



FIRE & EMS BULLETIN



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 emergency management (OEM). After reviewing the exemption, the Safety Director provides 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.”

N.J.S.A. 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, the Safety Director is not aware of any federal laws or additional regulations under this provision that limit or restrict this exemption.

The opinion of the Safety Director is that 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 Driver's License.

Recommended Actions for Agency Leaders

Update lists of designated drivers/operators at least annually. [MSI Fire & EMS](#) can assist agencies with written policies, initial and refresher training programs and resources, and in-house accident investigations.

Conduct annual motor vehicle record checks — Confirm that personnel authorized to operate emergency apparatus hold a valid NJ basic driver's license and acceptable driving history. Maintain records of license status and expiration dates.

Do Not Require CDL for Exempt Apparatus Operators — Firefighters and first aid/rescue squad operators driving emergency apparatus are not required to obtain a CDL. Agencies should not impose this as a condition of service unless the specific vehicle or duty falls outside the exemption.

Maintain Robust Driver Training Programs — The CDL exemption does not reduce the need for rigorous emergency vehicle operator training (EVOC or equivalent). Agencies should ensure all apparatus operators are trained and certified to applicable standards.

Enforce Emergency Light and Siren Policies — Ensure agency policies align with N.J.A.C. 13:24-2.x restrictions on emergency light and siren use. Misuse of emergency equipment can expose personnel and agencies to liability.

Consult Legal Counsel for Edge Cases — If a vehicle or operational scenario is unclear, consult with legal counsel or the NJ Motor Vehicle Commission to confirm CDL status.

Contact their Risk Manager with insurance or coverage questions.