

(c) The engine shall be maintained in proper operating condition so as to prevent the discharge of excessive smoke or other air contaminants. Sedan-type autobuses shall meet the New Jersey Department of Environmental Protection motor vehicle emission inspection standards applicable to the type of engine installed.

1. Each exhaust emission system shall be inspected utilizing equipment approved by the New Jersey Department of Environmental Protection.

2. Inspection of the exhaust emission system may be conducted by the operator, by a person designated by the operator, or by the New Jersey Department of Transportation for the fee set forth in N.J.A.C. 16:53-10.1.

3. Each sedan-type autobus shall be inspected every six months by a person qualified to conduct emission testing. Self-inspection emission testing shall be completed within 20 days prior to self-inspection certification. Inspections performed by any person other than New Jersey Department of Transportation personnel shall require a certification from the individual conducting such inspection indicating his or her qualifications to conduct such a test and the type of equipment used.

(d) No portion of the exhaust system shall be located in a manner that could result in the burning or damaging of electrical wiring, fuel system components, or any combustible part of the sedan-type autobus.

(e) Engine covers shall be properly sealed and shall not permit any engine compartment vapors to enter the passenger compartment.

Amended by R.1989 d.392, effective July 17, 1989.
See: 21 N.J.R. 1098(a), 21 N.J.R. 2051(b).

At (c) added 1.-4. regarding exhaust emission system inspections.
Amended by R.2002 d.295, effective September 3, 2002.
See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).

Rewrote the section.

16:53-8.16 Drive shaft

Any drive shaft extending lengthwise under the floor of the passenger compartment of a sedan-type autobus, except sedan-type autobuses having a seating capacity of five or less passengers, shall be protected by means of at least one guard or bracket at that end of the drive shaft which is provided with a sliding connection (spline or other such device) to prevent the whipping of the shaft in the event of failure thereof or of any of its component parts. A shaft contained within a torque tube shall not require any such device.

Amended by R.2002 d.295, effective September 3, 2002.
See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).

Substituted references to "sedan-type autobuses" for "limousine" throughout and inserted "drive" preceding "shaft".

16:53-8.17 Glazing

All glazing shall conform to Federal Motor Vehicle Safety Standard No. 205 (49 CFR § 571.205), incorporated herein by reference, as amended and supplemented.

Amended by R.2002 d.295, effective September 3, 2002.
See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).

Rewrote the section.

16:53-8.18 Directional signals

Each sedan-type autobus shall be equipped with directional signals that conform to Federal Motor Vehicle Safety Standard No. 108 (49 CFR § 571.108), incorporated herein by reference, as amended and supplemented.

Amended by R.2002 d.295, effective September 3, 2002.
See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).

Rewrote the section.

16:53-8.19 Horn

Each sedan-type autobus shall be equipped with a horn in proper operating condition to give reasonable warning to others of the approach of the vehicle.

Amended by R.2002 d.295, effective September 3, 2002.
See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).

Substituted "sedan-type autobus" for "vehicle", "in proper operating condition" for "or other signaling device" and "others" for "users of the highway" and deleted "users of the highway" following "warning to others."

16:53-8.20 Speedometer; odometer

(a) Each sedan-type autobus shall be equipped with a speedometer in proper operating condition capable of indicating the speed of the vehicle in miles per hour and readily visible to the driver.

(b) Each sedan-type autobus shall be equipped with an odometer in proper operating condition capable of recording accumulated miles.

Amended by R.2002 d.295, effective September 3, 2002.
See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).

Rewrote existing paragraph and designated as (a); added (b).

16:53-8.21 Identification

A sedan-type autobus shall not be operated unless it displays under the hood on the right front wheel well an identification number assigned to the vehicle by the operator and the New Jersey Department of Transportation's certificate of compliance number in the following style: NJDOT 12345.

Amended by R.2002 d.295, effective September 3, 2002.
See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).

Rewrote the section.

16:53-8.22 Certification of inspection

(a) An authorized New Jersey Department of Transportation official or company official (private operator) shall affix a certificate of inspection (inspection sticker) to a sedan-type autobus at the completion of each six-month certification inspection.

