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## **TRANSPORTATION**

### **MOTOR VEHICLE COMMISSION**

#### **Equipment for Emergency Vehicles and Other Specified Vehicles**

##### **Proposed Readoption with Amendments: N.J.A.C. 13:24**

Authorized By: Motor Vehicle Commission Board, Raymond P. Martinez, Chair.

Authority: N.J.S.A. 39:1-1, 39:2-3, 39:3-43, 39:3-50, 39:3-54, 39:3-54.7 et seq. and 39:3-69.

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

Proposal Number: PRN 2010-306.

Submit comments by February 4, 2011 to:

Steven E. Robertson, Director

Legal and Regulatory Affairs

Motor Vehicle Commission

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The agency proposal follows:

## Summary

This notice of proposal is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5. Since this notice is not listed in the agency rulemaking calendar, the public comment period for this notice will be 60 days.

The Motor Vehicle Commission ( the Commission) proposes to readopt with amendments the provisions of N.J.A.C. 13:24, Equipment for Emergency Vehicles and Other Specified Vehicles, in accordance with N.J.S.A. 52:14B-5.1 and the “sunset” and other provisions of Executive Order No. 66 (1978). Pursuant to Executive Order No. 1 (2010), the chapter expiration date is extended from March 10, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended rules are readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

The Commission has reviewed N.J.A.C. 13:24 and has found the rules to be necessary and required for the purpose for which they were promulgated. The rules that are the subject of this proposed readoption pertain to the use of emergency warning lights or sirens on various motor vehicles specified in the rules and set forth the permit application procedure in those instances in which a permit for such lights or sirens is required.

N.J.A.C. 13:24 contains eight subchapters that are briefly summarized below, together with proposed amendments to the various rules contained therein.

Subchapter 1 contains a rule that sets forth definitions of various words and terms used in N.J.A.C. 13:24. The Commission proposes to amend the definition of the term “authorized emergency vehicle” by substituting a reference to “a basic life

support ambulance” licensed by the New Jersey Department of Health and Senior Services in accordance with N.J.A.C. 8:40 for a reference to “an ambulance” licensed by that Department in accordance with said rules. This proposed amendment is consistent with rules promulgated at N.J.A.C. 8:40 by the Department of Health and Senior Services with regard to such vehicles, specifically N.J.A.C. 8:40-6.12(f), which provides in part that “[e]ach BLS [basic life support] ambulance shall be equipped with emergency warning devices, including red lights and a siren, so that it meets the definition of an authorized emergency vehicle as defined at N.J.S.A. 39:1-1 and N.J.A.C. 13:24-1.1.” The Commission further proposes to amend the definition of “authorized emergency vehicle” by substituting a reference to the New Jersey Office of “Homeland Security and Preparedness” for a reference to the New Jersey Office of “Counter-Terrorism.” This proposed amendment is consistent with Executive Order No. 5 (2006). The Commission further proposes to amend the definition of “authorized emergency vehicle” by providing that any vehicle bearing governmental registration, when being operated by a “humane law enforcement officer or agent” (changed from “member, officer, or agent”) of the New Jersey Society for the Prevention of Cruelty to Animals or of a “county” (changed from “district or county”) society for the prevention of cruelty to animals for purposes of enforcing “any law or ordinance enacted for the protection of animals” (changed from “N.J.S.A. 4:22-1 et seq.”) shall be considered approved as an authorized emergency vehicle. This proposed change is consistent with P.L. 2005, c. 372. A permit is not necessary for an “authorized emergency vehicle” as defined in N.J.A.C. 13:24-1.1 to be equipped with flashing emergency lights and sirens for use when being operated in response to an emergency.

Subchapter 2 sets forth rules pertaining to emergency lights and sirens used on certain vehicles, as well as red emergency light and siren permits. Included in this subchapter are rules concerning red lights on vehicles; flashing lights on vehicles; sirens, whistles or bells on vehicles; permit eligibility; permit application procedure; possession and exhibition of permit; permit cancellation or revocation; emergency light mounting and use requirements; and siren mounting requirements.

N.J.A.C. 13:24-2.2, which pertains to flashing lights on vehicles, is proposed for amendment. Subsection (f) of the rule is proposed for amendment, so as to provide a United States General Services Administration website address at which interested members of the public may access the Federal Specification for ambulances (KKK-A-1822) that is referenced in the subsection. The website address replaces an out-of-date mailing address for the United States General Services Administration, which is proposed for deletion from the subsection. Also, subsection (f) as proposed for amendment indicates that the above “referenced” Federal specification is approved by the “United States General Services Administration” (changed from “Commissioner, Federal Supply Service, United States General Services Administration”).

