

CHAPTER 20
ENFORCEMENT SERVICE

Authority

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

Source and Effective Date

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

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 20, Enforcement Service, expires on June 11, 2006. See: 38 N.J.R. 386(b).

Chapter Historical Note

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subchapter 8, Penalty Reduction for Non-Out-Of-Service Equipment Violations, was adopted as new rules by R.2004 d.207, effective June 7, 2004. See: 36 N.J.R. 2789(b).

CHAPTER TABLE OF CONTENTS

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

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

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

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

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. POWER STEERING INSTALLATION

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

ENFORCEMENT SERVICE

SUBCHAPTER 5. MANUAL DOOR EQUIPMENT

- 13:20-5.1 Purpose
- 13:20-5.2 Manual opening of doors
- 13:20-5.3 Exceptions

SUBCHAPTER 6. MUFFLER DEVICES

- 13:20-6.1 Prohibitory muffler devices

SUBCHAPTER 7. VEHICLE INSPECTION

- 13:20-7.1 Definitions
- 13:20-7.2 Inspection of motor vehicles; test frequency; exempt vehicles
- 13:20-7.3 Inspection facilities
- 13:20-7.4 Temporary authorization certificates; period of validity
- 13:20-7.5 Adjustments, corrections, or repairs
- 13:20-7.6 Immediate repairs
- 13:20-7.7 through 13:20-7.13 (Reserved)

SUBCHAPTER 8. PENALTY REDUCTION FOR NON-OUT-OF-SERVICE EQUIPMENT VIOLATIONS

- 13:20-8.1 Scope and purpose
- 13:20-8.2 Proof of repair
- 13:20-8.3 Authorized certifying entities
- 13:20-8.4 Certification of Repair

SUBCHAPTER 9. HANDICAPPED PARKING PRIVILEGES

- 13:20-9.1 Handicapped person identification vehicle registration plates and placards
- 13:20-9.2 Medical evidence by handicapped persons
- 13:20-9.3 (Reserved)
- 13:20-9.4 Limitation on number of certificates
- 13:20-9.5 Passenger vehicles or motorcycles
- 13:20-9.6 Temporary certificates
- 13:20-9.7 Display of placards and temporary placards

SUBCHAPTER 10. AUTOMATIC VEHICLE IDENTIFICATION SYSTEMS

- 13:20-10.1 Definitions
- 13:20-10.2 Application
- 13:20-10.3 Placement

SUBCHAPTER 11. (RESERVED)

SUBCHAPTER 12. DRIVER REEXAMINATION

- 13:20-12.1 Definitions
- 13:20-12.2 Reexamination; categories
- 13:20-12.3 Vision examination

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. PARKING ON STATE PROPERTY

- 13:20-14.1 Vehicle registration and parking permit
- 13:20-14.2 Application
- 13:20-14.3 Affixing permit
- 13:20-14.4 Infringement on reserved spaces
- 13:20-14.5 Duration of parking privilege
- 13:20-14.6 Suspension
- 13:20-14.7 Penalty

SUBCHAPTER 15. STUD TIRES

- 13:20-15.1 Definitions
- 13:20-15.2 Federal requirements
- 13:20-15.3 Application for product approval
- 13:20-15.4 Provisional certificate

SUBCHAPTER 16. (RESERVED)

SUBCHAPTER 17. DRIVER IMPROVEMENT SCHOOLS

- 13:20-17.1 Purpose
- 13:20-17.2 Attendance
- 13:20-17.3 Amount of fee
- 13:20-17.4 Manner of payment
- 13:20-17.5 Penalty

SUBCHAPTERS 18 THROUGH 21. (RESERVED)

SUBCHAPTER 22. BRAKE LININGS

- 13:20-22.1 Standards and specifications
- 13:20-22.2 Approval
- 13:20-22.3 Requirements for product approval
- 13:20-22.4 Procedure for securing approval
- 13:20-22.5 Notice of approval
- 13:20-22.6 Withdrawal of approval
- 13:20-22.7 Brake linings manufactured prior to effective date

SUBCHAPTER 23. (RESERVED)

SUBCHAPTER 24. MOTORCYCLES

- 13:20-24.1 Approval of goggles
- 13:20-24.2 Goggles test procedure
- 13:20-24.3 Goggle approval requirements
- 13:20-24.4 Mark on goggles
- 13:20-24.5 Test procedure for face shields
- 13:20-24.6 Face shield approval requirements
- 13:20-24.7 Identification mark on face shield
- 13:20-24.8 Windscreen approval requirements
- 13:20-24.9 Mark on windscreen
- 13:20-24.10 Adoption and incorporation of Federal Motor Vehicle Safety Standard for motorcycle helmets
- 13:20-24.11 Reflectorized surface on helmets
- 13:20-24.12 Helmets approved by the Director
- 13:20-24.13 (Reserved)
- 13:20-24.14 (Reserved)
- 13:20-24.15 Test reports
- 13:20-24.16 Samples
- 13:20-24.17 Notice of approval
- 13:20-24.18 Temporary approval
- 13:20-24.19 Withdrawal of approval
- 13:20-24.20 Inspection of motorcycles
- 13:20-24.21 Motorcycle license plates and tabs

SUBCHAPTER 25. SAFETY GLAZING MATERIAL; OTHER EQUIPMENT

- 13:20-25.1 Letter requesting approval
- 13:20-25.2 Application for approval; report
- 13:20-25.3 Samples
- 13:20-25.4 Determination of approval
- 13:20-25.5 Safety glazing material approval procedure

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

- 13:20-26.1 Applicability
- 13:20-26.2 Definitions
- 13:20-26.3 Inspection and maintenance
- 13:20-26.4 Unsafe operations
- 13:20-26.5 Inspection of motor vehicles
- 13:20-26.6 Motor vehicles declared "out-of-service"
- 13:20-26.7 Notice to owner or lessee
- 13:20-26.8 Inspection of damaged vehicles
- 13:20-26.9 Vehicle condition report
- 13:20-26.10 Recommended forms
- 13:20-26.11 Required inspection and maintenance
- 13:20-26.12 Standards of inspection
- 13:20-26.13 Certification

- 13:20-26.14 Additional inspection
- 13:20-26.15 Penalties
- 13:20-26.16 Biennial inspection at an official inspection facility or a private inspection facility
- 13:20-26.17 Compliance with diesel emission standards, equipment requirements, and test procedures; periodic inspection program for diesel emissions; self-inspection; exempt vehicles

SUBCHAPTER 27. INSPECTION OF NEW HEAVY-DUTY DIESEL TRUCKS

- 13:20-27.1 Purpose
- 13:20-27.2 Scope
- 13:20-27.3 Definitions
- 13:20-27.4 New heavy-duty diesel truck inspection procedure
- 13:20-27.5 Heavy-duty diesel truck equipment standard
- 13:20-27.6 Inspection decal; period of validity
- 13:20-27.7 Compliance
- 13:20-27.8 Evidence of compliance
- 13:20-27.9 Pre-delivery checklist form; required information
- 13:20-27.10 Additional inspection
- 13:20-27.11 Determination of compliance by Chief Administrator
- 13:20-27.12 Violations; suspension or revocation of motor vehicle dealer license; suspension or revocation of privilege of performing inspections of new heavy-duty diesel trucks

SUBCHAPTER 28. INSPECTION OF NEW MOTOR VEHICLES

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

SUBCHAPTER 29. MOBILE INSPECTION UNIT

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

SUBCHAPTER 30. SUPPLEMENTAL INSPECTION OF SCHOOL BUSES

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

- 13:20-30.18 Collection of fines

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

- 13:20-31.1 Scope
- 13:20-31.2 Brake system
- 13:20-31.3 Drive shaft
- 13:20-31.4 Exhaust system
- 13:20-31.5 Frame; tire and wheel clearance; bumpers
- 13:20-31.6 Fuel system
- 13:20-31.7 Headlights, back-up lamps, back-up alarm, red signal warning lamps, amber signal warning lamps, tail lamps, stop lamps, and turn signals
- 13:20-31.8 Instruments and instrument panel
- 13:20-31.9 Power steering belt
- 13:20-31.10 Steering system
- 13:20-31.11 Suspension
- 13:20-31.12 Tires
- 13:20-31.13 Wheels and rims
- 13:20-31.14 Back-up warning alarm
- 13:20-31.15 Battery
- 13:20-31.16 Doors, emergency
- 13:20-31.17 Doors, service
- 13:20-31.18 Emergency exits
- 13:20-31.19 Fire extinguishers
- 13:20-31.20 Heater hoses and lines
- 13:20-31.21 Mirrors
- 13:20-31.22 Seat belts for driver and passengers
- 13:20-31.23 Seats and crash barriers
- 13:20-31.24 Steps
- 13:20-31.25 Stop signal arm
- 13:20-31.26 Crossing control arm
- 13:20-31.27 Windshield wipers
- 13:20-31.28 Wiring
- 13:20-31.29 Doors; specially equipped school buses
- 13:20-31.30 Restraining devices; specially equipped school buses
- 13:20-31.31 Wheelchairs and other mobile seating devices; specially equipped school buses
- 13:20-31.32 Credentials; insurance
- 13:20-31.33 Placement out-of-service
- 13:20-31.34 Duration of out-of-service order
- 13:20-31.35 Operation of school bus prohibited
- 13:20-31.36 Direction to inspection site
- 13:20-31.37 Examination of driver's operating credentials
- 13:20-31.38 Driver out-of-service violations
- 13:20-31.39 Provision of notice to driver
- 13:20-31.40 Coercion of driver by operator

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

- 13:20-32.1 Definitions
- 13:20-32.2 General provisions; official inspection facilities
- 13:20-32.3 Credentials; official inspection facilities
- 13:20-32.4 License plates; official inspection facilities
- 13:20-32.5 Steering and suspension; official inspection facilities
- 13:20-32.6 Front parking lights; official inspection facilities
- 13:20-32.7 Glazing; official inspection facilities
- 13:20-32.8 Obstruction to driver's vision; official inspection facilities
- 13:20-32.9 Horn; official inspection facilities
- 13:20-32.10 Windshield wipers; official inspection facilities
- 13:20-32.11 Clearance lights; official inspection facilities
- 13:20-32.12 Turn signals and hazard warning signals; official inspection facilities
- 13:20-32.13 Reflectors; official inspection facilities
- 13:20-32.14 Identification lights; official inspection facilities
- 13:20-32.15 Side-marker lights; official inspection facilities
- 13:20-32.16 Taillights and license plate light; official inspection facilities
- 13:20-32.17 Stoplights; official inspection facilities
- 13:20-32.18 Wheels; official inspection facilities
- 13:20-32.19 Tires; official inspection facilities
- 13:20-32.20 Exhaust system; official inspection facilities

ENFORCEMENT SERVICE

13:20-32.21	Prescribed emission or on-board diagnostics test(s); official inspection facilities
13:20-32.22	Emission test equipment and on-board diagnostics inspection equipment maintenance; official inspection facilities
13:20-32.23	Headlights; official inspection facilities
13:20-32.24	Rear view mirrors; official inspection facilities
13:20-32.25	Miscellaneous lights; official inspection facilities
13:20-32.26	Wiring and switching; official inspection facilities
13:20-32.27	Headlight beam indicator light; official inspection facilities
13:20-32.28	Turn signal and hazard warning signal indicator lights; official inspection facilities
13:20-32.29	Antenna; official inspection facilities
13:20-32.30	Body; official inspection facilities
13:20-32.31	Bumpers; official inspection facilities
13:20-32.32	Doors; official inspection facilities
13:20-32.33	Fenders and fender flaps; official inspection facilities
13:20-32.34	Fuel system; official inspection facilities
13:20-32.35	Hood; official inspection facilities
13:20-32.36	Lettering; official inspection facilities
13:20-32.37	Ornaments; official inspection facilities
13:20-32.38	Pedals; official inspection facilities
13:20-32.39	Racks or carriers; official inspection facilities
13:20-32.40	Reflective tape; official inspection facilities
13:20-32.41	Seats; official inspection facilities
13:20-32.42	Seat belts; air bags; official inspection facilities
13:20-32.43	Gear shift indicator; official inspection facilities
13:20-32.44	Transmission; official inspection facilities
13:20-32.45	Television; official inspection facilities
13:20-32.46	Trunk lid; official inspection facilities
13:20-32.47	Service brakes (including service brake equalization and service brake pedal reserve); official inspection facilities
13:20-32.48	Parking brake; official inspection facilities
13:20-32.49	Speed recording instrument (speedometer); mileage recording instrument (odometer); official inspection facilities
13:20-32.50	Credentials; motorcycles; official inspection facilities
13:20-32.51	License plate; motorcycles; official inspection facilities
13:20-32.52	Frame, wheels, steering, handlebars, and suspension; motorcycles; official inspection facilities
13:20-32.53	Windscreen, glazing, and obstruction to driver's vision; motorcycles; official inspection facilities
13:20-32.54	Horn; motorcycles; official inspection facilities
13:20-32.55	Windshield wipers; motorcycles; official inspection facilities
13:20-32.56	Clearance lights; motorcycles; official inspection facilities
13:20-32.57	Taillight, reflector, and license plate light; motorcycles; official inspection facilities
13:20-32.58	Stoplight; motorcycles; official inspection facilities
13:20-32.59	Tires; motorcycles; official inspection facilities
13:20-32.60	Exhaust system; motorcycles; official inspection facilities
13:20-32.61	Headlights; motorcycles; official inspection facilities
13:20-32.62	Rear view mirrors; motorcycles; official inspection facilities
13:20-32.63	Miscellaneous lights; motorcycles; official inspection facilities
13:20-32.64	Wiring, switching, and electrical equipment; motorcycles; official inspection facilities
13:20-32.65	Headlight beam indicator light; motorcycles; official inspection facilities
13:20-32.66	Miscellaneous items; motorcycles; official inspection facilities
13:20-32.67	Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); motorcycles; official inspection facilities
13:20-32.68	Helmets; motorcycles; official inspection facilities
13:20-32.69	Goggles or face shields; motorcycles; official inspection facilities
13:20-32.70	Seats; motorcycles; official inspection facilities
13:20-32.71	Foot rests; motorcycles; official inspection facilities

