

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, 39:3-33.3, 39:3-33.7, 39:3-33.9, 39:3-43, 39:3-63, 39:3-75, 39:3-76.6-10, 39:3-77, 39:3-81, 39:3-84a(10), 39:4-208, 39:5-30, 39:8-1, 39:8-2, 39:8-4, 39:8-4.1, 39:8-23, 39:10-4, P.L. 1991, c.264 and P.L. 1995, c.112.

Source and Effective Date

R.1996 d.28, effective December 13, 1995.
See: 27 N.J.R. 4140(a), 28 N.J.R. 272(a).

Executive Order No. 66(1978) Expiration Date

Chapter 20, Enforcement Service, expires on December 13, 2000.

Chapter Historical Note

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

1970 Revisions: 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).

1971 Revisions: 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). Amendments to Subchapter 28 became effective December 10, 1971 as R.1971 d.222. See: 3 N.J.R. 226(a), 4 N.J.R. 10(a).

1972 Revisions: 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 13 was amended by R.1972 d.107, effective July 1, 1972. See: 4 N.J.R. 105(a), 4 N.J.R. 165(c). 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).

1975 Revisions: Amendments to Subchapter 28 became effective July 1, 1975 as R.1975 d.174. See: 7 N.J.R. 233(c), 7 N.J.R. 343(b). 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).

1976 Revisions: 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).

1977 Revisions: 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).

1978 Revisions: Subchapter 27 was amended by R.1978 d.66, effective February 22, 1978. See: 10 N.J.R. 17(b), 10 N.J.R. 122(a). Subchapter 10, Automatic Vehicle Identification Systems, was amended by R.1978 d.381, effective October 26, 1978. See: 10 N.J.R. 403(b), 10 N.J.R. 557(b).

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

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

1981 Revisions: Subchapter 25, Safety Glazing Material; Other Equipment, was amended by R.1981 d.15, effective January 16, 1981. See: 12 N.J.R. 606(b), 13 N.J.R. 143(d). 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(c).

1983 Revisions: Subchapter 31 was amended by R.1983 d.19, effective February 7, 1983. See: 14 N.J.R. 1195(a), 15 N.J.R. 156(b).

1984 Revisions: Pursuant to Executive Order No. 66(1978), Subchapter 31, Alcohol-Countermeasures Regulations, was readopted as R.1984 d.7, effective January 4, 1984, with amendments effective February 6, 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 36 was amended by R.1984 d.319, effective August 6, 1984. See: 16 N.J.R. 1188(a), 16 N.J.R. 2142(a). 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 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).

1985 Revisions: 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).

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

1988 Revisions: Subchapter 39 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).

1989 Revisions: Pursuant to P.L. 1984, c.243 (N.J.S.A. 26:2B-9.1), the Bureau of Alcohol Countermeasures was transferred to the Department of Health and 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 new rules on the same subject were adopted at N.J.A.C. 13:24-5, Blue Emergency Warning Lights, by R.1989 d.542, effective October 16, 1989. See: 21 N.J.R. 2460(a), 21 N.J.R. 3299(c).

1990 Revisions: 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).

1991 Revisions: 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).

1992 Revisions: 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). 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).

1995 Revisions: 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. 2777(a), 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).

1996 Revisions: Pursuant to Executive Order No. 66(1978), Chapter 20 was readopted as R.1996 d.28, effective December 13, 1995. As part of R.1996 d.28, 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. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTERS 1 THROUGH 3. (RESERVED)

SUBCHAPTER 4. POWER STEERING INSTALLATION

13:20-4.1 Permitted power steering device

Any power steering device installed in a motor vehicle, offered for sale, sold or registered in the State of New Jersey, shall be of a type which will permit the continued use of the power steering mechanism under manual control in the event of the failure of the power unit.

13:20-4.2 Equipment approval

(a) All power steering equipment on motor vehicles offered for sale, sold or registered in the State of New Jersey, must be approved by the Director.

(b) A certificate of approval will be issued on presentation of satisfactory evidence that the equipment is of a type which can be used manually in the event of failure of the power unit. (Affidavits or statements from new car manufacturers to the above effect will be acceptable.)

SUBCHAPTER 5. MANUAL DOOR EQUIPMENT

13:20-5.1 Purpose

The provisions of this Subchapter are promulgated for the purpose of preventing the entrapment of persons in motor vehicles.

13:20-5.2 Manual opening of doors

All vehicles registered in New Jersey must be equipped with some means of opening the doors manually from within the vehicle and vehicles must be equipped with outside door handles or equivalent devices.

13:20-5.3 Exceptions

This Subchapter shall not apply to vehicles used for the transportation of persons in the custody of law enforcement officers; provided, however, that in such cases, in addition to the driver, there is on duty in the vehicle at least one other person capable of opening the doors in the event of accident.

SUBCHAPTER 6. MUFFLER DEVICES

13:20-6.1 Prohibitory muffler devices

Pursuant to the provisions of N.J.S.A. 39:3-43, the use upon any motor vehicle of a straight exhaust pipe, or a

muffler or mufflers lacking interior baffle plates or other effective muffling devices is expressly prohibited.

13:20-7.3 (Reserved)

13:20-7.4 Inspection period of passenger vehicles

The expiration of the windshield inspection sticker of each passenger vehicle shall be the last day of the month in which the vehicle registration expires. Each such vehicle shall be presented for inspection after registration has been renewed and prior to the expiration date shown on the windshield inspection sticker.

As amended, R.1982 d.364, eff. October 1, 1982. See: 14 N.J.R. 918(a), 14 N.J.R. 1162(e).