N.J.A.C. 13:24-2.8, which pertains to emergency light mounting and use requirements, is proposed for amendment. As proposed for amendment, paragraph (h)7 provides that “[v]ehicles bearing governmental registration, when being operated by a humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals or of a county society for the prevention of cruelty to animals for purposes of enforcing any law or ordinance enacted for the protection of animals, may use red emergency lights, or a combination of red and blue emergency

lights, during such time of operation.” This proposed amendment is consistent with P.L. 2005, c. 372 and with the aforementioned proposed amendment of the reference to such vehicles within the definition of the term “authorized emergency vehicle” in N.J.A.C. 13:24-1.1.

Subchapter 3 sets forth rules pertaining to red emergency lights and sirens used on certain vehicles owned or leased by certain persons engaged in emergency management or search and rescue operations. Included in this subchapter are rules concerning Municipal Emergency Management Coordinator and Deputy Municipal Emergency Management Coordinator permit application procedure; County Emergency Management Coordinator and Deputy County Emergency Management Coordinator permit application procedure; search and rescue team permit application procedure; period of permit validity and cancellation of same; red light and siren mounting and use requirements; permit possession and exhibition; and permit revocation.

Subchapter 4 sets forth rules pertaining to flashing amber light permits for certain vehicles, including tow trucks and service vehicles bearing commercial registration; snow-removal and/or sanding vehicles bearing commercial registration; vehicles operated by a rural route letter carrier while used in official duties; vehicles operated by a Department of Transportation employee required to use a vehicle owned or leased by him or her in the performance of his or her assigned duties; vehicles operated by an employee of a contractor or subcontractor of the New Jersey Department of Transportation required to use a vehicle owned or leased by him or her in the performance of his or her assigned duties at a Department of Transportation worksite; vehicles operated by an employee of a contractor or subcontractor of the New Jersey

Highway Authority or the South Jersey Transportation Authority required to use a vehicle owned or leased by him or her in the performance of his or her assigned duties at a worksite of the applicable Authority; and vehicles bearing commercial registration that provide security services for commercial businesses or private residences. Included in this subchapter are rules concerning permit eligibility; permit application procedure; permit possession and exhibition; amber light mounting requirements; permit revocation; and permit surrender.

N.J.A.C. 13:24-4.1, which pertains to permit eligibility, is proposed for amendment. Proposed for deletion from the rule is existing paragraph (a)4, which granted flashing amber light permit eligibility to a rural route letter carrier employed by the United States Postal Service who is required to use a vehicle owned or leased by him or her or a member of his or her family in the performance of his or her official duties as a rural route letter carrier. The paragraph proposed for deletion is no longer necessary in light of proposed new subsection (f), which eliminates the former flashing amber light permit requirement with regard to such rural route letter carriers employed by the United States Postal Service.

New paragraph (a)4 is proposed to allow an authorized public utility company employee to use amber lights on his or her personal vehicle if required to use a personal vehicle in the performance of his or her official duties as an employee. The proposed new paragraph (a)4 is consistent with N.J.S.A. 39:3-54.24.

Proposed for deletion from N.J.A.C. 13:24-4.1 is existing paragraph (a)5, which granted flashing amber light permit eligibility to an employee of the New Jersey Department of Transportation who is required to use a vehicle owned or leased by him

or her in the performance of his or her assigned duties as an employee. The paragraph proposed for deletion is no longer necessary in light of proposed new subsection (d) of the rule, which eliminates the former flashing amber light permit requirement with regard to such employees of the New Jersey Department of Transportation.

Proposed for deletion from N.J.A.C. 13:24-4.1 is existing paragraph (a)7, which granted flashing amber light permit eligibility to an employee of the New Jersey Highway Authority or the South Jersey Transportation Authority who is required to use a vehicle owned or leased by him or her in the performance of his or her assigned duties at a worksite of the applicable Authority. Paragraph (a)7 of the rule is proposed for deletion because it is no longer necessary in light of proposed new subsection (e), which eliminates the former flashing amber light permit requirement with regard to such employees of the specified Authorities.

The Commission further proposes to amend N.J.A.C. 13:24-4.1 by recodifying existing paragraph (a)8 as (a)6 and substituting the term “New Jersey Turnpike Authority” for the term “New Jersey Highway Authority.” The proposed amendment reflects the abolishment of the New Jersey Highway Authority and the transfer of its functions to the New Jersey Turnpike Authority pursuant to P.L. 2003, c. 79.

New subsection (d) provides that an authorized employee of the New Jersey Department of Transportation is allowed to use amber lights on his or her personal vehicle when required to use a personal vehicle in the performance of his or her official duties. Since such State employees are subject to supervision by a principal department of the State government (the New Jersey Department of Transportation), the additional supervision is redundant.