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

13:20-33.1	Definitions
13:20-33.2	General provisions; Class I, II, and III licensees
13:20-33.3	Credentials; Class I and II licensees
13:20-33.4	License plates; Class I and II licensees
13:20-33.5	Steering and suspension; Class I and II licensees
13:20-33.6	Front parking lights; Class I and II licensees
13:20-33.7	Glazing; Class I and II licensees
13:20-33.8	Obstruction to driver's vision; Class I and II licensees
13:20-33.9	Horn; Class I and II licensees
13:20-33.10	Windshield wipers; Class I and II licensees
13:20-33.11	Clearance lights; Class I and II licensees
13:20-33.12	Turn signals and hazard warning signals; Class I and II licensees
13:20-33.13	Reflectors; Class I and II licensees
13:20-33.14	Identification lights; Class I and II licensees
13:20-33.15	Side-marker lights; Class I and II licensees
13:20-33.16	Taillights and license plate light; Class I and II licensees
13:20-33.17	Stoplights; Class I and II licensees
13:20-33.18	Wheels; Class I and II licensees
13:20-33.19	Tires; Class I and II licensees
13:20-33.20	Exhaust system; Class I and II licensees
13:20-33.21	Prescribed emission or on-board diagnostics test(s); Class I and II licensees
13:20-33.22	Emission test equipment and on-board diagnostics inspection equipment maintenance; Class I and II licensees
13:20-33.23	Headlights; Class I and II licensees
13:20-33.24	Rear view mirrors; Class I and II licensees
13:20-33.25	Miscellaneous lights; Class I and II licensees
13:20-33.26	Wiring and switching; Class I and II licensees
13:20-33.27	Headlight beam indicator light; Class I and II licensees
13:20-33.28	Turn signal and hazard warning signal indicator lights; Class I and II licensees
13:20-33.29	Antenna; Class I and II licensees
13:20-33.30	Body; Class I and II licensees
13:20-33.31	Bumpers; Class I and II licensees
13:20-33.32	Doors; Class I and II licensees
13:20-33.33	Fenders and fender flaps; Class I and II licensees
13:20-33.34	Fuel system; Class I and II licensees
13:20-33.35	Hood; Class I and II licensees
13:20-33.36	Lettering; Class I and II licensees
13:20-33.37	Ornaments; Class I and II licensees
13:20-33.38	Pedals; Class I and II licensees
13:20-33.39	Racks or carriers; Class I and II licensees
13:20-33.40	Reflective tape; Class I and II licensees
13:20-33.41	Seats; Class I and II licensees
13:20-33.42	Seat belts; air bags; Class I and II licensees
13:20-33.43	Gear shift indicator; Class I and II licensees
13:20-33.44	Transmission; Class I and II licensees
13:20-33.45	Television; Class I and II licensees
13:20-33.46	Trunk lid; Class I and II licensees
13:20-33.47	Service brakes (including service brake equalization and service brake pedal reserve); Class I and II licensees
13:20-33.48	Parking brake; Class I and II licensees
13:20-33.49	Speed recording instrument (speedometer); mileage recording instrument (odometer); Class I and II licensees
13:20-33.50	Credentials; Class III licensees
13:20-33.51	License plate; Class III licensees
13:20-33.52	Frame, wheels, steering, handlebars, and suspension; Class III licensees
13:20-33.53	Windscreen, glazing, and obstruction to driver's vision; Class III licensees
13:20-33.54	Horn; Class III licensees
13:20-33.55	Windshield wipers; Class III licensees
13:20-33.56	Clearance lights; Class III licensees
13:20-33.57	Taillight, reflector, and license plate light; Class III licensees
13:20-33.58	Stoplight; Class III licensees
13:20-33.59	Tires; Class III licensees
13:20-33.60	Exhaust system; Class III licensees

- 13:20-33.61 Headlights; Class III licensees
- 13:20-33.62 Rear view mirrors; Class III licensees
- 13:20-33.63 Miscellaneous lights; Class III licensees
- 13:20-33.64 Wiring, switching, and electrical equipment; Class III licensees
- 13:20-33.65 Headlight beam indicator light; Class III licensees
- 13:20-33.66 Miscellaneous items; Class III licensees
- 13:20-33.67 Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); Class III licensees
- 13:20-33.68 Helmets; Class III licensees
- 13:20-33.69 Goggles or face shields; Class III licensees
- 13:20-33.70 Seats; Class III licensees
- 13:20-33.71 Foot rests; Class III licensees

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

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

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

SUBCHAPTER 34. IDENTIFYING MARKS

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

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

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

SUBCHAPTER 36. SPECIAL NATIONAL GUARD PLATES

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

SUBCHAPTER 37. STANDARDS FOR MOTOR VEHICLES WITH ELEVATED CHASSIS HEIGHT

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

SUBCHAPTER 38. DIMENSIONAL STANDARDS FOR AUTOMOBILE TRANSPORTERS

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

SUBCHAPTER 39. SPECIAL REGISTRATION PLATES FOR NON-PROFIT ORGANIZATIONS

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

SUBCHAPTER 40. (RESERVED)

SUBCHAPTER 41. SILVER STAR INSIGNIAS ON LICENSE PLATES

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

SUBCHAPTER 42. PURPLE HEART EMBLEMS ON LICENSE PLATES

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

SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

- 13:20-43.1 Definitions
- 13:20-43.2 Inspection requirements for motor vehicles; exempt vehicles; designation of collector motor vehicles; designation of low utilization modified performance vehicles; designation of low mileage vehicles
- 13:20-43.3 Inspection facilities
- 13:20-43.4 Federal motor vehicles
- 13:20-43.5 Motor vehicles registered in other states
- 13:20-43.6 Fleet motor vehicles
- 13:20-43.7 Test frequency
- 13:20-43.8 On-board diagnostics inspection; tests for emissions
- 13:20-43.9 Inspection reports; emission-related repair forms
- 13:20-43.10 Reinspections
- 13:20-43.11 Inspection certificates of approval; inspection rejection stickers
- 13:20-43.12 Inspection extensions
- 13:20-43.13 Waivers; criteria for issuance; denial of warranty form; repair receipt form; waiver valid for inspection cycle; waiver issuance
- 13:20-43.14 On-road inspections; scope; inspection procedures; criteria for selecting vehicles; procedures upon inspection failure
- 13:20-43.15 Recall compliance procedures; purpose; applicability; notice to owner; recall compliance form; transfer of ownership; denial and suspension of registration

ENFORCEMENT SERVICE

- 13:20-43.16 Registration denial; suspension of registration; motor vehicles not inspected by certificate of approval or certificate of waiver expiration date; motor vehicles which have failed inspection and have not been presented for reinspection; conditional registration restoration; reinstatement of registration suspension due to noncompliance; conditional registration; suspension of conditional registration due to noncompliance; penalties
- 13:20-43.17 Emission inspector training and licensing; training administration; testing; application process; license fee; renewal of license; refresher training and testing; conflicts of interest
- 13:20-43.18 Suspension or revocation of emission inspector license; retraining and retesting; suspension pending hearing; schedule of penalties
- 13:20-43.19 Quality assurance; auditor training
- 13:20-43.20 Surrender of emission inspector license
- 13:20-43.21 Emission inspector training programs administered by third parties; fee; approval process; auditing of programs
- 13:20-43.22 Records; third party emission inspector training programs
- 13:20-43.23 Change of address of principal place of business; change of instructors; third party emission inspector training programs
- 13:20-43.24 Audits; third party emission inspector training programs
- 13:20-43.25 Additional violations; third party emission inspector training programs
- 13:20-43.26 Additional penalties; third party emission inspector training programs
- 13:20-43.27 Investigations; third party emission inspector training programs
- 13:20-43.28 Written notice of refusal to approve or withdrawal of approval; third party emission inspector training programs
- 13:20-43.29 Request for hearing; third party emission inspector training programs
- 13:20-43.30 Hearing procedures; third party emission inspector training programs

SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

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

SUBCHAPTER 45. MOTOR VEHICLE EMISSION REPAIR FACILITY REGISTRATION

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

SUBCHAPTER 46. DIESEL EMISSION INSPECTION AND MAINTENANCE PROGRAM

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

APPENDIX A

SUBCHAPTER 47. DIESEL EMISSION INSPECTION CENTER LICENSING

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

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

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

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

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

- 13:20-49.1 Scope and purpose; school bus standards; incorporation by reference
- 13:20-49.2 Chassis standards supplement to the 1985 National Minimum Standards
- 13:20-49.3 Bus body standards supplement to the 1985 National Minimum Standards
- 13:20-49.4 Standards supplement to the 1985 National Minimum Standards for buses used to transport special needs students

APPENDIX

SUBCHAPTER 49A. STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION MANUFACTURED JUNE 1993 THROUGH DECEMBER 2005

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

SUBCHAPTER 49B. CHASSIS STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION MANUFACTURED JUNE 1993 THROUGH DECEMBER 2005

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

- 13:20-49B.25 Steering gear
- 13:20-49B.26 Tires and rims
- 13:20-49B.27 Transmission
- 13:20-49B.28 Turning radius
- 13:20-49B.29 Undercoating
- 13:20-49B.30 Weight distribution

SUBCHAPTER 49C. BODY STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION MANUFACTURED JUNE 1993 THROUGH DECEMBER 2005

- 13:20-49C.1 Aisle
- 13:20-49C.2 Back-up warning alarm
- 13:20-49C.3 Battery
- 13:20-49C.4 Bumpers
- 13:20-49C.5 Capacity
- 13:20-49C.6 Color
- 13:20-49C.7 Communications
- 13:20-49C.8 Construction
- 13:20-49C.9 Defrosters
- 13:20-49C.10 Doors, entrance
- 13:20-49C.11 Doors, emergency
- 13:20-49C.12 Emergency exits
- 13:20-49C.13 Emergency equipment
- 13:20-49C.14 Fire extinguishers
- 13:20-49C.15 First aid kit
- 13:20-49C.16 Floor
- 13:20-49C.17 Heaters
- 13:20-49C.18 Identification
- 13:20-49C.19 Inside height
- 13:20-49C.20 Insulation
- 13:20-49C.21 Interior
- 13:20-49C.22 Lamps and signals
- 13:20-49C.23 Metal treatment
- 13:20-49C.24 Mirrors
- 13:20-49C.25 Mounting
- 13:20-49C.26 Overall length
- 13:20-49C.27 Overall width
- 13:20-49C.28 Reflectors
- 13:20-49C.29 Rub rails
- 13:20-49C.30 Sanders and traction device
- 13:20-49C.31 Seat belt for driver and students
- 13:20-49C.32 Seats and crash barriers
- 13:20-49C.33 Spray suppressant and mud flaps
- 13:20-49C.34 Steps
- 13:20-49C.35 Step treads
- 13:20-49C.36 Stirrup steps
- 13:20-49C.37 Stop signal arm
- 13:20-49C.38 Storage compartment
- 13:20-49C.39 Sun shield
- 13:20-49C.40 Tailpipe
- 13:20-49C.41 Tow eyes or hooks
- 13:20-49C.42 Undercoating
- 13:20-49C.43 Ventilation
- 13:20-49C.44 Walking control arm
- 13:20-49C.45 Wheelhousing
- 13:20-49C.46 Windows and windshield
- 13:20-49C.47 Windshield washers
- 13:20-49C.48 Windshield wipers
- 13:20-49C.49 Wiring

SUBCHAPTER 49D. SPECIALLY EQUIPPED SCHOOL BUS STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION MANUFACTURED JUNE 1993 THROUGH DECEMBER 2005

- 13:20-49D.1 Scope
- 13:20-49D.2 Aisle
- 13:20-49D.3 Communications
- 13:20-49D.4 Doors
- 13:20-49D.5 Glass
- 13:20-49D.6 Identification
- 13:20-49D.7 Lights

ENFORCEMENT SERVICE

- 13:20-49D.8 Power Lift
- 13:20-49D.9 Ramp
- 13:20-49D.10 Restraining devices
- 13:20-49D.11 Seating arrangements
- 13:20-49D.12 Securement system for mobile seating device and occupant
- 13:20-49D.13 Steps
- 13:20-49D.14 Support equipment and accessories
- 13:20-49D.15 Wheelchair and other mobile seating device requirements

SUBCHAPTER 49E. AUTOBUSES APPROVED FOR PUPIL TRANSPORTATION BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION PRIOR TO MAY 21, 1993

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

SUBCHAPTER 49F. (RESERVED)

SUBCHAPTER 49G. (RESERVED)

SUBCHAPTER 49H. (RESERVED)

SUBCHAPTER 50. STANDARDS FOR SCHOOL BUSES MANUFACTURED JANUARY 2006 AND THEREAFTER

- 13:20-50.1 Scope and purpose
- 13:20-50.2 Definitions
- 13:20-50.3 Vehicle manufacturer's certification plate; chassis, body, and/or equipment manufacturer's certification; converter's certification; vendor's certification

