

## **CHAPTER 20**

### **ENFORCEMENT SERVICE**

#### **Authority**

N.J.S.A. 39:2-3, 39:3-10, 39:3-11, 39:3-27.14, 39:3-27.39, 39:3-27.44, 39:3-27.45, 39:3-33.3, 39:3-33.7, 39:3-33.9, 39:3-43, 39:3-63, 39:3-75, 39:3-76.6, 39:3-77, 39:3-81, 39:3-84a(10), 39:3B-5, 39:4-208, 39:5-30, 39:8-1, 39:8-2, 39:8-4, 39:8-4.1, 39:8-10, 39:8-57, 39:8-77, and 39:10-4.

#### **Source and Effective Date**

R.2001 d.20, effective December 13, 2000.  
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

#### **Executive Order No. 66(1978) Expiration Date**

Chapter 20, Enforcement Service, expires on December 13, 2005.

#### **Chapter Historical Note**

Chapter 20, Enforcement Service, was adopted and became effective prior to September 1, 1969.

Subchapter 26, Self-Inspection of Certain Classes of Motor Vehicles, was adopted as new rules by R.1970 d.132, effective November 2, 1970. See: 2 N.J.R. 85(d), 2 N.J.R. 101(d).

Subchapter 27 was adopted as new rules by R.1971 d.86, effective June 1, 1971. See: 3 N.J.R. 84(a), 3 N.J.R. 136(d).

Subchapter 28, Inspection of New Motor Vehicles, was adopted as new rules by R.1971 d.144, effective October 1, 1971. See: 3 N.J.R. 112(a), 3 N.J.R. 181(a). Subchapter 28 was amended by R.1971 d.222, effective December 10, 1971. See: 3 N.J.R. 226(a), 4 N.J.R. 10(c).

Subchapter 29, Mobile Inspection Unit, was adopted as new rules by R.1972 d.106, effective June 1, 1972. See: 4 N.J.R. 105(b), 4 N.J.R. 165(b).

Subchapter 30, Supplemental Inspection of School Buses, was adopted as new rules by R.1972 d.154, effective August 7, 1972. See: 4 N.J.R. 163(a), 4 N.J.R. 223(b).

Subchapter 31, Alcohol Countermeasures Regulations, was adopted as new rules by R.1972 d.255, effective December 15, 1972. See: 4 N.J.R. 273(a), 5 N.J.R. 18(c).

Subchapter 32, Motor Vehicle Reinspection Centers, was adopted as new rules by R.1975 d.333, effective November 3, 1975. See: 7 N.J.R. 433(b), 7 N.J.R. 570(c).

Subchapter 33, Enforcement Service: Standards and Procedures To Be Used By Licensed Reinspection Centers, was adopted as new rules by R.1975 d.334, effective November 3, 1975. See: 7 N.J.R. 469(d), 7 N.J.R. 570(d).

Subchapter 34, Identifying Marks, was adopted as new rules by R.1976 d.302, effective September 24, 1976. See: 8 N.J.R. 400(b), 8 N.J.R. 532(a).

Subchapter 35, Inspection of State-Owned Vehicles by the Central Motor Pool, was adopted as new rules by R.1977 d.480, effective December 21, 1977. See: 9 N.J.R. 486(b), 10 N.J.R. 71(c).

Subchapter 31, Alcohol Countermeasures Regulations, was amended by R.1979 d.4, effective January 8, 1979. See: 10 N.J.R. 508(a), 11 N.J.R. 78(b).

Subchapter 28, Inspection of New Motor Vehicles, was amended by R.1980 d.345, effective August 5, 1980. See: 12 N.J.R. 280(c), 12 N.J.R. 551(c).

Subchapter 36, Special National Guard Plates, was adopted as new rules by R.1981 d.31, effective January 28, 1981. See: 12 N.J.R. 427(a), 13 N.J.R. 150(e).

Pursuant to Executive Order No. 66(1978), Subchapter 31, Alcohol-Countermeasures Regulations, was readopted as R.1984 d.7, effective January 4, 1984. See: 15 N.J.R. 1923(a), 16 N.J.R. 247(b).

Pursuant to Executive Order No. 66(1978), Subchapter 33, Enforcement Service: Standards and Procedures To Be Used By Licensed Reinspection Centers, was readopted as R.1984 d.173, effective April 25, 1984. See: 16 N.J.R. 503(a), 16 N.J.R. 1280(d).

Subchapter 12, Accident Prevention Clinic, was adopted as new rules by R.1984 d.492, effective October 16, 1984. See: 16 N.J.R. 2347(a), 16 N.J.R. 3054(b).

Subchapter 28, Inspection of New Motor Vehicles, was amended by R.1984 d.622, effective January 21, 1985 (operative July 1, 1985). See: 16 N.J.R. 2500(a), 17 N.J.R. 203(a).

Subchapter 38, Dimensional Standards for Automobile Transporters, was adopted as new rules by R.1985 d.23, effective February 4, 1985. See: 16 N.J.R. 3176(a), 17 N.J.R. 313(b).

Subchapter 37, Standards for Motor Vehicles with Modified Chassis Height, was adopted as new rules by R.1985 d.100, effective March 4, 1985. See: 16 N.J.R. 2501(a), 17 N.J.R. 603(a).

Pursuant to Executive Order No. 66(1978), Subchapter 28, Inspection of New Motor Vehicles, was adopted as new rules by R.1985 d.379, effective June 27, 1985. See: 17 N.J.R. 1059(a), 17 N.J.R. 1901(a).

Pursuant to Executive Order No. 66(1978), Subchapter 36, Special National Guard Plates, was readopted as R.1985 d.678, effective December 18, 1985. See: 17 N.J.R. 2602(a), 18 N.J.R. 203(a).

Pursuant to Executive Order No. 66(1978), Subchapter 25, Safety Glazing Material; Other Equipment, expired on January 16, 1986, and Subchapter 25, Safety Glazing Material, was adopted as new rules by R.1986 d.80, effective April 7, 1986. See: 18 N.J.R. 47(a), 18 N.J.R. 703(a).

Subchapter 39, Special Registration Plates for Non-Profit Organizations, was adopted as new rules by R.1988 d.537, effective November 7, 1988. See: 20 N.J.R. 2033(a), 20 N.J.R. 2788(a).

Pursuant to P.L. 1984, c.243 (N.J.S.A. 26:2B-9.1), Subchapter 31, Alcohol Countermeasures Regulations, was recodified to N.J.A.C. 8:66-1. See: 21 N.J.R. 70(a).

Subchapter 1, Enforcement Officer, was repealed by R.1989 d.518, effective October 2, 1989. See: 21 N.J.R. 1500(b), 21 N.J.R. 3176(a).

Subchapter 3, Identification Lights, was repealed and recodified as new rules at N.J.A.C. 13:24-5 by R.1989 d.542, effective October 16, 1989. See: 21 N.J.R. 2460(a), 21 N.J.R. 3299(c).

Subchapter 40, Reflectorized Registration Plates, was adopted as new rules by R.1990 d.322, effective June 18, 1990. See: 22 N.J.R. 1230(b), 22 N.J.R. 1940(b).

Pursuant to Executive Order No. 66(1978), Subchapter 10, Automatic Vehicle Identification Systems, was readopted as R.1990 d.491, effective October 1, 1990. See: 22 N.J.R. 2133(a), 22 N.J.R. 3151(b).

Pursuant to Executive Order No. 66(1978), Chapter 20, Enforcement Service, was readopted as R.1991 d.20, effective December 13, 1990. See: 22 N.J.R. 3307(a), 23 N.J.R. 207(b).

Subchapter 31, Private Inspection Center Licensing, was adopted as new rules by R.1991 d.253, effective May 6, 1991. See: 23 N.J.R. 387(a), 23 N.J.R. 1417(b).

Subchapter 41, Persian Gulf War Commemorative License Plates, was adopted as new rules by R.1992 d.20, effective January 6, 1992. See: 23 N.J.R. 2916(a), 24 N.J.R. 108(a).

## CHAPTER TABLE OF CONTENTS

Subchapter 42, Purple Heart Emblems on License Plates, was adopted as new rules by R.1992 d.168, effective April 6, 1992. See: 24 N.J.R. 219(a), 24 N.J.R. 1365(a).

Subchapter 43, Enhanced Motor Vehicle Inspection and Maintenance Program, Subchapter 44, Private Inspection Facility Licensing, and Subchapter 45, Motor Vehicle Emission Repair Facility Registration, were adopted as emergency new rules by R.1995 d.410, effective June 29, 1995 (expires August 28, 1995). See: 27 N.J.R. 2777(a). The concurrent proposal of Subchapters 43, 44 and 45 was adopted as R.1995 d.528, effective August 28, 1995. See: 27 N.J.R. 3820(a).

Subchapter 31, Private Inspection Center Licensing, was repealed by R.1995 d.664, effective December 18, 1995. See: 27 N.J.R. 3911(a), 27 N.J.R. 5033(a).

Pursuant to Executive Order No. 66(1978), Chapter 20, Enforcement Service, was readopted effective December 13, 1995, and Subchapter 2, Vehicle Construction, Subchapter 8, Motor Vehicles Transporting Flammable Liquids, Subchapter 11, School Bus Warning Lamps, Subchapter 16, Concrete Ready-Mix Transit Vehicles, Subchapter 18, Flashing Warning Signals, Subchapter 19, Seat Belts, Subchapter 20, New Tires, Subchapter 21, Retread Tires, Subchapter 23, Fastening Loads on Commercial Flat Bed Vehicles, and Subchapter 41, Persian Gulf War Commemorative License Plates, were repealed effective January 16, 1996 by R.1996 d.28. See: 27 N.J.R. 4140(a), 28 N.J.R. 272(a).

Subchapter 46, Diesel Emission Inspection and Maintenance Program, was adopted as new rules, and Subchapter 47, Diesel Emission Inspection Center Licensing, was adopted as new rules by R.1997 d.392, effective September 15, 1997. See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).

Subchapter 48, Inspection Standards and Test Procedures to be Used by Licensed Diesel Emission Inspection Centers, was adopted as new rules by R.1998 d.310, effective June 15, 1998. See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

Subchapter 32, Motor Vehicle Reinspection Centers, was repealed and Subchapter 32, Inspection Standards and Test Procedures to be Used by Official Inspection Facilities, was adopted as new rules, Subchapter 33, Enforcement Service: Standards and Procedures to be Used by Licensed Reinspection Centers, was repealed and Subchapter 33, Inspection Standards and Test Procedures to be Used by Licensed Private Inspection Facilities, was adopted as new rules by R.1999 d.422, effective December 6, 1999. See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Subchapter 41, Silver Star Insignias on License Plates, was adopted as new rules by R.2000 d.72, effective February 22, 2000. See: 31 N.J.R. 4223(b), 32 N.J.R. 711(b).

N.J.A.C. 13:20-49C.5, Capacity, Subchapter 49, Standards for School Buses Manufactured July 1985 through May 1993, Subchapter 49 Appendix, Subchapter 49A, Standards for Buses Used for Pupil Transportation Manufactured June, 1993 or Thereafter, Subchapter 49B, Chassis Standards, Subchapter 49C, Body Standards, Subchapter 49D, Specially Equipped School Bus Standards, 13:20-49E, Use of Vehicles as School Buses under the Jurisdiction of the Department of Transportation, Subchapter 49F, Small Vehicle Standards, Subchapter 49G, Inspection, Subchapter 49H, Insurance, were recodified from N.J.A.C. 6:21-4.1, Capacity, N.J.A.C. 6:21-5, Standards for School Buses Manufactured July 1985 through May 1993, N.J.A.C. 6:21 Appendix, N.J.A.C. 6:21-6, Standards for Buses used For Pupil Transportation Manufactured June, 1993 or Thereafter, N.J.A.C. 6:21-6A, Chassis Standards, N.J.A.C. 6:21-6B, Body Standards, N.J.A.C. 6:21-6C, Specially Equipped School Bus Standards, N.J.A.C. 6:21-8, Use of Vehicles as School Buses under the Jurisdiction of the Department of Transportation, N.J.A.C. 6:21-9, Small Vehicle Standards, N.J.A.C. 6:21-18, Inspection, and N.J.A.C. 6:21-17, Insurance, respectively, by administrative change. See: 32 N.J.R. 3090(a).

Pursuant to Executive Order No. 66(1978), Chapter 20, Enforcement Service, was readopted by R. 2001 d.20, effective December 13, 2000, and Subchapter 40, Reflectorized Registration Plates, was repealed by R.2001 d.20, effective January 16, 2001. See: Source and Effective Date. See, also, section annotations.

## SUBCHAPTER 1. STANDARDS AND SPECIFICATIONS GOVERNING THE TYPES OF SUN-SCREENING MATERIALS AND PRODUCTS THAT MAY BE INSTALLED OR APPLIED TO WINDSHIELDS AND FRONT SIDE WINDOWS OF MOTOR VEHICLES FOR WHICH MEDICAL EXEMPTION CERTIFICATES HAVE BEEN ISSUED; STANDARDS GOVERNING THE ISSUANCE OF MEDICAL EXEMPTION CERTIFICATES

- 13:20-1.1 Definitions
- 13:20-1.2 Light transmittance standard; motor vehicle windshield and front side windows
- 13:20-1.3 Visible light reflectance standard; motor vehicle windshield and front side windows
- 13:20-1.4 Sun-screening materials or products; color
- 13:20-1.5 Medical exemption certificate application procedure; application contents
- 13:20-1.6 Medical exemption certificate; period of validity; renewal; certificate void upon sale or termination of lease of motor vehicle; removal of sun-screening materials or products prior to sale or termination of lease of motor vehicle
- 13:20-1.7 Medical exemption certificate; exhibition to police or upon inspection of motor vehicle
- 13:20-1.8 Label; attachment; size; content; representation of compliance with subchapter

## SUBCHAPTER 2. REGISTRATION OF FACILITIES THAT INSTALL OR APPLY APPROVED SUN-SCREENING MATERIALS AND PRODUCTS TO WINDSHIELDS AND FRONT SIDE WINDOWS OF MOTOR VEHICLES FOR WHICH MEDICAL EXEMPTION CERTIFICATES HAVE BEEN ISSUED

- 13:20-2.1 Purpose
- 13:20-2.2 Scope
- 13:20-2.3 Definitions
- 13:20-2.4 Initial application for registration
- 13:20-2.5 Applicant qualification
- 13:20-2.6 Registration fee
- 13:20-2.7 Registration renewals
- 13:20-2.8 Surrender of registration
- 13:20-2.9 Responsibility of registrants
- 13:20-2.10 Deceptive practices concerning sun-screening material and product installation or application
- 13:20-2.11 Notice and recordkeeping requirements
- 13:20-2.12 Advertising
- 13:20-2.13 Storage rates
- 13:20-2.14 Additional violations
- 13:20-2.15 Additional penalties
- 13:20-2.16 Investigations
- 13:20-2.17 Written notice of suspension or revocation or refusal to issue or renew registration
- 13:20-2.18 Request for hearing
- 13:20-2.19 Hearing procedures
- 13:20-2.20 Limitations on issuance of registration after suspension, revocation, or refusal to renew
- 13:20-2.21 Registration restoration

## SUBCHAPTER 3. (RESERVED)

## SUBCHAPTER 4. POWER STEERING INSTALLATION

- 13:20-4.1 Permitted power steering device
- 13:20-4.2 Equipment approval

## SUBCHAPTER 5. MANUAL DOOR EQUIPMENT

- 13:20-5.1 Purpose
- 13:20-5.2 Manual opening of doors

## ENFORCEMENT SERVICE

---

13:20-5.3 Exceptions

### SUBCHAPTER 6. MUFFLER DEVICES

13:20-6.1 Prohibitory muffler devices

### SUBCHAPTER 7. VEHICLE INSPECTION

13:20-7.1 Definitions

13:20-7.2 Inspection of motor vehicles; test frequency; exempt vehicles

13:20-7.3 Inspection facilities

13:20-7.4 Temporary authorization certificates; period of validity

13:20-7.5 Adjustments, corrections, or repairs

13:20-7.6 Immediate repairs

13:20-7.7 through 13:20-7.13 (Reserved)

### SUBCHAPTER 8. (RESERVED)

### SUBCHAPTER 9. HANDICAPPED PARKING PRIVILEGES

13:20-9.1 Handicapped person identification vehicle registration plates and placards

13:20-9.2 Medical evidence by handicapped persons

13:20-9.3 (Reserved)

13:20-9.4 Limitation on number of certificates

13:20-9.5 Passenger vehicles or motorcycles

13:20-9.6 Temporary certificates

13:20-9.7 Display of placards and temporary placards

### SUBCHAPTER 10. AUTOMATIC VEHICLE IDENTIFICATION SYSTEMS

13:20-10.1 Definitions

13:20-10.2 Application

13:20-10.3 Placement

### SUBCHAPTER 11. (RESERVED)

### SUBCHAPTER 12. DRIVER REEXAMINATION

13:20-12.1 Definitions

13:20-12.2 Reexamination; categories

13:20-12.3 Vision examination

### SUBCHAPTER 13. (RESERVED)

### SUBCHAPTER 14. PARKING ON STATE PROPERTY

13:20-14.1 Vehicle registration and parking permit

13:20-14.2 Application

13:20-14.3 Affixing permit

13:20-14.4 Infringement on reserved spaces

13:20-14.5 Duration of parking privilege

13:20-14.6 Suspension

13:20-14.7 Penalty

### SUBCHAPTER 15. STUD TIRES

13:20-15.1 Definitions

13:20-15.2 Federal requirements

13:20-15.3 Application for product approval

13:20-15.4 Provisional certificate

### SUBCHAPTER 16. (RESERVED)

### SUBCHAPTER 17. DRIVER IMPROVEMENT SCHOOLS

13:20-17.1 Purpose

13:20-17.2 Attendance

13:20-17.3 Amount of fee

13:20-17.4 Manner of payment

13:20-17.5 Penalty

### SUBCHAPTERS 18 THROUGH 21. (RESERVED)

### SUBCHAPTER 22. BRAKE LININGS

13:20-22.1 Standards and specifications

13:20-22.2 Approval

13:20-22.3 Requirements for product approval

13:20-22.4 Procedure for securing approval

13:20-22.5 Notice of approval

13:20-22.6 Withdrawal of approval

13:20-22.7 Brake linings manufactured prior to effective date

### SUBCHAPTER 23. (RESERVED)

### SUBCHAPTER 24. MOTORCYCLES

13:20-24.1 Approval of goggles

13:20-24.2 Goggles test procedure

13:20-24.3 Goggle approval requirements

13:20-24.4 Mark on goggles

13:20-24.5 Test procedure for face shields

13:20-24.6 Face shield approval requirements

13:20-24.7 Identification mark on face shield

13:20-24.8 Windscreen approval requirements

13:20-24.9 Mark on windscreen

13:20-24.10 Adoption and incorporation of Federal Motor Vehicle Safety Standard for motorcycle helmets