New subsection (e) provides that an authorized employee of the New Jersey Turnpike Authority or the South Jersey Transportation Authority is allowed to use amber lights on his or her personal vehicle when in the performance of his or her assigned duties at a worksite of the applicable Authority. Since such employees are subject to supervision by instrumentalities of the State (the New Jersey Turnpike Authority and the South Jersey Transportation Authority), the additional supervision is redundant. New subsection (f) provides that a rural route letter carrier employed by the United States Postal Service is allowed to use amber lights on his or her personal vehicle when required to use a personal vehicle in the performance of his or her official duties. Since such employees are subject to supervision by the United States Postal Service and since a permit for such a light is not required by the relevant New Jersey law pertaining to this subject (N.J.S.A. 39:3-54.21), the additional supervision is unnecessary. N.J.A.C. 13:24-4.2, which pertains to permit application procedure, is proposed for amendment. Subsection (b) is proposed for amendment, so as to revise a cross-reference to other subsections of N.J.A.C. 13:24-4.2 (based on the deletions discussed below) and to insert a reference to the fee specified in N.J.S.A. 39:3-50(d).

Existing subsection (c), which pertained to the flashing amber light permit application procedure for a rural route letter carrier employed by the United States Postal Service who was eligible to apply for such a permit is proposed for deletion. The subsection is no longer necessary in light of proposed new N.J.A.C. 13:24-4.1(f), which eliminates the former flashing amber light permit requirement with regard to such rural route letter carriers employed by the United States Postal Service.

New subsection (c) establishes permit application procedures for public utility employees. The proposed new subsection is in accord with N.J.S.A. 39:3-54.24.

Existing subsection (d), which pertained to the flashing amber light permit application procedure for an employee of the New Jersey Department of Transportation who was eligible to apply for such a permit is proposed for deletion. The subsection is no longer necessary in light of proposed new N.J.A.C. 13:24-4.1(d), which eliminates the former flashing amber light permit requirement with regard to such employees of the New Jersey Department of Transportation.

The Commission further proposes to amend N.J.A.C. 13:24-4.2 by recodifying existing subsection (e) as (d); revising a cross reference to a rule set forth therein; deleting a requirement that a flashing amber light permit application for vehicles owned or leased by an employee of a contractor or subcontractor of the New Jersey Department of Transportation who is eligible for a permit be forwarded to the Deputy Commissioner of the New Jersey Department of Transportation or to his or her designee for signature; and inserting a reference to the fee specified in N.J.S.A. 39:3-50(d).

Existing subsection (f), which pertained to the flashing amber light permit application procedure for an employee of the New Jersey Highway Authority or the South Jersey Transportation Authority who was eligible to apply for such a permit is proposed for deletion. Subsection (f) is proposed for deletion because it is no longer necessary in light of proposed new N.J.A.C. 13:24-4.1(e), which eliminates the former flashing amber light permit requirement with regard to such employees of the specified Authorities.

The Commission further proposes to amend N.J.A.C. 13:24-4.2 by recodifying existing subsection (g) of the rule as subsection (e); revising a cross reference to a rule set forth therein; substituting the term “New Jersey Turnpike Authority” for the term “New Jersey Highway Authority;” and inserting a reference to the fee specified in N.J.S.A. 39:3-50(d).

N.J.A.C. 13:24-4.4, which pertains to amber light mounting and specifications, is proposed for amendment. Existing subsection (b) is no longer necessary because proposed new N.J.A.C. 13:24-4.1(f) eliminates the former flashing amber light permit requirement with regard to rural route letter carriers employed by the United States Postal Service and because the relevant New Jersey law pertaining to this subject (N.J.S.A. 39:3-54.21) contains amber light mounting and specification provisions that are applicable to the amber warning light used on a vehicle by such rural route letter carriers.

New subsection (b) provides Specifications for mounting and size of a temporarily attached removable flashing or revolving light. The proposed new subsection is consistent with N.J.S.A. 39:3-54.24.

Subchapter 5 sets forth rules pertaining to the use of blue emergency warning lights by volunteer firefighters or volunteer first aid or rescue squad members on the vehicles they are operating when responding to a fire or emergency call. Included in this subchapter are rules concerning blue emergency warning light identification card (permit) eligibility; identification card (permit) application procedure; surrender of identification cards (permits); blue emergency warning light mounting and use requirements; and identification card (permit) revocation.

Subchapter 6 sets forth rules pertaining to special amber identification light permits issued to certain licensed private detective businesses for their vehicles. Included in this subchapter are rules concerning permit eligibility; permit application procedure; special amber identification light mounting requirements; permit possession and exhibition; permit revocation; and permit surrender.