SUBCHAPTER 50A. CHASSIS STANDARDS FOR SCHOOL BUSES MANUFACTURED JANUARY 2006 AND THEREAFTER

- 13:20-50A.1 Air cleaner
- 13:20-50A.2 Axles
- 13:20-50A.3 Brakes
- 13:20-50A.4 Bumper, front
- 13:20-50A.5 Clutch
- 13:20-50A.6 Color
- 13:20-50A.7 Drive shaft
- 13:20-50A.8 Electrical system
- 13:20-50A.9 Exhaust system
- 13:20-50A.10 Fenders, front
- 13:20-50A.11 Frame
- 13:20-50A.12 Fuel tank
- 13:20-50A.13 Governor
- 13:20-50A.14 Heating system
- 13:20-50A.15 Horn
- 13:20-50A.16 Instruments and instrument panel
- 13:20-50A.17 Oil filter
- 13:20-50A.18 Openings
- 13:20-50A.19 Passenger load
- 13:20-50A.20 Power and gradeability
- 13:20-50A.21 Retarder system
- 13:20-50A.22 Shock absorbers
- 13:20-50A.23 Springs and shackles
- 13:20-50A.24 Steering gear
- 13:20-50A.25 Tires and rims
- 13:20-50A.26 Transmission
- 13:20-50A.27 Turning radius
- 13:20-50A.28 Undercoating
- 13:20-50A.29 Weight distribution

SUBCHAPTER 50B. BODY STANDARDS FOR SCHOOL BUSES MANUFACTURED JANUARY 2006 AND THEREAFTER

- 13:20-50B.1 Air conditioning
- 13:20-50B.2 Aisle
- 13:20-50B.3 Back-up warning alarm
- 13:20-50B.4 Battery
- 13:20-50B.5 Bumpers
- 13:20-50B.6 Color
- 13:20-50B.7 Communications
- 13:20-50B.8 Construction
- 13:20-50B.9 Crossing control arm
- 13:20-50B.10 Defrosters
- 13:20-50B.11 Doors, emergency
- 13:20-50B.12 Doors, service
- 13:20-50B.13 Emergency equipment
- 13:20-50B.14 Emergency exits
- 13:20-50B.15 Fire extinguisher systems
- 13:20-50B.16 First aid kit
- 13:20-50B.17 Floor
- 13:20-50B.18 Heaters
- 13:20-50B.19 Identification
- 13:20-50B.20 Inside height
- 13:20-50B.21 Insulation
- 13:20-50B.22 Interior
- 13:20-50B.23 Lamps and signals
- 13:20-50B.24 Metal treatment
- 13:20-50B.25 Mirrors
- 13:20-50B.26 Mounting
- 13:20-50B.27 Overall length
- 13:20-50B.28 Overall width
- 13:20-50B.29 Reflectors
- 13:20-50B.30 Rub rails
- 13:20-50B.31 Sanders and traction devices
- 13:20-50B.32 Seat belts for driver and passengers
- 13:20-50B.33 Seats and restraining barriers
- 13:20-50B.34 Spray suppressants and mud flaps
- 13:20-50B.35 Steps
- 13:20-50B.36 Step treads
- 13:20-50B.37 Stirrup steps
- 13:20-50B.38 Stop signal arm
- 13:20-50B.39 Storage container
- 13:20-50B.40 Sun shield
- 13:20-50B.41 Tailpipe
- 13:20-50B.42 Tow eyes or hooks
- 13:20-50B.43 Undercoating
- 13:20-50B.44 Ventilation
- 13:20-50B.45 Wheelhousing
- 13:20-50B.46 Windows and windshields
- 13:20-50B.47 Windshield washers
- 13:20-50B.48 Windshield wipers
- 13:20-50B.49 Wiring

SUBCHAPTER 50C. STANDARDS FOR SPECIALLY EQUIPPED SCHOOL BUSES MANUFACTURED JANUARY 2006 AND THEREAFTER

- 13:20-50C.1 Scope
- 13:20-50C.2 Aisle
- 13:20-50C.3 Communications
- 13:20-50C.4 Construction modifications
- 13:20-50C.5 Doors
- 13:20-50C.6 Fire extinguisher systems
- 13:20-50C.7 Identification
- 13:20-50C.8 Lights
- 13:20-50C.9 Power lift
- 13:20-50C.10 Ramp
- 13:20-50C.11 Restraining devices
- 13:20-50C.12 Seating arrangements
- 13:20-50C.13 Securement system for wheelchairs/mobile seating devices and occupants
- 13:20-50C.14 Steps
- 13:20-50C.15 Support equipment and accessories
- 13:20-50C.16 Wheelchair or other mobile seating device requirements

SUBCHAPTER 51. STANDARDS FOR TYPE S SCHOOL BUSES

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

SUBCHAPTER 52. INSURANCE

- 13:20-52.1 General provisions

SUBCHAPTER 53. STANDARDS FOR ALTERNATIVELY FUELED SCHOOL BUSES

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

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

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

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

- 13:20-53B.1 General provision
- 13:20-53B.2 Fuel supply container
- 13:20-53B.3 Markings
- 13:20-53B.4 Shut-off valve
- 13:20-53B.5 Safety relief devices

- 13:20-53B.6 Gauges
- 13:20-53B.7 Automatic pressure reducing regulators
- 13:20-53B.8 Vents

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

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

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

Authority

N.J.S.A. 39:3-75.2.

Source and Effective Date

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

13:20-1.1 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

"UVB" means the portion of the UV spectrum that ranges from 290 nanometers to 320 nanometers in wavelength.

"Visible light" means that portion of the electromagnetic spectrum that is directly observable, having wavelengths that range from 400 nanometers to 760 nanometers with a corresponding appearance of violet to red in color.

13:20-1.2 Light transmittance standard; motor vehicle windshield and front side windows

(a) Sun-screening materials and products shall not be installed or applied to the windshield of a motor vehicle which, in conjunction with factory-installed glazing, reduce the transmittance of normally incident visible light below 70 percent.

(b) Notwithstanding (a) above, sun-screening materials and products may be installed or applied to that portion of the windshield of a motor vehicle above the AS-1 line which, in conjunction with factory-installed glazing, reduce the transmittance of normally incident visible light below 70 percent.

(c) Sun-screening materials and products shall not be installed or applied to the front side window(s) of a motor vehicle which, in conjunction with factory-installed glazing, reduce the transmittance of normally incident visible light below 60 percent.

(d) Notwithstanding (c) above, the owner or lessee of a motor vehicle for which a medical exemption certificate has been issued pursuant to this subchapter may affix readily removable sun-screening materials and products to the uppermost six-inch portion of the front side window(s) of such motor vehicle during the hours between sunrise and sunset; provided, however, that such readily removable sun-screening materials and products shall not, in conjunction with factory-installed glazing, reduce the transmittance of normally incident visible light below 35 percent.

13:20-1.3 Visible light reflectance standard; motor vehicle windshield and front side windows

The visible light reflectance of sun-screening materials and products installed or applied to the windshield and/or the front side window(s) of a motor vehicle shall not exceed eight percent.

13:20-1.4 Sun-screening materials or products; color

(a) Sun-screening materials or products that are installed or applied to the windshield of a motor vehicle shall be a clear film.

(b) Sun-screening materials or products that are installed or applied to the front side window(s) of a motor vehicle shall be either a clear film or a tinted film.

13:20-1.5 Medical exemption certificate application procedure; application contents

(a) The owner or lessee of a motor vehicle that is driven by or is used to regularly transport a person who has a medical condition involving ophthalmic or dermatological photosensitivity, including, but not limited to, the medical conditions specified in N.J.S.A. 39:3-75.1, chronic actinic dermatitis, photosensitive eczema, and skin cancers having an associated diagnosis of chronic actinic dermatitis, may apply to the Director for a medical exemption certificate to have the windshield and/or the front side window(s) of such motor vehicle covered by or treated with a material or product that increases its visible light reflectance or reduces its light transmittance.

(b) An applicant for a medical exemption certificate pursuant to this subchapter shall set forth the following information on an application form prescribed by the Division:

1. The name, address, and driver license number of the person who has a medical condition involving ophthalmic or dermatological photosensitivity; and
2. The make, model, year, registration plate number, and vehicle identification number of the vehicle on which the sun-screening material or product is to be installed or applied.

(c) An applicant for a medical exemption certificate pursuant to this subchapter shall, upon complying with (b) above, submit the application to a certified ophthalmologist or a physician with a plenary license to practice medicine and surgery in this State or a bordering state for completion.

(d) The ophthalmologist or physician referred to in (c) above shall certify in writing on the application that the person for whom the application is being submitted has a medical condition involving ophthalmic or dermatological photosensitivity, and shall specify such medical condition and the recommended treatment therefor. The written certification shall also include the specific wavelength or action spectra of light to which the patient is photosensitive. For medical conditions involving dermatological photosensitivity, certification of photo-testing, using specific wavelengths of artificially generated photo-radiation to test skin for the radiation wavelengths that elicit a photo-reaction, shall be submitted with the application so as to enable the Director to determine the type and application of sun-screening materials and products that may be permitted to be installed or applied to the motor vehicle windshield and/or the front side window(s). The ophthalmologist or physician shall also set forth on the application his or her name, business address, medical license number, state of licensure, and date of licensure.

(e) Upon completion of the application for a medical exemption certificate in accordance with (a) through (d) above, the application shall be submitted by the applicant to

the Division for issuance of the medical exemption certificate.

13:20-1.6 Medical exemption certificate; period of validity; renewal; certificate void upon sale or termination of lease of motor vehicle; removal of sun-screening materials or products prior to sale or termination of lease of motor vehicle

(a) A medical exemption certificate shall be issued for a motor vehicle upon the owner's or lessee's compliance with N.J.A.C. 13:20-1.5.

(b) A medical exemption certificate shall be valid for a period of 48 months.

(c) The owner or lessee of a motor vehicle for which a medical exemption certificate has been issued pursuant to this subchapter shall make application for the renewal of such certificate no later than 30 days before the expiration of the certificate. The certificate shall not be renewed if the previously installed or applied sun-screening material or product has developed a haze, discoloration, or other visual distortion that changes the original optical properties of the sun-screening material or product.

(d) A medical exemption certificate shall be deemed void upon the sale of, or the termination of the lease for, the motor vehicle for which the certificate was issued; provided, however, that if the lessee purchases the motor vehicle upon the termination of the lease, the medical exemption certificate issued therefor shall remain valid until the issuance of a replacement medical exemption certificate for the motor vehicle by the Division in accordance with (e) below.

(e) The owner or lessee of the motor vehicle for which a medical exemption certificate has been issued shall be responsible for the removal of the sun-screening materials or products from the windshield and/or the front side window(s) prior to the sale of, or the termination of the lease for, the motor vehicle. This subsection shall not apply to a lessee who purchases the motor vehicle for which a medical exemption certificate has been issued upon the termination of the lease for the motor vehicle; provided, however, an application for a replacement medical exemption certificate shall be submitted to the Division by the purchaser within 14 days of the date of issuance of the new registration for the motor vehicle. The replacement medical exemption certificate shall indicate the new registered owner and the new registration plate number of the motor vehicle.

13:20-1.7 Medical exemption certificate; exhibition to police or upon inspection of motor vehicle

(a) The medical exemption certificate shall be in the possession of the driver or operator at all times when he or she is in charge of the motor vehicle on the highways of this State.

(b) The driver or operator shall exhibit the medical exemption certificate when requested to do so by a police officer while in the performance of the duties of his or her office, or when requested to do so when the motor vehicle is presented for inspection or reinspection in accordance with N.J.S.A. 39:8-1.

13:20-1.8 Label; attachment; size; content; representation of compliance with subchapter

(a) Each sun-screening material installation facility registered by the Division in accordance with N.J.A.C. 13:20-2 shall attach a label between the sun-screening material or product and the windshield and/or the front side window(s) of the motor vehicle to which such material or product is installed or applied. A label shall be attached to the lower right corner of the windshield as viewed from the interior of the motor vehicle and shall be completely visible from the front of the motor vehicle. A label shall be attached to the lower left corner of the front left side window as viewed from the interior of the motor vehicle and shall be completely visible from the left side of the motor vehicle. A label shall be attached to the lower right corner of the front right side window as viewed from the interior of the motor vehicle and shall be completely visible from the right side of the motor vehicle.

(b) The label required by (a) above shall be one inch by one inch in size, and shall contain the name of the sun-screening material or product manufacturer and the registration number of the sun-screening material installation facility that installed or applied the sun-screening material or product to the motor vehicle.

(c) The attachment of the label to the windshield and/or the front side window(s) of a motor vehicle shall constitute the sun-screening material installation facility's representation that the sun-screening materials or products are in compliance with the standards set forth in this subchapter.

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

Authority

N.J.S.A. 39:3-75.2.

Source and Effective Date

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

13:20-2.1 Purpose

The purpose of this subchapter is to implement N.J.S.A. 39:3-75.1 et seq. by establishing a system for the registration of persons in the business of installing or applying approved sun-screening materials and products on the windshields and/or the front side window(s) of motor vehicles for which medical exemption certificates have been issued in accordance with N.J.A.C. 13:20-1 and which are driven by or are used to regularly transport a person having a medical condition involving ophthalmic or dermatological photosensitivity.

13:20-2.2 Scope

(a) This subchapter shall apply to every person engaged in the business of installing or applying approved sun-screening materials and products to windshields and/or front side windows of motor vehicles for which medical exemption certificates have been issued in accordance with N.J.A.C. 13:20-1 and which are driven by or are used to regularly transport a person who has a medical condition involving ophthalmic or dermatological photosensitivity.

