

completed during the triennial period immediately prior to the renewal period for which reinstatement is sought, consistent with the requirements set forth in N.J.A.C. 13:31-5.5.

i. An applicant who holds a valid, current license or certificate of registration in good standing issued by another state to perform or supervise electrical work as provided in N.J.S.A. 45:5A-18(k) and (l), and N.J.A.C. 13:31-3.4 and submits proof of having satisfied that state's continuing education requirements for that certification of registration, shall be deemed to have satisfied the requirements of (a)6 above. If the other state does not have any continuing education requirements, the requirements of (a)6 above shall apply.

ii. To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the triennial period for which reinstatement is sought, the Board will allow applicants to take the courses within 12 months following reinstatement. If the Board concludes, in accordance with (b) below, that there are practice deficiencies in need of remediation, then (b) below shall apply.

(b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reinstatement of the certificate of registration. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant as a condition of reinstatement of the certificate of registration to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations, as the Board determines are necessary to assure that the applicant practices with reasonable skill and safety. The Board in its discretion may restore the certificate of registration subject to the applicant's completion of the training within a period of time prescribed by the Board following the restoration of the certificate of registration. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following factors including, but not limited to:

1. Length of duration certificate of registration was suspended;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license or registration by any licensing board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of electrical contracting or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
6. Pending proceedings against a professional or occupational license, registration, or certificate issued to the applicant by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. Civil litigation related to the practice of a qualified journeyman electrician or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

Recodify existing 13:31-5.4 and 5.5 as 5.5 and 5.6  
(No change to text.)

**(a)**

**DIVISION OF STATE POLICE  
Motor Carrier Safety Regulations  
Proposed Readoption with Amendments: N.J.A.C.  
13:60**

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 2014-149.

Submit comments by November 14, 2014, in writing to:

Colonel Joseph R. Fuentes, Superintendent  
Division of State Police  
Attn: Transportation Safety Bureau  
3925 US Route # 1  
Princeton, N.J. 08540  
[Lpp5024@gw.njsp.org](mailto:Lpp5024@gw.njsp.org)

The agency proposal follows:

**Summary**

Pursuant to Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, rules adopted by the Superintendent of the Division of State Police (Superintendent) under the authority of N.J.S.A. 39:5B-32 are proposed for readoption with amendments. The existing rules at N.J.A.C. 13:60 are scheduled to expire on August 20, 2014, pursuant to N.J.S.A. 52:14B-5.1.b. As the Superintendent has filed this notice of readoption prior to that date, the expiration date is extended 180 days to February 16, 2015, pursuant to N.J.S.A. 52:14B-5.1.c(2).

In accordance with N.J.S.A. 39:5B-32, appropriate representatives of the Motor Vehicle Commission and Department of Transportation have been consulted. At the direction of the Superintendent, these rules have been reviewed to determine their continuing usefulness and necessity. The rules were found to be necessary, reasonable, and proper for the purposes for which they were originally promulgated. The Superintendent has determined, however, to readopt the rules with amendments.

Subchapter 1 contains general requirements. N.J.A.C. 13:60-1.1 states the purpose of the rules, which is to incorporate by reference Federal regulations adopted pursuant to the Surface Transportation Assistance Act of 1982 (49 U.S.C. §§ 31101-31104) 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. N.J.A.C. 13:60-1.3 contains definitions and rules concerning the applicability of specific rules. N.J.A.C. 13:60-1.4 lists penalties for violations. N.J.A.C. 13:60-1.5 lists where the incorporated documents may be obtained. N.J.A.C. 13:60-1.6 lists sources of assistance for compliance.

Subchapter 2 adopts the Federal regulations by reference and includes an Appendix listing Federal rules by section and any modifications to those rules for intrastate operators and vehicles. N.J.A.C. 13:60-2.1 incorporates by reference the Federal Motor Carrier Safety Regulations.

The Superintendent proposes to amend Appendix A, which lists the Federal regulations that are incorporated by reference in N.J.A.C. 13:60-2.1 and the modifications and revisions of the Federal rules (in those instances where there are modifications or revisions). Specifically, the Superintendent proposes to amend the chapter appendix to incorporate additional parts of the Federal regulations, including 49 CFR Part 390 (Federal Motor Carrier Safety Regulations: General). Section 390.5 Definitions, is amended to conform with Federal weight limits in (a) and (b), lower passenger requirements in (c) and (d), and to update the citation of Federal regulations for hazardous material quantities. The Superintendent proposes to amend the commercial motor vehicle definition in Section 390.21 to refer to a vehicle as defined in N.J.S.A. 39:3-10.11(a) and (b). The Superintendent proposes to delete the modification to Section 390.41, Physical qualifications for drivers, which grandfathered drivers who did not meet Federal MCSAP requirements. The Superintendent proposed to add Section 393.81, Horn. The Superintendent proposed to amend Section 395.3 on maximum driving time to incorporate the Federal standards on maximum driving time and mandatory rest periods for property carriers.