Subchapter 7 sets forth rules pertaining to the use of blue emergency warning lights by members of the New Jersey Wing of the Civil Air Patrol on the vehicles they are operating when responding to an actual authorized mission. Included in this subchapter are rules concerning permit eligibility; permit application procedure; blue emergency warning light mounting and use requirements; permit possession and exhibition; permit revocation; and permit surrender.

Subchapter 8 sets forth rules pertaining to the Commission's issuance of identification cards (permits) for blue emergency warning lights on vehicles operated by qualified members of a county or municipal volunteer Office of Emergency Management whose official duties include responding to a fire or emergency call. Included in this subchapter are rules concerning blue emergency warning light identification card (permit) eligibility; identification card (permit) application procedure; blue emergency warning light mounting and use requirements; identification card (permit) possession and exhibition; identification card (permit) revocation; and identification card (permit) surrender.

## **Social Impact**

The rules proposed for readoption with amendments promote highway safety by identifying the various types, colors and uses of emergency warning lights and sirens that may be displayed or used on motor vehicles in this State, the types of vehicles on which they may be displayed or used and the individuals who may apply for permits to display or use the various types and colors of emergency lights. The amended rule will allow public utility employees to use amber lights on their personal vehicles when used in an official capacity. The amended rule will also eliminate the permit requirement for employees of the Department of Transportation, New Jersey Turnpike Authority, South Jersey Transportation Authority and rural route postal carriers. No permit is needed because those employees are subject to supervision by a principal Department or instrumentality of governments, which makes Commissioner supervision redundant. Thus, the rules lessen the paperwork burden for public safety employees needing to use emergency lights on the road, remove redundant government oversight and inform the public and this State's law enforcement officials as to the types of vehicles or persons permitted to exhibit and use emergency warning lights and sirens.

## **Economic Impact**

The owners or lessees of motor vehicles that need to be modified in some manner to comply with the rules' emergency light or siren mounting provisions may incur expenses in connection with the required modifications, the amount of which will depend upon the nature and extent of such modifications. However, the Commission believes the rules' emergency light and siren mounting provisions (some of which are

merely reflective of current law) enhance highway safety for both the public and the individuals using such lights or sirens on their vehicles and thereby outweigh the aforementioned expenses that may be incurred by the owners or lessees of motor vehicles that need to be modified in some way so as to comply with those provisions.

Applicants who are seeking a flashing amber light permit pursuant to N.J.A.C. 13:24-4 as amended for the following vehicles are subject to a \$25.00 fee for the initial issuance and for each subsequent renewal of the permit for each such vehicle: tow trucks and service vehicles bearing commercial registration; snow-removal and/or sanding vehicles bearing commercial registration; vehicles being operated by an authorized employee of a public utility company who is required to use a vehicle owned or leased by him or her or a member of his or her family in the performance of his or her official duties as an employee; vehicles being operated by an employee of a contractor or subcontractor of the New Jersey Department of Transportation who is required to use a vehicle owned or leased by him or her in the performance of his or her assigned duties at a Department of Transportation worksite; vehicles being operated by an employee of a contractor or subcontractor of the New Jersey Turnpike Authority or the South Jersey Transportation Authority who is required to use a vehicle owned or leased by him or her in the performance of his or her assigned duties at a worksite of the applicable Authority; and vehicles bearing commercial registration that provide security services for commercial businesses or private residences. See N.J.S.A. 39:3-50(d) and 39:3-54.24 and N.J.A.C. 13:24-4.2. N.J.S.A. 39:3-50(d) and 39:3-54.24 each denote such fees as revenue of the Commission.

Licensed private detective businesses applying for a special amber identification light permit for a motor vehicle owned or leased by them pursuant to N.J.A.C. 13:24-6 will incur an expense in the amount of a fee of \$25.00 for the issuance of each such permit in accordance with N.J.S.A. 39:3-54.14.

The cost to the Motor Vehicle Commission to process an emergency light permit application is far greater than the cost of the application fee. Thus, the elimination of a requirement for certain permit applications will have a positive economic impact upon the Commission and those that no longer require a permit under the proposed amendments will benefit in not needed to pay the Commission fees.

### **Federal Standards Statement**

Federal law (49 U.S.C. §30111(a)) provides that the United States Secretary of Transportation shall prescribe motor vehicle safety standards. In accordance with that statute and its predecessor (15 U.S.C. §1392), the Secretary of Transportation has established safety standards for motor vehicles and motor vehicle equipment at 49 CFR 571.101 et seq. The rules that are proposed for readoption with amendments are consistent with the Federal regulations, including the requirements set forth at 49 CFR 571.108 (Federal Motor Vehicle Safety Standard No. 108), which pertain to lamps, reflective devices and associated equipment.