(b) No person shall, on or after September 17, 2001, engage in the business of installing or applying approved sun-screening materials and products to windshields and/or front side windows of motor vehicles for which medical exemption certificates have been issued in accordance with N.J.A.C. 13:20-1 and which are driven by or are used to regularly transport a person who has a medical condition involving ophthalmic or dermatological photosensitivity unless registered by the Director in accordance with this subchapter.

13:20-2.3 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 a sun-screening material installation facility. The term “advertising” shall not include printed or published materials appearing in the white pages of any telephone directory.

“Applicant” means any person making application pursuant to this subchapter for an initial registration to engage in the business of installing or applying approved sun-screening materials and products to motor vehicle windshields and/or front side windows 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 sun-screening material installation 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 sun-screening material installation 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.

“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.

“Engaged in the business” means performing the installation or application of approved sun-screening materials and products to motor vehicle windshields and/or front side windows for compensation and includes:

1. Any person installing or applying approved sun-screening materials and products on the windshields and/or the front side windows of motor vehicles that are driven by or are used to regularly transport a person having a medical condition involving ophthalmic or dermatological photosensitivity;

2. Any person who subcontracts or has any type of business arrangement with a sun-screening material installation facility or other person to install or apply approved sun-screening materials and products to motor vehicle windshields and/or front side windows;

3. Any person who prepares an estimate to be used by a sun-screening material installation facility or other person to install or apply approved sun-screening materials and products to motor vehicle windshields and/or front side windows; or

4. Any person who negotiates in any manner with any customer to install or apply approved sun-screening materials and products to motor vehicle windshields and/or front side windows.

“Estimate” means any written determination prepared by a sun-screening material installation facility of the approximate cost of the parts and labor needed to install or apply approved sun-screening materials and products to motor vehicle windshields and/or front side windows.

“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 sun-screening material installation facility are offered or ordinarily performed.

"Sun-screening material installation facility" means any person who for compensation engages in the business of installing or applying approved sun-screening materials and products on the windshields and/or the front side window(s) of motor vehicles for which medical exemption certificates have been issued in accordance with N.J.A.C. 13:20-1 and which are driven by or used to transport a person having a medical condition involving ophthalmic or dermatological photosensitivity. For the purpose of this subchapter, an employee of a sun-screening material installation facility who engages in the business of installing or applying approved sun-screening materials and products to motor vehicle windshields and/or front side windows solely by reason of his or her employment shall not be deemed to be a sun-screening material installation facility and shall not be required to be registered.

"Sun-screening material installation facility registration" means a registration issued to a sun-screening material installation facility which evidences the Director's authorization for the facility to engage in the business of installing or applying approved sun-screening materials and products on the windshields and/or the front side window(s) of motor vehicles for which medical exemption certificates have been issued in accordance with N.J.A.C. 13:20-1 and which are driven by or are used to regularly transport a person having a medical condition involving ophthalmic or dermatological photosensitivity.

"Suspension, revocation, or refusal to renew" means administrative action by the Director, in accordance with N.J.S.A. 39:3-75.1 et seq. or this subchapter, to refuse to renew a sun-screening material installation facility registration or to suspend or revoke such registration.

13:20-2.4 Initial application for registration

(a) Any person seeking to engage in the business of a sun-screening material installation 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 sun-screening material installation facility registration may be obtained from the Motor Vehicle Sun-Screening Material Installation Facility Registration Unit of the Division. The address of the Motor Vehicle Sun-Screening Material Installation Facility Registration Unit is:

Division of Motor Vehicles
Business License Compliance
Motor Vehicle Sun-Screening Material Installation
Facility Registration Unit
225 East State Street
PO Box 172
Trenton, New Jersey 08666-0172

(b) Each applicant for a sun-screening material installation 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 sun-screening material installation 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 found to be in violation of the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder;
4. 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
5. Whether the applicant has any interest in any other sun-screening material installation facility or any motor vehicle-related business.

(c) Each initial application for a sun-screening material installation 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 sun-screening material installation facility registration shall be accompanied by the registration fee specified in N.J.A.C. 13:20-2.6(a).

(e) If there are multiple locations for sun-screening material installation facilities owned by the same applicant, a separate application, accompanying documents, and registration fee specified in N.J.A.C. 13:20-2.6(a) 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 sun-screening material installation facility. Each initial registration issued to a sun-screening material installation facility on or after the effective date of this subchapter shall be effective on the date of issuance and shall continue in force and effect until December 31, 2002, and shall, thereafter, be renewed on a biennial basis, unless such registration is suspended or revoked by the Director.

13:20-2.5 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.

13:20-2.6 Registration fee

(a) Each initial application for a sun-screening material installation facility registration shall be accompanied by a registration fee of \$150.00 payable to the Division.

(b) Each renewal application for a sun-screening material installation facility registration shall be accompanied by a registration fee of \$100.00 payable to the Division.

(c) A registration fee shall be returned to an applicant only in the event that the Director refuses to issue or renew a sun-screening material installation facility registration. Such registration fee, or any portion thereof, shall not be refunded to a registrant in the event that the sun-screening material installation facility registration is suspended or revoked pursuant to N.J.S.A. 39:3-75.1 et seq. or this subchapter, or if a registrant voluntarily surrenders the registration at any time during the registration period.

13:20-2.7 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 registration provided that such registrant is not prohibited from applying for a registration as specified in N.J.A.C. 13:20-2.20. An application to renew a sun-screening material installation facility registration may be obtained from the Motor Vehicle Sun Screening Material Installation Facility Registration Unit of the Division at the address specified in N.J.A.C. 13:20-2.4(a).

(b) Each application to renew a sun-screening material installation facility registration shall be accompanied by the registration fee specified in N.J.A.C. 13:20-2.6(b).

(c) Upon approval of each renewal application, a registration shall be issued to the sun-screening material installation facility. Each renewal registration issued to a sun-screening material installation facility after December 31, 2002 shall continue in force and effect for a period of two years unless such registration is suspended or revoked by the Director.

13:20-2.8 Surrender of registration

(a) Each sun-screening material installation 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 sun-screening material installation 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.

13:20-2.9 Responsibility of registrants

(a) In the case of a sole proprietorship, the owner and/or possessor of a controlling interest in the sun-screening material installation 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 N.J.S.A. 39:3-75.1 et seq. 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 N.J.S.A. 39:3-75.1 et seq. or this subchapter.

13:20-2.10 Deceptive practices concerning sun-screening material and product installation or application

Sun-screening material installation facilities shall be subject to the provisions of the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) and any regulations adopted thereunder.

13:20-2.11 Notice and recordkeeping requirements

(a) Each registrant shall display a sign which shall read: "Registered: State of New Jersey Motor Vehicle Sun Screening Material Installation Facility." The sign shall include the registration number of the sun-screening material installation facility. The sign must contain letters at least two inches high with a stroke of approximately one-half inch and be located in a conspicuous location for the public to see.

(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 sun-screening material installation facility.

(c) Every registered sun-screening material installation facility shall post in a conspicuous location accessible to the public a "Notice to Consumers" concerning violations of N.J.S.A. 39:3-75.1 et seq. and the fact that customers have a right to inspect the motor vehicle before paying for the sun-screening material or product installation or application. The notice shall be prepared and furnished by the Division.

(d) Every registered sun-screening material installation facility shall maintain copies of all estimates, work orders, invoices, parts purchase orders, appraisals and/or other documents prepared by that facility for work performed by that facility or by its subcontractors.

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

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

(e) Every sun-screening material installation 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.

(f) 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 sun-screening material installation facility, or whenever a person becomes a partner or limited partner in a sun-screening material installation facility.

(g) The registrant shall notify the Director in writing within 10 days of any change in address of the sun-screening material installation facility or of any change in address of persons or entities required to be listed on the application by N.J.A.C. 13:20-2.4.

(h) 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. 13:20-2.4 is no longer associated with the sun-screening material installation facility.

(i) All written notifications required by this subchapter shall be made by either personal delivery or sent by certified mail to the Motor Vehicle Sun Screening Material Installation Facility Registration Unit of the Division at the address specified in N.J.A.C. 13:20-2.4(a).

(j) 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. 13:20-2.4.

(k) 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 sun-screening material installation facility or to counsel's address on record with the Division.

13:20-2.12 Advertising

(a) Any advertising used by the sun-screening material installation facility in any printed or published material shall contain and prominently display the registration number of the facility.

(b) Any advertising used by the sun-screening material installation facility in any radio broadcast shall disclose that the facility is registered by the State of New Jersey.

(c) Any advertising used by the sun-screening material installation facility in any television broadcast shall prominently display the registration number of the facility at the end of such broadcast.

13:20-2.13 Storage rates

Every sun-screening material installation facility which charges a per diem fee to store a motor vehicle on its premises shall disclose in writing, prior to initiating sun-screening material installation or application services, the amount of such storage charge to the customer.

13:20-2.14 Additional violations

(a) In addition to any violation of N.J.S.A. 39:3-75.1 et seq., the Director may refuse to issue or renew a registration or suspend or revoke the registration of any sun-screening material installation 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 sun-screening material installation facility.

(b) In addition to any violation of N.J.S.A. 39:3-75.1 et seq., the Director may refuse to issue or renew a registration or suspend or revoke the registration of any sun-screening material installation 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 be in violation of the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder;
2. Demonstrates a pattern of conduct whereby sun-screening material or product installation or application performed by the sun-screening material installation facility was not performed in a workmanlike manner or was performed in violation of the light transmittance, visible light reflectance, or color standards set forth in N.J.A.C. 13:20-1.2 through 1.4;
3. Issues a check in payment of any fees required by this subchapter which is subsequently dishonored;
4. Has failed to comply with any of the provisions of this subchapter;
5. Fails to maintain an approved place of business in accordance with N.J.A.C. 13:20-2.4(b)1;
6. Fails to pay any fee required by law or regulation;
7. Fails to notify the Director in writing as required by N.J.A.C. 13:20-2.11(e), (f), (g), or (h);

8. 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; or

9. For other good cause.

13:20-2.15 Additional penalties

Where, pursuant to N.J.S.A. 39:3-75.1 et seq. or any regulation adopted thereunder, the Director has the authority to suspend, revoke, or refuse to renew the registration of a sun-screening material installation facility, the Director shall also have the authority to impose an official warning as an alternative or in addition to such suspension, revocation, or refusal to renew.

13:20-2.16 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. 39:3-75.1 et seq., or of any regulation adopted thereunder, by a sun-screening material installation 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. 13:20-2.11(k), subpoenas shall be served in the same manner, and 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 pursuant to 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 and Division of Consumer Affairs investigators are hereby authorized to enforce the provisions of this subchapter.

13:20-2.17 Written notice of suspension or revocation or refusal to issue or renew registration

(a) The Director shall notify the applicant, in writing by certified mail, of any refusal to issue or renew a sun-screening material installation 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 sun-screening material installation 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. 13:20-2.18, the sun-screening material installation facility registration shall be suspended or revoked on the date specified in such notice.

13:20-2.18 Request for hearing

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-2.17(a) that the Director refuses to issue or renew a sun-screening material installation 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. 13:20-2.17(a).

(b) If a registrant has been notified in accordance with N.J.A.C. 13:20-2.17(b) of a proposed suspension or revocation of its sun-screening material installation 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. 13:20-2.17(b).

(c) Any written request for a hearing by an applicant or registrant shall be sent to the Motor Vehicle Sun-Screening Material Installation Facility Registration Unit of the Division at the address specified in N.J.A.C. 13:20-2.4(a). The hearing request shall contain the following information:

1. The name, registration number, place of business, and telephone number of the sun-screening material installation 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 sun-screening material installation facility registration shall be effective on the date specified in such notice. The sun-screening material installation facility shall cease all activities of the business of a sun-screening material installation facility effective on the date specified in such notice.

13:20-2.19 Hearing procedures

Any hearing concerning the suspension, revocation, or refusal to issue or renew a sun-screening material installation 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.

13:20-2.20 Limitations on issuance of registration after suspension, revocation, or refusal to renew

(a) No person whose renewal application for a sun-screening material installation facility registration is refused shall be entitled to apply for a registration pursuant to 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 pursuant to this subchapter during the period of suspension or revocation.

13:20-2.21 Registration restoration

(a) A fee of \$50.00 shall be payable to the Division for the restoration of a sun-screening material installation facility registration which is suspended or revoked pursuant to N.J.S.A. 39:3-75.1 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 sun-screening material installation facility registration, pursuant to N.J.S.A. 39:3-75.1 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 sun-screening material installation 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 sun-screening material installation facility registration for good cause.

SUBCHAPTER 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.

SUBCHAPTER 7. VEHICLE INSPECTION**13:20-7.1 Definitions**

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

"Certificate of approval" means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, N.J.A.C. 13:20-43, 32 or 33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of motor vehicles.

"Certificate of waiver" means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with N.J.A.C. 13:20-43 and the rules adopted by the Department of Environmental Protection pertaining to emission or OBD inspection standards have been waived by the Division for the particular inspection cycle for which the waiver is granted.

"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.

"EPA" means the United States Environmental Protection Agency.

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

"Official inspection facility" means a test-only inspection facility that the State Treasurer has contracted for pursuant to section 4 of P.L. 1995, c.112.

"On-board diagnostics" or "OBD" means an automotive diagnostic system complying with California OBD regulations or EPA OBD II regulations effective for model year 1996 and newer motor vehicles.

"Private inspection facility" means any person, partnership, or corporation licensed by the Division pursuant to N.J.A.C. 13:20-44 to perform the motor vehicle inspections required by N.J.S.A. 39:8-1.

"State specialty inspection facility" means a test-only inspection facility that is operated by the Division to inspect certain motor vehicles as specified in N.J.A.C. 13:20-7.3(d).