13:20-24.11 Reflectorized surface on helmets

13:20-24.12 Helmets approved by the Director

13:20-24.13 (Reserved)

13:20-24.14 (Reserved)

13:20-24.15 Test reports

13:20-24.16 Samples

13:20-24.17 Notice of approval

13:20-24.18 Temporary approval

13:20-24.19 Withdrawal of approval

13:20-24.20 Inspection of motorcycles

13:20-24.21 Motorcycle license plates and tabs

### SUBCHAPTER 25. SAFETY GLAZING MATERIAL; OTHER EQUIPMENT

13:20-25.1 Letter requesting approval

13:20-25.2 Application for approval; report

13:20-25.3 Samples

13:20-25.4 Determination of approval

13:20-25.5 Safety glazing material approval procedure

### SUBCHAPTER 26. COMPLIANCE WITH DIESEL EMISSION STANDARDS AND EQUIPMENT, PERIODIC INSPECTION PROGRAM FOR DIESEL EMISSIONS, AND SELF-INSPECTION OF CERTAIN CLASSES OF MOTOR VEHICLES

13:20-26.1 Applicability

13:20-26.2 Definitions

13:20-26.3 Inspection and maintenance

13:20-26.4 Unsafe operations

13:20-26.5 Inspection of motor vehicles

13:20-26.6 Motor vehicles declared "out-of-service"

13:20-26.7 Notice to owner or lessee

13:20-26.8 Inspection of damaged vehicles

13:20-26.9 Vehicle condition report

13:20-26.10 Recommended forms

13:20-26.11 Required inspection and maintenance

13:20-26.12 Standards of inspection

13:20-26.13 Certification

13:20-26.14 Additional inspection

13:20-26.15 Penalties

13:20-26.16 Biennial inspection at an official inspection facility or a private inspection facility

13:20-26.17 Compliance with diesel emission standards, equipment requirements, and test procedures; periodic inspection program for diesel emissions; self-inspection; exempt vehicles

**SUBCHAPTER 27. (RESERVED)**

**SUBCHAPTER 28. INSPECTION OF NEW MOTOR VEHICLES**

- 13:20-28.1 Purpose
- 13:20-28.2 Applicability
- 13:20-28.3 Definitions
- 13:20-28.4 Manufacturers' new motor vehicle inspection procedure
- 13:20-28.5 Motor vehicle equipment standards
- 13:20-28.6 Decal; period of validity
- 13:20-28.7 Compliance
- 13:20-28.8 Evidence of compliance
- 13:20-28.9 Pre-delivery checklist form; required information
- 13:20-28.10 Additional inspection
- 13:20-28.11 Determination of compliance by Director
- 13:20-28.12 Violations; suspension or revocation of motor vehicle dealer license; suspension or revocation of privilege of performing inspections of new motor vehicles

**SUBCHAPTER 29. MOBILE INSPECTION UNIT**

- 13:20-29.1 Mobile Inspection Unit
- 13:20-29.2 Procedures
- 13:20-29.3 Penalty

**SUBCHAPTER 30. SUPPLEMENTAL INSPECTION OF SCHOOL BUSES**

- 13:20-30.1 Scope
- 13:20-30.2 Definitions
- 13:20-30.3 Inspection and maintenance
- 13:20-30.4 Unsafe operation prohibited
- 13:20-30.5 Inspection of school buses in operation
- 13:20-30.6 Inspection of damaged school buses
- 13:20-30.7 Daily school bus condition report by driver
- 13:20-30.8 Required practices
- 13:20-30.9 Standards
- 13:20-30.10 Certification
- 13:20-30.11 Penalties
- 13:20-30.12 Compliance with diesel emission standards, equipment requirements, and test procedures; periodic inspection
- 13:20-30.13 Compliance with gasoline emission standards, equipment requirements, and test procedures; periodic inspection
- 13:20-30.14 Driver qualification; criminal history record information; driver qualification employment records
- 13:20-30.15 In-terminal inspection of school buses; inspection of retired school buses
- 13:20-30.16 Inspection fees
- 13:20-30.17 Schedule of fines
- 13:20-30.18 Collection of fines

**SUBCHAPTER 31. SCHOOL BUS ENHANCED SAFETY INSPECTION OUT-OF-SERVICE CRITERIA**

- 13:20-31.1 Scope
- 13:20-31.2 Brake system
- 13:20-31.3 Drive shaft
- 13:20-31.4 Exhaust system
- 13:20-31.5 Frame; tire and wheel clearance; bumpers
- 13:20-31.6 Fuel system
- 13:20-31.7 Headlights, back-up lamps, back-up alarm, red signal warning lamps, amber signal warning lamps, taillamps, stoplamps, and turn signals
- 13:20-31.8 Instruments and instrument panel
- 13:20-31.9 Power steering belt
- 13:20-31.10 Steering system
- 13:20-31.11 Suspension
- 13:20-31.12 Tires
- 13:20-31.13 Wheels and rims
- 13:20-31.14 Back-up warning alarm
- 13:20-31.15 Battery
- 13:20-31.16 Doors, emergency
- 13:20-31.17 Doors, service
- 13:20-31.18 Emergency exits
- 13:20-31.19 Fire extinguishers

- 13:20-31.20 Heater hoses and lines
- 13:20-31.21 Mirrors
- 13:20-31.22 Seat belts for driver and students
- 13:20-31.23 Seats and crash barriers
- 13:20-31.24 Steps
- 13:20-31.25 Stop signal arm
- 13:20-31.26 Crossing control arm
- 13:20-31.27 Windshield wipers
- 13:20-31.28 Wiring
- 13:20-31.29 Doors; specially equipped school buses
- 13:20-31.30 Restraining devices; specially equipped school buses
- 13:20-31.31 Wheelchairs and other mobile seating devices; specially equipped school buses
- 13:20-31.32 Credentials; insurance
- 13:20-31.33 Placement out-of-service
- 13:20-31.34 Duration of out-of-service order
- 13:20-31.35 Operation of school bus prohibited
- 13:20-31.36 Direction to inspection site
- 13:20-31.37 Examination of driver's operating credentials
- 13:20-31.38 Driver out-of-service violations
- 13:20-31.39 Provision of notice to driver
- 13:20-31.40 Coercion of driver by operator

**SUBCHAPTER 32. INSPECTION STANDARDS AND TEST PROCEDURES TO BE USED BY OFFICIAL INSPECTION FACILITIES**

- 13:20-32.1 Definitions
- 13:20-32.2 General provisions; official inspection facilities
- 13:20-32.3 Credentials; official inspection facilities
- 13:20-32.4 License plates; official inspection facilities
- 13:20-32.5 Steering and suspension; official inspection facilities
- 13:20-32.6 Front parking lights; official inspection facilities
- 13:20-32.7 Glazing; official inspection facilities
- 13:20-32.8 Obstruction to driver's vision; official inspection facilities
- 13:20-32.9 Horn; official inspection facilities
- 13:20-32.10 Windshield wipers; official inspection facilities
- 13:20-32.11 Clearance lights; official inspection facilities
- 13:20-32.12 Turn signals and hazard warning signals; official inspection facilities
- 13:20-32.13 Reflectors; official inspection facilities
- 13:20-32.14 Identification lights; official inspection facilities
- 13:20-32.15 Side-marker lights; official inspection facilities
- 13:20-32.16 Taillights and license plate light; official inspection facilities
- 13:20-32.17 Stoplights; official inspection facilities
- 13:20-32.18 Wheels; official inspection facilities
- 13:20-32.19 Tires; official inspection facilities
- 13:20-32.20 Exhaust system; official inspection facilities
- 13:20-32.21 Prescribed emission or on-board diagnostics test(s); official inspection facilities
- 13:20-32.22 Emission test equipment and on-board diagnostics inspection equipment maintenance; official inspection facilities
- 13:20-32.23 Headlights; official inspection facilities
- 13:20-32.24 Rear view mirrors; official inspection facilities
- 13:20-32.25 Miscellaneous lights; official inspection facilities
- 13:20-32.26 Wiring and switching; official inspection facilities
- 13:20-32.27 Headlight beam indicator light; official inspection facilities
- 13:20-32.28 Turn signal and hazard warning signal indicator lights; official inspection facilities
- 13:20-32.29 Antenna; official inspection facilities
- 13:20-32.30 Body; official inspection facilities
- 13:20-32.31 Bumpers; official inspection facilities
- 13:20-32.32 Doors; official inspection facilities
- 13:20-32.33 Fenders and fender flaps; official inspection facilities
- 13:20-32.34 Fuel system; official inspection facilities
- 13:20-32.35 Hood; official inspection facilities
- 13:20-32.36 Lettering; official inspection facilities
- 13:20-32.37 Ornaments; official inspection facilities
- 13:20-32.38 Pedals; official inspection facilities
- 13:20-32.39 Racks or carriers; official inspection facilities
- 13:20-32.40 Reflective tape; official inspection facilities

## ENFORCEMENT SERVICE

13:20-32.41	Seats; official inspection facilities	13:20-33.22	Emission test equipment and on-board diagnostics inspection equipment maintenance; Class I and II licensees
13:20-32.42	Seat belts; air bags; official inspection facilities	13:20-33.23	Headlights; Class I and II licensees
13:20-32.43	Gear shift indicator; official inspection facilities	13:20-33.24	Rear view mirrors; Class I and II licensees
13:20-32.44	Transmission; official inspection facilities	13:20-33.25	Miscellaneous lights; Class I and II licensees
13:20-32.45	Television; official inspection facilities	13:20-33.26	Wiring and switching; Class I and II licensees
13:20-32.46	Trunk lid; official inspection facilities	13:20-33.27	Headlight beam indicator light; Class I and II licensees
13:20-32.47	Service brakes (including service brake equalization and service brake pedal reserve); official inspection facilities	13:20-33.28	Turn signal and hazard warning signal indicator lights; Class I and II licensees
13:20-32.48	Parking brake; official inspection facilities	13:20-33.29	Antenna; Class I and II licensees
13:20-32.49	Speed recording instrument (speedometer); mileage recording instrument (odometer); official inspection facilities	13:20-33.30	Body; Class I and II licensees
13:20-32.50	Credentials; motorcycles; official inspection facilities	13:20-33.31	Bumpers; Class I and II licensees
13:20-32.51	License plate; motorcycles; official inspection facilities	13:20-33.32	Doors; Class I and II licensees
13:20-32.52	Frame, wheels, steering, handlebars, and suspension; motorcycles; official inspection facilities	13:20-33.33	Fenders and fender flaps; Class I and II licensees
13:20-32.53	Windscreen, glazing, and obstruction to driver's vision; motorcycles; official inspection facilities	13:20-33.34	Fuel system; Class I and II licensees
13:20-32.54	Horn; motorcycles; official inspection facilities	13:20-33.35	Hood; Class I and II licensees
13:20-32.55	Windshield wipers; motorcycles; official inspection facilities	13:20-33.36	Lettering; Class I and II licensees
13:20-32.56	Clearance lights; motorcycles; official inspection facilities	13:20-33.37	Ornaments; Class I and II licensees
13:20-32.57	Taillight, reflector, and license plate light; motorcycles; official inspection facilities	13:20-33.38	Pedals; Class I and II licensees
13:20-32.58	Stoplight; motorcycles; official inspection facilities	13:20-33.39	Racks or carriers; Class I and II licensees
13:20-32.59	Tires; motorcycles; official inspection facilities	13:20-33.40	Reflective tape; Class I and II licensees
13:20-32.60	Exhaust system; motorcycles; official inspection facilities	13:20-33.41	Seats; Class I and II licensees
13:20-32.61	Headlights; motorcycles; official inspection facilities	13:20-33.42	Seat belts; air bags; Class I and II licensees
13:20-32.62	Rear view mirrors; motorcycles; official inspection facilities	13:20-33.43	Gear shift indicator; Class I and II licensees
13:20-32.63	Miscellaneous lights; motorcycles; official inspection facilities	13:20-33.44	Transmission; Class I and II licensees
13:20-32.64	Wiring, switching, and electrical equipment; motorcycles; official inspection facilities	13:20-33.45	Television; Class I and II licensees
13:20-32.65	Headlight beam indicator light; motorcycles; official inspection facilities	13:20-33.46	Trunk lid; Class I and II licensees
13:20-32.66	Miscellaneous items; motorcycles; official inspection facilities	13:20-33.47	Service brakes (including service brake equalization and service brake pedal reserve); Class I and II licensees
13:20-32.67	Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); motorcycles; official inspection facilities	13:20-33.48	Parking brake; Class I and II licensees
13:20-32.68	Helmets; motorcycles; official inspection facilities	13:20-33.49	Speed recording instrument (speedometer); mileage recording instrument (odometer); Class I and II licensees
13:20-32.69	Goggles or face shields; motorcycles; official inspection facilities	13:20-33.50	Credentials; Class III licensees
13:20-32.70	Seats; motorcycles; official inspection facilities	13:20-33.51	License plate; Class III licensees
13:20-32.71	Foot rests; motorcycles; official inspection facilities	13:20-33.52	Frame, wheels, steering, handlebars, and suspension; Class III licensees

### SUBCHAPTER 33. INSPECTION STANDARDS AND TEST PROCEDURES TO BE USED BY LICENSED PRIVATE INSPECTION FACILITIES

13:20-33.1	Definitions	13:20-33.65	Headlight beam indicator light; Class III licensees
13:20-33.2	General provisions; Class I, II, and III licensees	13:20-33.66	Miscellaneous items; Class III licensees
13:20-33.3	Credentials; Class I and II licensees	13:20-33.67	Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); Class III licensees
13:20-33.4	License plates; Class I and II licensees	13:20-33.68	Helmets; Class III licensees
13:20-33.5	Steering and suspension; Class I and II licensees	13:20-33.69	Goggles or face shields; Class III licensees
13:20-33.6	Front parking lights; Class I and II licensees	13:20-33.70	Seats; Class III licensees
13:20-33.7	Glazing; Class I and II licensees	13:20-33.71	Foot rests; Class III licensees
13:20-33.8	Obstruction to driver's vision; Class I and II licensees		
13:20-33.9	Horn; Class I and II licensees		
13:20-33.10	Windshield wipers; Class I and II licensees		
13:20-33.11	Clearance lights; Class I and II licensees		
13:20-33.12	Turn signals and hazard warning signals; Class I and II licensees		
13:20-33.13	Reflectors; Class I and II licensees		
13:20-33.14	Identification lights; Class I and II licensees		
13:20-33.15	Side-marker lights; Class I and II licensees		
13:20-33.16	Taillights and license plate light; Class I and II licensees		
13:20-33.17	Stoplights; Class I and II licensees		
13:20-33.18	Wheels; Class I and II licensees		
13:20-33.19	Tires; Class I and II licensees		
13:20-33.20	Exhaust system; Class I and II licensees		
13:20-33.21	Prescribed emission or on-board diagnostics test(s); Class I and II licensees		

### APPENDIX A. AVERAGE LENGTH OF TIME REQUIRED TO REINSPECT A SPECIFIC ITEM ON A MOTOR VEHICLE HAVING A GVWR OF 8,500 POUNDS OR LESS

### APPENDIX B. AVERAGE LENGTH OF TIME REQUIRED TO REINSPECT A SPECIFIC ITEM ON A MOTOR VEHICLE HAVING A GVWR GREATER THAN 8,500 POUNDS

### APPENDIX C. AVERAGE LENGTH OF TIME REQUIRED TO REINSPECT A SPECIFIC ITEM ON A MOTORCYCLE

### SUBCHAPTER 34. IDENTIFYING MARKS

13:20-34.1	Definitions
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- 13:20-34.2 Registration numbers reserved
- 13:20-34.3 Registration numbers excluded
- 13:20-34.4 Denial, suspension or revocation
- 13:20-34.5 Fees
- 13:20-34.6 Transfers to survivor
- 13:20-34.7 Reissue

#### SUBCHAPTER 35. INSPECTION OF STATE-OWNED VEHICLES BY THE CENTRAL MOTOR POOL

- 13:20-35.1 Application of subchapter
- 13:20-35.2 Inspection by the central motor pool
- 13:20-35.3 Inspection standards and frequency
- 13:20-35.4 Inspection decal
- 13:20-35.5 Facilities
- 13:20-35.6 Instruction of mechanics
- 13:20-35.7 Certification

#### SUBCHAPTER 36. SPECIAL NATIONAL GUARD PLATES

- 13:20-36.1 Application; certification; fees
- 13:20-36.2 Surrender of special plates

#### SUBCHAPTER 37. STANDARDS FOR MOTOR VEHICLES WITH ELEVATED CHASSIS HEIGHT

- 13:20-37.1 Definitions
- 13:20-37.2 Elevation of original vehicle height of motor vehicle restricted; elevated vehicle approval certificate; special windshield decal; inspection
- 13:20-37.3 Requirements for elevated vehicle approval certificate
- 13:20-37.4 Standards for vehicles with elevated height
- 13:20-37.5 Testing
- 13:20-37.6 Maximum lift
- 13:20-37.7 Procedure for testing elevated vehicles
- 13:20-37.8 Method of measurement
- 13:20-37.9 Elevated vehicle approval certificate; special windshield decal; possession and exhibition of elevated vehicle approval certificate; compliance requirements
- 13:20-37.10 Denial or suspension of elevated vehicle approval certificate; suspension of vehicle registration
- 13:20-37.11 Penalty for violation

#### SUBCHAPTER 38. DIMENSIONAL STANDARDS FOR AUTOMOBILE TRANSPORTERS

- 13:20-38.1 Purpose
- 13:20-38.2 Definitions
- 13:20-38.3 Vehicle combination lengths; traditional automobile transporters; stinger-steered combination
- 13:20-38.4 Automobile transporter; load overhang
- 13:20-38.5 Drive-away saddlemount vehicle transporter combinations; drive-away saddlemount with fullmount vehicle transporter combinations; overall length
- 13:20-38.6 Application of Department of Transportation standards for 102-inch standard trucks to automobile transporters

#### SUBCHAPTER 39. SPECIAL REGISTRATION PLATES FOR NON-PROFIT ORGANIZATIONS

- 13:20-39.1 Purpose
- 13:20-39.2 Definitions
- 13:20-39.3 Qualifications for organization approval; final decision; right to suspend approval
- 13:20-39.4 Appointment of organization liaison
- 13:20-39.5 Certification of membership
- 13:20-39.6 Non-profit status
- 13:20-39.7 Notification of organization approval
- 13:20-39.8 Plate design
- 13:20-39.9 Fees; plate ordering; authenticity of membership
- 13:20-39.10 Denial, suspension or revocation

