

Effective Date: January 8, 2018.

New Expiration Date: January 8, 2025.

Take notice that pursuant to the provisions of N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 12:19 were scheduled to expire on February 10, 2018.

A summary of the sections proposed for readoption follows:

N.J.A.C. 12:19-1.1 sets forth the purpose of the chapter.

N.J.A.C. 12:19-1.2 contains definitions of words and terms used throughout N.J.A.C. 12:16 through 12:19.

N.J.A.C. 12:19-1.3 explains which conditions must be met for a partnership to be assigned a separate registration number and experience rating.

N.J.A.C. 12:19-1.4 outlines special employment relationships that exist for tax purposes.

The Department of Labor and Workforce Development has reviewed these rules and has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF STATE POLICE

Motor Carrier Safety Regulations

Adopted Amendments: N.J.A.C. 13:60-1.1, 1.2, 1.3 and 2.1

Adopted Repeal: N.J.A.C. 13:60 Appendix

Proposed: August 21, 2017, at 49 N.J.R. 2766(a).

Adopted: November 20, 2017, by Patrick J. Callahan, Acting

Superintendent, Division of State Police, with the approval of Christopher S. Porrino, Attorney General.

Filed: January 2, 2018, as R.2018 d.069, **without change**.

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

Effective Date: February 5, 2018.

Expiration Date: February 5, 2022.

Summary of Public Comment and Agency Response:

The official comment period has ended. **No comments were received.**

Federal Standards Statement

A Federal standards analysis is not required because the adopted 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. 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.

Full text of the adoption follows:

SUBCHAPTER 1. GENERAL REQUIREMENTS

13:60-1.1 Purpose

This chapter 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 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 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 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.

(c) The provisions of this chapter 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 unless another definition is specified, the terms set forth below are defined as follows:

...

(b) Throughout this chapter 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, 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 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 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, 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 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 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 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, 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, 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. 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 (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 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 (d) below. Those supplements and amendments are, pursuant to (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 CRIMINAL JUSTICE
VICTIMS OF CRIME COMPENSATION OFFICE
Rules Relating to the Practice and Procedure Before
the New Jersey Victims of Crime Compensation
Office**

**Adopted Amendments: N.J.A.C. 13:75-4.4, 4.7, 4.8,
4.9, and 4.10**

Proposed: August 21, 2017, at 49 N.J.R. 2776(a).

Adopted: November 27, 2017, by the Victims of Crime Compensation Office, Alvin Ricardo Little, Executive Director.

Filed: January 3, 2018, as R.2018 d.071, **without change**.

Authority: N.J.S.A. 52:4B-1 et seq., specifically 52:4B-9.

Effective Date: February 5, 2018.

Expiration Date: July 16, 2019.

Summary of Public Comment and Agency Response:

The official comment period ended October 20, 2017. **No comments were received.**

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendments.

Full text of the adoption follows:

SUBCHAPTER 4. COMPENSATION BENEFITS

13:75-4.4 Medical and counseling fees

(a) (No change.)

(b) Except for cases determined to be catastrophic in nature, the maximum award for unreimbursed and unreimbursable counseling expenses shall be \$20,000, notwithstanding the number of counseling sessions attended.

(c) (No change.)

13:75-4.7 Relocation

(a) The Office may award compensation for expenses incurred as a result of the relocation of a victim and his or her family, due to the incident forming the basis of the victim's claim where the Office determines there is a need to protect the health and safety of the victim and/or his or her family and that all other statutory requirements for eligibility are met. For purposes of this subsection, the term "victim"