With regard to vehicles subject to licensure as basic life support ambulances by the New Jersey Department of Health and Senior Services in accordance with N.J.A.C. 8:40, such vehicles are required by that Department pursuant to N.J.A.C. 8:40-6.11(a)

to be certified by the vehicle manufacturer or converter to meet the version of Federal Specification KKK-A-1822 that was current at the time the vehicle was manufactured. See also N.J.A.C. 8:41-9.16(b)5i and 10.19(a) with regard to mobile intensive care units and specialty care transport units, respectively. The current Federal Specification for ambulances, which is issued by the United States General Services Administration, is KKK-A-1822F (dated August 1, 2007). Various exceptions to the Federal Specification are permitted by the Department of Health and Senior Services, including a provision, at N.J.A.C. 8:40-6.11(c)1, which indicates that emergency lights other than those required in the Federal Specification may be specified, but all exterior lighting shall be in accordance with standards for authorized emergency vehicles as set forth in the Motor Vehicle Commission's rules at N.J.A.C. 13:24. See also N.J.A.C. 8:41-9.16(b)5i and 10.19(d)1 with regard to mobile intensive care units and specialty care transport units, respectively.

The Commission has reviewed the current Federal Specification referred to above and does not believe the rules that are proposed for readoption with amendments preclude the use of emergency warning lighting systems provided for by the Federal Specification. In fact, N.J.A.C. 13:24-2.2(f) as amended, which pertains to flashing lights on vehicles, specifically provides that an ambulance, mobile intensive care unit or specialty care transport unit that qualifies as an authorized emergency vehicle pursuant to N.J.A.C. 13:24-1.1 may be equipped with flashing emergency warning lights that comply with the version of Federal Specification KKK-A-1822 that was current at the time the vehicle was manufactured for use as an emergency vehicle.

## **Jobs Impact**

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

## **Agriculture Industry Impact**

The rules proposed for readoption with amendments will have no impact on the agriculture industry.

## **Regulatory Flexibility Analysis**

Any small business that operates an ambulance, mobile intensive care unit or specialty care transport unit that falls within the definition of “authorized emergency vehicle” in N.J.A.C. 13:24-1.1 and that wishes to display flashing emergency lights and sirens on such a vehicle must comply with the mounting and use provisions set forth in N.J.A.C. 13:24-2. This includes any vehicle licensed as a basic life support ambulance by the New Jersey Department of Health and Senior Services in accordance with N.J.A.C. 8:40 or as a mobile intensive care unit or a specialty care transport unit in accordance with N.J.A.C. 8:41 and any ambulance of a volunteer first aid, rescue or ambulance squad certified as qualified for emergency medical service programs in accordance with N.J.S.A. 27:5F-27. Other than the mounting and use provisions, N.J.A.C. 13:24-2 does not impose reporting, recordkeeping or compliance requirements on such small businesses.

Any small business engaged in the manufacture and/or sale of emergency vehicles or equipment as set forth in N.J.A.C. 13:24-2.4(a)4 that wishes to display

flashing emergency lights and sirens on its vehicles, so that the same may be operated by its employees only for the purpose of demonstration or delivery must apply to the Commission for an emergency light and siren permit in accordance with the procedures set forth in N.J.A.C. 13:24-2. The Commission's permit application process for such small businesses is not burdensome, as it consists basically of completing a permit application form and forwarding the completed application form to the Commission. The Commission is not authorized to charge a fee for the issuance of permits pursuant to N.J.A.C. 13:24-2. Other than the permit application process, mounting, use and permit possession and exhibition provisions, N.J.A.C. 13:24-2 as amended does not impose additional reporting, recordkeeping or compliance requirements on such small businesses, and professional services should not be needed to assist in the completion of the permit application form. Given the need of this State's law enforcement officials to be able to determine by means of a permit issued by the Commission whether a vehicle being operated by an employee of a business engaged in the manufacture and/or sale of emergency vehicles or equipment for the purpose of demonstration or delivery is permitted to display flashing emergency lights and sirens, no exemption for such small businesses from the requirements of N.J.A.C. 13:24-2 is warranted.

Small businesses seeking to obtain a flashing amber light permit for their vehicles pursuant to N.J.A.C. 13:24-4 or a special amber identification light permit for their vehicles pursuant to N.J.A.C. 13:24-6 are required to comply with the Commission's permit application process set forth in the rules as amended.