#### SUBCHAPTER 40. (RESERVED)

#### SUBCHAPTER 41. SILVER STAR INSIGNIAS ON LICENSE PLATES

- 13:20-41.1 Use
- 13:20-41.2 Design
- 13:20-41.3 Materials
- 13:20-41.4 Placement

#### SUBCHAPTER 42. PURPLE HEART EMBLEMS ON LICENSE PLATES

- 13:20-42.1 Use
- 13:20-42.2 Design
- 13:20-42.3 Materials
- 13:20-42.4 Placement

#### SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

- 13:20-43.1 Definitions
- 13:20-43.2 Inspection requirements for motor vehicles; exempt vehicles; designation of collector motor vehicles; designation of low utilization modified performance vehicles; designation of low mileage vehicles
- 13:20-43.3 Inspection facilities
- 13:20-43.4 Federal motor vehicles
- 13:20-43.5 Motor vehicles registered in other states
- 13:20-43.6 Fleet motor vehicles
- 13:20-43.7 Test frequency
- 13:20-43.8 On-board diagnostics inspection; tests for emissions
- 13:20-43.9 Inspection reports; emission-related repair forms
- 13:20-43.10 Reinspections
- 13:20-43.11 Inspection certificates of approval; inspection rejection stickers
- 13:20-43.12 Inspection extensions
- 13:20-43.13 Waivers; criteria for issuance; denial of warranty form; repair receipt form; waiver valid for inspection cycle; waiver issuance
- 13:20-43.14 On-road inspections; scope; inspection procedures; criteria for selecting vehicles; procedures upon inspection failure
- 13:20-43.15 Recall compliance procedures; purpose; applicability; notice to owner; recall compliance form; transfer of ownership; denial and suspension of registration
- 13:20-43.16 Registration denial; suspension of registration; motor vehicles not inspected by certificate of approval or certificate of waiver expiration date; motor vehicles which have failed inspection and have not been presented for reinspection; conditional registration restoration; reinstatement of registration suspension due to noncompliance; conditional registration; suspension of conditional registration due to noncompliance; penalties
- 13:20-43.17 Emission inspector training and licensing; training administration; testing; application process; license fee; renewal of license; refresher training and testing; conflicts of interest
- 13:20-43.18 Suspension or revocation of emission inspector license; retraining and retesting; suspension pending hearing; schedule of penalties
- 13:20-43.19 Quality assurance; auditor training
- 13:20-43.20 Surrender of emission inspector license
- 13:20-43.21 Emission inspector training programs administered by third parties; fee; approval process; auditing of programs
- 13:20-43.22 Records; third party emission inspector training programs
- 13:20-43.23 Change of address of principal place of business; change of instructors; third party emission inspector training programs
- 13:20-43.24 Audits; third party emission inspector training programs
- 13:20-43.25 Additional violations; third party emission inspector training programs

## ENFORCEMENT SERVICE

- 13:20-43.26 Additional penalties; third party emission inspector training programs
- 13:20-43.27 Investigations; third party emission inspector training programs
- 13:20-43.28 Written notice of refusal to approve or withdrawal of approval; third party emission inspector training programs
- 13:20-43.29 Request for hearing; third party emission inspector training programs
- 13:20-43.30 Hearing procedures; third party emission inspector training programs

### SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

- 13:20-44.1 Purpose
- 13:20-44.2 Definitions
- 13:20-44.3 Scope; license required; vehicle classes; inspection services; license classes
- 13:20-44.4 Initial application for a license
- 13:20-44.5 Applicant qualifications
- 13:20-44.6 Application and license fees
- 13:20-44.7 License renewals
- 13:20-44.8 Surrender of license
- 13:20-44.9 Facilities and equipment
- 13:20-44.10 Inspection certificates of approval
- 13:20-44.11 Responsibility of licensees
- 13:20-44.12 Notice and recordkeeping requirements
- 13:20-44.13 Records; inspection reports
- 13:20-44.14 Certification of inspection
- 13:20-44.15 Advertising
- 13:20-44.16 Storage rates
- 13:20-44.17 Additional violations
- 13:20-44.18 Emission inspector
- 13:20-44.19 Mechanic qualifications
- 13:20-44.20 Additional penalties; schedule of penalties
- 13:20-44.21 Investigations
- 13:20-44.22 Written notice of suspension or revocation or refusal to grant or renew license
- 13:20-44.23 Request for hearing
- 13:20-44.24 Hearing procedures
- 13:20-44.25 Limitations on issuance of license after suspension, revocation or refusal to grant or renew
- 13:20-44.26 License restoration

### SUBCHAPTER 45. MOTOR VEHICLE EMISSION REPAIR FACILITY REGISTRATION

- 13:20-45.1 Purpose
- 13:20-45.2 Scope
- 13:20-45.3 Definitions
- 13:20-45.4 Initial application for registration
- 13:20-45.5 Applicant qualification
- 13:20-45.6 Registration fee
- 13:20-45.7 Registration renewals
- 13:20-45.8 Surrender of registration
- 13:20-45.9 Responsibility of registrants
- 13:20-45.10 Deceptive practices concerning emission-related repairs
- 13:20-45.11 Notice and recordkeeping requirements
- 13:20-45.12 Advertising
- 13:20-45.13 Storage rates
- 13:20-45.14 Additional violations
- 13:20-45.15 Mechanic qualifications
- 13:20-45.16 Repair technician; certification
- 13:20-45.17 Additional penalties
- 13:20-45.18 Investigations
- 13:20-45.19 Written notice of suspension or revocation or refusal to grant or renew registration
- 13:20-45.20 Request for hearing
- 13:20-45.21 Hearing procedures
- 13:20-45.22 Limitations on issuance of registration after suspension, revocation or refusal to renew
- 13:20-45.23 Registration restoration

### SUBCHAPTER 46. DIESEL EMISSION INSPECTION AND MAINTENANCE PROGRAM

- 13:20-46.1 Definitions
- 13:20-46.2 Diesel emission inspection requirements; exempt vehicles
- 13:20-46.3 Roadside inspections; scope; inspection procedures
- 13:20-46.4 Certification of test
- 13:20-46.5 Violation information
- 13:20-46.6 Civil penalty schedule; reduction of penalty
- 13:20-46.7 Out-of-service orders
- 13:20-46.8 Roadside inspector training certification

### APPENDIX A

### SUBCHAPTER 47. DIESEL EMISSION INSPECTION CENTER LICENSING

- 13:20-47.1 Purpose
- 13:20-47.2 Definitions
- 13:20-47.3 Scope; license required; vehicle classes; inspection services; license classes
- 13:20-47.4 Initial application for a license
- 13:20-47.5 Applicant qualifications
- 13:20-47.6 License fee
- 13:20-47.7 License renewals
- 13:20-47.8 Surrender of license
- 13:20-47.9 Facilities and equipment
- 13:20-47.10 Diesel emission inspection certificates of approval
- 13:20-47.11 Responsibility of licensees
- 13:20-47.12 Notice and recordkeeping requirements
- 13:20-47.13 Records; inspection reports
- 13:20-47.14 Certification of inspection; inspection fee
- 13:20-47.15 Diesel emission inspector; inspector training
- 13:20-47.16 Advertising
- 13:20-47.17 Storage rates
- 13:20-47.18 Additional violations
- 13:20-47.19 Additional penalties; schedule of penalties
- 13:20-47.20 Investigations
- 13:20-47.21 Written notice of suspension or revocation or refusal to grant or renew license
- 13:20-47.22 Request for hearing
- 13:20-47.23 Hearing procedures
- 13:20-47.24 Limitations on issuance of license after suspension, revocation or refusal to grant or renew
- 13:20-47.25 License restoration

### SUBCHAPTER 48. INSPECTION STANDARDS AND TEST PROCEDURES TO BE USED BY LICENSED DIESEL EMISSION INSPECTION CENTERS

- 13:20-48.1 Definitions
- 13:20-48.2 General provisions; Class I and II licensees
- 13:20-48.3 Credentials; Class I and II licensees
- 13:20-48.4 Exhaust system; Class I and II licensees
- 13:20-48.5 Prescribed emission test procedures; Class I and II licensees; snap acceleration test
- 13:20-48.6 Prescribed emission test procedures; Class I and II licensees; rolling acceleration test
- 13:20-48.7 Prescribed emission test procedures; Class I and II licensees; stall acceleration test
- 13:20-48.8 Prescribed emission test procedures; Class I and II licensees; chassis dynamometer test (Reserved)
- 13:20-48.9 Equipment calibration; Class I and II licensees

### APPENDIX. AVERAGE LENGTH OF TIME REQUIRED TO REINSPECT A SPECIFIC ITEM ON A HEAVY-DUTY DIESEL TRUCK

### SUBCHAPTER 49. STANDARDS FOR SCHOOL BUSES MANUFACTURED JULY 1985 THROUGH MAY 1993

- 13:20-49.1 School bus standards; incorporated by reference
- 13:20-49.2 Chassis standards supplement to the 1985 National Minimum Standards

- 13:20-49.3 Bus body standards supplement to the 1985 National Minimum Standards
- 13:20-49.4 Standards supplement to the 1985 National Minimum Standards for buses used to transport special needs students

**APPENDIX**

**SUBCHAPTER 49A. STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION MANUFACTURED JUNE 1993 AND THEREAFTER**

- 13:20-49A.1 Scope and purpose
- 13:20-49A.2 Words and phrases defined
- 13:20-49A.3 Certification

**SUBCHAPTER 49B. CHASSIS STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION MANUFACTURED JUNE 1993 AND THEREAFTER**

- 13:20-49B.1 Air cleaner
- 13:20-49B.2 Axles
- 13:20-49B.3 Brakes
- 13:20-49B.4 Bumper, front
- 13:20-49B.5 Clutch
- 13:20-49B.6 Color
- 13:20-49B.7 Drive shaft
- 13:20-49B.8 Electrical system
- 13:20-49B.9 Engine fire extinguishers
- 13:20-49B.10 Exhaust system
- 13:20-49B.11 Fenders, front, Type C buses
- 13:20-49B.12 Frame
- 13:20-49B.13 Fuel tank
- 13:20-49B.14 Governor
- 13:20-49B.15 Heating system
- 13:20-49B.16 Horn
- 13:20-49B.17 Instruments and instrument panel
- 13:20-49B.18 Oil filter
- 13:20-49B.19 Openings
- 13:20-49B.20 Passenger load
- 13:20-49B.21 Power and gradeability
- 13:20-49B.22 Retarder system
- 13:20-49B.23 Shock absorbers
- 13:20-49B.24 Springs
- 13:20-49B.25 Steering gear
- 13:20-49B.26 Tires and rims
- 13:20-49B.27 Transmission
- 13:20-49B.28 Turning radius
- 13:20-49B.29 Undercoating
- 13:20-49B.30 Weight distribution

**SUBCHAPTER 49C. BODY STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION MANUFACTURED JUNE 1993 AND THEREAFTER**

- 13:20-49C.1 Aisle
- 13:20-49C.2 Back-up warning alarm
- 13:20-49C.3 Battery
- 13:20-49C.4 Bumpers
- 13:20-49C.5 Capacity
- 13:20-49C.6 Color
- 13:20-49C.7 Communications
- 13:20-49C.8 Construction
- 13:20-49C.9 Defrosters
- 13:20-49C.10 Doors, entrance
- 13:20-49C.11 Doors, emergency
- 13:20-49C.12 Emergency exits
- 13:20-49C.13 Emergency equipment
- 13:20-49C.14 Fire extinguishers
- 13:20-49C.15 First aid kit
- 13:20-49C.16 Floor
- 13:20-49C.17 Heaters
- 13:20-49C.18 Identification
- 13:20-49C.19 Inside height
- 13:20-49C.20 Insulation

- 13:20-49C.21 Interior
- 13:20-49C.22 Lamps and signals
- 13:20-49C.23 Metal treatment
- 13:20-49C.24 Mirrors
- 13:20-49C.25 Mounting
- 13:20-49C.26 Overall length
- 13:20-49C.27 Overall width
- 13:20-49C.28 Reflectors
- 13:20-49C.29 Rub rails
- 13:20-48C.30 Sanders and traction device
- 13:20-49C.31 Seat belt for driver and students
- 13:20-49C.32 Seats and crash barriers
- 13:20-49C.33 Spray suppressant and mud flaps
- 13:20-49C.34 Steps
- 13:20-49C.35 Step treads
- 13:20-49C.36 Stirrup steps
- 13:20-49C.37 Stop signal arm
- 13:20-49C.38 Storage compartment
- 13:20-49C.39 Sun shield
- 13:20-49C.40 Tailpipe
- 13:20-49C.41 Tow eyes or hooks
- 13:20-49C.42 Undercoating
- 13:20-49C.43 Ventilation
- 13:20-49C.44 Walking control arm
- 13:20-49C.45 Wheelhousing
- 13:20-49C.46 Windows and windshield
- 13:20-49C.47 Windshield washers
- 13:20-49C.48 Windshield wipers
- 13:20-49C.49 Wiring

**SUBCHAPTER 49D. SPECIALLY EQUIPPED SCHOOL BUS STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION MANUFACTURED JUNE 1993 AND THEREAFTER**

- 13:20-49D.1 Scope
- 13:20-49D.2 Aisle
- 13:20-49D.3 Communications
- 13:20-49D.4 Doors
- 13:20-49D.5 Glass
- 13:20-49D.6 Identification
- 13:20-49D.7 Lights
- 13:20-49D.8 Power Lift
- 13:20-49D.9 Ramp
- 13:20-49D.10 Restraining devices
- 13:20-49D.11 Seating arrangements
- 13:20-49D.12 Securement system for mobile seating device and occupant
- 13:20-49D.13 Steps
- 13:20-49D.14 Support equipment and accessories
- 13:20-49D.15 Wheelchair and other mobile seating device requirements

**SUBCHAPTER 49E. USE OF VEHICLES AS SCHOOL BUSES UNDER THE JURISDICTION OF THE DEPARTMENT OF TRANSPORTATION**

- 13:20-49E.1 Scope of exceptions and exemptions
- 13:20-49E.2 Exceptions and exemptions
- 13:20-49E.3 Certificate of inspection
- 13:20-49E.4 Inspection by county superintendent

**SUBCHAPTER 49F. (RESERVED)**

**SUBCHAPTER 49G. INSPECTION**

- 13:20-49G.1 Applicability
- 13:20-49G.2 Division of Motor Vehicles inspection
- 13:20-49G.3 Department of Transportation inspection
- 13:20-49G.4 Responsibility for reports and records



**SUBCHAPTER 49H. (RESERVED)**

**SUBCHAPTERS 50 THROUGH 50C. (RESERVED)**

**SUBCHAPTER 51. STANDARDS FOR TYPE S SCHOOL BUSES**

- 13:20-51.1 Scope
- 13:20-51.2 Definitions
- 13:20-51.3 Capacity
- 13:20-51.4 Chains or snow tires
- 13:20-51.5 Emergency equipment
- 13:20-51.6 Fire extinguisher
- 13:20-51.7 First aid kit
- 13:20-51.8 Floor covering
- 13:20-51.9 Heater capacity
- 13:20-51.10 Lettering
- 13:20-51.11 Rear view mirrors
- 13:20-51.12 Rear window
- 13:20-51.13 Seats and backrests
- 13:20-51.14 Sun visor
- 13:20-51.15 Windshield wipers

**SUBCHAPTER 52. INSURANCE**

- 13:20-52.1 General provisions

**SUBCHAPTER 53. STANDARDS FOR ALTERNATIVELY FUELED SCHOOL BUSES**

- 13:20-53.1 Scope and purpose
- 13:20-53.2 Definitions
- 13:20-53.3 Installation requirements
- 13:20-53.4 Fuel supply container requirements
- 13:20-53.5 Markings
- 13:20-53.6 Venting
- 13:20-53.7 Manifold shut-off valve
- 13:20-53.8 Pipes, tubing, hoses, and fittings
- 13:20-53.9 Supply lines
- 13:20-53.10 Shut-off valve
- 13:20-53.11 Carburetor flows
- 13:20-53.12 Dual fuel systems
- 13:20-53.13 Relief device
- 13:20-53.14 Electrical equipment
- 13:20-53.15 Road clearance
- 13:20-53.16 Gasoline tank
- 13:20-53.17 Certified fuel tanks
- 13:20-53.18 Fuel system
- 13:20-53.19 Fuel containers

**SUBCHAPTER 53A. STANDARDS FOR SCHOOL BUSES HAVING FUEL SYSTEMS USING LIQUEFIED PETROLEUM GAS**

- 13:20-53A.1 General provision
- 13:20-53A.2 Fuel supply container
- 13:20-53A.3 Back-flow check valve
- 13:20-53A.4 Fuel supply container markings
- 13:20-53A.5 Valves
- 13:20-53A.6 Safety relief valves
- 13:20-53A.7 Safety relief valve markings
- 13:20-53A.8 Excess flow valve
- 13:20-53A.9 Check valves
- 13:20-53A.10 Vapor equalizing valve
- 13:20-53A.11 Shut-off valve
- 13:20-53A.12 Liquid volume gauge
- 13:20-53A.13 Pressure reducing regulator and vaporizer regulator
- 13:20-53A.14 Vents
- 13:20-53A.15 LPG hose for high pressure liquid or vapor use

**SUBCHAPTER 53B. STANDARDS FOR SCHOOL BUSES HAVING FUEL SYSTEMS USING COMPRESSED NATURAL GAS**

- 13:20-53B.1 General provision
- 13:20-53B.2 Fuel supply container

- 13:20-53B.3 Markings
- 13:20-53B.4 Shut-off valve
- 13:20-53B.5 Safety relief devices
- 13:20-53B.6 Gauges
- 13:20-53B.7 Automatic pressure reducing regulators
- 13:20-53B.8 Vents

**SUBCHAPTER 53C. STANDARDS FOR SCHOOL BUSES HAVING FUEL SYSTEMS USING LIQUEFIED NATURAL GAS**

- 13:20-53C.1 General provision
- 13:20-53C.2 Fuel supply container
- 13:20-53C.3 Markings
- 13:20-53C.4 Valve certification
- 13:20-53C.5 Safety relief valves
- 13:20-53C.6 Shut-off valves
- 13:20-53C.7 Control valve
- 13:20-53C.8 Gauges
- 13:20-53C.9 Pressure reducing regulators
- 13:20-53C.10 Vents

**SUBCHAPTER 1. STANDARDS AND SPECIFICATIONS GOVERNING THE TYPES OF SUN-SCREENING MATERIALS AND PRODUCTS THAT MAY BE INSTALLED OR APPLIED TO WINDSHIELDS AND FRONT SIDE WINDOWS OF MOTOR VEHICLES FOR WHICH MEDICAL EXEMPTION CERTIFICATES HAVE BEEN ISSUED; STANDARDS GOVERNING THE ISSUANCE OF MEDICAL EXEMPTION CERTIFICATES**

**Authority**

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**Source and Effective Date**

R.2001 d.341, effective September 17, 2001.  
See: 33 N.J.R. 2450(a), 33 N.J.R. 3343(a).