Original filed as an emergency adoption (R.1982 d.267) on August 2, 1982. Readopted as R.1982 d.364. Deleted old text and added new text concerning "odd-even" inspection.

As amended, R.1983 d.294, eff. July 7, 1983. See: 15 N.J.R. 1261(a).

Filed as emergency adoption on July 7, 1983. Repealed old odd-even system of motor vehicle inspection declared invalid by the Federal court and adopted prior rule.

As amended, R.1984 d.83, eff. April 12, 1984. See: 15 N.J.R. 1261(a), 16 N.J.R. 738(a).

13:20-7.5 Temporary authorization certificate; form

(a) When a person registers a motor vehicle for the first time in New Jersey, whether new or used, and when a vehicle, new or used, is registered by a particular owner for the first time, the motor vehicle agent will issue to the registered owner a temporary authorization certificate.

(b) This certificate will be approximately postcard size, on postcard stock, and suitable for installing in the vehicle behind the windshield.

(c) It will read as follows:

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES

INSPECTION
NOTICE

LICENSE PLATE NO.	MAKE OF VEHICLE
-------------------	-----------------

THIS VEHICLE MUST BE INSPECTED WITHIN 14 DAYS OF

DISPLAY THIS NOTICE IN LOWER RIGHT HAND CORNER OF WINDSHIELD

13:20-7.2 Immediate repairs

When the nature of the defects found is such as in the judgment of the inspecting authority to require immediate repairs, such repairs shall be made within 48 hours.

As amended, R.1974 d.28, eff. February 1, 1974. See: 6 N.J.R. 119(b). As amended, R.1975 d.335, eff. November 3, 1975. See: 7 N.J.R. 470(a), 7 N.J.R. 571(a). Amended by R.1996 d.28, effective January 16, 1996. See: 27 N.J.R. 4140(a), 28 N.J.R. 272(a).

13:20-7.6 Inspection period

(a) The motor vehicle agent will fill in the registration number, the date on which the validation ends and will stamp his facsimile signature.

(b) The agent will then advise the owner that he must report for inspection within 14 days from the date of registration.

(c) Upon reporting for inspection, the validation certificate will be collected by the examiner at the inspection station and the proper sticker will be affixed to the windshield of the vehicle; provided, however, that the vehicle passes all New Jersey inspection requirements.

13:20-7.7 Initial passenger vehicle inspection procedure

(a) When a passenger vehicle, registered for the first time, is presented for the initial inspection, the following procedures will apply:

As amended, R.1981 d.15, eff. January 16, 1981.

See: 12 N.J.R. 606(b), 13 N.J.R. 149(d).

Added: American Association of Motor Vehicle Administrators.

13:20-25.3 Samples

Properly identified samples of a device, safety glazing material or other equipment must be submitted to the Director for test and record purposes.

13:20-25.4 Determination of approval

(a) The Director shall determine from the testing laboratory reports and examination of the item submitted whether or not it meets the established specifications and standards.

(b) The Director shall by letter inform the applicant of his determination.

13:20-25.5 Safety glazing material approval procedure

(a) Standards and specifications for the approval of safety glazing materials shall conform to the American National Standard "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1a-1977, January 26, 1977, as supplemented by Z26.1a-1980, July 3, 1980.

(b) Safety glazing materials conforming to Z26.1-1966 must be used on all motor vehicles manufactured on and after September 1, 1967, and registered in New Jersey, and may be used on vehicles manufactured prior to September 1, 1967.

(c) Those safety glazing materials which were approved prior to the date of this regulation may continue to be used on vehicles manufactured prior to September 1, 1967.

Amended by R.1986 d.80, effective April 7, 1986.

See: 18 N.J.R. 47(a), 18 N.J.R. 703(a).

(a) substantially amended.

Amended by R.1996 d.28, effective January 16, 1996.

See: 27 N.J.R. 4140(a), 28 N.J.R. 272(a).

In (a) substituted "Z26.1a-1977, January 26, 1977, as supplemented by Z26.1a-1980, July 3, 1980" for "Z26.1a-1969, March 7, 1969".

SUBCHAPTER 26. SELF-INSPECTION OF CERTAIN CLASSES OF MOTOR VEHICLES

13:20-26.1 Applicability

The provisions of this Subchapter shall be applicable to all vehicles registered in this State.

13:20-26.2 Definitions

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

"Lessee" means any person under a contract or agreement who exercises control or who operates a motor vehicle under said agreement or contract for 30 days or more.

"Vehicle" means every trailer, semitrailer, pole-trailer; every truck registered at a gross weight in excess of 6,000 pounds, truck-tractor, as defined in N.J.S.A. 39:1-1, and every vehicle registered in this State engaged in interstate commerce which is now or hereafter subject to regulation and license by the Interstate Commerce Commission and/or the Bureau of Motor Carrier Safety of the Federal Highway Administration.

13:20-26.3 Inspection and maintenance

(a) Every owner or lessee of a motor vehicle registered in this State shall systematically inspect and maintain, or cause to be systematically inspected and maintained, all motor vehicles subject to its control, and the accessories, required by Part 393 of the regulations of the Bureau of Motor Carrier Safety of the United States Department of Transportation, to be mounted thereon, to insure that such motor vehicle and accessories are in safe and proper operating condition. A systematic inspection and maintenance record shall be maintained for each vehicle. Such records shall include, at least:

1. An identification of the vehicle including New Jersey registration number, make, model, serial number, and number of tires, their size, and number of ply;
2. A record of inspection and repairs indicating date and nature;
3. A lubrication record;
4. A systematic means for indicating for each vehicle the nature and due date of various inspection and maintenance operations to be performed;
5. If leased or otherwise contracted for, such records shall also include an identification of the lessor or contractor furnishing the motor vehicle.