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

Former N.J.A.C. 13:20-7.1, Adjustments, corrections, or repairs, recodified to N.J.A.C. 13:20-7.5.
Administrative change.

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

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

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

Added "EPA" and "On-board diagnostics" or "OBD".

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

(a) Motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1 shall be inspected on a biennial basis, except as otherwise provided by law or regulation.

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

1. Historic motor vehicles registered pursuant to N.J.S.A. 39:3-27.4;
2. Collector motor vehicles;
3. Motorized bicycles;
4. Farm tractors and traction equipment;
5. Farm machinery and implements;
6. Fire trucks having a GVWR of more than 8,500 pounds;
7. In-transit construction equipment registered pursuant to N.J.S.A. 39:4-30;
8. Diesel-fueled motor vehicles having a GVWR of 10,000 pounds or more that are required to be inspected by the owner or lessee of the vehicle in accordance with N.J.A.C. 13:20-26;
9. Omnibuses having a seating capacity of 10 passengers or more which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit;
10. School buses which are subject to inspection by the Division's School Bus Inspection Unit in accordance with N.J.S.A. 39:3B-18 et seq.; and
11. Tactical military vehicles operated on Federal installations within this State.

New Rule, R.1999 d.422, effective December 6, 1999.

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

Former N.J.A.C. 13:20-7.2, Immediate repairs, recodified to N.J.A.C. 13:20-7.6.

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

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

In (b), substituted "having" for "other than omnibuses and school buses, have" following "vehicles" in 8, added a new 10, and recodified former 10 as 11.

13:20-7.3 Inspection facilities

(a) Motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1 shall have the inspection performed at an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility, as provided in this section.

(b) Official inspection facilities shall perform inspections on automobiles, trucks, modified buses with a capacity of not more than 15 passengers which have been issued passen-

ger, governmental, no fee, or commercial vehicle license plates by the Division, and motorcycles. Official inspection facilities shall not perform inspections on modified buses with a capacity of more than 15 passengers, school buses, buses which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit, jitneys as defined in N.J.A.C. 13:20-44.2, or motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

(c) Licensed private inspection facilities shall perform inspections on automobiles, trucks, buses (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), jitneys as defined in N.J.A.C. 13:20-44.2, and motorcycles. Licensed private inspection facilities shall not perform inspections on school buses, buses which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit, or motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

(d) State specialty inspection facilities shall perform inspections on motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37, motor vehicles which are operated by handicapped persons and which have been modified at the direction of the New Jersey Department of Labor, Division of Vocational Rehabilitation Services so that such vehicles are fully controlled by specially designed mechanical devices for the handicapped, reconstructed vehicles as defined in N.J.A.C. 13:20-44.2, salvage motor vehicles which are subject to inspection in accordance with N.J.A.C. 13:21-22, modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division, any motor vehicle which the Director may require to be presented for inspection for auditing purposes, and any motor vehicle which has failed inspection at an official inspection facility or a licensed private inspection facility which is presented for reinspection by the owner or lessee thereof because he or she disputes the inspection failure.

(e) Notwithstanding (d) above, following successful completion of inspection at a State specialty inspection facility, motor vehicles which are operated by handicapped persons and which have been modified at the direction of the New Jersey Department of Labor, Division of Vocational Rehabilitation Services so that such vehicles are fully controlled by specially designed mechanical devices for the handicapped, reconstructed vehicles as defined in N.J.A.C. 13:20-44.2, and salvage motor vehicles which are subject to inspection in accordance with N.J.A.C. 13:21-22 shall thereafter be inspected at an official inspection facility or a licensed private inspection facility.

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

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

(a) Whenever a motor vehicle, which has been previously registered other than on a temporary basis in a foreign jurisdiction, is initially registered in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(b) Whenever a new motor vehicle, which has been purchased in a foreign jurisdiction and temporarily registered therein, is initially registered by the purchaser in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented at the exit end of an official inspection facility for the issuance of a new motor vehicle inspection decal within 14 days of the date of issuance of the temporary authorization certificate. A new motor vehicle receiving a decal pursuant to this subsection shall be subject to inspection not later than two years from the last day of the calendar month in which the decal was issued for such motor vehicle, and the decal affixed to such motor vehicle pursuant to this subsection shall so indicate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(c) Whenever a used motor vehicle, which has been purchased in this or any other State and which has affixed thereto an unexpired New Jersey inspection certificate of approval or certificate of waiver, is initially registered by the purchaser in this State, the registrant thereof shall either:

1. Present such motor vehicle for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation; or

2. Present such motor vehicle for inspection at an official inspection facility or a licensed private inspection facility no later than the expiration date of the New Jersey inspection certificate of approval or certificate of waiver affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(d) Whenever a used motor vehicle, which has been purchased in this or any other State and which does not have affixed thereto an unexpired New Jersey inspection certificate of approval or certificate of waiver, is initially registered by the purchaser in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(e) Whenever a used motor vehicle, which has been purchased in this State and which has affixed thereto a collector motor vehicle windshield sticker issued pursuant to N.J.A.C. 13:20-43.2(e), is initially registered by the purchaser in this State, the windshield sticker shall be deemed void and the registrant thereof shall be issued a temporary authorization certificate and shall either:

1. Present such motor vehicle for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate if the registrant does not wish to retain the collector motor vehicle designation. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation; or

2. Present such motor vehicle to the Director or his or her designee within 14 days of the date of issuance of the temporary authorization certificate and make application for designation as a collector motor vehicle in accordance with N.J.A.C. 13:20-43.2(c) through (h), inclusive.

Repeal and New Rule, R.1999 d.422, effective December 6, 1999.

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

Section was "Inspection period of passenger vehicles".

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

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

Rewrote (b).

13:20-7.5 Adjustments, corrections, or repairs

If a motor vehicle inspection as required by N.J.S.A. 39:8-1 discloses the necessity of adjustments, corrections, or repairs, it shall be incumbent upon the owner or lessee of such motor vehicle to have such adjustments, corrections, or repairs made and to present the motor vehicle for reinspection no later than the last day of the calendar month following the calendar month in which the motor vehicle was due for inspection, except as otherwise provided at N.J.A.C. 13:20-7.6(a). However, if an on-road inspection required by N.J.S.A. 39:8-2 discloses the necessity of adjustments, corrections, or repairs, it shall be incumbent upon the owner or lessee of such motor vehicle to have such adjustments, corrections, or repairs made and to present the motor vehicle for reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.6(a).

Recodified from N.J.A.C. 13:20-7.1 and amended by R.1999 d.422, effective December 6, 1999.

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

Substituted references to motor vehicles for references to vehicles and changed N.J.A.C. references throughout, and substituted a reference to motor vehicle inspections for a reference to inspections. Former N.J.A.C. 13:20-7.5, Temporary authorization certificate; form, repealed.

13:20-7.6 Immediate repairs

(a) When the nature of the defect(s) found at a motor vehicle inspection is such as to constitute a hazard to the public safety so as to require immediate repairs to such motor vehicle, such repairs shall be made and the motor vehicle presented for reinspection within 48 hours.

(b) A defect which constitutes a hazard to the public safety so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the following:

1. A motor vehicle with a rupture in the brake system;
2. A motor vehicle with a service brake pedal that does not stop the motor vehicle when fully depressed;
3. A motor vehicle on which all headlights are inoperative;
4. A motor vehicle on which all taillights are inoperative;
5. A motor vehicle on which all stoplights are inoperative;
6. A motor vehicle which has excessive looseness in its steering linkage wherein the steering wheel must make a complete revolution before there is a perceptible movement of the wheels;
7. A motor vehicle with a broken ball joint(s), tie rod(s), or pitman arm;
8. A motor vehicle with a broken suspension component wherein such condition interferes with the operation of the motor vehicle;
9. A motor vehicle with an exhaust leak and holes in the passenger compartment which permit exhaust gases to enter the passenger compartment;
10. A motor vehicle with any part of the exhaust system passing through the passenger compartment;
11. A motor vehicle with a fuel leak in any part of the fuel system;
12. A motor vehicle with a component of the fuel system which is in contact with a moving part of the motor vehicle;
13. A motor vehicle with a tire(s) wherein the ply or cord is exposed and delaminating;
14. A motor vehicle with a windshield which is so severely broken or shattered as to substantially impair the driver's vision; or

15. A motor vehicle with window glazing which is damaged so that sharp edges of glass are exposed.

Recodified from N.J.A.C. 13:20-7.2 and amended by R.1999 d.422, effective December 6, 1999.

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

Rewrote the section. Former N.J.A.C. 13:20-7.6. Inspection period, repealed.

13:20-7.7 (Reserved)

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

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

Section was "Initial passenger vehicle inspection procedure".

13:20-7.8 (Reserved)

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

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

Section was "Initial inspection certification data".

13:20-7.9 (Reserved)

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

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

Section was "Definitions".

13:20-7.10 (Reserved)

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

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

Section was "Inspection procedure".

13:20-7.11 (Reserved)

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

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

Section was "New vehicle purchaser procedure".

13:20-7.12 (Reserved)

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

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

Section was "Motor vehicle tires".

13:20-7.13 (Reserved)

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

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

Section was "Expired inspection certificates".

SUBCHAPTER 8. PENALTY REDUCTION FOR NON-OUT-OF-SERVICE EQUIPMENT VIOLATIONS

13:20-8.1 Scope and purpose

(a) The purpose of this subchapter is to establish a certification of repair that can serve as satisfactory proof that a non-out-of-service equipment violation as determined pursuant to the provisions of 49 C.F.R. Parts 390, 392, 393 and 396, as applicable, has been corrected for purposes of effecting a penalty reduction pursuant to section 2 of P.L. 2003, c.131 (N.J.S.A. 39:5B-29a), and to identify approved entities that are authorized to issue documents certifying as to corrected non-out-of-service equipment violations.

(b) This subchapter shall apply to all non-out-of-service equipment violations, where the penalty is less than \$5,000, for which proof of repair to a vehicle will effect a reduction of penalty under the provisions of N.J.S.A. 39:5B-29a.

13:20-8.2 Proof of repair

(a) Persons receiving a complaint and summons for a non-out-of-service equipment violation pursuant to 49 C.F.R. Parts 390, 392, 393 and 396, as applicable, may, pursuant to N.J.S.A. 39:5B-29a, seek a reduction of the penalty amount charged for the violation if the defendant provides satisfactory proof of repair to the vehicle.

(b) Proof that a violation has been corrected shall be by a "Certification of Repair" as described in N.J.A.C. 13:20-8.4 and shall certify that a non-out-of-service violation has been corrected.

(c) Any necessary vehicle repair(s) to correct a non-out-of-service equipment violation for purposes of effecting a penalty reduction pursuant to N.J.S.A. 39:5B-29a shall be made prior to the hearing date indicated in the complaint and summons or as determined by the municipal court to which the complaint and summons are returnable.

(d) Defendants charged with non-out-of-service equipment violations who wish to plead guilty may submit a Certification of Repair by mail with the complaint and summons to the municipal court to which the complaint and summons are returnable prior to the court date. In a case where the court deems the Certification of Repair to be inadequate, the court will afford the defendant the option to withdraw the defendant's guilty plea.

13:20-8.3 Authorized certifying entities

(a) For purposes of reducing a penalty for a charged non-out-of-service equipment violation, the following entities shall be authorized to issue a Certification of Repair:

1. The New Jersey Division of State Police;
2. A New Jersey licensed diesel emission inspection center;
3. A certified fleet mechanic who has a combination of training and/or experience including brake-related experience totaling at least one year. Such training and/or experience may consist of:
 - i. Participation in a brake and/or truck manufacturer-sponsored training program or similar commercial training program designed to train students in truck operation, repair and maintenance;
 - ii. Experience as a mechanic or inspector in a motor carrier maintenance program; or
 - iii. Experience as a mechanic or inspector in truck repair including brake repair and maintenance at a commercial garage, fleet leasing company, or similar facility.

(b) The owner/lessee of the vehicle identified in a complaint and summons charging a non-out-of-service equipment violation shall also be authorized to certify as to the corrected violation(s) provided that the owner/lessee further certifies that he or she is the owner/lessee of the vehicle identified in the complaint and summons, and provided that the owner/lessee further certifies as to one of the following:

1. He or she personally performed all the necessary repairs to the vehicle identified in the complaint and summons and that the repairs were performed consistent with the provisions of 49 C.F.R. Parts 390, 392, 393 and 396; or

2. He or she caused to be performed by a qualified mechanic all the necessary repairs and that the repairs were performed consistent with the provisions of 49 C.F.R. Parts 390, 392, 393 and 396.

13:20-8.4 Certification of Repair

(a) Any one of the following completed documents shall constitute a certification that a non-out-of-service equipment violation has been corrected:

1. A Certification of Repair form prescribed by the Chief Administrator of the New Jersey Motor Vehicle Commission, which shall include, at a minimum, the following information:

- i. The name of the owner/lessee of the vehicle, his or her address and phone number;
- ii. The vehicle year, make, plate number and vehicle identification number for the vehicle identified in the complaint and summons;
- iii. The issued complaint and summons number;
- iv. The name of the Municipal Court in which the issued complaint and summons are returnable as identified in the complaint and summons;
- v. A detailed description of the equipment-related repair(s) made to the vehicle to correct the non-out-of-service equipment violation;
- vi. If applicable, the name and address of the location or repair facility where the repair(s) to correct the equipment violation was made; and
- vii. The signature of the person certifying the repair(s) pursuant to the provisions of this subchapter and the date on which the certification was signed, and, if not the same date, the date on which the repair(s) was made;

2. A Certification of Repair form attached to a S.P. 551 Form (Driver/Vehicle Examination Report) issued by the New Jersey Division of State Police at the time and place that a complaint and summons alleging the non-out-of-service equipment violation is issued; or

3. A Certification of Repair that is in a form substantially similar to the form prescribed by the Chief Adminis-

trator that is prepared by an entity or owner/lessee authorized under N.J.A.C. 13:20-8.3 and which contains, at a minimum, the information set forth in (a)1i through vii above.

