amendments thereto may be cited in this chapter [and appendix] in one or all of the following forms:

1.-3. (No change.)

(c) This chapter establishes minimum standards of compliance concerning the qualifications of motor carrier operators and vehicles, operating in this State in interstate or intrastate commerce or used or operated wholly within a municipality or a municipality's commercial zone. Therefore, in the event of a conflict between this chapter [and appendix] and any other State regulation, except as otherwise provided by statute or law, the stricter, more stringent standard shall apply and govern.

(d) Whenever the term "interstate" is used in the Federal Motor Carrier Safety Regulations, adopted and incorporated, by reference, herein, and all supplements and amendments thereto, it shall, for the purpose of this chapter [and appendix], mean or include both "interstate" and "intrastate" transportation in commerce and those vehicles used or operated wholly within a municipality or a municipality's commercial zone except where stated otherwise.

(e) If any section, subsection, clause or provision of this chapter [and appendix] shall be adjudged unconstitutional or to be ineffective or invalid in whole or in part, to the extent that it is not adjudged unconstitutional or is not ineffective or is not invalid, it shall be valid and effective and no other section, subsection, clause or provision of this chapter [and appendix] shall, on account thereof, be deemed unconstitutional, invalid or ineffective, and the inapplicability or invalidity of any section, subsection, clause or provision of this chapter [and appendix] in any one or more instances or under any one or more circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance or under any other circumstance. To this end, the provisions of this regulation are declared to be severable.

(f) (No change.)

(g) The provisions and requirements of these regulations as well as the Federal Motor Carrier Safety Regulations adopted and incorporated, by reference, herein, and all supplements and amendments thereto, and made a part hereof as if set forth in full, are applicable to all motor vehicles, as defined in this chapter [and appendix], engaged in transportation in interstate and intrastate commerce or operating in interstate and intrastate commerce or used or operated wholly within a municipality or a municipality's commercial zone, as well as all motor vehicles engaged in transportation of hazardous material(s) in a quantity requiring hazardous material(s) placarding or displaying hazardous material(s) placarding unless specifically stated otherwise.

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

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

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

1.-2. (No change.)

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

1.-22. (No change.)

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

**(d) As stated in (a) and (b) above, this chapter generally incorporates 49 CFR Parts 40, 325, 350, 355, 380, 382, 383, 384, 385, 387, 388, and 390 through 398, inclusive, by reference. The following modifications, additions, and deletions apply to those parts:**

**1. The definition of "commercial motor vehicle" in 49 CFR 390.5 (relating to definitions) is modified to read as follows:**

**"Commercial motor vehicle" means any self-propelled or towed motor vehicle used on a highway in intrastate commerce to transport passengers or property when the vehicle:**

**i. Has a gross vehicle weight rating or gross combination weight rating, or a registered weight of 4,536 kg (10,001 pounds) or more, whichever is greater;**

**ii. Is designed or used to transport more than 8 passengers (including the driver) for compensation;**

**iii. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or**

**iv. Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. § 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under Part 49, Subtitle B, Chapter I,**

**Subchapter C or the vehicle displays a hazardous material(s) placard.**

**2. 49 CFR 392.9b(a) (relating to USDOT registration required) is modified to read as follows:**

**A commercial motor vehicle providing transportation in intrastate commerce must not be operated without a USDOT registration and an active USDOT Number.**

**3. 49 CFR 395.3(a)(2) (relating to maximum driving time for property carrying vehicles) by utilizing 49 CFR 350.341(e)(1) variance is modified to read as follows:**

**16-hour period. While operating in intrastate commerce, a driver may drive only during a period of 16 consecutive hours after coming on duty following 10 consecutive hours off duty. The driver may not drive after the end of the 16-consecutive-hour period without first taking 10 consecutive hours off duty.**

**4. 49 CFR 395.3(a)(3)(i) (relating to maximum driving time for property carrying vehicles) by utilizing 49 CFR 350.341(e)(1) variance is modified to read as follows:**

**Driving time. While operating in intrastate commerce, a driver may drive a total of 12 hours during the 16-hour period specified in paragraph (d)(3) above.**

**5. 49 CFR 395.3(b)(1) and (2) (relating to maximum driving time for property carrying vehicles) by utilizing 49 CFR 350.341(e)(2) is modified to read as follows:**

**i. While operating in intrastate commerce, having been on duty 70 hours in any period of 7 consecutive days if the employing motor carrier does not operate commercial motor vehicles every day of the week; or**

**ii. While operating in intrastate commerce, having been on duty 80 hours in any period of 8 consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.**

**(a)**

**DIVISION OF GAMING ENFORCEMENT**

**Applications**

**Proposed Amendment: N.J.A.C. 13:69A-1.4**

Authorized By: David Rebeck, Director, Division of Gaming Enforcement.

Authority: N.J.S.A. 5:12-69.a, 70.a, 76.k, and 99.a.

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

Proposal Number: PRN 2017-208.

Submit written comments by October 20, 2017, to:

Charles F. Kimmel, Deputy Attorney General  
Division of Gaming Enforcement  
1300 Atlantic Avenue  
Atlantic City, NJ 08401  
or electronically at: [rulecomments@njdge.org](mailto:rulecomments@njdge.org).

The agency proposal follows:

**Summary**

The Division of Gaming Enforcement (Division) proposes an amendment to N.J.A.C. 13:69A-1.4 to delete the limitation that any single employee is issued less than 12 temporary credentials in a 12-month period. The credentials are issued by the casino security department and are used to permit an employee access to an area that such employee's regular work assignment would not permit him or her to access. If an employee is temporarily reassigned for a specific project, such employee might have to access an area outside his or her normal work zone and would need a new temporary access credential each new shift. There is no regulatory reason to limit such temporary access if the casino licensee has a business need for such temporary reassignments.

This notice of proposal is not required to be referenced in a rulemaking calendar since a public comment period of 60 days is being provided. See N.J.A.C. 1:30-3.3(a)5.