**13:20-1.1 Definitions**

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

“Action spectra” means those portions of the electromagnetic spectrum, such as UVA, UVB, near UV, and visible light, which elicit an adverse medical condition as specified in N.J.S.A. 39:3-75.1 and this subchapter.

“AS-1 line” means the mark at the edge of a sheet of glazing material that delineates the area of the windshield requisite for driving visibility and indicates that portion of the sheet of glazing material having a luminous transmittance of not less than 70 percent.

“Clear film” means a material that, when applied over factory-installed glazing, has a neutral gray appearance.

“Director” means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“Division” means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“Near UV” means the portion of the visible electromagnetic spectrum that appears violet to blue in color, having wavelengths that range from 400 nanometers to 492 nanometers.

“Optical properties” means the percentage of visible light and/or UV transmittance, visible light reflection, and other parameters of approved sun-screening materials and products as supplied by the manufacturer and installed or applied by registered sun-screening material installation facilities.

“Reflectance” means the percentage of visible light reflected by the sun-screening material or product.

“Tinted film” means a material of any color that is applied over factory-installed glazing.

“Transmittance” means the percentage of visible light and/or UV radiation that passes through a sun-screening material or product and the factory-installed glazing to which it is attached.

“Ultraviolet” or “UV” means the ultraviolet portion of the electromagnetic spectrum, having wavelengths that range from 290 nanometers to 400 nanometers.

“UVA” means the portion of the UV spectrum that ranges from 320 nanometers to 400 nanometers in wavelength.

(b) An owner or lessee shall examine such reports and shall repair the defects and deficiencies noted therein. The report shall be retained by the owner or lessee for a period of 12 months.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Rewrote the section.

### 13:20-26.10 Recommended forms

(a) The following practices and forms are recommended to motor carriers for consideration as one means of establishing the inspection and maintenance practices which are required by N.J.A.C. 13:20-26.3 through 26.9.

1. As a convenient means of providing for the report required by N.J.A.C. 13:20-26.3, the "Driver's Vehicle Condition Report" is suggested. The items are arranged in a logical order of inspection. While the provisions do not require a written inspection report prior to operating, the form may be adapted for such a report by duplicating the text of the form and using an appropriate heading. Changes may be made to suit the particular carrier's operations, such as by providing for the recording of more than one inspection on a single form.

2. As a convenient means for providing the systematic inspection and maintenance records required by N.J.A.C. 13:20-26.3, the Inspection and Maintenance Reports I and II are suggested, but the provisions do not require any particular type or form of records. Other systems recommended by the vehicle manufacturers are suggested as alternative methods.

3. A cardboard check sheet for each inspection period is recommended to be placed in the maintenance facility. Under the suggested system, when the four 1,000-mile inspections have been completed, the mechanic will know that he or she should perform the 5,000-mile inspection in accordance with the 5,000-mile inspection card. These forms, especially the mileage intervals, are suitable for the average over-the-road operator but changes may be made to adapt them to the individual operation. The items listed may be too numerous for some operations and in such cases, carriers may select items applicable to their own operations. Carriers may alter the recommended mileage figures to suit their needs or inspection periods may be determined on other than a mileage basis such as time or fuel consumption. The fundamental requirement is that there be a systematic inspection and maintenance system.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (a)3, substituted "maintenance facility" for "garage" and inserted "or she" preceding "should perform"; and amended N.J.A.C. references throughout.

### 13:20-26.11 Required inspection and maintenance

(a) The following items of equipment shall be inspected and maintained at least once every three months:

1. All brake lines and lining;
2. Drive lines;
3. Coupling devices;
4. Tires, wheels, and flaps;
5. Springs;
6. Emergency equipment;
7. Fuel system;
8. Cooling system;
9. Lighting devices, horns, and mirrors;
10. Transmission;
11. Steering equipment;
12. Axles and tie-rod assemblies;
13. Clutch;
14. Exhaust system and exhaust emissions; and
15. Glazing and wipers.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (a), substituted "shall" for "are required to" in the introductory paragraph; and in (a)10, deleted "system" following "Transmission".

### 13:20-26.12 Standards of inspection

All equipment subject to inspection shall meet the standards now or hereafter prescribed by Federal law or rule, New Jersey statute, or Division rule.

Amended by R.1985 d.174, effective April 15, 1985.

See: 17 N.J.R. 270(a), 17 N.J.R. 971(a).

Added text "in accordance with ... (C.52:14B-1 et seq.)"; and deleted "upon 30-day notice".

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Rewrote the section.

### 13:20-26.13 Certification

Every owner or lessee shall certify to the Director on a form prescribed that he or she has inspected and maintained his or her vehicles in conformity with this subchapter. Such certification shall be made once every 12 months.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Substituted "shall" for "must" preceding "certify", inserted "or she" preceding "has inspected", inserted "or her" preceding "vehicles", and substituted "with" for "to" following "in conformity".

**13:20-26.14 Additional inspection**

This subchapter shall not be construed to limit or deny the Director the authority to require additional inspection to determine levels of air contaminants from vehicles, nor shall this subchapter be construed as abrogating any code, rule, or regulation now or hereafter promulgated pursuant to Title 26, Chapter 2C of the New Jersey Statutes Annotated, Air Pollution Control Act of 1954.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Rewrote the section.

**13:20-26.15 Penalties**

Any owner or lessee who violates any provision of this subchapter may be subject to the suspension or revocation of his or her New Jersey registration privileges and/or may be subject to the loss of the self-inspection privilege authorized by this subchapter.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Inserted "or her" following "revocation of his" and deleted "and license" following "New Jersey registration".

**13:20-26.16 Biennial inspection at an official inspection facility or a private inspection facility**

Notwithstanding, and in addition to, any other provision or requirement of this subchapter, all "vehicles" (except trailers, semitrailers, pole trailers, diesel trucks having a GVWR of 10,000 pounds or more and diesel truck tractors as defined in N.J.S.A. 39:1-1) shall be inspected pursuant to N.J.S.A. 39:8-1 on a biennial basis at an official inspection facility or a licensed private inspection facility.

New Rule, R.1985 d.174, effective April 15, 1985 (operative July 1, 1985).

See: 17 N.J.R. 270(a), 17 N.J.R. 971(a).

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Rewrote the section.

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

Substituted "having a GVWR" for "registered at a gross weight" following "diesel trucks".

**13:20-26.17 Compliance with diesel emission standards, equipment requirements, and test procedures; periodic inspection program for diesel emissions; self-inspection; exempt vehicles.**

(a) Except as otherwise provided in P.L. 1995, c.157, heavy-duty diesel trucks, as defined by that Act, operating in New Jersey shall be subject to applicable diesel emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14, an examination of the muffler and diesel emission control apparatus pursuant to N.J.A.C. 7:27-14, and diesel test procedures set forth in N.J.A.C. 7:27B-4.

(b) On or after July 1, 1998, the owner or lessee of a heavy-duty diesel truck, as defined in P.L. 1995, c.157 and registered in this State, shall submit proof to the Division that the vehicle has, within 90 days after the date of registration or renewal thereof, complied with the requirements for periodic inspection. Compliance with the requirements for periodic inspection shall mean that the vehicle has been tested for opacity at a diesel emission inspection center licensed pursuant to N.J.A.C. 13:20-47 and that the vehicle has successfully passed a test procedure for opacity as set forth in N.J.A.C. 7:27B-4.

(c) Certification of self-inspection pursuant to N.J.A.C. 13:20-26.11 and 26.13 is a representation by the owner or lessee of any heavy-duty diesel truck that, at a minimum, the diesel vehicle is in compliance with the DEP emission standards set forth in N.J.A.C. 7:27-14, all applicable requirements regarding the muffler and emission control apparatus, and that the diesel vehicle can successfully pass the test procedures set forth in N.J.A.C. 7:27B-4. On or after July 1, 1998, any certification of self-inspection shall require compliance with the requirements of (b) above.

(d) The following motor vehicles, some of which may be subject to inspection under other provisions of law or regulation, shall be exempt from the periodic diesel emission inspection requirements of this subchapter:

1. Diesel-powered motor vehicles, as defined in N.J.S.A. 39:8-60, that are registered as contractor equipment in-transit vehicles pursuant to N.J.S.A. 39:4-30;

2. Heavy-duty diesel trucks and other diesel-powered motor vehicles, as defined in N.J.S.A. 39:8-60, which are designed for farming purposes and registered pursuant to N.J.S.A. 39:3-24 or 39:3-25; and

3. Heavy-duty diesel trucks and other diesel-powered motor vehicles, as defined in P.L. 1995, c.157, which are owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization and used for first aid, emergency, ambulance, rescue, or fire-fighting purposes.

New Rule, R.1997 d.392, effective September 15, 1997.

See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).

Amended by R.1998 d.310, effective June 15, 1998.

See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

In (b), changed "January 1, 1998" to "July 1, 1998" and substituted 90 for 30 days after "the vehicle has, within", and substituted "after" for "prior to" following "90 days"; in (c), changed "January 1, 1998" to "July 1, 1998"; in (d), inserted a reference to N.J.S.A. 39:8-60 in 1 and rewrote 2; and deleted references to diesel-powered motor vehicles throughout the section.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (c), substituted "of" for "for" following "owner or lessee".

## SUBCHAPTER 27. (RESERVED)

## SUBCHAPTER 28. INSPECTION OF NEW MOTOR VEHICLES

**13:20-28.1 Purpose**

(a) The purpose of this subchapter is to effect increased equipment and vehicular safety by requiring new motor vehicle dealers to inspect new motor vehicles prior to delivery to an ultimate purchaser in New Jersey. The purpose of this subchapter is also to effect increased equipment and vehicular safety by permitting motor vehicle leasing companies that take delivery of new motor vehicles from franchised New Jersey licensed new motor vehicle dealers to inspect such new motor vehicles prior to leasing such motor vehicles in New Jersey.

(b) Such inspection shall be deemed, when performed in conformity with this subchapter, to satisfy the requirements of N.J.S.A. 39:8-1.

Amended by R.2001 d.358, effective October 15, 2001.  
See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

In (a), added the second sentence.

**13:20-28.2 Applicability**

The provisions of this subchapter shall be applicable to all new motor vehicle dealers licensed by the Director. The provisions of this subchapter shall also be applicable to those motor vehicle leasing companies that take delivery of new motor vehicles from franchised New Jersey licensed new motor vehicle dealers and that inspect such new motor vehicles in accordance with this subchapter.

Amended by R.2001 d.358, effective October 15, 2001.  
See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Added the second sentence.

**13:20-28.3 Definitions**

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

“Director” means the Director of the Division of Motor Vehicles in the Department of Transportation.

“Division” means the Division of Motor Vehicles in the Department of Transportation.

“Gross vehicle weight rating” or “GVWR” means the value specified by the manufacturer as the maximum loaded weight of a single or combination (articulated) vehicle.

“New motor vehicle” means every new motor vehicle, regardless of registration class, except omnibuses that are subject to inspection by the Division’s Commercial Bus

Inspection and Investigation Unit, school buses, diesel trucks having a GVWR of 10,000 pounds or more, diesel truck tractors as defined in N.J.S.A. 39:1-1, and vehicles that run upon rails or tracks.

“New motor vehicle dealer” or “new motorcycle dealer” means a dealer licensed pursuant to N.J.S.A. 39:10-19 to sell new motor vehicles or new motorcycles, its employees and/or agents.

“Pre-delivery checklist” means a list of items and procedures which a new motor vehicle dealer, new motorcycle dealer, or motor vehicle leasing company is required or recommended by a manufacturer to check or follow prior to delivery of a new motor vehicle to a purchaser or lessee.

“Ultimate purchaser” means any person, other than a motor vehicle dealer purchasing in its capacity as a motor vehicle dealer, who in good faith purchases or leases a new motor vehicle from a new motor vehicle dealer or leases a new motor vehicle from a motor vehicle leasing company.

Amended by R.1999 d.422, effective December 6, 1999.  
See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Deleted a former second sentence in the introductory paragraph; and in “Director”, substituted a reference to the Department of Transportation for a reference to the Department of Law and Public Safety.

Amended by R.2001 d.20, effective January 16, 2001.  
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In “New car dealer” and “New motor vehicle dealer”, inserted “or her” preceding “employees and/or agents”; in “Ultimate purchaser”, inserted “or her” preceding “capacity”.

Amended by R.2001 d.358, effective October 15, 2001.  
See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote the section.

Amended by R.2003 d.206, effective May 19, 2003.  
See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

Added “Gross vehicle weight rating” or “GVWR”; in “New motor vehicle”, substituted “having a GVWR” for “registered at a gross weight” following “diesel trucks”.

**13:20-28.4 Manufacturers’ new motor vehicle inspection procedure**

(a) A new motor vehicle dealer shall, prior to delivery to an ultimate purchaser of a new motor vehicle, inspect the safety and emission control devices on such motor vehicle and perform such services as may be necessary so that such motor vehicle conforms to specifications established by the manufacturer and contained in its pre-delivery checklist.

(b) A motor vehicle leasing company that takes delivery of a new motor vehicle from a franchised New Jersey licensed new motor vehicle dealer may, prior to delivery of such motor vehicle to a lessee, inspect the safety and emission control devices on such motor vehicle and perform such services as may be necessary so that such motor vehicle conforms to specifications established by the manufacturer and contained in its pre-delivery checklist.

(c) A new motor vehicle dealer’s or motor vehicle leasing company’s completion of the pre-delivery inspection procedure required or recommended by the manufacturer shall be deemed by the Director to render the new motor vehicle safe for operation on any public road, street, or highway or any public or quasi-public property in this State.

(d) Any new motorcycle dealer which inspects new motorcycles pursuant to this subchapter must be licensed as a Class III private inspection facility pursuant to N.J.A.C. 13:20-44.

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Rewrote (c).

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (b), substituted "safe" for "sale" preceding "for operation".

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote section.

### 13:20-28.5 Motor vehicle equipment standards

(a) A new motor vehicle subject to inspection pursuant to this subchapter shall meet the equipment standards now or hereafter prescribed by the United States Department of Transportation, by Federal or State statute, by Division rule, or by specifications established by the manufacturer.

(b) In the event of an inconsistency between the manufacturer's specifications and a standard or rule adopted by the United States Department of Transportation, or Federal or State statute, or Division rule, the standard or rule adopted by the United States Department of Transportation, or Federal or State statute, or Division rule shall take precedence.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote section.

### 13:20-28.6 Decal; period of validity

(a) A new motor vehicle dealer or a motor vehicle leasing company shall, after satisfactory completion of an inspection of a new motor vehicle pursuant to this subchapter, affix a decal upon such motor vehicle as an indication of same. The decal shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the decal shall be completely visible from the front of the motor vehicle. The decal shall be affixed in an upright position. In the case of a new motorcycle, the decal shall be affixed to the right side of the rear license plate, equally centered between the upper right and lower right corners of the license plate, in such a position as to be easily visible for enforcement purposes.

(b) A new motor vehicle receiving a decal as an indication of successful inspection pursuant to this subchapter shall next be inspected not later than two years from the last day of the calendar month in which the motor vehicle was inspected by the new motor vehicle dealer or the motor vehicle leasing company, and the decal affixed to the motor vehicle by the new motor vehicle dealer or the motor vehicle leasing company shall so indicate.

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Rewrote (b); and deleted former (c) and (d).

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote (a); in (b), substituted "A" for "Any" and "as an" for "or other", inserted "motor" following "in which the" and "affixed to the", deleted "or other indication of successful inspection", and inserted references to motor vehicle leasing companies.

### 13:20-28.7 Compliance

(a) A new motor vehicle dealer shall not deliver a new motor vehicle to an ultimate purchaser unless such motor vehicle has been inspected pursuant to this subchapter and found to be in compliance with the equipment standards set forth in N.J.A.C. 13:20-28.5(a).

(b) A motor vehicle leasing company that performs inspections of new motor vehicles pursuant to this subchapter shall not lease a new motor vehicle to a lessee unless such motor vehicle has been found to be in compliance with the equipment standards set forth in N.J.A.C. 13:20-28.5(a).

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Designated existing paragraph as (a) and rewrote; added (b).

### 13:20-28.8 Evidence of compliance

(a) Completion by the new motor vehicle dealer or motor vehicle leasing company of the manufacturer's pre-delivery checklist shall be evidence of compliance with this subchapter.

(b) Such pre-delivery checklist shall be retained by the new motor vehicle dealer or the motor vehicle leasing company for a period of at least three years from the date of inspection.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote (a); in (b), substituted "checklist" for "check list or report", and inserted "or the motor vehicle leasing company" following "dealer".

### 13:20-28.9 Pre-delivery checklist form; required information

The pre-delivery checklist used by the new motor vehicle dealer or the motor vehicle leasing company shall indicate the place and date of inspection, the person or persons performing the new motor vehicle inspection, and that the new motor vehicle has been found to be in compliance with the equipment standards of this subchapter.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote the section.

### 13:20-28.10 Additional inspection

This subchapter shall not be construed to limit the Director's authority to require any additional inspection, including an inspection to assure the proper functioning of emission control devices or systems of new motor vehicles, nor shall this subchapter be construed as abrogating any code, rule or regulation now or hereafter promulgated pursuant to the "Air Pollution Control Act (1954) (N.J.S.A. 26:2C-1 et seq.) or the New Jersey "Federal Clean Air Mandate Compliance Act" (P.L. 1995, c.112).

(b) If a registrant has been notified in accordance with N.J.A.C. 13:20-45.19(b) of a proposed suspension or revocation of his or her motor vehicle emission repair facility registration, the registrant shall be entitled to an administrative hearing concerning such proposed suspension or revocation provided that the registrant has filed and the Director has received a written request for a hearing within 15 days. The 15 day period shall commence on the date such notice was mailed to the registrant by the Division in accordance with N.J.A.C. 13:20-45.19(b).

(c) Any written request for a hearing by an applicant or registrant shall be sent to the Motor Vehicle Emission Repair Facility Registration Unit of the Division at the address specified in N.J.A.C. 13:20-45.4(a). The hearing request shall contain the following information:

1. The name, registration number, place of business and telephone number of the motor vehicle emission repair facility;
2. A concise statement of facts constituting each ground of defense;

3. A specific admission, denial or explanation of each fact alleged by the Division in its notice or order to show cause, or if without knowledge thereof, a statement to that effect; any allegation in the Division's notice or order to show cause which is not answered in accordance with this paragraph shall be deemed to have been admitted; and

4. A statement requesting a hearing.

(d) If the applicant or registrant does not file a written request for a hearing in accordance with (a), (b), or (c) above, the suspension, revocation or refusal to renew the motor vehicle emission repair facility registration shall be effective on the date specified in such notice. The motor vehicle emission repair facility shall cease all activities of the business of a motor vehicle emission repair facility effective on the date specified in such notice.