(b) A certificate of inspection shall not be issued without certification by the person authorized to inspect the sedan-type autobus verifying that the vehicle was inspected, is in proper and safe condition, and complies with all requirements of the New Jersey Department of Transportation. The required certification shall be made on the maintenance inspection report (MC-26) as set forth in chapter Appendix A, incorporated herein by reference.

(c) A sedan-type autobus shall not be operated unless it prominently displays on the lower right-hand corner of the windshield, visible from the exterior, an unexpired certificate of inspection issued by the New Jersey Department of Transportation.

(d) Each sedan-type autobus operating in the State shall be subject to on-road and in-terminal inspections. Such inspections shall be conducted at the New Jersey Department of Transportation's option as to location and frequency.

(e) Any person who issues a certificate of inspection or submits a certification to the New Jersey Department of Transportation without the required inspection and repair having been performed shall be deemed to be a disorderly person in accordance with N.J.S.A. 48:4-2.1(a).

(f) A notice of discontinuance shall be affixed to any sedan-type autobus that fails the required inspection.

(g) A certificate of inspection or compliance shall not be issued if payment of a statutory or regulatory fee remains outstanding to the New Jersey Department of Transportation.

As amended, R.1983 d.445, effective October 17, 1983.
See: 15 N.J.R. 877(b), 15 N.J.R. 1771(a).
Amended by R.2002 d.295, effective September 3, 2002.
See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).
Rewrote the section.

16:53-8.23 Trailers

The use of any type of trailer is prohibited.

16:53-8.24 Baggage racks

Exterior baggage racks shall be constructed so that all baggage is held in a secure manner under all conditions of operation.

Amended by R.2002 d.295, effective September 3, 2002.
See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).
Deleted designation, substituted "shall" for "will" following "racks", deleted "permitted only if they are", substituted "is" for "will be" following "baggage", deleted "safe" and inserted "under all conditions of operation".

16:53-8.25 Maintenance and inspection

(a) The body, chassis, engine and all equipment shall be maintained in proper adjustment and safe operating condition.

(b) All equipment shall receive a specification inspection by New Jersey Department of Transportation personnel in order to insure compliance with all of the Department's specifications. All sedan-type autobuses that meet New Jersey Department of Transportation specifications shall be issued a certificate of compliance.

(c) All sedan-type autobuses for which certificates of compliance have been issued by the New Jersey Department of Transportation shall receive a certification inspection at least twice annually. Nothing herein shall limit the New Jersey Department of Transportation's authority to require more frequent certification inspections of such vehicles by Department personnel when the safety of the public so requires.

(d) A systematic maintenance record shall be kept for each sedan-type autobus showing the vehicle identification number, driver, dates of breakdowns, defects reported, and corrective measures taken. The records shall be retained by the operator for at least 12 months and shall be available for review by the New Jersey Department of Transportation.

(e) Each sedan-type autobus shall receive a complete inspection at regular time and/or mileage intervals for mechanical or structural defects. All necessary repairs shall be completed and a certificate of inspection affixed in accordance with N.J.A.C. 16:53-8.22 before the sedan-type autobus is returned to service. An itemized record of each inspection showing the date, vehicle identification number, lubrication record, repairs and adjustments, and signed by the person making such inspection, shall be available at the inspection site at the time of inspection and for at least 12 months thereafter, and shall be available for review by the New Jersey Department of Transportation.

(f) The maintenance facilities shall be adequate to assure compliance with specifications herein and shall include either a suitable pit or lift or an arrangement for the use of such facilities.

(g) The entire sedan-type autobus shall be kept clean and sanitary.

(h) The self-inspection certification does not apply to sedan-type autobuses certified for school use. Such vehicles shall be inspected biannually by New Jersey Department of Transportation personnel.

(i) All sedan-type autobuses directly operated by the New Jersey Transit Corporation shall be on a six-month full New Jersey Department of Transportation inspection program in accordance with the August 2000 Memorandum of Understanding entered into between the New Jersey Transit Corporation and the New Jersey Department of Transportation. The Memorandum of Understanding is available for inspection at the Office of the Director, Division of Motor Vehicles, 225 East State Street, 9th Floor, Trenton, New Jersey. All sedan-type autobuses operated by private operators shall receive an in-terminal inspection at six-month intervals; once by New Jersey Department of Transportation personnel during the first six months, and then a self-inspection by the private operator once during the second six-month period. A record of each six-month certification inspection shall be submitted to the New Jersey Department of Transportation on the maintenance inspection report (MC-26) as set forth in chapter Appendix A, incorporated herein by reference.

