



CDL EXEMPTION FIRE & EMERGENCY MEDICAL SERVICES

Periodically, agencies ask about the specifics or limitations of the exemption granted to the fire service, first aid and rescue agencies, and the office of emergency management (OEM). Upon an examination of the exemption, we provide the following guidance.

N.J.S.A. 39:3-10k states, “unless otherwise required by federal law or regulations, and subject to any rules and regulations promulgated pursuant to the provisions of this act, no designated operator of firefighting apparatus ... or operator of emergency or rescue equipment operated for the purposes of a first aid, ambulance, or rescue squad or for disaster control shall be subject to the licensing provisions of the “Commercial Motor Vehicle Safety Act of 1986.” 39:310(k)(1) specifically extends the exemption to the local offices of emergency management. The wording does not specify any limitations to the exemption. Furthermore, we are not aware of federal laws, or further regulations of this provision that places any limitations or restrictions on this exemption.

Our opinion is the exemption extends to any designated operator of fire apparatus, rescue unit, or OEM vehicle who operates that vehicle for emergency responses, drills, parades, repair, and maintenance in the State of New Jersey.

This is a State exemption, so the non-emergency operation of vehicles over 26,000 gross vehicle weight beyond the State borders should be performed by a properly licensed and credentialed holder of a Commercial Drivers' License.

It is recommended emergency agencies update their lists of designated drivers/operators on at least a yearly basis. It is also important to have a comprehensive driver training program and driver training records. [MSI Fire & EMS](#) can assist agencies with written policies, initial and refresher training programs and resources, and in-house accident investigations.

Specific concerns regarding the operation of your agency's vehicles can be brought to the attention of your agency's attorney. Members can also contact their Risk Manager with insurance or coverage questions.