(b) Any report or record of inspection shall be maintained for a period of 24 months by the owner or lessee and be immediately available upon the request of the Director or any other person authorized to inspect under this Subchapter.

13:20-26.4 Unsafe operations

No owner or lessee shall drive or permit or require a driver to drive any motor vehicle revealed by inspection or operation to be in such condition that its operation would be hazardous or likely to result in a breakdown of the vehicle; nor shall any driver drive a motor vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown of the vehicle.

13:20-26.5 Inspection of motor vehicles

(a) Every State police officer, and every employee of the Division of Motor Vehicles, Department of Law and Public Safety, may enter upon and perform inspections of vehicles in operation upon the highways of this State or at the premises or places of business of the owner or lessee of such vehicles; provided, however, that such officer or employee has been authorized to inspect by the Director of the Division of Motor Vehicles and provided he has been trained in the techniques and procedures of inspection now or hereafter established by the Division of Motor Vehicles.

(b) Reports of the inspection described above shall be submitted to the Director of the Division of Motor Vehicles.

Amended by R.1985 d.174, effective April 15, 1985.
See: 17 N.J.R. 270(a), 17 N.J.R. 971(a).

Substituted "Division of Motor Vehicles" for "Bureau of Motor Carrier Safety".

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

(a) Any authorized officer or employee shall declare and mark "out-of-service" any vehicle which by reason of its mechanical condition or loading may cause a breakdown or accident.

(b) Any motor vehicle declared and marked "out-of-service" shall not be operated until all repairs have been satisfactorily completed. The term "operate" as used in this Section shall include towing the vehicle; provided, however, that vehicles marked "out-of-service" may be towed by means of a vehicle using a crane or hoist; and provided further, that the vehicle combination consisting of the emergency towing vehicle and the "out-of-service" vehicle meets the performance requirements of Section 393.52 of the Bureau of Motor Carrier Safety Regulations.

(c) Any authorized officer or employee shall declare and mark "out-of-service-limited movement authorized" any vehicle which has a serious mechanical or loading defect that may cause a breakdown or accident, but which defect does not render the vehicle's continued operation, for limited movement, imminently dangerous.

(d) If a vehicle is declared "out-of-service-limited movement authorized", the inspecting officer or employee, in his discretion, may permit the vehicle to proceed to the nearest acceptable place of repair. The inspecting officer shall record the location of the place of repair, the vehicle's authorized route of movement and the estimated date and time of arrival at the place of repair on the inspection form. Upon arrival at the designated place of repair, a vehicle marked "out-of-service-limited movement authorized" will be considered "out-of-service" as described in subsection (b) of this Section.

(e) No person shall remove any marking indicating a motor vehicle to be "out-of-service" prior to completion of all repairs.

(f) The person or persons completing the repairs required by the "out-of-service" or "out-of-service-limited movement authorized" notice shall certify to the Director the date and the time the required repairs were completed.

As amended, R.1971 d.179, effective October 15, 1971.
See: 3 N.J.R. 180(d), 3 N.J.R. 227(a).

13:20-26.7 Notice to owner or lessee

(a) The driver of any vehicle receiving notice that the vehicle is "out-of-service" shall:

1. Deliver such notice to the owner or lessee operating the vehicle upon his arrival at the next terminal or facility of the owner or lessee, if such arrival occurs within 24 hours.

2. Immediately mail the notice to the owner or lessee if the driver does not arrive at a terminal or facility of the owner or lessee operating the vehicle within 24 hours.

(b) For operating convenience, the owner or lessee may designate any shop, terminal, facility, or person to which it may instruct its drivers to deliver or forward such notice.

(c) It shall be the sole responsibility of the owner or lessee that such notice is returned to the Division of Motor Vehicles in accordance with the terms prescribed thereon and in subsections (d) and (e) of this Section.

(d) The owner or lessee shall carefully examine such notice, and any and all defects noted thereon shall be corrected. The driver's failure to comply with this subsection shall not excuse the owner or lessee from taking appropriate action to correct defects which come to his attention by any means whatsoever.

(e) Within 15 days following the date of the vehicle inspection, the owner or lessee shall forward to the Division a certificate of action taken as a result of said inspection.

13:20-26.8 Damaged vehicles inspection

No owner or lessee shall permit or require a driver to drive nor shall any driver drive a motor vehicle which has been damaged in an accident or by other cause until inspection has been made by a person qualified to ascertain the nature and extent of the damage and the relationship of such damage to the safe operation of the motor vehicle; nor shall such motor vehicle be operated until such person has determined it to be in safe operating condition.

13:20-26.9 Vehicle condition report

(a) Every owner or lessee operating more than one motor vehicle shall require its drivers to report, and every driver shall prepare such a report in writing at the completion of his day's work or tour of duty, list any defect or deficiency of the motor vehicle discovered by the driver or reported to him as would be likely to affect the safety of operation of the motor vehicle or result in its mechanical breakdown or shall indicate that no such defects or deficiencies were discovered by or reported to him.

(b) Such reports shall be carefully examined, the defects reported thereon shall be checked and the report shall be retained by the owner or lessee for a period of 12 months.

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 Sections 26.3 through 26.9 of this Chapter.

1. As a convenient means of providing for the report required by Section 26.9 (Vehicle condition report) of this Chapter, 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 Section 26.3 (Inspection and maintenance) of this Chapter, 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 garage. Under the suggested system, when the four 1,000-mile inspections have been completed, the mechanic will know that he 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.