#### **13:20-45.21 Hearing procedures**

Any hearing concerning the suspension, revocation or refusal to renew a motor vehicle emission repair facility registration shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

#### **13:20-45.22 Limitations on issuance of registration after suspension, revocation or refusal to renew**

(a) No person whose renewal application for a motor vehicle emission repair facility registration is refused shall be entitled to apply for a registration under this subchapter for a period of one year from the effective date of such refusal.

(b) No person whose registration is suspended or revoked shall be entitled to apply for a registration under this subchapter during the period of suspension or revocation.

#### **13:20-45.23 Registration restoration**

(a) A fee of \$50.00 shall be payable to the Division for the restoration of a motor vehicle emission repair facility registration which is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter. Such registration restoration fee shall be paid to the Division before the registration may be restored.

(b) Each suspension or revocation of any motor vehicle emission repair facility registration, pursuant to N.J.S.A. 39:8-1 et seq. or any regulation adopted thereunder, shall continue in force and effect until such registration is restored by the Director.

(c) In the case of every suspension or revocation of a motor vehicle emission repair facility registration for a fixed period of time, the registrant, as a condition precedent to restoration, shall make application to the Director, in such form as the Director may determine, and pay the registration restoration fee specified in (a) above. The Director

may, upon notice and an opportunity to be heard, deny any application for restoration of a motor vehicle emission repair facility registration for good cause.

### **SUBCHAPTER 46. DIESEL EMISSION INSPECTION AND MAINTENANCE PROGRAM**

#### **13:20-46.1 Definitions**

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

"Department" means the Department of Environmental Protection in the State of New Jersey.

"Diesel bus" means any diesel-powered autobus or motorbus of any size or configuration, whether registered in this State or elsewhere, that is designed or used for intrastate or interstate transportation of passengers for hire or otherwise on a public road, street or highway or any public or quasi-public property in this State, including, but not limited to, autobuses under the jurisdiction of the Department of Transportation pursuant to Titles 27 or 48 of the Revised Statutes; autobuses of the New Jersey Transit Corporation and its contract carriers that are under the inspection jurisdiction of the Department of Transportation; autobuses that are subject to Federal motor carrier safety regulations; autobuses under the authority of the Interstate Commerce Commission or its successor agency; school buses, as defined pursuant to N.J.S.A. 39:1-1; and hotel, casino, charter, and special buses.

"Diesel emission inspection center" means any person, partnership or corporation licensed by the Division pursuant to N.J.A.C. 13:20-47 to perform the diesel vehicle inspections permitted by that subchapter.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Division" means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of a single or combination (articulated) vehicle. The GVWR of a combination (articulated) vehicle, commonly referred to as the "gross combination weight rating" or "GCWR," is the GVWR of the power unit plus the GVWR of the towed unit or units.

"Heavy-duty diesel truck" means any diesel-powered motor vehicle, whether registered in this State or elsewhere, with a GVWR of 18,000 or more pounds that is designed or



used for the transporting of property on any public road, street or highway or any public or quasi-public property in this State. For the purposes of these rules, heavy-duty diesel truck shall not mean a heavy-duty diesel truck owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization and used for first aid, emergency, ambulance, rescue, or fire-fighting purposes.

“Person” means a corporation, company, association, society, firm, partnership, or joint stock company, or an individual, and shall also include the State and all of its political subdivisions and any agencies, authorities, corporations, or instrumentalities of the State or any political subdivision thereof.

“Roadside enforcement program” or “roadside inspection” means a roadside examination program conducted pursuant to P.L. 1995, c.157 (N.J.S.A. 39:8-59 et seq.) and this subchapter for the inspection of exhaust emissions, emission control apparatus and such other items as the Department of Environmental Protection, in consultation with the Director of the Division of Motor Vehicles and the Commissioner of Transportation, prescribes, of diesel buses and heavy-duty diesel trucks along any public road, street or highway or any public or quasi-public property in this State or at such other locations as may be designated by the Director in consultation with the Commissioner of Transportation.

“Roadside inspector” means an individual who is designated by the Director to perform roadside diesel vehicle emission inspections pursuant to this subchapter.

“State” means a state of the United States or the District of Columbia.

Amended by R.1998 d.310, effective June 15, 1998.  
See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

Deleted “Diesel-powered motor vehicle” definition and rewrote “Roadside enforcement program” definition.

### **13:20-46.2 Diesel emission inspection requirements; exempt vehicles**

(a) Except as otherwise provided in P.L. 1995, c.157 and in (b) below, heavy-duty diesel trucks and diesel buses (as defined in this subchapter) which are operated in New Jersey shall be subject to roadside diesel emission inspections in accordance with P.L. 1995, c.157, this subchapter and the applicable diesel emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14.

(b) The following motor vehicles, some of which may be subject to inspection under other provisions of law or regulation, shall be exempt from the roadside diesel emission inspection requirements of this subchapter:

1. Diesel-powered motor vehicles, as defined in N.J.S.A. 39:8-60, that are registered as contractor equipment in-transit vehicles pursuant to N.J.S.A. 39:4-30;

2. Heavy-duty diesel trucks and other diesel-powered motor vehicles, as defined in N.J.S.A. 39:8-60, which are designed for farming purposes and registered pursuant to N.J.S.A. 39:3-24 or 39:3-25;

3. School buses, as defined in N.J.S.A. 39:1-1; and

4. Heavy-duty diesel trucks and other diesel-powered motor vehicles as defined in N.J.S.A. 39:8-60 which are owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization and used for first aid, emergency, ambulance, rescue or fire-fighting purposes.

Amended by R.1998 d.310, effective June 15, 1998.

See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

In (a), deleted reference to diesel-powered motor vehicles; and in (b), inserted references to N.J.S.A. 39:8-60 in 1 and 4 and rewrote 2.

### **13:20-46.3 Roadside inspections; scope; inspection procedures**

(a) Roadside diesel emission inspections shall, except as hereafter provided, consist of an emission inspection; a screening examination for visible black smoke; a visible blue smoke test; an examination of the muffler and emission control apparatus pursuant to N.J.A.C. 7:27-14; an examination of the driver’s license, motor vehicle registration certificate, International Registration Plan (IRP) documentation, if any, insurance identification card, if applicable, and diesel emission inspection certificate of approval, if any.

(b) Roadside diesel emission inspection procedures shall utilize emission inspection equipment designated by the Director. Emission inspection equipment shall be approved by the Department of Environmental Protection and shall meet specifications adopted by the Department of Environmental Protection.

(c) Roadside diesel emission inspections shall be conducted using the emission inspection standards and test procedures set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4.

(d) The Division shall conduct a roadside diesel emission inspection on those heavy-duty diesel trucks directed to the inspection area by the New Jersey State Police or other proper authority, except that in the case of any vehicle directed to the inspection area which bears a valid diesel emission inspection certificate of approval issued by a diesel emission inspection center pursuant to N.J.A.C. 13:20-47.14, the vehicle shall be waived from further emission inspection and permitted to return to the road, except where the vehicle is emitting visible black smoke; is exhibiting any other audible or visible emission or safety defect or other irregularity that in the opinion of the roadside inspector or State Police officer, as the case may be, warrants further inspection or examination; is required to be inspected for auditing purposes; or is required to be inspected as part of the Division’s training program for roadside inspectors.

(e) If a heavy-duty diesel truck or diesel bus subject to roadside emission inspection pursuant to P.L. 1995, c.157 fails to meet diesel emission inspection standards set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14, the diesel emission inspection certificate of approval displayed upon the windshield of the vehicle, if any, shall be defaced by the roadside inspector.

(f) The owner or lessee of a heavy-duty diesel truck or diesel bus registered in this State which is subject to roadside diesel emission inspection pursuant to P.L. 1995, c.157 which fails to meet diesel emission inspection standards set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14 shall have the vehicle repaired, adjusted or corrected within 45 days in order to legally operate it in New Jersey.

(g) Diesel buses shall be subject to roadside emission inspections pursuant to P.L. 1995, c.157 and this subchapter only in conjunction with roadside safety inspections conducted pursuant to law or regulation.

Amended by R.1998 d.310, effective June 15, 1998.

See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

In (d), deleted "and other diesel-powered motor vehicles" preceding "directed to the inspection area"; rewrote (e); added a new (f); and recodified former (f) as (g).

#### 13:20-46.4 Certification of test

A document specified in N.J.S.A. 39:8-66 upon which diesel emission inspection test results shall be recorded by the roadside inspector, and the certification containing the information required by N.J.S.A. 39:8-66, is set forth in Appendix A to this subchapter, which is incorporated herein by reference.

#### 13:20-46.5 Violation information

Information pertaining to penalties for violation of N.J.S.A. 39:8-62, the repairs that may effect a reduction of penalty, and the certification necessary to substantiate those repairs and compliance with emission standards shall be served with the complaint and summons alleging a violation of N.J.S.A. 39:8-62. The form of the certification of repairs, which shall be served with the complaint and summons, is set forth in Appendix A to this subchapter, which is incorporated herein by reference.

#### 13:20-46.6 Civil penalty schedule; reduction of penalty

(a) The owner and the lessee, if any, of a heavy-duty diesel truck or diesel bus operated in violation of N.J.S.A. 39:8-62 shall be jointly and severally liable for a civil penalty. For a first violation, the owner or lessee shall pay a civil penalty of \$700.00, except as otherwise provided in this section. For a second or subsequent violation, the owner or lessee shall pay a civil penalty of \$1,300, except as otherwise provided in this section.

(b) A second or subsequent violation is one which occurs within one year of the occurrence of a previous violation of N.J.S.A. 39:8-62 committed with respect to the same heavy-duty diesel truck or diesel bus. This one year period shall

be determined without regard to the date of the hearing that adjudicated the violation and without regard to the identity of the defendant against whom it was adjudicated.

(c) The complaint and summons alleging a violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck or diesel bus shall state whether the charges pertain to a first violation or to a second or subsequent violation, but if the complaint and summons fail to allege a second or subsequent violation, the civil penalty imposed shall be that for a first violation.

(d) The penalty for a first violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck or diesel bus may be reduced to \$150.00 if the defendant provides a certification of the smoke opacity-related repairs to the vehicle that is satisfactory to the court and in compliance with emission standards. The penalty for a second or subsequent violation may be reduced to \$500.00 if the defendant provides a certification of the smoke opacity-related repairs to the vehicle that is satisfactory to the court and in compliance with emission standards. The form of the certification of repairs is set forth in Appendix A to this subchapter.

(e) Repairs to effect a reduction of penalty under the provisions of N.J.S.A. 39:8-63 and this section shall be related to the cause of the emission test failure and shall be made before the hearing date or within 45 days of the occurrence of the violation, whichever is sooner.

(f) A defendant who is charged with a violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck or diesel bus and who is permitted to waive appearance and plead guilty by mail shall also be permitted to submit the certification of emission-related repairs and compliance with emission standards by mail. If the court deems the certification to be inadequate, it shall afford the defendant the option to withdraw the guilty plea.

(g) The Director may suspend the registration privileges of an owner or lessee for failure to pay a civil penalty imposed pursuant to P.L. 1995, c.157 and this subchapter.

(h) The operator of a heavy-duty diesel truck or diesel bus as herein defined who fails to comply with any direction given by an enforcement officer or who refuses to submit or resists submitting a vehicle under the operator's control for roadside inspection, or who fails to comply with any other obligation imposed upon that person as part of the roadside diesel emission inspection program shall be jointly and severally liable with the owner and the lessee, if any, of the vehicle for a civil penalty of \$500.00; provided, however, that the New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

Amended by R.1998 d.310, effective June 15, 1998.

See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

Deleted references to diesel-powered motor vehicles throughout section.

**13:20-46.7 Out-of-service orders**

The Division of State Police may order out-of-service any vehicle that is registered or present in this State if the civil penalty imposed pursuant to P.L. 1995, c.157 and this subchapter remains unpaid after the date on which it became due and owing. A vehicle placed out-of-service pursuant to this section shall not be operated until all civil penalties that are due and owing are paid to the Division of Motor Vehicles, or the owner or lessee has made an arrangement, approved by the Director, for payment in accordance with a payment schedule. When a vehicle is placed out-of-service, an administrative out-of-service order shall be prepared on a form or forms specified by the Director and a copy served upon the operator of the vehicle or upon the owner or lessee of the vehicle. The operator of a vehicle served with an out-of-service order pursuant to this section shall report the issuance of the out-of-service order to the owner and the lessee, if any, of the vehicle within 24 hours. When a vehicle is placed out-of-service pursuant to this section it shall be the responsibility of the owner or lessee of that vehicle to arrange for the prompt removal of that vehicle, by means other than operating the vehicle, and to pay all costs associated therewith. The vehicle shall be removed to a secure storage place where the Division of State Police can readily confirm its non-operation. If the owner or lessee fails to comply, or is otherwise incapable of complying with this section, the Division of State Police shall make such arrangements for the removal of the vehicle to a secure storage place where the Division of State Police can readily confirm its non-operation, with all attendant charges and expenses to be paid by the owner, lessee, or bailee. Upon payment by cashier's check or money order, or an agreement approved by the Director to pay in accordance with a payment schedule, or in such other form as may be determined by the Director, subject to law or the Rules Governing the Courts of the State of New Jersey, of

all unpaid civil penalties and attendant storage charges and expenses for a vehicle that has been placed out-of-service, the Director shall remove the out-of-service order. Any person who operates, and any owner or lessee who causes or allows to be operated, a vehicle in violation of an out-of-service order prepared and served in accordance with the provisions of this section shall be liable for a civil penalty of \$1,500, and, if the vehicle is registered in this State, the Director may suspend the registration privileges of the vehicle.

**13:20-46.8 Roadside inspector training certification**

(a) No person shall conduct a roadside emission inspection specified by this subchapter unless certified by the Director as having adequate training and competence to perform the test. In order to receive such certification, a roadside inspector shall complete a course of training consisting of classroom training as specified in (b) below, and field training as specified in (c) below.

(b) Classroom training shall consist of coursework in the following areas:

1. Theory of diesel engine operation;
2. Operating principles and proper use of the smoke opacity meter;
3. Test methods and equipment operational procedures;
4. Roadside inspection procedures, including site set-up and operations; and
5. Team responsibilities.

(c) Field training shall consist of practical application of all test methods and procedures in a roadside environment.

**APPENDIX A**

Division of Motor Vehicles  
225 E. State St.,  
PO Box 177  
Trenton, NJ 08666-0177  
(609) 633-9472

STATE OF NEW JERSEY,  
Plaintiff

v.

)  
)  
)  
)

MUNICIPAL COURT OF \_\_\_\_\_

SUMMONS NO. SP \_\_\_\_\_

Defendant.

CERTIFICATION OF DIESEL EMISSIONS  
TEST PURSUANT TO N.J.S.A. 39:8-66

1. I, \_\_\_\_\_, (Diesel Emission Certificate # \_\_\_\_\_), am employed by the State of New Jersey, Division of Motor Vehicles, to conduct roadside compliance inspections of diesel vehicles pursuant to N.J.S.A. 39:8-59 et seq.

2. On \_\_\_\_\_, 199\_\_\_\_, I performed a smoke opacity emissions test, called a *Snap Acceleration Test/Rolling Acceleration Test/Stall Test* (Circle One) on a diesel truck registered in \_\_\_\_\_, with license plate no. \_\_\_\_\_, and vehicle identification number \_\_\_\_\_. The truck is registered to \_\_\_\_\_, located at \_\_\_\_\_, \_\_\_\_\_. The truck inspected is a \_\_\_\_\_ (Year) model year. The vehicle has a stack diameter of \_\_\_\_\_ inches and a Gross Vehicle Weight Rating of \_\_\_\_\_ pounds.

3. This test was performed at \_\_\_\_\_, using Testing Unit Serial No. \_\_\_\_\_. The temperature at the site was \_\_\_\_\_ °F. The test on this vehicle began at \_\_\_\_\_ am/pm and was completed at \_\_\_\_\_ am/pm. All tests were conducted with all brakes released. As a result of this emissions test, a smoke opacity of \_\_\_\_\_% was measured, which indicates that this vehicle passed/failed (Circle One) the opacity standard set forth in N.J.A.C. 7:27-14.6.

4. As a result of this inspection, a complaint and summons charging a violation of the opacity standard set forth in N.J.A.C. 7:27-14.6 was issued to the driver of this vehicle.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are not true, I am subject to punishment.

Dated: \_\_\_\_\_

## PROOF OF SERVICE

On \_\_\_\_\_, 199\_\_\_\_, I personally served this document upon the driver of the vehicle in question.

## INSTRUCTIONS

- If you have received a Complaint & Summons for a violation of N.J.S.A. 39:8-62, and "Court Appearance Required" has not been checked, you may complete this certification to plead guilty and request that the Court reduce the penalty from \$700 to \$150 for a first offense. This certification may be used to plead guilty by mail ONLY for a first offense. Any other violations require a court appearance. If you have any questions about a court appearance, you should contact the Court Administrator of the Municipal Court identified on the Complaint & Summons.
- Attach all documents (bills, invoices, parts receipts, etc.) that support your claim that the emissions repairs were actually made to the vehicle in question. If you have undertaken any optional emissions testing after repairs have been made, you may want to attach copies of the emissions test results to this certification.
- Be sure to keep copies of this certification and all attachments.
- Mail this certification, along with your check for \$\_\_\_\_\_ (including court costs) to the Municipal Court indicated on the back of the Complaint & Summons that was issued to the driver of the vehicle in question.
- If the Municipal Court does not accept this certification of repairs, you will be allowed an opportunity to withdraw this guilty plea and the Court will notify you of that fact.

## CERTIFICATION OF REPAIR

1. I, \_\_\_\_\_, am the *owner/lessor* (Circle one) of the diesel vehicle, identified on the front side of this document, that was issued a Complaint & Summons for violating N.J.S.A. 39:8-62, by exceeding the applicable diesel emissions opacity standard.

2. I have *personally performed/caused a diesel mechanic to perform* (Circle one) the following emissions-related repairs to the vehicle to reduce the smoke emissions of this vehicle to the standards set in N.J.A.C. 7:27-14.6. In addition, I have attached all bills, receipts, invoices, and any other documents associated with the emissions-related repairs made to this vehicle.