(j) New Jersey Department of Transportation personnel shall perform unannounced audit inspections of self-inspected sedan-type autobuses to insure compliance with the self-inspection program.

(i) All vehicles directly operated by the New Jersey Transit Corporation and its wholly owned subsidiaries, will be on a six month self-inspection certification program. All other vehicles shall receive certification inspection at six month intervals; once by Department personnel during the first six months and self-inspected at the completion of the second six month period.

As amended, R.1983 d.445, effective October 17, 1983.
 See: 15 N.J.R. 877(b), 15 N.J.R. 1771(a).
 Amended by R.2002 d.295, effective September 3, 2002.
 See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).
 Rewrote (b) through (e) and (g) through (i); added (j).

16:53-8.26 Inspection and certificate of inspection

(a) All sedan-type autobuses for which certificates of compliance have been issued by the New Jersey Department of Transportation shall be inspected at least twice annually. Nothing herein shall limit the New Jersey Department of Transportation's authority to require more frequent inspections of such vehicles when the safety of the public so requires.

(b) A sedan-type autobus shall not be operated unless it prominently displays an unexpired certificate of inspection issued by the New Jersey Department of Transportation, visible from the exterior on the lower right corner of the windshield.

(c) Sedan-type autobuses having an altered chassis shall be subject to quarterly inspection by New Jersey Department of Transportation personnel.

(d) Each sedan-type autobus operating in the State shall be subject to on-road and in-terminal inspections. Such inspections shall be conducted at the New Jersey Department of Transportation's option as to location and frequency.

Amended by R.2002 d.295, effective September 3, 2002.
 See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).
 Rewrote the section.

SUBCHAPTER 9. PUBLIC LIABILITY INSURANCE

16:53-9.1 Certificate of insurance or evidence of self-insurance

(a) An operator of an autobus carrying passengers for hire in accordance with Title 48 of the Revised Statutes or 49 CFR Part 393 shall file with the New Jersey Department of Transportation three copies of a certificate of insurance

or evidence of self-insurance, which shall be in the form set forth in (i) below, designated "Form E—Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance" and "Form F—Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement."

(b) Such certificate or evidence shall be signed by the issuing insurance company or, in the case of a self-insurer, by an officer or agent thereof, and shall state that autobuses are insured in compliance with either Title 48 of the Revised Statutes or 49 CFR Part 387, incorporated herein by reference, as amended and supplemented, whichever is applicable.

(c) Every certificate of insurance shall contain a provision for continuing liability and shall provide that cancellation thereof shall not be effective unless at least 30 days' notice in writing of intention to cancel has been delivered to the New Jersey Department of Transportation.

(d) Certificates of insurance that have been accepted by the Commissioner of the New Jersey Department of Transportation in accordance with this section may be replaced by other certificates of insurance. The liability of the retiring insurer under such certificates of insurance shall be considered as having been terminated as of the effective date of the replacement certificate of insurance.

(e) Every certificate of insurance shall contain a provision for a continuing liability notwithstanding any recovery thereunder.

(f) Every certificate of insurance shall provide that cancellation thereof shall not be effective until at least 30 days' notice in writing of intention to cancel has been delivered to the Commissioner of the New Jersey Department of Transportation; such cancellation notice shall be in the form set forth in (i) below, designated "Form K—Uniform Notice of Cancellation of Motor Carrier Insurance Policies." If such cancelled insurance policy is reinstated, a new certificate, in the form set forth in (i) below, designated "Form E—Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance" and "Form F—Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement," shall be filed with the Commissioner of the New Jersey Department of Transportation.

(g) Certificates of insurance shall be in accordance with the forms set forth in (i) below, designated "Form E—Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance."

(h) When a certificate of insurance is filed as provided in (i) below, there shall be attached to the original certificate of insurance ("Form E—Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance"), an endorsement designated "Form F—Uniform Mo-

tor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement.”