13:20-26.11 Required inspection and maintenance

(a) The following items of equipment are required to 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 system;
11. Steering equipment;
12. Axles and the tie-rod assemblies;
13. Clutch;
14. Exhaust system and exhaust emissions; and
15. Glazing and wipers.

13:20-26.12 Standards of inspection

(a) All equipment subject to inspection shall meet the standards now or hereafter prescribed by statute, by regulation of the Director of the Division of Motor Vehicles, and by regulation of the Bureau of Motor Carriers of the Federal Highway Administration.

(b) The Director may, in accordance with the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.), alter or amend any standard if, in his discretion, he finds that such standard is contrary to safe operation.

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".

13:20-26.13 Certification

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

13:20-26.14 Additional inspection

None of the prior Sections of this Subchapter shall be construed to limit or deny the Director of the Division of Motor Vehicles the authority to require additional inspection to determine levels of air contaminants from vehicles, nor should any prior Section be construed to abridge 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.

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 New Jersey registration and license privileges and/or may be subject to the loss of the self-inspection privilege authorized by this subchapter.

13:20-26.16 State inspection required; time for inspection

(a) Notwithstanding, and in addition to any other provision or requirement of this chapter, all "vehicles" except trailers, semi-trailers, pole trailers and diesel trucks registered at a gross weight of 10,000 lbs. or more and diesel truck tractors as defined in N.J.S.A. 39:1-1 shall be required to be inspected at State inspection stations or by examiners designated by the Director.

(b) The expiration of the windshield inspection sticker of each vehicle shall be the last day of the month in which the vehicle registration expires. Each such vehicle shall be presented for inspection after registration has been renewed and prior to the expiration date shown on the windshield inspection sticker.

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).

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.

(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.

13:20-28.2 Applicability

The provisions of this subchapter shall be applicable to all new motor vehicle dealers licensed by the Director.

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. (Note: Any other term used in this subchapter and not defined within this section shall have the meaning as defined in N.J.S.A. 39:1-1 et seq.)

"Director" means the Director of the Division of Motor Vehicles in the Department of Law and Public Safety.

"Mileage recording instrument" means an instrument mounted in the passenger compartment of a vehicle which will accurately measure and record the mileage traversed by the vehicle.

"New car dealer" or "new motorcycle dealer" means a dealer licensed pursuant to N.J.S.A. 39:10-19, to sell new passenger vehicles or new motorcycles, his employees and/or agents.

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

"New passenger vehicle" means every new vehicle, regardless of registration class, used and designed for the transportation of passengers, except motorcycles, omnibuses, school buses and vehicles that run upon rails or tracks.

"Pre-delivery check list" means a list of items and procedures which a new car dealer or new motorcycle dealer is required or recommended by a manufacturer to check or follow prior to delivery of a new vehicle to a purchaser.

"Ultimate purchaser" means any person, other than a motor vehicle dealer purchasing in his capacity as a motor vehicle dealer, who in good faith purchases a motor vehicle for purposes other than for resale as a motor vehicle dealer.

13:20-28.4 Manufacturers' new vehicle inspection procedure

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

(b) Completion of the pre-delivery inspection procedure required or recommended by a manufacturer shall be deemed by the Director, unless and until otherwise stated, to render that vehicle sale for operation on the highways, roadways and other quasipublic areas of New Jersey.

(c) Any new motorcycle dealer which inspects new motorcycles under the provisions of this subchapter must be licensed as a motorcycle reinspection center pursuant to N.J.A.C. 13:20-32.1 et seq.

13:20-28.5 United States Transportation Department standards

(a) All new motor vehicles subject to inspection shall meet the standards now or hereafter prescribed by the manufacturer or by statute or by regulation of the Director or by the standards prescribed by the U.S. Department of Transportation.

13:20-30.5 Inspection of school buses in operation

(a) Every State police officer, every employee of the Division of Motor Vehicles, Department of Transportation, either at a time deemed reasonable and necessary in the judgment of the Director of the Division of Motor Vehicles, or at the request of the Bureau of Pupil Transportation of the Department of Education may enter upon and perform inspections of school buses in operation upon the highways of this State or at the premises or places of business of the owner or lessee of such vehicles provided, however, that such officer or employee has been authorized to inspect by the Director of the Division of Motor Vehicles and provided he or she has been trained in the techniques and procedures of inspection and has his or her certification card.

(b) Reports of the inspection described in subsection (a) of this Section shall be submitted to the Director of the Division of Motor Vehicles and to the Bureau of Pupil Transportation of the Department of Education. Such reports shall remain on file in the Division of Motor Vehicles and may be considered confidential in the event that further investigation is deemed necessary.

(c) Any authorized officer or employee shall declare and mark "out-of-service" any school bus which by reason of its mechanical condition may cause a breakdown or accident.

(d) Any school bus declared and marked "out-of-service" shall not be operated until all repairs have been satisfactorily completed. The term "operate" as used in this Section shall include towing the vehicle; provided however, that vehicles marked "out-of-service" may be towed by means of a vehicle using a crane or hoist; and provided further, that the vehicle combination consisting of the emergency towing vehicle and the "out-of-service" vehicle meets the performance requirements of N.J.S.A. 39:3-68.

(e) No person shall remove any marking indicating a school bus to be "out-of-service" prior to completion of all repairs.

(f) The person or persons completing the repairs required by the "out-of-service" notice shall certify to the Director the date and the time the required repairs were completed.

(g) No persons may be transported in a vehicle declared "out-of-service" prior to completion of all repairs.