The State of New Jersey enforces Federal regulations governing both motor-carrier safety and the transportation of hazardous materials. The rules proposed for readoption with amendments will permit New Jersey to continue these public-safety programs, whose continuation has been directed by the Legislature at 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 rules proposed for readoption with amendments impacts 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 October 1, 2013). 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 rules proposed for readoption with amendments 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, § 1, amending N.J.S.A. 39:5B-32, this group was required substantially to comply with the Federal Motor Carrier Safety Regulations. Although Federal law does not absolutely mandate that this group comply 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's requiring substantial compliance.

#### Federal Standards Statement

A Federal standards analysis is not required because the rules proposed for readoption with amendments contain standards that are the same as those imposed by Federal law, except where State law has modified the Federal rules for intrastate applicability. Pursuant to the Surface Transportation Assistance Act of 1982 (49 U.S.C. §§ 31101-31104) and the Federal Motor Carrier Safety Act (49 U.S.C. §§ 31131 et seq.), the rules proposed for readoption with amendments incorporate by reference the Federal Motor Carrier Safety Regulations (49 CFR Parts 40, 325, 350, 355, 380, 382, 383, 384, 385, 387, 388, and 390 through 398) and the Federal Hazardous Materials Regulations (49 CFR Parts 171, 172, 173, 174, 177, 178, 179, and 180), except to the extent that State law modifies those regulations. 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 substantially to 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 to Federal regulations.

#### Jobs Impact

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

#### Agriculture Industry Impact

The rules proposed for readoption with amendments will have no impact on agriculture in the State of New Jersey.

#### Regulatory Flexibility Analysis

The rules proposed for readoption with amendments 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. 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 readoption may be small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules 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 regulations 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 rules proposed for readoption with amendments will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules concern regulations for motor carrier safety.

#### Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments will not have any impact upon the achievement of smart growth or 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 rules concern regulations for motor carrier safety.

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

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

#### APPENDIX TO THE REGULATIONS REGARDING MOTOR CARRIER SAFETY REGULATIONS

Subject to the provisions of N.J.A.C. 13:60-2.1(c), this Appendix to the Regulations Regarding Motor Carrier Safety Regulations lists the adopted and incorporated, by reference, portions of the Federal Motor Carrier Safety Regulations, by Part, Subpart, Section, or Appendix. Parts, Subparts, Sections, or Appendices are listed by letter or number and by title to identify content for the reader. Modifications, revisions, amendments, and/or delays in implementation are stated within the appropriate Part(s), Subpart(s), Section(s), or Appendices. Omitted sections are identified with the notation "(This Section intentionally omitted)."

#### CHAPTER III - FEDERAL HIGHWAY ADMINISTRATION DEPARTMENT OF TRANSPORTATION

#### SUBCHAPTER B - FEDERAL MOTOR CARRIER SAFETY REGULATIONS

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#### PART 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

#### Subpart A - General Applicability and Definitions

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#### Section 390.5 – Definitions.

(Section 390.5 is revised to state the following:)

"Commercial Motor Vehicle—Intrastate Commerce" means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property in intrastate commerce:

(a) If the vehicle has a gross vehicle weight rating of [26,001] **4,536 kg (10,001)** or more pounds or displays a gross vehicle weight rating of [26,001] **4,536 kg (10,001)** or more pounds, **whichever is greater**;

(b) If the vehicle has a gross combination weight rating of [26,001] **4,536 kg (10,001)** or more pounds inclusive of a towed unit [with a gross vehicle weight rating of more than 10,000 pounds], **whichever is greater**;

(c) If the vehicle is designed or used to transport [16] **8** or more passengers including the driver **for compensation**;

(d) If the vehicle is designed or used to transport [8 or more but less than 16 persons] **more than 15 passengers**, including the driver, and is not used to transport [such persons for hire on a daily basis to and from places of employment] **passengers for compensation**; or

(e) If the vehicle is transporting or used in the transportation of [hazardous] material(s) [and is] **found by the Secretary of Transportation to be hazardous under 49 U.S.C. § 5103 and transported in a quantity** required to be placarded [in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations (**under**

regulations prescribed by the Secretary under Part 49 [C.F.R. § 172.500 et seq.], Subtitle B, Chapter I, Subchapter C or the vehicle displays a hazardous material(s) placard.

Subpart B - General Requirements and Information

Section 390.21 – Marking of CMVs.

(Section 390.5 is revised to state the following:)

A commercial motor vehicle [operated in intrastate commerce] as defined in N.J.S.A. 39:3-10.11(a) and (b) shall be subject to the provisions of N.J.S.A. 39:4-46.b.

PART 391 - QUALIFICATIONS OF DRIVERS

Subpart E - Physical Qualifications and Examinations.

Section 391.41 – Physical qualifications for drivers.