Any small business that owns or leases tow trucks or service vehicles bearing commercial registration, that owns or leases snow-removal and/or sanding vehicles

bearing commercial registration or that owns or leases vehicles bearing commercial registration and that provides security services for commercial businesses or private residences under the circumstances set forth in N.J.A.C. 13:24-4 as amended and that wishes to display flashing amber lights on such vehicles in accordance with that subchapter must apply to the Commission for a flashing amber light permit in accordance with the procedures set forth in N.J.A.C. 13:24-4 as amended. Such applicants are subject to a \$25.00 fee for the initial issuance and for each subsequent renewal of the permit for each vehicle for which the applicant seeks authorization to use flashing amber lights. See N.J.S.A. 39:3-50(d) and N.J.A.C. 13:24-4.2(b). The Commission's permit application process for small businesses that own or lease such vehicles and wish to display flashing amber lights thereon is not burdensome, as it consists basically of completing a permit application form, submitting the application form for signature to the chief law enforcement official in the municipality in which the service is being provided, and forwarding the completed application form and the permit fee to the Commission. Other than the permit application process, fee, mounting, use and permit possession and exhibition provisions, N.J.A.C. 13:24-4 as amended does not impose additional reporting, recordkeeping or compliance requirements on small businesses, and professional services should not be needed to assist in the completion of the permit application form. Given the need of this State's law enforcement officials to be able to determine by means of a permit issued by the Commission whether businesses that own or lease such vehicles are permitted to display flashing amber lights thereon, no exception for small businesses from the requirements of N.J.A.C. 13:24-4 as amended is warranted.

Any small business that is a licensed private detective business and that meets the requirements of N.J.S.A. 39:3-54.14 and N.J.A.C. 13:24-6 and wishes to display a special amber identification light on its vehicles must apply to the Commission for a special amber identification light permit in accordance with the procedures set forth in N.J.A.C. 13:24-6. The Commission charges qualifying licensed private detective businesses a fee of \$25.00 for the issuance of each such permit in accordance with N.J.S.A. 39:3-54.14. The Commission's permit application process for small businesses that are qualified licensed private detective businesses and that wish to display a special amber identification light on their vehicles is not burdensome, as it consists basically of completing a permit application form, submitting the application form to the chief law enforcement official in the municipality in which the permit will be used for signature, and forwarding the completed application form and the other documents specified in N.J.A.C. 13:24-6.2(b)1 and 2 and the permit fee to the Commission. Other than the permit application process, fee, mounting and permit possession and exhibition provisions, N.J.A.C. 13:24-6 does not impose additional reporting, recordkeeping or compliance requirements on small businesses, and professional services should not be needed to assist in the completion of the permit application form. Given the need of this State's law enforcement officials to be able to determine by means of a permit issued by the Commission whether a vehicle operator is permitted to display a special amber identification light on a vehicle, no exemption for small businesses that are qualified licensed private detective businesses from the requirements of N.J.A.C. 13:24-6 is warranted.

### **Smart Growth Impact**

It is not anticipated that the rules proposed for readoption with amendments will have any impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan within the meaning of Executive Order No. 4 (2002).

### **Housing Affordability Impact**

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 pertain to equipment for emergency vehicles and other specified vehicles.

### **Smart Growth Development Impact**

The rules proposed for readoption with amendments will have an insignificant 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 equipment for emergency vehicles and other specified vehicles.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:24.

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

## SUBCHAPTER 1. DEFINITIONS

### 13:24-1.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Authorized emergency vehicle” means a vehicle of the fire department, police vehicles and such ambulances and other vehicles as are approved by the Chief Administrator of the Motor Vehicle Commission, when operated in response to an emergency call. Any vehicle that is licensed as [an] **a basic life support** ambulance by the New Jersey Department of Health and Senior Services in accordance with N.J.A.C. 8:40 or as a mobile intensive care unit or a specialty care transport unit in accordance with N.J.A.C. 8:41 and any ambulance of a volunteer first aid, rescue[,] or ambulance squad that has been certified as qualified for emergency medical service programs in accordance with N.J.S.A. 27:5F-27, and any “first response” vehicle or other vehicle of a volunteer first aid, rescue or ambulance squad that bears governmental or other “no fee” registration, and any “first response” vehicle of a hospital that bears governmental or other “no fee” registration, shall be considered approved as an authorized emergency vehicle for purposes of N.J.S.A. 39:1-1 and this chapter when operated in response to an emergency. Any vehicle of the State Office of Emergency Management or of a county or municipal Office of Emergency Management that bears governmental