(b) All Certifications of Repair must have attached all bills, receipts, invoices and any other relevant documents associated with the equipment-related repair(s).

(c) Any person who makes a willfully false statement in a certification prepared and submitted for the purposes intended by this subchapter shall be subject to punishment pursuant to N.J.S.A. 2C:28-3.

SUBCHAPTER 9. HANDICAPPED PARKING PRIVILEGES

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

(a) When a request is received for handicapped person identification vehicle registration plates or placards pursuant to N.J.S.A. 39:4-204 et seq., the following regulations shall apply:

1. Applications will be accepted only if submitted on the form approved by the Director.
2. The Director may require the applicant to submit to a re-examination on those portions of the driver's examination which are determined to be necessary based on the applicant's physical disability.
3. The Director may require the applicant to be examined by a physician, podiatrist, or chiropractic physician licensed in New Jersey or a bordering state, or by such physician, podiatrist, or chiropractic physician appointed by the State for the purpose of determining that the applicant's stated disability qualifies him or her under the definition of "handicapped person" as it appears in N.J.S.A. 39:4-204 and this subchapter. The cost of such examination will be borne by the applicant.
4. Upon receipt of an application for renewal, the Director may, in his or her discretion, require the applicant to submit a statement from a physician, podiatrist, or chiropractic physician licensed in New Jersey or a bordering state recertifying qualification for the handicapped person identification vehicle registration plates or placards.
5. Persons with a disability which limits or impairs the ability to walk, as determined by a licensed physician, podiatrist, or chiropractic physician, include those who:

- i. Cannot walk 200 feet without stopping to rest;
- ii. Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;
- iii. Are restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- iv. Use portable oxygen;

v. Have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association;

vi. Are severely limited in their ability to walk because of an arthritic, neurological or orthopedic condition; or

vii. Have a permanent sight impairment of both eyes, as certified by the New Jersey Commission of the Blind.

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

13:20-9.2 Medical evidence by handicapped persons

Handicapped person identification vehicle registration plates or placards may be issued to qualified handicapped persons, as defined in N.J.S.A. 39:4-204 and this subchapter, when such handicapped person has submitted medical evidence, satisfactory to the Director, on the form provided by the Director.

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

13:20-9.3 (Reserved)

Repealed by R.2001 d.20, effective January 16, 2001.
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).
Section was "State driver's license or registration qualification".

13:20-9.4 Limitation on number of certificates

One set of handicapped person identification vehicle registration plates and/or one placard may be issued to a qualified handicapped person, but in no event shall the number of handicapped person identification vehicle registration plates and placards issued to any one person exceed one set of plates and one placard.

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

13:20-9.5 Passenger vehicles or motorcycles

Handicapped person identification vehicle registration plates and placards shall be issued for use on passenger vehicles or motorcycles only and in no event shall a certificate be issued for or used on a vehicle which is used for commercial purposes.

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

13:20-9.6 Temporary certificates

A handicapped person identification vehicle registration placard may be issued on a temporary basis not more than six months' duration by the chief of police of each municipality to a person who is certified by a physician, podiatrist or chiropractic physician to be temporarily disabled to a degree which would qualify him or her under the provisions of N.J.S.A. 39:4-204, N.J.S.A. 39:4-206, and this subchapter.

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

13:20-9.7 Display of placards and temporary placards

A placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard of the vehicle.

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

SUBCHAPTER 10. AUTOMATIC VEHICLE IDENTIFICATION SYSTEMS

13:20-10.1 Definitions

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

"Automatic vehicle identification system" means a toll collection or traffic management system comprised of an interrogation/receiver unit and a remote transponder affixed to a vehicle, motor vehicle or motor-drawn vehicle.

"Motor-drawn vehicle" includes trailers, semitrailers, or any other type of vehicle drawn by a motor-driven vehicle.

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

"Person" includes natural persons, firms, copartnerships, associations, and corporations, including a toll authority or agency organized under the laws of this State or any other state.

"Transponder" means a receiver/transmitter which automatically receives radio or light signals from an interrogation/receiver and emits a reply pulse to the interrogation/receiver.

"Vehicle" means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or motorized bicycles.

Amended by R.1991 d.249, effective May 6, 1991.
See: 23 N.J.R. 21(a), 23 N.J.R. 1417(a).

Added "or traffic management" to the definition of "Automatic vehicle identification system." Changed "System" to "Systems" in heading.

13:20-10.2 Application

(a) A person may apply to the Director to obtain approval of an automatic vehicle identification system for use on a vehicle, motor vehicle or motor-drawn vehicle registered in this State. The person shall provide the Director with sufficient information regarding the size, dimensions, composition, operation and proposed use of the automatic vehicle identification system as the Director may require, to enable the Director to determine whether the device is safe for use on a vehicle, motor vehicle or motor-drawn vehicle registered in this State. The Director may require the

applicant to provide test results from an independent laboratory.

(b) The Director reserves the right to require an applicant to furnish, without charge, a reasonable number of properly identified samples for examination or to provide such demonstration as may be required.

(c) The Director reserves the right to require such additional proof as may be needed to make his or her determination.

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

In (c), inserted "or her" preceding "determination".

13:20-10.3 Placement

(a) Each owner or operator of a motor vehicle registered in this State who participates in a program of an automatic vehicle identification system operated by a toll authority or agency organized under the laws of this State or any other State shall have a transponder attached to inside the motor vehicle on the left most side of the windshield as viewed from inside the motor vehicle or at such other location on the motor vehicle as the Director deems appropriate. The transponder shall not cover the inspection decal and shall be located in a position on the windshield that will not unduly restrict the vision of the driver. No more than one transponder shall be attached to the windshield of a motor vehicle pursuant to this subchapter.

(b) The placement of an automatic vehicle identification system on vehicles or motor-drawn vehicles registered in this State shall be determined by the Director based upon the size and configuration of the vehicle or motor-drawn vehicle.

(c) Nothing in this subchapter shall prohibit the placement of an automatic vehicle identification system transponder on any portion of a motor vehicle, vehicle or motor-drawn vehicle registered in this State on which its placement is not currently prohibited by either the statutory or regulatory provisions of this State.

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

SUBCHAPTER 11. (RESERVED)

SUBCHAPTER 12. DRIVER REEXAMINATION

13:20-12.1 Definitions

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

"Moving traffic violation" means a violation of the provisions of Title 39 of the Revised Statutes when actual operation and movement of a vehicle is an element of the statutory violation.

"Traffic accident" means an accident which is required to be reported under the provisions of N.J.S.A. 39:4-130.

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

13:20-12.2 Reexamination; categories

(a) The Director may require persons who operate motor vehicles on the highways of this State to be reexamined to determine their ability to operate motor vehicles safely. Reexamination may be required of persons in the following categories:

1. Persons having mental or physical disorders which may affect their ability to safely operate a motor vehicle.
2. Persons involved in a traffic accident resulting in a fatality where a violation of any of the provisions of N.J.S.A. 39:4-1 et seq. is established;
3. Persons who have accumulated 12 or more points as provided in N.J.A.C. 13:19-10.1;
4. Persons convicted of violating any of the provisions of N.J.S.A. 39:4-1 et seq. where the judge determines that the offense was of such a careless, reckless or indifferent nature as to require reexamination.

As amended, R.1979 d.435, eff. October 31, 1979.

See: 11 N.J.R. 349(a), 11 N.J.R. 628(c).

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)4 substituted "the judge determines that" for "it appears".

Case Notes

Mere fact that 87-year-old motorist was involved in automobile collision was not sufficient grounds for driver reexamination. *Division of Motor Vehicles v. Kindig*, 96 N.J.A.R.2d (MVH) 39.

Hearsay opinion in police report, when successfully rebutted, was not a sufficient basis to require licensee to undergo driver re-examination. *Division of Motor Vehicles v. Cioffi*, 95 N.J.A.R.2d (MVH) 57.

Reexamination for deafness warranted. *Division of Motor Vehicles v. Ahrberg*, 92 N.J.A.R.2d (MVH) 12.

Hitting parked car did not warrant reexamination. *Division of Motor Vehicles v. Falzarano*, 92 N.J.A.R.2d (MVH) 6.

13:20-12.3 Vision examination

The Director may require a vision examination, by a New Jersey licensed doctor of medicine or optometrist, of persons involved in one traffic accident who have not had a vision check by Division personnel within the 10-year period immediately preceding the date of the accident.

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

Case Notes

Hitting parked car did not warrant reexamination. Division of Motor Vehicles v. Falzarano, 92 N.J.A.R.2d (MVH) 6.

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. PARKING ON STATE PROPERTY

13:20-14.1 Vehicle registration and parking permit

Except as hereinafter provided, the operator of any motor vehicle shall not park, store or drive said vehicle on any parking area, building or grounds, under the jurisdiction of the Division of Motor Vehicles unless said vehicle is properly registered with the Division of Motor Vehicles and a parking permit is issued for same.

13:20-14.2 Application

Application for the registration and the issuance of a parking permit shall be made to the person or officer having jurisdiction in such matters (Chief Personnel Officer).

13:20-14.3 Affixing permit

Upon approval a permit will be issued for the vehicle for which the application is made, and said permit is to be affixed to the right rear window of said vehicle in the lower corner.

13:20-14.4 Infringement on reserved spaces

These rules shall require that spaces that are reserved for any person, or agency, shall be recognized as such, and that there be no infringement of reservation privileges.

13:20-14.5 Duration of parking privilege

The privilege of parking will remain in effect so long as the person to whom the permit is issued abides by all of the rules of safe driving, and the rules prescribed by the issuing authority, and does not encroach upon the rights of others.

13:20-14.6 Suspension

The privilege herein granted shall be suspended during any State or national emergency.

13:20-14.7 Penalty

Any person or persons violating these regulations shall be subject to the penalties prescribed by N.J.S.A. 39:4-209.

SUBCHAPTER 15. STUD TIRES

13:20-15.1 Definitions

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

"Body of a tire" means the fabric or cord material to which the rubber tread material is bonded.

"Manufacturer" means the person or corporation who makes or fabricates the tire or tread.

"Psi" means pressure in pounds per square inch.

"Stud" means a pin type device prepared for installation in the tread of an automobile and consists of a tungsten carbide core bonded to an outer casing or shell of plastic, aluminum or steel.

"Stud tire" means an automobile tire fitted with studs in the tread in openings molded for that purpose by the tire or tread manufacturer.

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

13:20-15.2 Federal requirements

(a) The manufacturer shall prepare precise specifications covering the number, pattern of installation and type of stud to be used in each type of tire for which approval is applied.

(b) When installed there shall be a minimum of $\frac{1}{8}$ inch of rubber between the base of the stud and the body of the tire.

(c) When installed the tip of the stud shall project not more than .060 inch from the surface of the tire.

(d) In the interest of highway maintenance, approval for stud tires will not be granted for tires operating with recommended air pressure greater than 36 p.s.i.

(e) Studs when inserted shall be firmly and squarely seated in the tire.

(f) The manufacturer shall be responsible for proper installation of studs whether such installation is done as a factory operation or by a dealer or jobber licensed by the manufacturer.

(g) No stud tire shall be used on a public highway earlier than November 15, or later than April 1, of any winter season.

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

13:20-15.3 Application for product approval

(a) A manufacturer of a stud tire seeking approval of its product for legal sale and/or use in New Jersey shall apply for such approval by letter addressed to the Director stating that its product meets the "Requirements for Product Approval."

(b) The Director reserves the right to require additional proof of product conformity with such requirements.

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

In (a), substituted "for such approval" for "therefore" preceding "by letter", and substituted "its" for "his" throughout the paragraph.

13:20-15.4 Provisional certificate

(a) A provisional certificate of approval may be issued by the Director provided that:

1. The manufacturer applies for a provisional certificate of approval, certifying that its product conforms with the requirements of this subchapter.

2. Three matched pairs of sample tires of the type for which approval is requested are submitted to the Director in such size or sizes as he or she may designate. The Director reserves the right to deny a certificate of approval for any type of stud tire he or she has reason to believe does not conform with the requirements of this subchapter.

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

SUBCHAPTER 16. (RESERVED)**SUBCHAPTER 17. DRIVER IMPROVEMENT SCHOOLS****13:20-17.1 Purpose**

(a) The Director of the Division of Motor Vehicles in the Department of Transportation recognizing his or her responsibility to control the driving of persons to whom he or she issues driver licenses and further recognizing his or her responsibility in the field of highway safety hereby promulgates this regulation establishing Division Driver Improvement Schools.

(b) The purpose of the Division Driver Improvement Schools is to correct the attitude, driving habits and disregard of the motor vehicle laws of drivers who, in the opinion of the Director and according to the records of the Division, have established unfavorable driving records.

Amended by R.1996 d.28, effective January 16, 1996.
See: 27 N.J.R. 4140(a), 28 N.J.R. 272(a).
Amended by R.2001 d.20, effective January 16, 2001.
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

13:20-17.2 Attendance

The Director, in his or her discretion, may require attendance at and successful completion of a Driver Improvement School Course as a condition to restoration of a driver license privilege, or he or she may permit attendance in lieu of all or part of a period of suspension.