(h) The driver of any school bus receiving notice that the vehicle is "out-of-service" shall deliver such notice to the owner or lessee operating the vehicle upon his arrival at the next terminal or facility of the owner or lessee. It shall be the sole responsibility of the owner or lessee that such notice is returned to the Division of Motor Vehicles in accordance with the terms prescribed thereon and in subsections (d) and (e) of this Section.

(i) The owner or lessee shall carefully examine such notice. Any and all defects noted thereon shall be corrected. The driver's failure to comply with this Section shall not excuse the owner or lessee from taking appropriate action to correct defects which come to his attention by any means whatsoever.

(j) Within 15 days following the date of the vehicle inspection, the owner or lessee shall forward to the Division a certificate of action taken as a result of said inspection.

Amended by R.1996 d.28, effective January 16, 1996.
See: 27 N.J.R. 4140(a), 28 N.J.R. 272(a).

13:20-30.6 Damaged vehicles inspection

No owner or lessee shall permit or require a driver to drive nor shall any driver drive a school bus which has been damaged in an accident or by other cause until inspection has been made by a person qualified to ascertain the nature and extent of the damage and the relationship of such damage to the safe operation of the school bus nor shall such school bus be operated until such person has determined it to be in safe operating condition.

13:20-30.7 Vehicle condition report by driver

(a) Every owner or lessee operating one or more school buses shall require its drivers to report and every driver shall prepare such a report in writing at the beginning of his day's work or tour of duty, which report shall list any defect or deficiency of the school bus discovered by said driver as would be likely to affect the safety of operation of the school bus or result in its mechanical breakdown or shall indicate that no such defects or deficiencies were discovered by him.

(b) Such reports shall be carefully examined, the defects reported thereon shall be checked and the report shall become a part of the permanent records required to be maintained under Section 30.3 (Inspection and maintenance) of this Chapter.

13:20-30.8 Required practices

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

1. All brake-lines and lining;
2. Drive lines;
3. Doors, aisles and seats;
4. Tires, wheels and flaps;
5. Springs;
6. Emergency equipment;
7. Fuel system;
8. Cooling system;
9. Lighting devices, horns and mirrors;
10. Transmission system;
11. Steering equipment;
12. Axles and the tie rod assemblies;

13. Clutch;
14. Exhaust system;
15. Glazing and wipers;
16. Safety equipment required by New Jersey Department of Education.

13:20-30.9 Standards; alteration of standards

(a) All equipment subject to inspection shall meet the standards now or hereafter prescribed by statute, by regulation of the Director of the Division of Motor Vehicles, and by regulation of the New Jersey Department of Education.

(b) The Director may alter or amend any standard if, in his discretion, he finds that such standard is contrary to safe operation.

13:20-30.10 Certification

(a) Every owner or lessee must certify to the Director on a form prescribed that he has inspected and maintained his vehicles in conformity to this subchapter.

(b) Such certification shall be made once every 12 months.

13:20-30.11 Penalties

Any owner or lessee who violates any provision of this subchapter may be subject to the suspension or revocation of his New Jersey registration and license privileges.

SUBCHAPTER 31. (RESERVED)

SUBCHAPTER 32. MOTOR VEHICLE REINSPECTION CENTERS

13:20-32.1 License required; license classes

(a) Reinspection centers shall be licensed by the Director prior to engaging in the service of certifying that vehicles initially rejected at a State motor vehicle inspection station have been adjusted, corrected or repaired so as to conform to the standards established by law or regulation.

(b) Reinspection centers shall be licensed in the following classes;

1. Class I licenses shall be issued to reinspection centers to engage in the certification of passenger automobiles, trucks registered for not more than 6,000 pounds, and buses, except school buses and buses subject to the jurisdiction of the Department of Public Utilities.
2. Class II licenses shall be issued to owners or lessees of fleets of 50 or more vehicles (except school buses and buses subject to the jurisdiction of the Department of Public Utilities) which are subject to annual state inspection.

3. Class III licenses shall be issued to reinspection centers to engage in the certification of motorcycles only.

13:20-32.2 Service limits

(a) Class I licenses may be issued to provide "full service" in all vehicle rejection categories or "limited service" in one or more of the following categories:

1. Engine emissions;
2. Brake system;
3. Exhaust system;
4. Steering, suspension, tires and wheels;
5. Glass (windshield, windows);
6. Electrical: All switches, signals, wipers, lenses and lights, including headlight installation and alignment;
7. Miscellaneous: Any rejected item not in other categories.

(b) Class II licenses authorize certification in all vehicle rejection categories, but limited to vehicles owned or operated by the licensee.

(c) Class III licenses authorize certification in all motorcycle rejection categories.

13:20-32.3 Facilities and equipment

(a) Licensed inspection centers must be housed in a building having a garage-type entrance and one or more service bays.

(b) An engine emissions analyzer, approved by the Department of Environmental Protection must be available on the premises of all Class I "full service" centers, all Class II centers, and all Class I "limited service" centers licensed to certify repairs in the engine emission category. Any license whose analyzer is found to be in need of repair or replacement may use the approved analyzer of another licensed reinspection center during the period when his analyzer is being repaired or until the time he receives a replacement, such period not to exceed 14 days. Such license shall transport the vehicles requiring the engine emissions test to the licensed reinspection center and shall certify them when such test has been made. He shall keep a record of each emissions reinspection made with another licensed reinspection center's analyzer showing the date the reinspection was made, the vehicle, the name and license number of the licensed reinspection center whose analyzer he is using. He shall also provide proof upon request that he has contracted for the repair or replacement of the defective analyzer. In no case shall the license certify the emissions of any vehicle unless he or his employee has personally made the emissions tests. Notwithstanding the fact that the licensee is using the analyzer of another licensed reinspection center, he shall take all necessary precautions and do whatever is reasonable and practicable to determine that the analyzer being used is accurate.