registration shall be considered approved as an authorized emergency vehicle for purposes of N.J.S.A. 39:1-1 and this chapter when operated in response to an emergency. Any vehicle of the New Jersey Office of [Counter-Terrorism] **Homeland Security and Preparedness** that bears governmental registration shall be considered approved as an authorized emergency vehicle for purposes of N.J.S.A. 39:1-1 and this chapter when operated in response to an emergency. Any vehicle bearing governmental registration, when being operated by a county medical examiner or his or her deputy, assistant, or investigator to travel to the scene of a death in accordance with N.J.S.A. 52:17B-87, shall be considered approved as an authorized emergency vehicle for purposes of N.J.S.A. 39:1-1 and this chapter. Any vehicle bearing governmental registration, when being operated by a “fire official” or “fire inspector” as defined in N.J.A.C. 5:71-1.4 to travel to the scene of a fire or explosion in accordance with N.J.A.C. 5:71-3.3, shall be considered approved as an authorized emergency vehicle for purposes of N.J.S.A. 39:1-1 and this chapter. Any vehicle bearing governmental registration, when being operated by a [member,] **humane law enforcement officer**[,] or agent of the New Jersey Society for the Prevention of Cruelty to Animals or of a [district or] county society for the prevention of cruelty to animals for purposes of enforcing [N.J.S.A. 4:22-1 et seq.] **any law or ordinance enacted for the protection of animals**, shall be considered approved as an authorized emergency vehicle for purposes of N.J.S.A. 39:1-1 and this chapter.

## SUBCHAPTER 2. EMERGENCY LIGHTS AND SIRENS; RED EMERGENCY LIGHT AND SIREN PERMITS

13:24-2.2 Flashing lights on vehicles

(a) - (e) (No change.)

(f) An ambulance, mobile intensive care unit, or specialty care transport unit that qualifies as an authorized emergency vehicle pursuant to N.J.A.C. 13:24-1.1 may be equipped with flashing emergency warning lights that comply with the version of Federal Specification KKK-A-1822 that was current at the time the vehicle was manufactured for use as an emergency vehicle. A permit is not required for such flashing emergency warning lights. [Copies of the] **The** above **referenced** Federal specification, which is approved by the [Commissioner, Federal Supply Service,] United States General Services Administration, may be [obtained from the following:

General Services Administration  
Federal Supply Service Bureau  
Specifications Section, Suite 8100  
470 East L'Enfant Plaza, S.W.  
Washington, DC 20407]

**accessed at: <http://apps.fss.gsa.gov/vehiclestandards>.**

13:24-2.8 Emergency light mounting and use requirements

(a) - (g) (No change.)

(h) Emergency lights shall only be used when the vehicle is being operated in response to a fire or emergency call except as follows:

1. - 6. (No change.)

7. Vehicles bearing governmental registration, when being operated by a [member,] **humane law enforcement** officer[,], or agent of the New Jersey Society for the Prevention of Cruelty to Animals or of a [district or] county society for the prevention of cruelty to animals for purposes of enforcing [N.J.S.A. 4:22-1 et seq.] **any law or ordinance enacted for the protection of animals**, may use red emergency lights, or a combination of red and blue emergency lights, during such time of operation.

#### SUBCHAPTER 4. FLASHING AMBER LIGHT PERMITS

##### 13:24-4.1 Permit eligibility

(a) Owners or lessees of the following types of vehicles are eligible for flashing amber light permits.

1. - 3. (No change.)

[4. Vehicles being operated by rural route letter carriers, employed by the United States Postal Service, while they are performing their official duties.

i. The vehicle must be either owned or leased by the rural route letter carrier or a member of his or her family.

5. Vehicles being operated by an employee of the New Jersey Department of Transportation who is required to use a vehicle owned or leased by him or her in the performance of his or her assigned duties as an employee:

i. The vehicle must be either owned or leased by the employee;  
and

ii. The amber warning light may be operated only while the vehicle is being used by the employee in the performance of his or her official duties.]

**4. Vehicles being operated by an authorized employee of a public utility company who is required to use a vehicle owned or leased by him or her or a member of his or her family in the performance of his or her official duties as an employee:**

i. **The vehicle must be either owned or leased by the employee or a member of his or her family; and**

ii. **The amber warning light may be operated only while the vehicle is being used on a public highway by the employee in the performance of his or her official duties as an employee.**

[6.] **5.** (No change in text.)

[7. Vehicles being operated by an employee of the New Jersey Highway Authority or the South Jersey Transportation Authority who is required to use a vehicle owned or leased by him or her in the performance of his or her assigned duties at a worksite of the applicable Authority:

i. The vehicle must be either owned or leased by the employee; and

ii. The amber warning light may be operated only while the vehicle is being used by the employee in the performance of his or her assigned duties at a worksite of the applicable Authority.]

[8.] **6.** Vehicles being operated by an employee of a contractor or subcontractor of the New Jersey [Highway] **Turnpike** Authority or the South Jersey Transportation Authority who is required to use a vehicle owned or leased by him or her

in the performance of his or her assigned duties at a worksite of the applicable Authority:

i. - ii. (No change.)

[9.] 7. (No change in text.)