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

Inserted "or her" preceding "discretion" and inserted "or she" preceding "may permit".

13:20-17.3 Amount of fee

Any person attending a Division of Motor Vehicles driver improvement school shall pay an attendance fee of \$100.00.

R.1972 d.155, eff. August 7, 1972.
See: 4 N.J.R. 165(a), 4 N.J.R. 223(c).
R.1982 d.485, eff. January 17, 1983.
See: 14 N.J.R. 1154(b), 15 N.J.R. 93(b).
Increased fee from \$20.00 to \$40.00.
Amended by R.1995 d.365, effective July 3, 1995.
See: 27 N.J.R. 1521(b), 27 N.J.R. 2592(b).
Increased the fee from \$40.00 to \$100.00.

13:20-17.4 Manner of payment

(a) Payment of the prescribed attendance fee shall be made only by check or money order. Such check or money order shall accompany the request for an opportunity to attend driver improvement school.

(b) Both request and payment must be sent to the Driver Improvement Bureau, Division of Motor Vehicles, 225 East State Street, Trenton, New Jersey 08666 within 10 days from the date of the notice of proposed suspension.

(c) No one shall be scheduled to attend driver improvement school until the full attendance fee for that person has been received by the Division of Motor Vehicles.

R.1972 d.155, eff. August 7, 1972.
See: 4 N.J.R. 165(a), 4 N.J.R. 223(c).
Amended by R.1996 d.28, effective January 16, 1996.
See: 27 N.J.R. 4140(a), 28 N.J.R. 272(a).

13:20-17.5 Penalty

Failure to make payment in the amount and manner prescribed in these provisions shall automatically result in the imposition of the suspension for the period originally set forth in the notice of proposed suspension.

R.1972 d.155, eff. August 7, 1972.
See: 4 N.J.R. 165(a), 4 N.J.R. 223(c).

SUBCHAPTERS 18 THROUGH 21. (RESERVED)

SUBCHAPTER 22. BRAKE LININGS**13:20-22.1 Standards and specifications**

Standards and specifications for the approval of brake linings shall be those established by the most recent revision of Regulation V-3 of the Vehicle Equipment Safety Commission, unless otherwise provided by regulation promulgated by the Director of the Division of Motor Vehicles.

13:20-22.2 Approval

On and after October 1, 1967, no brake lining except that used only for parking brakes shall be sold, offered for sale or installed on a motor vehicle unless such lining is of a type approved by the Director of the Division of Motor Vehicles.

13:20-22.3 Requirements for product approval

(a) Brake linings shall be tested in accordance with the uniform test procedures prescribed by Regulation V-3 of the Vehicle Equipment Safety Commission and shall meet or exceed the minimum requirements for approval and identification set forth therein.

(b) Test reports submitted to the Director for the purpose of securing approval of a brake lining formulation shall be made on the forms prescribed by Regulation V-3. Such reports must be certified as to the accuracy of the report. The required certification must be made by a recognized independent testing agency which either physically conducted the tests or observed the tests and testing equipment even though the tests were physically conducted by the manufacturer, employees of the manufacturer or other persons.

13:20-22.4 Procedure for securing approval

(a) A manufacturer or vendor of brake linings seeking approval of its product for legal sale and/or use in New Jersey shall apply by letter addressed to the Director for such approval.

(b) The manufacturer or vendor shall submit to the Director a test report certified as required by N.J.A.C. 13:20-22.3(b), with two properly identified samples of the brake lining for which approval is being requested.

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

In (a), substituted "its" for "his" preceding "product", deleted "therefor" preceding "addressed" and inserted "for such approval" following "Director"; and in (b), amended the N.J.A.C. reference.

13:20-22.5 Notice of approval

If the Director determines that the brake lining meets the requirements of these regulations after receipt of the test report and samples, a notice of approval will be issued.

13:20-22.6 Withdrawal of approval

The right is reserved to withdraw approval of a product at any time and for any cause deemed reasonable by the Director, or the Director may require new approvals at any time it is deemed necessary or reasonable.

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

Brake linings manufactured prior to October 1, 1967, and which were produced from a formulation which is approved, may meet the identification requirements of this subchapter by having the necessary information affixed on the brake lining.

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

SUBCHAPTER 23. (RESERVED)

SUBCHAPTER 24. MOTORCYCLES**13:20-24.1 Approval of goggles**

(a) After January 1, 1968, no person shall sell, offer for sale, or distribute any goggles or face shields for use by the operators of motorcycles, unless they are of a type approved by the Director of the Division of Motor Vehicles.

(b) After January 1, 1968, no person shall operate a motorcycle without wearing approved-type goggles or an approved-type face shield unless the motorcycle is equipped with an approved-type windscreen.

(c) Letters requesting approval of goggles, face shields or windscreens shall be sent to the Director, Division of Motor Vehicles.

13:20-24.2 Goggles test procedure

(a) The test procedure for goggles shall be the test procedures described in that portion of the USA Standard Specifications for Head, Eye and Respiratory Protection Z2.1 designated "Eye Protection" which are applicable to all eye protection devices and which are applicable to the following types of goggles being tested:

1. Goggles, eye cup (except welders' and cutters' models);

2. Spectacles, metal or plastic frame;
3. Goggles, flexible fitting;
4. Spectacles, plastic eye shield.

(b) The following modifications shall be applicable:

1. Provisions with respect to selection of eye and face protective devices shall not apply.
2. Language referring to "employees" shall be deemed to refer to motorcycle riders.

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

13:20-24.3 Goggle approval requirements

(a) No goggles shall be approved unless they shall:

1. Meet the identification requirements set forth in Section 24.4 (Mark on goggles) of this Chapter.
2. Meet the standards established in that portion of the USA Standard Specifications for Head, Eye and Respiratory Protection Z2.1-1959 which are established in Section 24.2 (Goggles test procedure) of this Chapter with respect to that particular type of goggles, except that the goggles shall provide visual clearance to the extent of 105 degrees to each side of the sagittal plane.

13:20-24.4 Mark on goggles

Goggles approved by the Director shall contain on a lens or frame the readily identifiable mark used by the manufacturer to indicate compliance with the specifications of the USA Standard Specifications for Head, Eye and Respiratory Protection Z2.1-1959 and the device shall be permanently labelled with the manufacturer's trade name and number, which shall be the same trade name and number used in the approval application.

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

13:20-24.5 Test procedure for face shields

(a) The test procedure for face shields shall be the test procedures described in that portion of the USA Standard Specifications for Head, Eye and Respiratory Protection Z2.1-1959 designated "Face Shields".

(b) Portions of that test procedure to be employed in tests under this section include the following with the exceptions given:

1. Impact resistance, plastic-window face shield, except that the face shield shall be tested while attached to a helmet and the harness of the helmet shall take the place of the crown strap;
2. Penetration resistance, plastic-window face shield;
3. Visible transmittance, plastic windows;

4. Flammability, plastic windows;
5. Disinfection.

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

13:20-24.6 Face shield approval requirements

(a) A face shield other than one containing a wire screen window, shall be approved only if:

1. It meets the requirements established in the USA Standard Specifications for Head, Eye and Respiratory Protection Z2.1-1959 established for the test procedures required by N.J.A.C. 13:20-24.5;
2. The edge of the face shield is smooth, and if the edge is bevelled, it must be dull finished;
3. It meets the window support and marking requirements established in the USA Standard Specifications for Head, Eye and Respiratory Protection Z2.1-1959;
4. It meets the identification requirements of N.J.A.C. 13:20-24.7.

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

In (a)1 and (a)4, amended the N.J.A.C. reference.

13:20-24.7 Identification mark on face shield

Each face shield shall be permanently labelled with the manufacturer's trade name and number, which must be the same trade name and number used in the approval application.

13:20-24.8 Windscreen approval requirements

(a) No windscreen shall be approved unless:

1. The visual material meets the provisions appearing in USA Standard Specifications for Safety Glazing Materials for Glazing Motor Vehicles Operated on Land Highways Z26.1-1966 for Motorcycle Use. For rigid plastic material, Item 4 of Table 1 shall be used; for flexible plastics, Item 6 of Table 1 shall be used;
2. The metal support shall be of a material which shall bend rather than fragment under impact;
3. Covering material, other than visual material, shall be beaded at the edges to prevent fraying; and if cloth shall be tested for flammability according to the procedures of 5902 of specifications of the American Society of Testing Methods;
4. It meets the identification requirements of N.J.A.C. 13:20-24.9.

Amended by R.2001 d.20, effective January 16, 2001.
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).
In (a)4, amended the N.J.A.C. reference.

13:20-24.9 Mark on windscreen

Each windscreen shall be permanently labelled at an easily visible location with the manufacturer's trade name and number, which shall be the same trade name and number used in the approval application.

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

(a) The Director of the Division of Motor Vehicles hereby adopts and incorporates by reference Federal Motor Vehicle Safety Standard No. 218 (49 C.F.R. § 571.218), as amended and supplemented.

(b) Federal Motor Vehicle Safety Standard No. 218 may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3283, and is available for review during regular business hours at:

Office of the Director
New Jersey Division of Motor Vehicles
225 East State Street
9th Floor
Trenton, NJ 08666-0160

Regular business hours at this office are 8:30 A.M. to 4:30 P.M., Eastern Time, Monday through Friday. The telephone number is (609) 777-1407.

Emergency Repeal and New Rule, R.2001 d.466, effective November 15, 2001 (to expire January 14, 2002).

See: 33 N.J.R. 4157(a).

Section was "Approval of helmets".

Adopted Concurrent Proposal, R.2002 d.54, effective January 11, 2002.

See: 33 N.J.R. 4157(a), 34 N.J.R. 744(c).

Provision of emergency repeal and new rule adopted without change.

13:20-24.11 Reflectorized surface on helmets

A helmet shall have a reflectorized surface on both sides, or have securely affixed thereto reflectorized material on both the left and right side of the helmet. Such reflectorization must cover an area of at least four square inches on each side of the helmet. If reflectorized material, such as one-inch by four-inch strip of reflectorized safety tape is attached to each side of the helmet, it must be affixed in a permanent, weather-proof manner.

Recodified from N.J.A.C. 13:20-24.12 and amended by R.2001 d.466, effective November 15, 2001 (to expire January 14, 2002).

See: 33 N.J.R. 4157(a).

Former N.J.A.C. 13:20-24.11, Helmet approval specifications, repealed.

Adopted Concurrent Proposal, R.2002 d.54, effective January 11, 2002.

See: 33 N.J.R. 4157(a), 34 N.J.R. 744(c).

Provision of emergency recodification with amendment adopted without change.

13:20-24.12 Helmets approved by the Director

Any helmet that meets the safety standard adopted and incorporated by reference in N.J.A.C. 13:20-24.10(a) and the reflectorized surface standard set forth in N.J.A.C. 13:20-24.11 is deemed to be approved by the Director in accordance with N.J.S.A. 39:3-76.7.

Emergency New Rule, R.2001 d.466, effective November 15, 2001 (to expire January 14, 2002).

See: 33 N.J.R. 4157(a).

Former N.J.A.C. 13:20-24.12, Reflectorized surface on helmets, recodified to N.J.A.C. 13:20-24.11.

Adopted Concurrent Proposal, R.2002 d.54, effective January 11, 2002.

See: 33 N.J.R. 4157(a), 34 N.J.R. 744(c).

Provision of new rule adopted without change.

13:20-24.13 (Reserved)

Repealed by R.2001 d.466, effective November 15, 2001.

See: 33 N.J.R. 4157(a).

Section was "Identification label on helmets".

Adopted Concurrent Proposal, R.2002 d.54, effective January 11, 2002.

See: 33 N.J.R. 4157(a), 34 N.J.R. 744(c).

Provision of repeal adopted without change.

13:20-24.14 (Reserved)

Repealed by R.2001 d.466, effective November 15, 2001.

See: 33 N.J.R. 4157(a).

Section was "Helmet straps".

Adopted Concurrent Proposal, R.2002 d.54, effective January 11, 2002.

See: 33 N.J.R. 4157(a), 34 N.J.R. 744(c).

Provision of repeal adopted without change.

13:20-24.15 Test reports

An application for approval of goggles, face shields or windscreens shall be accompanied by a test report from a recognized independent testing laboratory, and such report shall confirm that the goggles, face shields or windscreens for which approval is requested meet or exceed the specifications required by this subchapter.

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

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

Substituted "confirm" for "reveal" following "such report shall".

13:20-24.16 Samples

One properly identified sample of the goggles, face shields or windscreens must be submitted to the Director at the time the application for approval is made.

13:20-24.17 Notice of approval

When the Director determines that the conditions of approval have been met, a notice of approval, will be issued.

13:20-24.18 Temporary approval

Any goggles, face shield or windscreen, in retail stock on or before March 31, 1968, and sold to a consumer on or before June 30, 1968, may receive temporary approval; provided, however, the manufacturer submits to the Director of the New Jersey Division of Motor Vehicles a notarized statement, signed by a responsible officer of the company, certifying that such device meets the requirements

of this Subchapter, and supplies a label which can be permanently affixed to the device showing the manufacturer's trade name and number, which shall be the same trade name and number of the device which has been certified to meet the requirements of this Subchapter.

13:20-24.19 Withdrawal of approval

The right is reserved to withdraw approval of a product at any time and for any cause deemed reasonable by the Director, or the Director may require new approvals at any time it is deemed necessary or reasonable.

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

13:20-24.20 Inspection of motorcycles

(a) Motorcycles shall be inspected pursuant to N.J.S.A. 39:8-1 on a biennial basis, except as otherwise provided by law or regulation. Motorcycle inspection certificates of approval shall expire on the last day of the months April through October, inclusive. Any motorcycle which is operated after the expiration of the inspection certificate of approval shall be subject to enforcement action.