Date

NAME AND ADDRESS OF LOCATION  
OF REPAIR FACILITY WHERE  
REPAIRS WERE MADE

REPAIRS MADE TO REDUCE  
DIESEL EMISSIONS FOR  
COMPLIANCE WITH DIESEL  
SMOKE OPACITY STANDARD


3. In addition, I have taken the following actions to bring this vehicle into compliance with the diesel emissions standards established by N.J.A.C. 7:27-14.1 et seq.: \_\_\_\_\_

4. By completing and signing this certification, I waive my right to appear in Municipal Court and I plead guilty to the charged violation of N.J.S.A. 39:8-62. This certification is presented to reduce the civil penalty for the charged violation from \$700 to \$150.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are not true, I am subject to punishment.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print your name)

## SUBCHAPTER 47. DIESEL EMISSION INSPECTION CENTER LICENSING

### 13:20-47.1 Purpose

(a) P.L. 1995, c.157 provides for the establishment and implementation of a periodic inspection program and a roadside enforcement program to enforce the emission standards and apply the test methods established pursuant to the Act. The purposes of this subchapter are to:

1. Establish a system for the licensing of diesel emission inspection centers which perform inspections and certifications on heavy-duty diesel trucks and diesel buses and issue certifications for heavy-duty diesel trucks and diesel buses, including emission control apparatus and emission control system inspections; and

2. Establish standards and procedures necessary to protect the public from incompetent, dishonest, deceptive and fraudulent practices in the inspection and certification of heavy-duty diesel trucks and diesel buses, including emission control apparatus and emission control systems, and to eliminate or exclude from licensing those persons who engage in such practices or who otherwise demonstrate unfitness.

(b) The Division finds that in order to ensure that diesel vehicles which are inspected and certified by a diesel emission inspection center are satisfactorily inspected and certi-

fied and are in proper condition to be operated on the highways of this State and to ensure that inspections and certifications are performed in accordance with the standards established by the Division at N.J.A.C. 13:20-46 and the Department of Environmental Protection at N.J.A.C. 7:27-14, a diesel emission inspection center must possess certain equipment used in the inspection and certification of diesel vehicles, including the inspection of emission control apparatus and emission control systems.

Amended by R.1998 d.310, effective June 15, 1998.

See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

In (a), deleted references to diesel-powered motor vehicles through-out.

### 13:20-47.2 Definitions

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

“Advertising” means any printed or published materials including, but not limited to, direct mail, circulars, leaflets, pamphlets, newspapers, magazines, billboards, yellow pages of any telephone directory, radio and/or television broadcasts, and any other advertising medium of communication used to induce the public to seek the services of the diesel emission inspection center. The term “advertising” shall not include printed or published materials appearing in the white pages of any telephone directory.

“Applicant” means any person applying under the provisions of this subchapter for an initial license to engage in the business of a diesel emission inspection center or to renew an existing license. In the case of a partnership or corporation applying for a license, the term “applicant” shall respectively include all partners and/or officers and directors and/or persons having a controlling interest in a partnership or corporation.

“Controlling interest” means possession of the power to direct or cause the direction of the management and policies of a diesel emission inspection center, whether through the ownership of voting securities or otherwise. The Director shall presume that control in fact exists if any person or entity directly or indirectly owns, controls, holds the power to vote, or holds proxies representing 10 percent or more of the voting securities of any diesel emission inspection center. This presumption may be rebutted by showing that control does not in fact exist. The Director may determine that control in fact exists, notwithstanding the presence or absence of a presumption to that effect.

“Department” means the Department of Environmental Protection in the State of New Jersey.

“Diesel bus” means any diesel-powered autobus or motorbus of any size or configuration, whether registered in this State or elsewhere, that is designed or used for intrastate or interstate transportation of passengers for hire or otherwise on a public road, street or highway or any public or quasi-public property in this State, including, but not limited to, autobuses under the jurisdiction of the Department of Transportation pursuant to Titles 27 or 48 of the Revised Statutes; autobuses of the New Jersey Transit Corporation and its contract carriers that are under the inspection jurisdiction of the Department of Transportation; autobuses that are subject to Federal motor carrier safety regulations; autobuses under the authority of the Interstate Commerce Commission or its successor agency; school buses, as defined pursuant to N.J.S.A. 39:1-1; and hotel, casino, charter, and special buses.

“Diesel emission inspection center” means any person who for compensation engages in the business of inspecting and certifying heavy-duty diesel trucks or diesel buses, including emission control apparatus and emission control systems. For purposes of this subchapter, an employee of a diesel emission inspection center who engages in the business of inspecting and certifying diesel motor vehicles, including emission control apparatus and emission control systems, solely by reason of his or her employment is not deemed to be a diesel emission inspection center and is not required to be licensed as such.

“Diesel emission inspection center license” means a license issued to a diesel emission inspection center which evidences the Director’s authorization for the center to engage in the inspection and certification of heavy-duty

diesel trucks or diesel buses, including diesel vehicle emission control apparatus and emission control systems.

“Diesel vehicle emission testing equipment” means equipment in accordance with specifications contained in N.J.A.C. 7:26B-4.6. The equipment shall include all devices used for performing a diesel vehicle smoke opacity emission inspection.

“Director” means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“Division” means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“Emission control apparatus” means any device utilized by the vehicle manufacturer and/or the engine manufacturer to control the release of any regulated emission, including any associated component which monitors the function and maintenance of such a device, as provided for in regulations adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14.

“Engaged in the business” means:

1. Any person who inspects and certifies diesel motor vehicles, including the presence of diesel emission control systems; or
2. Any person who for compensation negotiates, in any manner, with any customer to inspect and certify heavy-duty diesel trucks or diesel buses, including emission control systems.

“Gross vehicle weight rating” or “GVWR” means the value specified by the manufacturer as the loaded weight of a single or combination (articulated) vehicle. The GVWR of a combination (articulated) vehicle, commonly referred to as the “gross combination weight rating” or “GCWR,” is the GVWR of the power unit plus the GVWR of the towed unit or units.

“Heavy-duty diesel truck” means any diesel-powered motor vehicle, whether registered in this State or elsewhere, with a GVWR of 18,000 or more pounds that is designed or used for the transporting of property on any public road, street or highway or any public or quasi-public property in this State. For the purposes of these rules, heavy-duty diesel truck shall not mean a heavy-duty diesel truck owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization and used for first aid, emergency, ambulance, rescue, or fire-fighting purposes.

“Person” means any natural person, business, company, firm, partnership, association, corporation or any other entity.

“Place of business” means the address or location where the services of a diesel emission inspection center are offered or ordinarily performed.

“Suspension, revocation or refusal to grant or renew” means administrative action by the Director, in accordance with the provisions of P.L. 1995, c.157 or this subchapter, to refuse to grant or renew a diesel emission inspection center license or to suspend or revoke an existing license.

Amended by R.1998 d.310, effective June 15, 1998.

See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

Deleted “Diesel-powered motor vehicle” definition and deleted references to diesel-powered motor vehicles in “Diesel emission inspection center”, “Diesel emission inspection center license”, and “Engaged in the business” definitions.

Administrative change.

See: 33 N.J.R. 4388(a).

### **13:20-47.3 Scope; license required; vehicle classes; inspection services; license classes**

(a) This subchapter shall apply to every person engaged in the business of a diesel emission inspection center which performs inspections and certifications of heavy-duty diesel trucks and diesel buses, including emission control systems.

(b) No person shall, on or after September 15, 1997, engage in the business of a diesel emission inspection center unless licensed by the Director in accordance with the provisions of this subchapter.

(c) Diesel emission inspection centers shall be licensed to engage in the inspection and certification of heavy-duty diesel trucks and diesel buses; provided, however, diesel emission inspection centers shall not inspect school buses, or buses which are subject to inspection by the New Jersey Division of Motor Vehicles Commercial Bus Inspection and Investigation Unit.

(d) Diesel emission inspection centers shall provide inspection and certification services in all vehicle emission inspection categories established by the Division, including the following inspection categories:

1. Engine emissions;
2. Exhaust system and emission control apparatus;
3. Governor, if applicable;
4. Emission control system, if applicable; and
5. Miscellaneous (any inspection item not in other categories).

(e) Each diesel vehicle inspection conducted by a diesel emission inspection center pursuant to this subchapter shall include an examination of the driver's license, motor vehicle registration certificate, International Registration Plan (IRP) documentation, if any, and insurance identification card, if applicable.

(f) Diesel emission inspection centers shall be authorized to perform inspections and certifications in all heavy-duty diesel truck and diesel bus inspection categories established by the Division.

(g) Diesel emission inspection centers shall be licensed in the following classes:

1. Class I licenses shall be issued to diesel emission inspection centers to engage in the inspection and certification of heavy-duty diesel trucks and diesel buses.

2. Class II licenses shall be issued to owners or lessees of fleets of 20 or more heavy-duty diesel trucks and diesel buses.

(h) Class I diesel emission inspection centers which perform inspections and certifications exclusively at the business location of owners or lessees of heavy-duty diesel trucks or diesel buses shall contract with such owners or lessees to perform periodic inspections of such vehicles in accordance with N.J.A.C. 13:20-26 and certifications of such vehicles pursuant to this subchapter. Copies of such contracts shall be maintained by each such diesel emission inspection center at its place of business. Such contracts shall provide that authorized representatives of the Department of Transportation, the Division, the Department of Environmental Protection, the Division of State Police or the Division of Consumer Affairs shall be granted access to the vehicle owner's or lessee's business premises during regular business hours.

(i) Class II diesel emission inspection centers may contract with other owners or lessees of heavy-duty diesel trucks or diesel buses to perform periodic inspections of such vehicles in accordance with N.J.A.C. 13:20-26 and certifications of such vehicles pursuant to this subchapter. However, this subsection shall not be construed as requiring Class II diesel emission inspection centers to contract with any owner or lessee of heavy-duty diesel trucks or diesel buses to perform such inspections and certifications.

(j) Any diesel emission inspection center which is also registered as a motor vehicle emission repair facility pursuant to N.J.A.C. 13:20-45 and which inspects, reinspects and certifies fleet heavy-duty diesel trucks or diesel buses that it owns or leases shall be exempted from the requirements of N.J.A.C. 13:20-45.10 for those vehicles.

Amended by R.1998 d.310, effective June 15, 1998.

See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

In (a) through (f), deleted references to diesel-powered motor vehicles; in (g), deleted references to diesel-powered motor vehicles and substituted “20” for “25” preceding “or more” in 2; added a new (h); and recodified former (h) and (i) as (i) and (j).

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (h), substituted “or” for “and” preceding “the Division of Consumer Affairs”.

**13:20-47.4 Initial application for a license**

(a) Any person seeking to engage in the business of a diesel emission inspection center shall apply, in accordance with the provisions of this subchapter, to the Director for a license authorizing him or her to engage in such business. An application for a diesel emission inspection center license may be obtained from the Diesel Emission Inspection Center Licensing Unit of the Division. The address of the Diesel Emission Inspection Center Licensing Unit is:

Division of Motor Vehicles  
Business License Compliance  
Diesel Emission Inspection Center Licensing Unit  
225 East State Street  
PO Box 170  
Trenton, New Jersey 08666-0170

(b) Each applicant for a diesel emission inspection center license shall file with the Director, in such form and detail as may be required by him or her, an application setting forth the following:

1. The name, place of business and telephone number of the diesel emission inspection center, including, in the case of a diesel emission inspection center performing inspections exclusively for fleet operators, the name, place of business and telephone number of the center where a responsible officer or official of the center can be reached during normal business hours, and where all records pertaining to the conduct of business of the center as required by this subchapter are maintained;

2. The name, business and residence address(es), driver's license number, social security number and telephone number(s) of:

- i. The owner and/or possessor of a controlling interest of the center, in the case of a sole proprietorship;
- ii. Each partner, in the case of a partnership; or
- iii. Each officer, director and possessor of a controlling interest, in the case of a corporation;

3. The businesses in which the applicant has been engaged for the five years preceding the date of application, and if employed, the names and addresses of the employers;

4. Whether the applicant has ever been convicted of a crime, disorderly persons offense or petty disorderly persons offense;

5. Whether the applicant has ever been found to be in violation of the Federal Clean Air Act (42 U.S.C. § 7401 et seq.) or the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder or N.J.A.C. 7:27-15.7 pertaining to tampering with emission control apparatus;

6. Whether the applicant has ever been denied, or had suspended or revoked, a license or registration to engage

in any business, profession or occupation licensed or registered under the laws of any state; and

7. Whether the applicant has any interest in any other diesel emission inspection center, private inspection facility or any motor vehicle related business.

(c) Each initial application for a diesel emission inspection center license shall be accompanied by proof of the following:

1. The New Jersey Sales Tax Identification Number;
2. The New Jersey Unemployment Registration Number;
3. The Federal Employer Identification Number;
4. The corporation code, if one has been issued by the Division;

5. Proof in such form as the Director may require that the applicant meets the requirements of N.J.A.C. 13:20-47.9; and

6. Proof of valid permits or other authorization from the appropriate Federal, State or other governmental agencies authorizing operation of the business or any equipment, service or process on the premises. These permits shall include, but are not limited to, proof of registration with the New Jersey Division of Taxation and the Department of Environmental Protection.

(d) Each initial application for a diesel emission inspection center license shall be accompanied by a color photograph and a complete set of fingerprints for each natural person required to be listed on the application by this section.

1. The applicable nonrefundable fee as set forth at N.J.A.C. 13:59-1.2 payable to the Division of State Police—State Bureau of Identification shall be submitted for each natural person required to be fingerprinted. The payment of this fee shall be in the form of a cashier's check, certified check or money order as required by N.J.A.C. 13:59-1.5.

2. Fingerprints required by this subsection shall be taken by a member of the State Police or municipal law enforcement agency and submitted on the standard fingerprint cards as required by N.J.A.C. 13:59-1.4.

(e) Each initial application for a diesel emission inspection center license shall be accompanied by proof of liability insurance coverage in the following minimum amounts, provided, however, that any applicant who, in addition to fulfilling the requirements for a license pursuant to this subchapter, is also a licensed private inspection facility in good standing pursuant to the provisions of N.J.A.C. 13:20-44, may satisfy the requirements of this subsection by obtaining and submitting proof of an endorsement to his or her current liability insurance coverage policy which he or she maintains as coverage for said private inspection facility,



so long as said endorsement otherwise meets the requirements for coverage of the diesel emission inspection center, and is also issued in the following minimum amounts:

1. For injury to, or death of any one person in any one occurrence: \$100,000;
2. For injury to, or death of two or more persons in any one occurrence: \$300,000; and
3. For damage to property in any one occurrence: \$50,000.

(f) Proof of insurance coverage shall be in the form of a certificate issued by the carrier containing a clause that 30 days prior notice shall be given to the Division of any cancellation or termination of the policy. Failure to maintain such insurance coverage shall be cause for immediate license suspension.

(g) Each initial application for a diesel emission inspection center license shall be accompanied by the applicable fee as specified in N.J.A.C. 13:20-47.6.

(h) If there are multiple locations for diesel emission inspection centers owned by the same applicant, a separate application, accompanying documents, and license fee as specified in N.J.A.C. 13:20-47.6 shall be submitted for each such place of business.

(i) Upon preliminary approval of each initial license application, a license shall be issued to the diesel emission inspection center. Each initial license issued to a diesel emission inspection center on or after September 15, 1997 shall be effective on the date of issuance and shall continue in force and effect until June 30, 1999, and shall, thereafter, be renewed on an annual basis, unless such license is suspended or revoked by the Director. If there are multiple places of business for a diesel emission inspection center, a separate license shall be issued for each such place of business.

(j) The Director may grant a conditional license to an applicant who submits proof that all of the requirements for licensing will be met in accordance with a schedule set by the Director, and who agrees that the conditional license will be surrendered immediately if proof is not provided in accordance with the schedule. The Director may suspend the license of an applicant who does not surrender the conditional license when so required.

(k) All diesel emission inspection centers that apply to renew a diesel emission inspection center license on or after September 15, 1997 must satisfy all of the requirements of (c)5 above. A diesel emission inspection center whose license has been suspended by the Director and which applies for reinstatement on or after September 15, 1997 must satisfy the requirements of (c)5 above prior to restoration of the license.

(l) The Division shall not issue a diesel emission inspection center license to an applicant who is the holder of a private inspection center license or a private inspection facility license while any type of enforcement action, either judicial or administrative, is in force against the applicant's private inspection center or private inspection facility license.

Amended by R.1998 d.314, effective June 15, 1998.

Sec: 30 N.J.R. 1372(a), 30 N.J.R. 2262(a).

In (i), substituted "September 15, 1997" for "the effective date of this subchapter" and changed "June 30, 1998" to "June 30, 1999".

### 13:20-47.5 Applicant qualifications

(a) Each applicant shall be a proper person to hold a diesel emission inspection center license. In assessing whether an applicant is a proper person, the Director shall consider the character, financial responsibility, prior record while operating as a principal of a business entity licensed or regulated by the Division, and criminal record of the individual applicant, the individual partners, the officers, directors and/or persons possessing a controlling interest, and anyone employed by, or otherwise associated in business with, the applicant. The Director shall also consider whether the diesel emission inspection center has maintained acceptable levels of customer satisfaction, the nature and number of all valid customer complaints against the diesel emission inspection center, and the manner and extent by which those complaints have been resolved by the diesel emission inspection center.

(b) Each applicant shall be at least 18 years old, and shall have the legal capacity to contract, to be sued and to be liable for all debts.

(c) Each applicant shall have knowledge of proper test procedures and skill in operating test equipment.

### 13:20-47.6 License fee

Each initial or renewal application for a diesel emission inspection center license shall be accompanied by a license fee of \$250.00 payable to the Division. Such license fee shall be returned to the applicant only in the event that the Director refuses to grant or renew a diesel emission inspection center license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the diesel emission inspection center license is suspended or revoked pursuant to P.L. 1995, c.157 or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.

### 13:20-47.7 License renewals

(a) Each licensee shall, no later than 30 days before the expiration of the license, submit to the Director and application to renew its current license provided that such licensee is not prohibited from applying for a license as specified in N.J.A.C. 13:20-47.24. An application to renew a diesel emission inspection center license may be obtained from the Diesel Emission Inspection Center Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-47.4(a).

(b) Each application to renew a diesel emission inspection center license shall be accompanied by the applicable fee specified in N.J.A.C. 13:20-47.6 and proof of liability insurance coverage as specified in N.J.A.C. 13:20-47.4(e) and (f).

(c) Upon approval of each renewal application, a license shall be issued to the diesel emission inspection center. Each renewal license issued to a diesel emission inspection center effective on or after July 1 of any year shall continue in force and effect until June 30 of the following year, unless such license is suspended or revoked by the Director.

Amended by R.2001 d.20, effective January 16, 2001.  
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (a), amended the N.J.A.C. reference in the first sentence.

### **13:20-47.8 Surrender of license**

(a) Each diesel emission inspection center license, although issued and delivered to a licensee, shall at all times be the property of the State of New Jersey.