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

**(d) An employee of the New Jersey Department of Transportation who is required to use a vehicle that he or she owns or leases in the performance of his or her official duties as an employee may exhibit thereon a flashing amber warning light while the vehicle is being used by the employee in the performance of such official duties and a flashing amber light permit is not required pursuant to this subchapter for such vehicle.**

**(e) An employee of the New Jersey Turnpike Authority or the South Jersey Transportation Authority who is required to use a vehicle that he or she owns or leases in the performance of his or her assigned duties at a worksite of the applicable Authority may exhibit thereon a flashing amber warning light while the vehicle is being used by the employee in the performance of such assigned duties and a flashing amber light permit is not required pursuant to this subchapter for such vehicle.**

**(f) A rural route letter carrier employed by the United States Postal Service who is required to use a vehicle owned or leased by him or her or a member of his or her family in the performance of his or her official duties as a rural route letter carrier may exhibit thereon a flashing amber warning light while the vehicle is being used by the rural route letter carrier in the performance of**

**such official duties and a flashing amber light permit is not required pursuant to this subchapter for such vehicle.**

13:24-4.2 Permit application procedure

(a) (No change.)

(b) Except as otherwise provided in (c), (d)[,] **and** (e) [, (f) and (g)] below, the application, after completion, is to be signed by the chief law enforcement official in the municipality in which the service is being provided[, and returned to the Commission]. **Thereafter, the application should be submitted to the Commission together with the fee specified in N.J.S.A. 39:3-50(d).**

[(c) The application by a rural route letter carrier who is eligible for a permit pursuant to N.J.A.C. 13:24-4.1(a)4, after completion, is to be signed by the postmaster of the post office that employs him or her, and returned to the Commission.

(d) The application for vehicles owned or leased by an employee of the New Jersey Department of Transportation who is eligible for a permit pursuant to N.J.A.C. 13:24-4.1(a)5, after completion by the employee, is to be signed by the Deputy Commissioner of the New Jersey Department of Transportation or by his or her designee, and returned to the Commission.]

**(c) The application by an authorized employee of a public utility company who is eligible for a permit pursuant to N.J.A.C. 13:24-4.1(a)4, after completion, is to be signed by an authorized representative of the public utility company that employs the applicant. Thereafter, the application should be**

**submitted to the Commission together with the fee specified in N.J.S.A. 39:3-54.24.**

[(e)] **(d)** The application for vehicles owned or leased by an employee of a contractor or subcontractor of the New Jersey Department of Transportation who is eligible for a permit pursuant to N.J.A.C. 13:24-4.1[(a)6]**(a)5**, after completion by the employee, is to be signed by an authorized representative of the contractor or subcontractor [and thereafter forwarded to the Deputy Commissioner of the New Jersey Department of Transportation or to his or her designee. The application is to be signed by the Deputy Commissioner or by his or her designee, and returned to the Commission]. **Thereafter, the application should be submitted to the Commission together with the fee specified in N.J.S.A. 39:3-50(d).**

[(f)] The application for vehicles owned or leased by an employee of the New Jersey Highway Authority or the South Jersey Transportation Authority who is eligible for a permit pursuant to N.J.A.C. 13:24-4.1(a)7, after completion by the employee, is to be signed by the Executive Director of the applicable Authority or by his or her designee, and returned to the Commission.]

[(g)] **(e)** The application for vehicles owned or leased by an employee of a contractor or subcontractor of the New Jersey [Highway] **Turnpike** Authority or the South Jersey Transportation Authority who is eligible for a permit pursuant to N.J.A.C. 13:24-4.1[(a)8]**(a)6**, after completion by the employee, is to be signed by an authorized representative of the contractor or subcontractor and thereafter forwarded to the Executive Director of the applicable Authority or to his or her designee **for signature**. [The application is to be signed by the Executive Director of the applicable Authority or

by his or her designee and returned to the Commission.] **Thereafter, the application should be submitted to the Commission together with the fee specified in N.J.S.A. 39:3-50(d).**

[(h)] **(f)** (No change in text.)

13:24-4.4 Mounting; specifications

(a) (No change.)

[(b) The amber warning light used on a vehicle by a United States Postal Service employee in the performance of his or her duties as a rural letter carrier in accordance with N.J.A.C. 13:24-4.1(a)4 shall be a temporarily attached removable light not to exceed seven and one-half inches in diameter, shall not exceed 51 candlepower, shall be controlled by a switch installed inside of the vehicle, and shall be mounted on the roof of the vehicle.]

**(b) The amber warning light used on a vehicle by an authorized employee of a public utility company in the performance of his or her official duties as an employee in accordance with N.J.A.C. 13:24-4.1(a)4 shall be a temporarily attached removable light of the flashing or revolving type, not more than 7½ inches in diameter, shall be controlled by a switch installed inside the vehicle, and shall be mounted on the roof of the vehicle.**

(c) (No change.)