(b) Each suspension or revocation of any private inspection facility license, pursuant to N.J.S.A. 39:8-1 et seq. 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 private inspection facility 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 private inspection facility license for good cause.

SUBCHAPTER 45. MOTOR VEHICLE EMISSION REPAIR FACILITY REGISTRATION

13:20-45.1 Purpose

P.L.1995, c.112 provides for the registration of motor vehicle emission repair facilities by the Director of the Division of Motor Vehicles. The purpose of this subchapter is to establish a system for the registration of motor vehicle emission repair facilities which perform emission repairs for compensation on motor vehicles which have failed an emission inspection so that the Division may track emission repairs for monitoring purposes and document emission repair costs for purposes of issuance of certificates of waiver.

13:20-45.2 Scope

(a) This subchapter shall apply to every person engaged in the business of a motor vehicle emission repair facility.

(b) No person shall, on or after June 29, 1995, engage in the business of a motor vehicle emission repair facility unless registered by the Director in accordance with the provisions of this subchapter.

13:20-45.3 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 motor vehicle emission repair facility. 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 registration to engage

in the business of a motor vehicle emission repair facility or to renew an existing registration. In the case of a partnership or corporation applying for a registration, the term “applicant” shall respectively include all partners and/or officers and directors and/or persons having a controlling interest in a sole proprietorship or corporation.

“Controlling interest” means possession of the power to direct or cause the direction of the management and policies of a motor vehicle emission repair facility, whether through the ownership of voting securities or otherwise. The Director will 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 motor vehicle emission repair facility. 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.

“Customer” means the owner of record of a motor vehicle on file with the Division, or any family member, employee or any other person whose use of the motor vehicle is authorized by such owner of record.

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

“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 repair facility registration” means a registration issued to a motor vehicle emission repair facility which evidences the Director’s authorization for the facility to engage in emission repairs on motor vehicles which have failed an emission inspection.

“Engaged in the business” means performing emission-related repair(s) for compensation and includes:

1. Any person performing emission repair(s) on motor vehicles that have failed an emission inspection required by the Director;
2. Any person who subcontracts or has any type of business arrangement with a motor vehicle emission repair facility or other person to perform emission repairs on motor vehicles that have failed an emission inspection required by the Director;
3. Any person who prepares an estimate to be used by a motor vehicle emission repair facility or other person to perform emission repairs on motor vehicles that have failed an emission inspection required by the Director; or
4. Any person who negotiates in any manner with any customer to perform emission repairs on motor vehicles

that have failed an emission inspection required by the Director.

“Estimate” means any written determination prepared by a motor vehicle emission repair facility of the approximate cost of the parts and labor needed to perform the requested repair services.

“Federal Clean Air Act” means the federal “Clean Air Act,” 42 U.S.C. §7401 et seq., and any subsequent amendments or supplements to that act.

“Motor vehicle emission repair facility” means any person who for compensation engages in the business of repairing motor vehicles that have failed an emission inspection required by the Director. For the purpose of this subchapter, the following are not deemed to be a motor vehicle emission repair facility and are not required to be registered:

1. Any employee of a motor vehicle emission repair facility who engages in the business of repairing motor vehicles that have failed an emission inspection solely by reason of his or her employment;
2. Any person who is solely engaged in the business of repairing motor vehicles that have failed an emission inspection and who is employed by a single commercial or industrial establishment that is the owner or lessor of such vehicles; or
3. Any person whose activities consist solely of fueling, changing oil, water, batteries or tires, replacing fan belts, air filters or oil filters, installing windshield wiper blades, light bulbs, communication equipment, or such other repair and servicing functions that are not related to motor vehicle emission inspection failures.

“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 motor vehicle emission repair facility are offered or ordinarily performed.

“Suspension, revocation or refusal to renew” means administrative action by the Director, in accordance with the provisions of P.L. 1995, c.112 or this subchapter, to refuse to renew a motor vehicle emission repair facility registration or to suspend or revoke a registration.

13:20-45.4 Initial application for registration

(a) Any person seeking to engage in the business of a motor vehicle emission repair facility shall apply, in accordance with the provisions of this subchapter, to the Director for a registration authorizing him or her to engage in such business. An application for a motor vehicle emission repair facility registration may be obtained from the Motor Vehicle Emission Repair Facility Registration Unit of the Division. The address of the Motor Vehicle Emission Repair Facility Registration Unit is:

Division of Motor Vehicles
Business License Compliance
Motor Vehicle Emission Repair Facility Registration Unit
225 East State Street
CN 170
Trenton, New Jersey 08666-0170

(b) Each applicant for a motor vehicle emission repair facility registration 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 motor vehicle emission repair facility;
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 facility, 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. Whether the applicant has ever been convicted of a crime;
4. Whether the applicant has ever been found to be in violation of the Federal Clean Air Act 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;
5. 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
6. Whether the applicant has any interest in any other motor vehicle emission repair facility or any motor vehicle related business.

(c) Each initial application for a motor vehicle emission repair facility registration shall include the following:

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

(d) Each initial application for a motor vehicle emission repair facility registration shall be accompanied by the applicable fee as specified in N.J.A.C. 13:20-45.6.

(e) If there are multiple locations for motor vehicle emission repair facilities owned by the same applicant, a separate application, accompanying documents, and registration fee as specified in N.J.A.C. 13:20-45.6 shall be submitted for each such place of business. A separate registration shall be issued for each such place of business.