(b) Upon any suspension, revocation, refusal or failure to renew or other termination of a diesel emission inspection center license, the license shall no longer be in force and effect and the license shall be surrendered forthwith upon demand of a Division representative.

### **13:20-47.9 Facilities and equipment**

(a) Licensed diesel emission inspection centers shall be located in a permanent structure, except that licensed diesel emission inspection centers which perform inspections and certifications exclusively at the business locations of owners or lessees of fleet diesel vehicles shall be exempted from the provisions of this subsection.

(b) Diesel vehicle emission testing equipment, approved by the Department of Environmental Protection as provided at N.J.A.C. 7:27B-4.2(b), shall be owned or leased by a diesel emission inspection center and shall be located on the business premises of the center.

Amended by R.1998 d.310, effective June 15, 1998.  
See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

In (b), changed the N.J.A.C. reference.

### **13:20-47.10 Diesel emission inspection certificates of approval**

(a) The diesel emission inspection certificate of approval shall indicate the term of its validity.

(b) Diesel emission inspection certificates of approval shall be purchased by a licensee, by mail or in person, from the Division of Motor Vehicles, Business License Compliance, Diesel Emission Inspection Center Licensing Unit, 225 East State Street, PO Box 170, Trenton, New Jersey 08666-0170.

(c) Diesel emission inspection certificates of approval shall be purchased by a licensee at \$1.00 per certificate in quantities of 25 or more.

(d) A diesel emission inspection certificate of approval shall be issued for heavy-duty diesel trucks and diesel buses which meet emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14. The diesel emission inspection certificate of approval shall be affixed to the lower right corner of the windshield inside the passenger compartment of the diesel vehicle, and shall be valid for one year.

(e) A licensee shall secure diesel emission inspection certificates of approval in a locked place of limited access, such as a safe, cabinet or desk drawer. The licensee is solely responsible for the security of diesel emission inspection certificates of approval. A licensee's failure to take necessary precautions to secure diesel emission inspection certificates of approval from loss or theft shall be cause for suspension or revocation of the license.

(f) A licensee shall affix diesel emission inspection certificates of approval to a vehicle only after inspection or reinspection has been completed.

(g) When defects detected at an inspection conducted at a roadside diesel emission inspection or at a diesel emission inspection center have been repaired or adjusted by the licensee or by an employee of the licensee, the licensee shall insure, prior to affixation of a diesel emission inspection certificate of approval on the vehicle, that the person or persons who performed the repair or adjustment work has signed his or her name on the diesel vehicle inspection report. When defects detected at inspection have been repaired by someone other than the licensee or an employee of the licensee, the licensee shall insure, prior to affixation of a diesel emission inspection certificate of approval on the vehicle, that the person or persons who inspected the vehicle have signed his or her name on the diesel vehicle inspection report.

(h) A licensee shall not certify the emissions of any diesel vehicle unless the licensee or a person employed by the licensee has determined that the vehicle meets the emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14.

(i) A licensee shall secure diesel vehicle inspection reports separate and apart from diesel emission inspection certificates of approval in a locked place of limited access, such as a safe, cabinet or desk drawer.

(j) A licensee shall record the date of issuance of the diesel emission inspection certificate of approval on the corresponding diesel vehicle inspection report.

(k) A licensee shall retain defective or voided diesel emission inspection certificates of approval and diesel vehi-

cle inspection reports and shall surrender them to a Division representative at the time of a periodic audit conducted by the Division.

(l) A licensee shall notify the local law enforcement agency upon determining that a diesel emission inspection certificate(s) of approval has been stolen and shall file a copy of such report with the Division.

(m) A licensee shall return all unused or expired diesel emission inspection certificates of approval and diesel vehicle inspection reports to a Division representative upon the licensee's discontinuation of inspection certification services.

(n) A licensee shall be solely responsible for diesel emission inspection certificates of approval and diesel vehicle inspection reports issued to it by the Division.

Amended by R.1998 d.310, effective June 15, 1998.  
See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

In (d), deleted reference to diesel-powered motor vehicles.

### 13:20-47.11 Responsibility of licensees

(a) In the case of a sole proprietorship, the owner and/or possessor of a controlling interest in the diesel emission inspection center shall be responsible to the Director for the conduct of the business of the center and for all actions performed by its employees in connection with the business of the center concerning violations of P.L. 1995, c.157 or this subchapter.

(b) In the case of a partnership or corporation, each partner, or corporate officer and/or director, or any person or entity possessing a controlling interest, as the case may be, shall be held individually responsible to the Director for the conduct of the business of the center and for all actions performed by its employees in connection with the business of the center concerning violations of P.L. 1995, c.157 or this subchapter.

### 13:20-47.12 Notice and recordkeeping requirements

(a) Each licensee, except a diesel emission inspection center performing inspections exclusively for fleets, shall display an outdoor sign which shall read: "Licensed: State of New Jersey Diesel Emission Inspection Center." The sign shall include the license number of the diesel emission inspection center. The sign must contain letters at least two inches high with a stroke of approximately one-half inch, be visible from the road and be located in a conspicuous location for the general public to see. If zoning ordinances prohibit the posting of such sign or such posting is otherwise impractical, the licensee shall prominently display such sign on the exterior of the diesel emission inspection center.

(b) Every license issued in accordance with this subchapter shall be prominently displayed in the office, waiting area or other conspicuous location which is accessible to the public at the diesel emission inspection center.

(c) Every licensed diesel emission inspection center shall maintain copies of all diesel vehicle inspection reports, ledger records, repair orders, analyzer printouts, and other documents prepared by that center for inspections, certifications and repair work performed by that center.

1. Such copies shall be kept for at least two years and shall be available for inspection by the Commissioner of Transportation, the Director, the Attorney General, the Commissioner of the Department of Environmental Protection, the Director of the Division of Consumer Affairs, the Superintendent of the Division of State Police, or any person designated by them, during normal business hours.

2. A licensee's failure to permit such inspection shall subject the licensee to administrative action pursuant to this subchapter.

(d) Every diesel emission inspection center shall, upon request of the Director or any person designated by him or her, provide the Director or his or her designee with a list of its employees in such form and detail as may be required by the Director or his or her designee. Failure to provide such list when requested shall subject the licensee to administrative action pursuant to this subchapter.

(e) The licensee shall notify the Director in writing within 10 days whenever any person acquires ownership or control of 10 percent or more of the stock of a diesel emission inspection center, or whenever a person becomes a partner or limited partner in a diesel emission inspection center.

(f) The licensee shall notify the Director in writing within 10 days of any change in address of the diesel emission inspection center or of any change in address of persons or entities required to be listed on the application by N.J.A.C. 13:20-47.4.

(g) The licensee shall notify the Director in writing within 10 days whenever any person or entity required to be listed on the application by N.J.A.C. 13:20-47.4 is no longer associated with the diesel emission inspection center.

(h) All written notifications required by this subchapter shall be made by either personal delivery or sent by certified mail to the Diesel Emission Inspection Center Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-47.4(a).

(i) An amended application shall be filed by the licensee with the Director when there is a substitution and/or addition of persons or entities required to be listed on the application by N.J.A.C. 13:20-47.4. The licensee shall also comply with the requirements of N.J.A.C. 13:20-47.6 and 47.4(d).

(j) Any process issued to a licensee pursuant to the statutory authority of the Director including, but not limited to, subpoenas, orders, and orders to show cause, may be served upon a licensee or counsel of record, by sending said process by certified or ordinary mail, to the business address of the diesel emission inspection center or to counsel's address on record with the Division.

**13:20–47.13 Records; inspection reports**

(a) A licensee shall maintain copies of diesel vehicle inspection reports in order corresponding to the date on which the diesel emission inspection certificate of approval was issued.

(b) A licensee shall maintain repair orders and invoices (bills for parts and labor), when required, in the form required by the deceptive automotive repair work and advertising practices rules (N.J.A.C. 13:45A–26C).

(c) A licensee shall record the repair order and invoice number or numbers on the diesel vehicle inspection report.

(d) Records required to be maintained by a licensee pursuant to this section shall remain on file at the licensee's place of business for a period of two years from the date of issuance of the diesel emission inspection certificate of approval.

(e) Records required to be maintained by a licensee pursuant to this section shall be made available by the licensee for examination by authorized representatives of the Department of Transportation, the Division, the Department of Environmental Protection or the Division of Consumer Affairs at any time during regular business hours. Investigators and other authorized representatives of the Department of Transportation, the Division, the Department of Environmental Protection or the Division of Consumer Affairs shall be granted access to the licensee's business premises during regular business hours.

(f) A licensee's failure to permit investigators and other personnel of the Department of Transportation, the Division, the Department of Environmental Protection or the Division of Consumer Affairs on the premises of the licensee during regular business hours for purposes of conducting investigations shall be cause for suspension or revocation of the diesel emission inspection center license. Such investigations may include, but shall not be limited to, discussions with customers, examination of diesel emission testing equipment specified in N.J.A.C. 13:20–47.9, questioning of employees and the employment of such other investigatory techniques as may be necessary for the enforcement of this subchapter and the provisions of Title 39, Title 26 and Title 56 of the Revised Statutes and the rules adopted thereunder by the Division at N.J.A.C. 13:20–46, the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B and the Division of Consumer Affairs at N.J.A.C. 13:45A–26C.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (b), substituted "when" for "where" following "(bills for parts and labor)" and amended the N.J.A.C. reference; in (e), substituted "or" for "and" preceding "the Division of Consumer Affairs" throughout; in (f), substituted "or" for "and" preceding "the Division of Consumer Affairs" and substituted "N.J.A.C. 13:45A–26C" for "N.J.A.C. 13:45A–7".

**13:20–47.14 Certification of inspection; inspection fee**

(a) Each licensed diesel emission inspection center shall have the authority to perform inspections in all heavy-duty diesel truck and diesel bus inspection categories established by the Division and to certify that specific items for which a diesel vehicle was rejected at inspection have been corrected so that the vehicle is in working order and that it conforms to the emission standards adopted by the Division at N.J.A.C. 13:20–46 and the Department of Environmental Protection at N.J.A.C. 7:27–14.

(b) No licensee shall certify that items for which a vehicle was rejected at inspection have been corrected unless the licensee or an employee or agent of the licensee has inspected the vehicle and has determined that all defects detected at the inspection have been corrected so that the vehicle is in working order and that it conforms to the emission standards adopted by the Division at N.J.A.C. 13:20–46 and the Department of Environmental Protection at N.J.A.C. 7:27–14.

(c) Certification shall be evidenced by the affixation of a diesel emission inspection certificate of approval on the vehicle as specified in N.J.A.C. 13:20–47.10.

(d) Certification of approval of a heavy-duty diesel truck or diesel bus by a licensee or an employee shall constitute the licensee's representation that the licensee or an employee or agent of the licensee has inspected the vehicle and has determined that the vehicle is in working order and conforms to the emission standards adopted by the Division at N.J.A.C. 13:20–46 and the Department of Environmental Protection at N.J.A.C. 7:27–14.

(e) The fee which a licensed diesel emission inspection center may charge for an initial inspection of a heavy-duty diesel truck or diesel bus shall not exceed the diesel emission inspection center's hourly labor charge and shall be limited to a charge for one hour of labor. The maximum fee for an initial inspection shall be conspicuously displayed at the licensee's place of business.

(f) The fee which a licensed diesel emission inspection center may charge for a reinspection of items rejected after inspection and which have been repaired by the diesel vehicle owner or lessee or someone not under the direction of the licensed diesel emission inspection center shall not exceed that portion of the licensee's established hourly labor charge as specified in N.J.A.C. 13:20–48 Appendix, which is incorporated herein by reference, to be the average time required to reinspect a particular rejected item. The consumer shall be notified in advance that the licensee's charge for such reinspection shall not exceed that portion of the hourly labor rate. The maximum fee for a reinspection shall be conspicuously displayed at the licensee's place of business.

Amended by R.1998 d.310, effective June 15, 1998.

See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

In (a) and (d), deleted references to diesel-powered motor vehicles; rewrote (e); and added a new (f).

### 13:20-47.15 Diesel emission inspector; inspector training

(a) The licensee or someone in his or her employment shall be trained as a diesel emission inspector.

(b) No person shall conduct an emission inspection specified by this subchapter unless he or she has completed a course of instruction designated by the Department of Environmental Protection. The course of instruction shall consist of classroom training in the following subjects:

1. Theory of diesel engine operation;
2. Operating principles and proper use of the smoke opacity meter; and
3. Test methods and equipment operational procedures.

### 13:20-47.16 Advertising

(a) Any advertising used by the diesel emission inspection center in any printed or published material shall contain and prominently display the license number of the center.

(b) Any advertising used by the diesel emission inspection center in any radio broadcast shall disclose that the center is licensed by the State of New Jersey.

(c) Any advertising used by the diesel emission inspection center in any television broadcast shall prominently display the license number of the center at the end of such broadcast.

### 13:20-47.17 Storage rates

Every diesel emission inspection center which charges a per diem fee to store a heavy-duty diesel truck or diesel bus on its premises shall disclose in writing, prior to initiating inspection certification services, the amount of such storage charge to the customer.

Amended by R.1998 d.310, effective June 15, 1998.

See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

Deleted reference to diesel-powered motor vehicles.

### 13:20-47.18 Additional violations

(a) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Director may refuse to issue a license or a renewal thereof, or suspend or revoke the existing license of any diesel emission inspection center if he or she determines that the applicant or licensee:

1. Has made a false statement or concealed a fact in connection with the application for a license or a renewal thereof;
2. Is not the owner of, or possessor of a controlling interest in, the diesel emission inspection center;

3. Has been found to have tampered with fuel control system or emission control apparatus, in violation of N.J.A.C. 7:27-14.3(c);

4. Has been found to have violated or conducted fraudulent or deceptive practices concerning the inspection and certification of heavy-duty diesel trucks or diesel buses in violation of P.L. 1995, c.157, or of the inspection, reinspection, certification and/or repair of motor vehicles in violation of N.J.S.A. 39:8-1 et seq., 56:8-1 et seq., or N.J.A.C. 13:45A-26C;

5. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which would be:

i. Any of the following offenses under the "New Jersey Code of Criminal Justice," P.L. 1978, c.95 (Title 2C of the New Jersey Statutes) as amended and supplemented:

- (1) All crimes of the first degree;
- (2) N.J.S.A. 2C:5-1 (attempt to commit an offense which is listed in this subparagraph (a)5i);
- (3) N.J.S.A. 2C:5-2 (conspiracy to commit an offense which is listed in this subparagraph (a)5i);
- (4) N.J.S.A. 2C:11-4b (manslaughter);
- (5) N.J.S.A. 2C:11-5 (vehicular homicide);
- (6) N.J.S.A. 2C:12-1b (aggravated assault);
- (7) N.J.S.A. 2C:13-1 (kidnapping);
- (8) N.J.S.A. 2C:14-1 et seq. (sexual offenses);
- (9) N.J.S.A. 2C:15-1 (robberies);
- (10) N.J.S.A. 2C:17-1a and b (crimes involving arson and related offenses);
- (11) N.J.S.A. 2C:17-2a and b (causing or risking widespread injury or damage);
- (12) N.J.S.A. 2C:18-2 (burglary);
- (13) N.J.S.A. 2C:20-1 et seq. (theft and related offenses);
- (14) N.J.S.A. 2C:21-4a (falsifying or tampering with records);
- (15) N.J.S.A. 2C:27-1 et seq. (bribery and corrupt influence);
- (16) N.J.S.A. 2C:28-1 et seq. (perjury and other falsification in official matters);
- (17) N.J.S.A. 2C:30-2 and 2C:30-3 (misconduct in office and abuse of office);
- (18) N.J.S.A. 2C:35-5 (manufacturing, distributing or dispensing a controlled dangerous substance or a controlled dangerous substance analog);

(d) In the case of a failure of any person to comply with any subpoena issued under these rules or to testify with respect to any matter concerning which he or she may be lawfully interrogated, the Superior Court, on application of the Director, may be requested to issue an order requiring the attendance of such person and the giving of testimony or production of evidence. Any person failing to obey the order of the court may be punished by the court for contempt.

(e) In addition to the authority set forth in (a) above, Department of Transportation investigators, New Jersey State Police officers, Department of Environmental Protection investigators and Division of Consumer Affairs investigators are hereby authorized to enforce the provisions of this subchapter.

#### **13:20-47.21 Written notice of suspension or revocation or refusal to grant or renew license**

(a) The Director shall notify the applicant, in writing by certified mail, of any refusal to grant or renew a diesel emission inspection center license to the applicant and the grounds thereof. Written notice shall be mailed to the applicant at the address listed on the application or to the place of business on record with the Division.

(b) The Director shall notify the licensee, in writing by certified mail, of any proposed suspension or revocation of the diesel emission inspection center license and the grounds thereof. Written notice shall be mailed to the place of business on record with the Division. Unless the licensee files with the Director a written request for a hearing in accordance with N.J.A.C. 13:20-47.22, the diesel emission inspection center license shall be suspended or revoked on the date specified in such notice.

#### **13:20-47.22 Request for hearing**

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-47.21(a) that the Director refuses to grant or renew a diesel emission inspection center license to him or her, the applicant shall be entitled to an administrative hearing concerning such refusal provided that the applicant has filed and the Director has received a written request for a hearing within 15 days. The 15-day period shall commence on the date such notice was mailed to the applicant by the Division in accordance with N.J.A.C. 13:20-47.21(a).

(b) If a licensee has been notified in accordance with N.J.A.C. 13:20-47.21(b) of a proposed suspension or revocation of his or her diesel emission inspection center license, the licensee shall be entitled to an administrative hearing concerning such proposed suspension or revocation provided that the licensee has filed and the Director has received a written request for a hearing within 15 days. The 15-day period shall commence on the date such notice was mailed to the licensee by the Division in accordance with N.J.A.C. 13:20-47.21(b).

(c) Any written request for a hearing by an applicant or licensee shall be sent to the Diesel Emission Inspection Center Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-47.4(a). The hearing request shall contain the following information:

1. The name, license number, place of business and telephone number of the diesel emission inspection center;
2. A concise statement of facts constituting each ground of defense;
3. A specific admission, denial or explanation of each fact alleged by the Division in its notice or order to show cause, or if without knowledge thereof, a statement to that effect; any allegation in the Division's notice or order to show cause which is not answered in accordance with this paragraph shall be deemed to have been admitted; and
4. A statement requesting a hearing.

(d) If the applicant or licensee does not file a written request for a hearing in accordance with (a), (b), or (c) above, the suspension, revocation or refusal to grant or renew the diesel emission inspection center license shall be effective on the date specified in such notice. The diesel emission inspection center shall cease all activities of the business of a diesel emission inspection center effective on the date specified in such notice.