(i) All insurance filings in accordance with Title 48 of the Revised Statutes shall be made with the New Jersey Department of Transportation, Commercial Bus Inspection Unit, PO Box 177, Trenton, New Jersey 08666-0177, on the insurance industry forms specified below:

1. Form E—“Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance,” together with Form F below;
2. Form F—“Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement”;
3. Form K—“Uniform Notice of Cancellation of Motor Carrier Insurance Policies.”

(j) The Commissioner of the New Jersey Department of Transportation shall consider applications for permission to establish insurance funds in lieu of the filing of certificates of insurance. Until such permission is granted by the Commissioner of the New Jersey Department of Transportation, certificates of insurance shall be filed. Until otherwise ordered, all orders and certificates of the Commissioner of the New Jersey Department of Transportation authorizing or directing bus lines and street railway corporations operating buses to establish and maintain self-insurance funds shall continue in full force and effect insofar as said orders or certificates authorize the carriers therein named to be self-insurers. Every person, firm, association, and corporation that maintains a self-insurance fund pursuant to authority granted by the Commissioner of the New Jersey Department of Transportation shall procure, maintain, and file with the Commissioner a policy of insurance to cover the difference between the amounts such carrier is authorized to self-insure and the amounts specified in Title 48 of the Revised Statutes or 49 CFR Part 387, incorporated herein by reference, as amended and supplemented, whichever is applicable.

(k) A certificate of insurance shall not be filed with the Commissioner of the New Jersey Department of Transportation unless a direct contractual relationship exists between the operator and the insurance company making the filing.

(l) All filings shall be executed in triplicate on the proper form as specified in (i) above. The Commissioner of the New Jersey Department of Transportation may refuse to accept a certificate of insurance if in his or her judgment it does not provide adequate protection for the public.

(m) No certificate of public convenience and necessity shall be issued nor shall any previously issued certificate remain in force, unless all of the foregoing provisions are complied with.

Emergency Amendment, R.1985 d.445, effective August 8, 1985 (expires October 7, 1985).
See: 17 N.J.R. 2149(a).

Added (d)4 and (n).
Amended by R.1985 d.574, effective November 18, 1985.
See: 17 N.J.R. 2149(a), 17 N.J.R. 2783(a).

(d)4 and (n) added.
Amended by R.1986 d.216, effective June 16, 1986.
See: 18 N.J.R. 626(a), 18 N.J.R. 1310(b).

Substituted “AIP Designation Notice Card” for “binder”.
Amended by R.2002 d.295, effective September 3, 2002.
See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).
Rewrote the section.

16:53-9.2 Buses

(a) All buses shall be insured covering their operations in the State of New Jersey in the business of their operators and/or others, and whether in regular or other service, and whether on or off their regular routes.

(b) The driver of each bus shall at all times when such bus is in operation exhibit a certificate showing that the bus is insured in conformity with Title 48 of the Revised Statutes or 49 CFR Part 387, incorporated herein by reference, as amended and supplemented, whichever is applicable. Such certificate shall contain the name of the company by which the bus is insured, the insurance policy number or, in the case of a self-insurer, a certificate signed by an officer or agent that it has qualified as a self-insurer, the manufacturer, year, vehicle identification number, and rated seating capacity of the bus. Such certificate shall be posted in a conspicuous place in the bus on the right-hand side of the driver above the windshield.

Amended by R.2002 d.295, effective September 3, 2002.
See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).

In (a), substituted “covering their operations” for “covering operation” and substituted “operators” for “owners”; rewrote (b).

SUBCHAPTER 10. DEPARTMENT OF TRANSPORTATION FEES FOR AUTOBUS INSPECTIONS

16:53-10.1 Emission inspection

The fee charged for an emission inspection performed by New Jersey Department of Transportation personnel in conjunction with a self-inspection certification shall be \$45.00 per vehicle.

Amended by R.2002 d.295, effective September 3, 2002.
See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).
Rewrote the section.

16:53-10.2 Brake inspection

The fee charged for a brake inspection performed by New Jersey Department of Transportation personnel in conjunction with a self-inspection certification shall be \$45.00 per vehicle.

Amended by R.2002 d.295, effective September 3, 2002.
See: 34 N.J.R. 1327(b), 34 N.J.R. 3099(a).
Rewrote the section.