(f) Upon preliminary approval of each initial registration application, a registration shall be issued to the motor vehicle emission repair facility. Each initial registration issued to a motor vehicle emission repair facility on or after June 29, 1995 shall be effective on the date of issuance and shall continue in force and effect until December 31, 1998, and shall, thereafter, be renewed on a biennial basis, unless such registration is suspended or revoked by the Director.

13:20-45.5 Applicant qualification

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

13:20-45.6 Registration fee

Each initial or renewal application for a motor vehicle emission repair facility registration shall be accompanied by a registration fee of \$50.00 payable to the Division. Such registration fee shall be returned to the applicant only in the event that the Director refuses to grant or renew a motor vehicle emission repair facility registration. Such registration fee, or any portion thereof, shall not be refunded to the registrant in the event that the motor vehicle emission repair facility registration is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the registrant voluntarily surrenders the registration at any time during the registration period.

13:20-45.7 Registration renewals

(a) Each registrant shall, no later than 30 days before the expiration of the registration, submit to the Director an application to renew its current registration provided that such registrant is not prohibited from applying for a registration as specified in N.J.A.C. 13:20-45.22. An application to renew a motor vehicle emission repair facility registration may be obtained from 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).

(b) Each application to renew a motor vehicle emission repair facility registration shall be accompanied by the fee specified in N.J.A.C. 13:20-45.6.

(c) Upon approval of each renewal application, a registration shall be issued to the motor vehicle emission repair facility. Each renewal registration issued to a motor vehicle emission repair facility after December 31, 1998 shall continue in force and effect for a period of two years unless such registration is suspended or revoked by the Director.

13:20-45.8 Surrender of registration

(a) Each motor vehicle emission repair facility registration, although issued and delivered to a registrant, shall at all times be the property of the State of New Jersey.

(b) Upon any suspension, revocation, refusal to renew or other termination of a motor vehicle emission repair facility registration, the registration shall no longer be in force and effect and the registration shall be surrendered forthwith upon demand of a Division representative.

13:20-45.9 Responsibility of registrants

(a) In the case of a sole proprietorship, the owner and/or possessor of a controlling interest in the motor vehicle emission repair facility shall be responsible to the Director for the conduct of the business of the facility and for all actions performed by his or her employees in connection with the business of the facility concerning violations of P.L. 1995, c.112 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 and jointly responsible to the Director for the conduct of the business of the facility and for all actions performed by its employees in connection with the business of the facility concerning violations of P.L. 1995, c.112 or this subchapter.

13:20-45.10 Deceptive practices concerning emission-related repairs

Motor vehicle emission repair facilities shall be subject to the provisions of N.J.A.C. 13:45A-7.

13:20-45.11 Notice and recordkeeping requirements

(a) Each registrant shall display an outdoor sign which shall read: "Registered: State of New Jersey Motor Vehicle Emission Repair Facility". The sign shall include the registration number of the motor vehicle emission repair facility. 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 registrant shall prominently display such sign on the exterior of the motor vehicle emission repair facility.

(b) Every registration 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 motor vehicle emission repair facility.

(c) Every registered motor vehicle emission repair facility shall post in a conspicuous location accessible to the public a "Notice to Consumers" concerning violations of P.L. 1995, c.112 and the fact that customers have a right to inspect the

repaired motor vehicle before paying for the repair work. The notice shall be prepared and furnished by the Division.

(d) Every registered motor vehicle emission repair facility shall post in a conspicuous location accessible to the public a notice stating that the names and qualifications of its certified emission repair technicians are available upon request.

(e) Every registered motor vehicle emission repair facility shall maintain copies of all motor vehicle inspection reports, estimates, work orders, invoices, parts purchase orders, appraisals and/or other documents prepared by that facility for repair work performed by that facility or by subcontractors.

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

2. Failure to permit such inspection shall subject the registrant to administrative action pursuant to this subchapter.

(f) Every motor vehicle emission repair facility 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 registrant to administrative action pursuant to this subchapter.

(g) The registrant 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 motor vehicle emission repair facility, or whenever a person becomes a partner or limited partner in a motor vehicle repair facility.

(h) The registrant shall notify the Director in writing within 10 days of any change in address of the motor vehicle emission repair facility or of any change in address of persons or entities required to be listed on the application by N.J.A.C. 13:20-45.4.

(i) The registrant 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. 13:20-45.4 is no longer associated with the motor vehicle emission repair facility.

(j) All written notifications required by this subchapter shall be made by either personal delivery or sent by certified mail 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).

(k) An amended application shall be filed by the registrant 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. 13:20-45.4.

(l) Any process issued to a registrant 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 registrant or counsel of record, by sending said process by certified or ordinary mail, to the business address of the motor vehicle emission repair facility or to counsel's address on record with the Division.

13:20-45.12 Advertising

(a) Any advertising used by the motor vehicle emission repair facility in any printed or published material shall contain and prominently display the registration number of the facility.

(b) Any advertising used by the motor vehicle emission repair facility in any radio broadcast shall disclose that the facility is registered by the State of New Jersey.

(c) Any advertising used by the motor vehicle emission repair facility in any television broadcast shall prominently display the registration number of the facility at the end of such broadcast.

13:20-45.13 Storage rates

Every motor vehicle emission repair facility which charges a per diem fee to store a motor vehicle on its premises shall disclose in writing, prior to initiating emission-related repair(s), the amount of such storage charge to the customer.