[(Section 391.41 is modified to state the following:)

A driver engaged in intrastate commerce, who possesses a valid New Jersey Commercial Driver License (CDL) as of September 20, 1993, but who is not physically qualified to drive under Section 391.41(b) of this Subchapter may continue to drive a motor vehicle, unless the driver is transporting hazardous material(s) requiring hazardous material(s) placarding in accordance with Subpart F of Part 172 of the Hazardous Materials Regulations ( 49 C.F.R. § 172.500 et seq.), or is operating a vehicle displaying a hazardous material(s) placard.]

PART 393 PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Subpart G - Miscellaneous Parts and Accessories

Section 393.81 - Horn. [(This Section intentionally omitted.)]

PART 395 – HOURS OF SERVICE OF DRIVERS

Section 395.3 [-] Maximum driving time.

(Section 395.3 is modified to state the following:)

**Subject to the exceptions and exemptions in 395.1:**

**(a) No motor carrier shall permit or require any driver used by it to drive a property carrying commercial motor vehicle, nor shall any such driver drive a property-carrying commercial motor vehicle:**

**1. Start of the work shift. A driver may not drive without first taking 10 consecutive hours off duty.**

**2. 16-hour period. A driver may drive only during a period of 16 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.**

**3. Driving time and rest breaks:**

**i. Driving time: A driver may drive a total of 12 hours during the 16-hour period specified in paragraph (a)2 of this section.**

**ii. Rest breaks: Driving is not permitted if more than eight hours have passed since the end of the driver’s last off-duty or sleeper-berth period of at least 30 minutes.**

**(b) No motor vehicle carrier shall permit or require a driver of a property-carrying commercial motor vehicle to drive, nor shall any driver drive a property-carrying commercial motor vehicle, regardless of the number of motor carriers using the driver’s services, for any period after:**

**1. Having been on duty 70 hours in any period of seven consecutive days, if the employing motor carrier does not operate commercial motor carriers every day of the week or;**

**2. Having been on duty 80 hours in any period of eight consecutive days if the employing motor carrier operates commercial motor vehicles every day of the week.**

The [provision] modifications of Section 395.3 [does] do not apply to intrastate drivers of commercial motor vehicles [weighing 26,001 pounds

or more operating in intrastate commerce provided that these vehicles are not designed to transport 16 or more passengers, including the driver,] **designed** or used in the transportation of hazardous materials and required to be placarded in accordance with 49 [C.F.R. §§] **CFR** 172.500 et seq., or display a hazardous materials placard Intrastate drivers hours of service limitations are found at 49 [C.F.R.] **CFR** 350.341(e).

PART 397 TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES

Subpart A - General

Section 397.3 State and local laws, ordinances, and regulations. [(This Section intentionally omitted.)]

**STATE**

**(a)**

**NEW JERSEY CULTURAL TRUST**

**New Jersey Cultural Trust Rules**

**Proposed Readoption with Amendments: N.J.A.C. 15:27**

Authorized By: New Jersey Cultural Trust Board of Trustees, Thomas Carroll, Chairman.

Authority: N.J.S.A. 52:16A-72 et seq., specifically 52:16A-77.a.

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

Proposal Number: PRN 2014-147.

Submit written comments by November 14, 2014, to:

Sara Cureton  
New Jersey Cultural Trust  
P.O. Box 305  
Trenton, NJ 08625-0305  
Fax: (609) 633-8168  
E-mail: [sara.cureton@sos.state.nj.us](mailto:sara.cureton@sos.state.nj.us)  
Delivery: 225 West State Street, Trenton, NJ 08625

The agency proposal follows:

**Summary**

Pursuant to P.L. 2000, c. 76 (N.J.S.A. 52:16A-72 et seq.) the New Jersey Cultural Trust (Cultural Trust) was established to build a permanent, stable, and additional source of funding to support private, non-profit arts, history, and humanities organizations. The Trust’s purpose is to help build endowments, create institutional stability, and fund capital projects of qualified cultural organizations in New Jersey.

The Cultural Trust shall meet this purpose by allocating funds from the New Jersey Cultural Trust Fund (Fund) in accordance to the purposes and procedures established by the New Jersey Cultural Trust Act (the Act), N.J.S.A. 52:16A-72 et seq.

The New Jersey Cultural Trust promulgated rules for the New Jersey Cultural Trust Fund Program in September 2001, for the designation of qualified organizations, the certification of donations to the endowments of qualified organizations, the distribution of matching funds to the endowments of eligible organizations, and the award of grants for endowments, capital facilities projects, and financial and institutional stabilization in accord with the New Jersey Cultural Trust Act.

The Cultural Trust proposes to readopt N.J.A.C. 15:27 with amendments. This chapter is scheduled to expire on August 15, 2014. In accordance with N.J.S.A. 52:14B-5.1.c(2), the filing of this notice of proposal with the Office of Administrative Law extends the expiration date 180 days to February 11, 2015.

This chapter sets forth the rules of the Cultural Trust for the New Jersey Cultural Trust Fund Program for the award of grants for