#### **13:20-47.23 Hearing procedures**

Any hearing concerning the suspension, revocation or refusal to grant or renew a diesel emission inspection center license shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

#### **13:20-47.24 Limitations on issuance of license after suspension, revocation or refusal to grant or renew**

(a) No person whose application for a diesel emission inspection center license is refused shall be entitled to apply for a license under this subchapter for a period of one year from the effective date of such refusal.

(b) No person whose license is suspended or revoked shall be entitled to apply for a license under this subchapter during the period of suspension or revocation.

#### **13:20-47.25 License restoration**

(a) A fee of \$50.00 shall be payable to the Division for the restoration of a diesel emission inspection center license which is suspended or revoked pursuant to P.L. 1995, c.157 or this subchapter. Such license restoration fee shall be paid to the Division before the license may be restored.

(b) Each suspension or revocation of any diesel emission inspection center license, pursuant to P.L. 1995, c.157 or any regulation adopted thereunder, shall continue in force and effect until such license is restored by the Director.

(c) In the case of every suspension or revocation of a diesel emission inspection center license for a fixed period of time, the licensee, as a condition precedent to restoration, shall make application to the Director, in such form as the Director may determine, and pay the license restoration fee specified in (a) above. The Director may, upon notice and an opportunity to be heard, deny any application for restoration of a diesel emission inspection center license for good cause.

#### SUBCHAPTER 48. INSPECTION STANDARDS AND TEST PROCEDURES TO BE USED BY LICENSED DIESEL EMISSION INSPECTION CENTERS

##### 13:20-48.1 Definitions

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

“Diesel bus” means any diesel-powered autobus or motorbus of any size or configuration, whether registered in this State or elsewhere, that is designed or used for intrastate or interstate transportation of passengers for hire or otherwise on a public road, street or highway or any public or quasi-public property in this State, including, but not limited to, autobuses under the jurisdiction of the Department of Transportation pursuant to Titles 27 or 48 of the Revised Statutes; autobuses of the New Jersey Transit Corporation and its contract carriers that are under the inspection jurisdiction of the Department of Transportation; autobuses that are subject to Federal motor carrier safety regulations; autobuses under the authority of the Interstate Commerce Commission or its successor agency; school buses, as defined pursuant to N.J.S.A. 39:1-1; and hotel, casino, charter, and special buses.

“Diesel emission inspection center” means any person who for compensation engages in the business of inspecting and certifying heavy-duty diesel trucks or diesel buses, including emission control apparatus and emission control systems. For purposes of this subchapter, an employee of a diesel emission inspection center who engages in the business of inspecting and certifying diesel motor vehicles, including emission control apparatus and emission control systems, solely by reason of his or her employment is not deemed to be a diesel emission inspection center and is not required to be licensed as such.

“Director” means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“Division” means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“Gross vehicle weight rating” or “GVWR” means the value specified by the manufacturer as the loaded weight of a single or combination (articulated) vehicle. The GVWR of a combination (articulated) vehicle, commonly referred to as the “gross combination weight rating” or “GCWR,” is the GVWR of the power unit plus the GVWR of the towed unit or units.

“Heavy-duty diesel truck” means any diesel-powered motor vehicle, whether registered in this State or elsewhere, with a GVWR of 18,000 or more pounds that is designed or used for the transporting of property on any public road, street or highway or any public or quasi-public property in this State. For the purposes of these rules, heavy-duty diesel truck shall not mean a heavy-duty diesel truck owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization and used for first aid, emergency, ambulance, rescue, or fire-fighting purposes.

##### 13:20-48.2 General provisions; Class I and II licensees

(a) This subchapter contains the standards and procedures to be used by Class I and II licensed diesel emission inspection centers when inspecting heavy-duty diesel trucks and diesel buses for compliance with diesel emission inspection standards.

(b) A diesel emission inspection center license authorizes the placement of a diesel emission inspection certificate of approval on a heavy-duty diesel truck or diesel bus upon:

1. Initial inspection as certification of compliance with diesel emission inspection requirements; and
2. Reinspection as certification that emission-related defects for which the vehicle was initially rejected have been repaired, adjusted or corrected to bring the vehicle into compliance with diesel emission inspection requirements.

(c) A diesel emission inspection center licensee shall perform a reinspection and certification of a vehicle when the repairs, adjustments or corrections have been made or caused to be made by the owner or lessee elsewhere than the diesel emission inspection center conducting the inspection. In such cases, the diesel emission inspection center shall physically inspect the rejected emission-related defects to determine whether such defects have been repaired, adjusted or corrected to conform to the inspection standards set forth in this subchapter. If such emission-related defects have been brought into compliance with the inspection standards, a certificate of approval may be affixed to the vehicle. The diesel emission inspection center may charge a fee for the reinspection service based on the center’s established hourly labor charge but only for that portion of an hour which the Division has established to be the average time for the reinspection of specific rejected items as set forth in the subchapter Appendix, which is incorporated herein by reference.



(d) If the emission-related repairs are made at a diesel emission inspection center, each mechanic who repaired a specific rejected item shall sign his or her name on the center's Repair Invoice/Certification of Diesel Emissions next to the applicable rejection category. If the repairs were made or caused to be made elsewhere by the vehicle owner or lessee, or by another repair facility upon request by the diesel emission inspection center, each mechanic who reinspected the rejected item(s) shall sign his or her name on the center's Repair Invoice/Certification of Diesel Emissions.

(e) When a certificate of approval is affixed to a vehicle, the diesel emission inspection center shall cause to be imprinted on the Repair Invoice a stamp with the following:

NEW JERSEY  
DIVISION OF MOTOR VEHICLES  
DIESEL EMISSION INSPECTION CENTER  
LICENSE NO.  
STICKER NO.  
DATE:

(f) The diesel emission inspection center license number, the certificate of approval number and the date of inspection shall be contained on the stamp. Each diesel emission inspection center shall purchase the above stamp from a commercial source.

(g) If the emission-related defects have been repaired, adjusted or corrected so as to conform to the applicable diesel emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14, the vehicle shall be certified by affixing a certificate of approval to the vehicle. The certificate of approval shall be affixed to the vehicle in accordance with N.J.A.C. 13:20-47.10(d).

(h) The owner or lessee of a heavy-duty diesel truck or diesel bus rejected at a diesel emission inspection center for failing to meet the Department of Environmental Protection diesel emission standards set forth in N.J.A.C. 7:27-14 is required to have the vehicle repaired, adjusted or corrected within 45 days in order to legally operate it in New Jersey.

(i) A fee which a licensed diesel emission inspection center may charge for an initial inspection shall not exceed the center's hourly labor charge. The maximum fee for an initial inspection shall be posted in a prominent place on the business premises. A copy of the diesel emission inspection center's fee schedule shall be provided to the Division at the address specified in N.J.A.C. 13:20-47.4(a).

(j) Charges for initial inspections, reinspections, and repairs shall be listed separately on the Repair Invoice.

(k) A diesel emission inspection center shall not require, as a condition of performing the initial inspection, that any repairs, adjustments or corrections be performed at the diesel emission inspection center performing the inspection.

(l) Repairs, adjustments or corrections shall not be performed on a vehicle at the licensed diesel emission inspection center where the vehicle was inspected unless the customer signs a written acknowledgment and waiver that he or she understands his or her right to have the repairs, adjustments or corrections performed elsewhere and expressly waives his or her rights. The acknowledgment/waiver shall contain at least the following information:

I understand my right to have inspection repairs, adjustments and corrections performed elsewhere, and hereby choose to have such repairs, adjustments and corrections performed at this facility.

Customer's Signature \_\_\_\_\_ Date \_\_\_\_\_

(m) The diesel emission inspection center shall maintain certificates of approval for the applicable inspection cycle(s).

### 13:20-48.3 Credentials; Class I and II licensees

The driver shall present a valid driver's license, a valid motor vehicle registration certificate, International Registration Plan (IRP) documentation, if any, and a valid insurance identification card for the vehicle, if applicable. Photocopies of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

### 13:20-48.4 Exhaust system; Class I and II licensees

(a) The following shall not be certified:

1. A heavy-duty diesel truck or diesel bus if there is evidence of exhaust gas leakage at any point in the exhaust system;

2. An exhaust system which has loose or worn components or has been patched; provided, however, that an exhaust system which has been properly welded and is in good condition may be certified;

3. An exhaust system in which all parts are not properly mounted. The entire exhaust system must be in such condition that it cannot burn or cause injury to any person. Exposed exhaust pipes, stacks or other parts of the exhaust system which might burn a person or cause injury must be protected in some manner; or



4. A heavy-duty diesel truck or diesel bus with any part of the exhaust system passing through the passenger compartment. The exit point for the exhaust gas shall be located so that dangerous amounts of exhaust gas will not enter the passenger compartment under normal vehicle use even with the windows open or the outside air inlets to the heater or air conditioner open. A replacement exhaust system is acceptable provided it is specifically manufactured for the vehicle by a company which guarantees that the exhaust system has a safe exhaust gas exit location.

(b) Notwithstanding (a) above, certification shall not be refused because a muffler has drain holes which were placed in it at the time of manufacture for drainage purposes.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (a)4, substituted "provided" for "providing" preceding "it is specifically manufactured".

**13:20-48.5 Prescribed emission test procedures; Class I and II licensees; snap acceleration test**

The snap acceleration test shall be conducted in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

**13:20-48.6 Prescribed emission test procedures; Class I and II licensees; rolling acceleration test**

The rolling acceleration test shall be conducted in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

**13:20-48.7 Prescribed emission test procedures; Class I and II licensees; stall acceleration test**

The stall acceleration test shall be conducted in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

**13:20-48.8 Prescribed emission test procedures; Class I and II licensees; chassis dynamometer test (Reserved)**

**13:20-48.9 Equipment calibration; Class I and II licensees**

The smoke opacimeter shall be calibrated and maintained in accordance with the manufacturer's requirements and the general instructions for all tests adopted by the Department of Environmental Protection at N.J.A.C. 7:27B-4.2.

**APPENDIX**

**AVERAGE LENGTH OF TIME REQUIRED TO REINSPECT A SPECIFIC ITEM ON A HEAVY-DUTY DIESEL TRUCK OR DIESEL BUS**

<u>Item Reinspected</u>	<u>Time Required</u>
Credentials .....	1 hour <sup>†</sup>
Emission Control Apparatus .....	2 hour
Governor .....	2 hour
Exhaust System .....	2 hour
Emission Control System .....	3 hour
Engine Emissions (Opacity) .....	3 hour

<sup>†</sup>Note: If this is the only item to be reinspected on a vehicle, the reinspection time shall be considered to be .2 hour.

**SUBCHAPTER 49. STANDARDS FOR SCHOOL BUSES MANUFACTURED JULY 1985 THROUGH MAY 1993**

**13:20-49.1 School bus standards; incorporated by reference**

(a) The Division of Motor Vehicles authorizes the use of Standards for School Buses and Operations, National Minimum Standards for School Buses, 1985 Revised Edition, which are issued as recommendations of the Tenth National Conference on School Transportation. These standards are divided into sections covering definitions, chassis standards and body standards. The purpose is to define school buses, minimum chassis and body standards and assign responsibility for providing the defined equipment. The 1985 revised edition of Standards for School Buses and Operations covering definitions and school bus chassis and body standards, are incorporated by reference and hereby adopted as a rule and supplemented by standards established by N.J.A.C. 13:20-49.2, 49.3 and 49.4. These standards apply to vehicles with a chassis manufacture date of July, 1985 through May, 1993.

1. This document is available for review at the Division of Motor Vehicles, 225 East State Street, P.O. Box 162, Trenton, New Jersey 08625-0162, or at the Office of Administrative Law, PO Box 049, Trenton, New Jersey 08625-0049.

2. This document may be purchased from the National Safety Council, 444 North Michigan Avenue, Chicago, Illinois 60611.

**13:20-49.2 Chassis standards supplement to the 1985 National Minimum Standards**

(a) The parking brake shall hold the vehicle stationary, or to a limit of traction of the braked wheels, on a 20 percent grade under any condition of legal loading and on a surface free from snow, ice and loose material.

(b) When applied, the parking brake shall remain in an applied position with the capability set forth in (a) above, despite exhaustion of the source of energy used for the application or leakage of any kind.

(c) A parking brake lever shall be mounted to the right of the driver on Types C and D buses and in a position that is easily accessible. On Types A and B buses, the parking brake lever may be mounted to the left of the driver.

(d) The parking brake shall be equipped with an on or off warning device.

(e) The hood may be painted National School Bus Yellow low luster yellow or flat black. The wheels may be black, gray, silver or white. The grille shall be chrome or National School Bus Yellow.

(f) An exhaust system shall not exit under any operating window of a bus.

(g) Type A school bus fuel tank(s) shall be according to the manufacturers' standard.

(h) Buses shall be equipped with dual horns of standard make. Each horn shall be capable of producing a complex sound in a band of audio frequencies between approximately 250 and 2,000 cycles per second and each having a total sound level of 110 decibels within these frequency limits. Sound shall be measured at a point on the axis of the horn, three feet from the exit of the horn.

(i) All gauges and instruments must be appropriately identified.

(j) A telltale light, plainly visible to the driver, shall be installed to give a positive indication of the operation of the stop lights.

(k) A transmission shifting control pattern shall be affixed to a point convenient to the driver.

(l) There shall be a detent on the automatic transmission shift level to insure that the transmission cannot accidentally move from neutral to a drive gear without driver effort.

(m) School buses not equipped with a park position on the shift control selector for automatic or semi-automatic transmissions shall be equipped with a heavy duty parking brake.

#### **13:20-49.3 Bus body standards supplement to the 1985 National Minimum Standards**

(a) Except for Type A vehicles, the minimum clearance of all aisles shall be 12 inches.

(b) When a bus is equipped with air doors or other air operated assemblies, excluding windshield wipers, an additional air tank is needed for the operation of those assemblies.

(c) The emergency door shall be designed to be opened from the inside and outside of the bus and shall be equipped with a fastening device which may be quickly released, but is designed to offer protection against accidental release. Control of the fastening device from the driver's seat shall not be permitted.

(d) The emergency door fastening device shall be equipped with a suitable electric plunger-type switch connected with a buzzer located in the driver's compartment. The switch shall be enclosed in a metal case, and wires leading from the switch shall be concealed in the bus body. The switch shall be installed so that the plunger contacts the farthest edge of the slide bar in such a manner so that any movement of the slide bar will immediately close the circuit on the switch and activate the buzzer.

(e) The emergency door may be equipped with a locking system which incorporates an interlocking electrical circuit that prevents the bus from being started while the emergency door is locked.

(f) The words "Emergency Door" shall be applied to the emergency door, both inside and outside, and shall be in red letters at least two inches high.

(g) The hot water heater system in a Type A vehicle shall be according to the manufacturers' standard.

(h) The owning or operating organization name shall be conspicuously identified in letters at least three inches high, located on each longitudinal side of the exterior of the bus. Such identification shall be completely horizontal and below the window line.

(i) No advertisement of any kind shall be exhibited either on the interior or exterior of the school bus, with the exception that the manufacturer's and vendor's trade name(s) shall be permitted to be exhibited on the bus.

(j) Types A and B buses shall install incandescent signal lamps.

(k) Types C and D buses shall use either the incandescent or strobe lamps.

(l) Interior lamps shall be provided which adequately illuminate the aisle and step-well.

(m) All lamps and their installation shall be of a type approved by the Director of the Division of Motor Vehicles.

(n) If strobe lamps are utilized, the front and rear signal lamps on each school bus shall be equipped with eight electronic strobe lamps, four red and four amber, working in an automatic integrated system. The warning lamps shall be of a type approved by the Director of the Division of Motor Vehicles.

1. Eight Par 46 sealed beam type strobe lamps shall be utilized.

2. The solid-state strobe power supply shall provide the electrical power to energize the sealed beam flash tubes. The power supply shall energize the lamps at a combined alternating flash rate of 120-128 flashes per minute. The power supply shall be fully enclosed in a metal environment container with a minimum metal wall thickness of 0.060 inch.

3. The power supply shall be fully enclosed within the bulkhead.

(o) Types B, C and D school buses shall have two exterior convex type mirrors mounted forward, one to the left side and one to the right of the driver. Each mirror shall be a minimum of six by six inches overall, rectangular in shape and shall have a minimum 21 inch to a maximum 30 inch

radius of curvature on the convex. Each mirror shall be firmly supported and adjustable to give the driver a clear view of the left rear wheels and the immediate adjacent area, and the right rear wheels and the immediate adjacent area.

1. Type A school buses shall have two exterior clear view rearview mirrors mounted forward, below eye level, one to the left and one to the right of the driver and each mirror shall be firmly supported and adjustable to give the driver a clear view past the left rear and right rear of the vehicle. Outside rearview mirrors, as a minimum, shall be four inches wide by six inches high.

(p) Mirror mounting brackets shall be affixed to the bus so as to be securely fastened to the structural frame members of the bus body, or shall be affixed to the existing exterior rearview mirror mounting brackets.

(q) The convex type mirrors shall not be a part of or attached to the exterior rearview mirrors.

(r) The convex type mirror head and the rearview mirror head shall be mounted so as to have a minimum of two inches distance between the two mirrors.

(s) Cross over mirrors shall have a minimum measurement of six and one-half inches at the base.

(t) The size of the interior mirror on Type A school buses shall be according to manufacturers' standard.

(u) The floor covering in Type A school buses shall be either one-half exterior plywood securely fastened to the floor of the school bus in the passenger compartment, tapered to the forward level, or 14 gauge smooth steel floor.

(v) Rub rails shall be attached at each body post, sedan doors and all other upright structural members.

(w) All seats shall be forward facing.

(x) The tailpipe shall terminate up to a maximum of two inches beyond the rear bumper.

(y) Glass in all side and rear windows shall be of AS-2 or better grade. Equivalent plastic AS-4 or better, may only be used in side windows of the bus.

(z) The windshield shall have a horizontal gradient band starting slightly above the line of a driver's vision and gradually decreasing in light transmission to 20 percent or less at the top of the windshield. Glass in the windshield shall be of AS-1 grade.

(aa) The wheelhousing shall be attached to floor sheets in such a manner to prevent any dust, water, or fumes from entering the body. The wheelhousing shall be constructed of 16-gauge steel.

#### **13:20-49.4 Standards supplement to the 1985 National Minimum Standards for buses used to transport special needs students**

(a) If a ramp device is installed, it shall have a non-skid surface and be securely stored and protected from the elements when not in use.

1. The ramp must have at least three feet of length for each foot of incline.

(b) Seat belts or other suitable restraints shall be installed for each passenger including those seated in wheelchairs.

(c) Each door shall be equipped with a device that will actuate a visual or audible signal located in the driver's compartment when the door is not securely closed and the ignition is in the "on" position.

(d) Any aisle leading from a wheelchair position to the emergency or exit door shall be a minimum width of 30 inches.