13:20-45.14 Additional violations

(a) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Director may refuse to renew a registration or suspend or revoke the registration of any motor vehicle emission repair facility if he or she determines that the applicant or registrant:

1. Has made a false statement or concealed a fact in connection with the application for a registration or a renewal thereof; or

2. Is not the owner of, or possessor of a controlling interest in, the motor vehicle repair facility.

(b) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Director may refuse to renew a registration or suspend or revoke the registration of any motor vehicle emission repair facility if he or she determines that the applicant or registrant at any time following submission of the application for initial registration:

1. Has been found to have violated or conducted fraudulent or deceptive practices concerning the repair of motor vehicles in violation of N.J.S.A. 56:8-1 et seq. or N.J.A.C. 13:45A-7 or this subchapter;

2. Has been found to have violated N.J.A.C. 7:27-15.7 pertaining to tampering with emission control apparatus;
3. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which indicates that registration of the applicant or continued registration of the registrant would be inimical to the registration standards set forth in P.L. 1995, c.112 and this subchapter;
4. Demonstrates a pattern of conduct whereby emission repairs made by the motor vehicle emission repair facility were not made in a workmanlike manner;
5. Issues a check in payment of any fees required by this subchapter which is subsequently dishonored;
6. Has failed to comply with any of the provisions of this subchapter;
7. Fails to maintain an approved place of business in accordance with N.J.A.C. 13:20-45.4(b)(1);
8. Fails to pay any fee required by law or regulation;
9. Fails to notify the Director in writing as required by N.J.A.C. 13:20-45.11(f), (g) and (h);
10. Has in its possession any motor vehicle, major motor vehicle component part or component part as defined in N.J.S.A. 39:10B-1 or replacement parts on which the vehicle identification number or other identification affixed thereto in accordance with Federal theft prevention standards has been removed, altered, defaced, destroyed, or so covered as to be concealed;
11. Has been found to be in violation of the Federal Clean Air Act or the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder;
12. Has failed to properly secure Pre-inspection Emission Repair Forms;
13. Has failed to properly account for lost or stolen Pre-inspection Emission Repair Forms. A registrant can "properly account" for such documents by demonstrating, to the satisfaction of Director, that they were lost or stolen under circumstances beyond the reasonable control of the registrant; or
14. For other good cause.

13:20-45.15 Mechanic qualifications

If the motor vehicle emission repair facility performs safety equipment repairs, the registrant or someone in his or her employment must meet the mechanic qualification standard as set forth in N.J.A.C. 13:20-44.19.

13:20-45.16 Repair technician; certification

(a) On or after July 1, 1998, the registrant or someone in his or her employment shall be certified as a repair technician.

(b) On or after July 1, 1998, no emission repairs may be performed for compensation of any kind by any person or facility unless the repairs are made by, or under the supervision of, a certified repair technician employed by the facility. For purposes of this subsection "employed by" shall be construed to include any business relationship between the certified repair technician and the facility including actual or equitable ownership, in whole or in part, of the individual facility by the technician or a partnership interest in the facility.

(c) Repair technician certification shall be predicated upon a person's satisfactory completion of an approved repair technician certification program of instruction in emission-related repairs on vehicles that fail an emission test.

(d) An approved repair technician program of instruction shall include:

1. Diagnosis and repair of malfunctions in computer controlled, close-loop vehicles;
2. The application of emission control theory and diagnostic data to the diagnosis and repair of failures on loaded-mode and idle tests and the evaporative system functional tests;
3. Utilization of diagnostic information on systematic or repeated failures observed in the loaded-mode and idle tests and the evaporative system functional tests; and
4. General training in the various subsystems related to engine emission control.

(e) Upon the satisfactory completion of a course of instruction, the provider of the repair technician program shall issue to each person a Certificate of Repair Technician Course Completion.

13:20-45.17 Additional penalties

Where, pursuant to N.J.S.A. 39:8-1 et seq., or any regulation adopted thereunder, the Director has the authority to suspend, revoke or refuse to renew the registration of a motor vehicle emission repair facility, the Director shall also have the authority to impose, as an alternative or in addition to such suspension, revocation or refusal to renew, an official warning.

13:20-45.18 Investigations

(a) The Director, or any person designated by him or her, shall have the power to investigate and gather evidence of violations of N.J.S.A. 39:8-1 et seq., or of any regulation adopted thereunder, by a motor vehicle emission repair facility.

(b) The Director, or any person designated by him or her, shall have the power to conduct investigations, administer oaths, interrogate registrants, issue subpoenas, summonses and/or complaints and compel witnesses to appear at any hearing.

(c) Except as set forth in N.J.A.C. 13:20-45.11(k), subpoenas shall be served in the same manner, and the witnesses shall be entitled to the same fees, as in the case of subpoenas issued out of the Superior Court of New Jersey.

(d) In the case of a failure of any person to comply with any subpoena issued under this subchapter 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, 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.

13:20-45.19 Written notice of suspension or revocation or refusal to grant or renew registration

(a) The Director shall notify the applicant, in writing by certified mail, of any refusal to renew a motor vehicle emission repair facility registration 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 registrant, in writing by certified mail, of any proposed suspension or revocation of the motor vehicle emission repair facility registration and the grounds thereof. Written notice shall be mailed to the place of business on record with the Division. Unless the registrant files with the Director a written request for a hearing in accordance with N.J.A.C. 13:20-45.20, the motor vehicle emission repair facility registration shall be suspended or revoked on the date specified in such notice.

13:20-45.20 Request for hearing

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-45.19(a) that the Director refuses to renew a motor vehicle emission repair facility registration, 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. 13:20-45.19(a).

(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.