(b) Except as otherwise provided at N.J.A.C. 13:20-28, the owner or lessee of a motorcycle, new or used, registered in New Jersey for the first time shall be issued a temporary authorization certificate. Such motorcycles which are registered during the calendar months April through October, inclusive, shall be presented for inspection within 14 days of the date of issuance of the temporary authorization certificate. Such motorcycles which are registered during the calendar months November through March, inclusive, shall be presented for inspection no later than the last day of the calendar month designated by the Director of the Division of Motor Vehicles for such inspection. The motorcycle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

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

Rewrote (a).

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

Rewrote the section.

13:20-24.21 Motorcycle license plates and tabs

Effective at the time the 1970 motorcycle registrations are issued, only one license plate and/or one license plate tab shall be issued for each motorcycle, to be displayed on the rear of the motorcycle.

SUBCHAPTER 25. SAFETY GLAZING MATERIAL; OTHER EQUIPMENT

13:20-25.1 Letter requesting approval

A letter requesting approval of a particular device, safety glazing materials or other equipment shall be directed to the Director, Division of Motor Vehicles by the manufacturer of the device, safety glazing material or other equipment.

13:20-25.2 Application for approval; report

Applications for approval shall be accompanied by a report from a recognized independent testing laboratory and such report shall reveal that the device, safety glazing material or other equipment for which approval is requested, meets or exceeds the specifications and standards established by the Society of Automotive Engineers or the American Standards Association, or specifications and standards adopted by the Director or the American Association of Motor Vehicle Administrators.

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 or her determination.

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

In (b), inserted "or her" preceding "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. COMPLIANCE WITH DIESEL EMISSION STANDARDS AND EQUIPMENT, PERIODIC INSPECTION PROGRAM FOR DIESEL EMISSIONS, AND SELF-INSPECTION OF CERTAIN CLASSES OF MOTOR VEHICLES

13:20-26.1 Applicability

This subchapter shall apply to all vehicles registered in this State.

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

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

Rewrote the section.

13:20-26.2 Definitions

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

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

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

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

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

"Vehicle" means every trailer, semitrailer, poletrailer, truck having a GVWR of 10,000 pounds or more, truck-tractor as defined in N.J.S.A. 39:1-1, and every vehicle registered in this State engaged in interstate commerce that is now or hereafter subject to regulation and license by the Interstate Commerce Commission or its successor agency and/or the Bureau of Motor Carrier Safety of the Federal Highway Administration.

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

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

Inserted "Director" and "Division"; in "Lessee", deleted "under a contract or agreement" following "any person" and substituted "an" for "said" preceding "agreement or contract"; in "Vehicle", inserted "or its successor agency" following "Interstate Commerce Commission".

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

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

Added "Gross vehicle weight rating" or "GVWR"; in "Vehicle", substituted "having a GVWR of 10,000 pounds or more" for "registered at a gross weight in excess of 6,000 pounds."

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 49 C.F.R. Part 393, to be mounted thereon, to insure that such motor vehicle and accessories are in safe and proper operating condition. An owner or lessee shall maintain a systematic inspection and maintenance record for each vehicle. The inspection and maintenance records shall include, at a minimum, the following:

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

(b) The inspection and maintenance records shall be maintained for a period of 24 months by the owner or lessee and shall be immediately available for inspection by the Director or any other person authorized to inspect under this subchapter.

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

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

Rewrote the section.

13:20-26.4 Unsafe operations

An owner or lessee shall not operate or permit or require a driver to operate any motor vehicle determined by the inspection or operation thereof to be in such condition that its operation would be hazardous or likely to result in the breakdown of the vehicle; nor shall any driver operate 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.

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

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

Rewrote the section.

13:20-26.5 Inspection of motor vehicles

(a) Every State Police officer, and every examiner of the Division 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 State Police officer or examiner has been authorized to inspect by the Director and has been trained in the inspection standards and procedures now or hereafter established by the Division.

(b) Reports of the inspection described in (a) above shall be submitted to the Director.

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".

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

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

Rewrote the section.

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

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

(b) Any motor vehicle that has been 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 a 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 49 CFR § 393.52.

(c) Any authorized State Police officer or examiner 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 an 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 State Police officer or examiner, in his or her discretion, may permit the vehicle to proceed to the nearest acceptable place of repair. The inspecting State Police officer or examiner 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" shall be considered "out-of-service" as described in (b) above.

(e) No person shall remove any marking indicating that a motor vehicle has been declared "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).

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

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

Rewrote the section.

13:20-26.7 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 or her arrival at the next terminal, maintenance facility, or place of business 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, maintenance facility, or place of business of the owner or lessee operating the vehicle within 24 hours.

(b) For operating convenience, the owner or lessee may designate any shop, terminal, maintenance facility, place of business, 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 to return such notice to the Division in accordance with the terms prescribed therein and in (d) and (e) below.

(d) Any and all defects and deficiencies noted on the "out-of-service" notice shall be corrected. The driver's failure to comply with (a) above shall not excuse the owner or lessee from taking appropriate action to correct defects and deficiencies which come to his or her 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.

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

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

Rewrote the section.

13:20-26.8 Inspection of damaged vehicles

An owner or lessee shall not permit or require a driver to operate nor shall any driver operate a motor vehicle which has been damaged in an accident or by other cause until an inspection has been performed by a person qualified to ascertain the nature and extent of the damage and such person has determined that the vehicle is in safe operating condition.

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

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

Rewrote the section.

13:20-26.9 Vehicle condition report

(a) Every owner or lessee shall require its drivers to report, and every driver shall prepare such a report in writing at the completion of his or her work day or tour of duty, which report shall list any defects or deficiencies of the motor vehicle discovered by the driver or reported to him or her as would be likely to affect the safe 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 or her.

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

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

13:20-26.10 Recommended forms

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

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

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

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

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

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

13:20-26.11 Required inspection and maintenance

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

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

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

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

13:20-26.12 Standards of inspection

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

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

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

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

Rewrote the section.

13:20-26.13 Certification

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

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

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

13:20-26.14 Additional inspection

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

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

Rewrote the section.

13:20-26.15 Penalties

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

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

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

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

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

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

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

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

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

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

Rewrote the section.

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

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

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

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

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

(b) The owner or lessee of a heavy-duty diesel truck, as defined in P.L. 1995, c.157, and registered in this State, shall submit proof to the New Jersey Motor Vehicle Commission that the vehicle has, within 90 days after the date of registration or renewal thereof, complied with the requirements for periodic inspection. Compliance with the requirements for periodic inspection shall mean that the vehicle has been tested for opacity at a diesel emission inspection center licensed pursuant to N.J.A.C. 13:20-47 and that the vehicle has successfully passed a test procedure for opacity as set forth in N.J.A.C. 7:27B-4; provided, however, that with regard to a new heavy-duty diesel truck, compliance with the requirements for periodic inspection shall mean that the vehicle has been inspected by a new motor vehicle dealer or motor vehicle leasing company in accordance with N.J.A.C. 13:20-27.

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

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

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

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

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

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

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

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

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

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

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

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

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

Amended by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

Rewrote (b).

SUBCHAPTER 27. INSPECTION OF NEW HEAVY-DUTY DIESEL TRUCKS

Authority

N.J.S.A. 39:8-10, 60, 64, 77 and 39:10-4.

Source and Effective Date

R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

Subchapter Historical Note

Subchapter 27, Inspection of New Heavy-Duty Diesel Trucks, was adopted as R.2004 d.133, effective April 5, 2004. See: Source and Effective Date.

13:20-27.1 Purpose

(a) The purpose of this subchapter is to regulate exhaust emissions from heavy-duty diesel trucks by requiring new motor vehicle dealers to inspect the exhaust system, including the emission control apparatus and the exhaust after-treatment apparatus of new heavy-duty diesel trucks, prior to delivery to an ultimate purchaser in New Jersey. The purpose of this subchapter is also to regulate exhaust emissions from heavy-duty diesel trucks by permitting motor vehicle leasing companies that take delivery of new heavy-duty diesel trucks from franchised New Jersey licensed new motor vehicle dealers to inspect the exhaust system, including the emission control apparatus and the exhaust after-treatment apparatus of new heavy-duty diesel trucks, prior to leasing such heavy-duty diesel trucks in New Jersey.

(b) Such inspection shall be deemed, when performed in conformity with this subchapter, to satisfy the periodic inspection program requirements of N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17(b).

13:20-27.2 Scope

This subchapter shall apply to all new motor vehicle dealers licensed by the Chief Administrator. This subchapter shall also apply to those motor vehicle leasing companies that take delivery of new heavy-duty diesel trucks from franchised New Jersey licensed new motor vehicle dealers and that inspect such new heavy-duty diesel trucks in accordance with this subchapter.

13:20-27.3 Definitions

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

“California Air Resources Board” or “CARB” means the agency of the State of California established and empowered to regulate sources of air pollution, including motor vehicles, pursuant to the California Health and Safety Code, sections 39500 et seq.

“Certified configuration” means a heavy-duty diesel engine design certified by either the EPA or CARB as meeting the applicable emission standards for heavy-duty diesel engines manufactured for a given model year.

“Chief Administrator” means the Chief Administrator of the New Jersey Motor Vehicle Commission.

“Commission” means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c.13 (N.J.S.A. 39:2A-4).

“Diesel engine” means a compression ignition type of internal combustion engine.

“Diesel-powered” means utilizing a diesel engine.

“Element of design” means any part or system on a motor vehicle or a motor vehicle engine pertaining to the vehicle’s or engine’s certified configuration.

“Emission control apparatus” means any device utilized by the vehicle manufacturer and/or the engine manufacturer to control the release of any regulated emission, including any associated component that monitors the function and maintenance of such a device. This term shall also mean emission control apparatus or engine systems that have been retrofitted or upgraded in accordance with EPA or CARB requirements to control the release of any regulated emission, including any associated component that monitors the function and maintenance of such apparatus or system.

“EPA” means the United States Environmental Protection Agency.

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

“Model year” means the engine manufacturer’s annual production period, consistent with 40 C.F.R. § 86.082, as the same is amended or supplemented, which includes January 1 of such calendar year, provided, that if the manufacturer has no annual production period, this term shall mean a calendar year. The manufacturer’s annual production period shall include January 1 of the calendar year for which it is designated and shall not include a January 1 of any other calendar year. Thus, the maximum duration of a model year is one calendar year plus 364 days (or 365 days if the model year includes February 29 in a leap year).

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

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

“Pre-delivery checklist” means a list of items and procedures that a new motor vehicle dealer or motor vehicle leasing company is required or recommended by a manufac-

turer to check or follow prior to delivery of a new heavy-duty diesel truck to a purchaser or lessee.

"Ultimate purchaser" means any person, other than a motor vehicle dealer purchasing in its capacity as a motor vehicle dealer, who purchases or leases a new heavy-duty diesel truck from a new motor vehicle dealer or leases a new heavy-duty diesel truck from a motor vehicle leasing company.

13:20-27.4 New heavy-duty diesel truck inspection procedure

(a) Except as to new heavy-duty diesel trucks inspected by a motor vehicle leasing company in accordance with (b) below, a new motor vehicle dealer shall, prior to delivery to an ultimate purchaser of a new heavy-duty diesel truck, inspect the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, on such motor vehicle and perform such services, both required or recommended by the manufacturer, so that such motor vehicle conforms to the specifications established by the manufacturer.

(b) A motor vehicle leasing company that takes delivery of a new heavy-duty diesel truck from a franchised New Jersey licensed new motor vehicle dealer may, prior to delivery of such new heavy-duty diesel truck to a lessee, inspect the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, on such motor vehicle and perform such services, both required or recommended by the manufacturer, so that such motor vehicle conforms to the specifications established by the manufacturer.

(c) Compliance with the periodic inspection program requirements of N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17(b) shall be established by:

1. The new motor vehicle dealer's or motor vehicle leasing company's completion of the pre-delivery inspection procedure, both required or recommended by the manufacturer; and
2. The new motor vehicle dealer's or motor vehicle leasing company's certification that the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, has been inspected and conforms to the manufacturer's specifications.

13:20-27.5 Heavy-duty diesel truck equipment standard

(a) A new heavy-duty diesel truck subject to inspection pursuant to this subchapter shall be equipped with an engine certified by the EPA or CARB.

(b) Notwithstanding (a) above, if a new heavy-duty diesel truck subject to inspection pursuant to this subchapter is equipped with a 2005 or subsequent model year heavy-duty diesel engine, such engine shall be certified by the CARB.

13:20-27.6 Inspection decal; period of validity

(a) A new motor vehicle dealer or a motor vehicle leasing company shall, after satisfactory completion of an inspection of a new heavy-duty diesel truck pursuant to this subchapter, affix a decal upon such motor vehicle as an indication of same. The decal shall be affixed to the lower right corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the right side of the windshield, but in every case, the decal shall be completely visible from the front of the motor vehicle. The decal shall be affixed in an upright position.

(b) A new heavy-duty diesel truck receiving a decal as an indication of successful inspection pursuant to this subchapter shall next be inspected for diesel emissions at a licensed diesel emission inspection center not later than two years from the last day of the calendar month in which the new heavy-duty diesel truck was initially registered in this State, and the decal affixed to the new heavy-duty diesel truck by the new motor vehicle dealer or the motor vehicle leasing company shall so indicate. Thereafter, the heavy-duty diesel truck shall be subject to an annual diesel emission inspection in compliance with the periodic inspection program pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17(b).

(c) Notwithstanding (b) above, in the event that the ultimate purchaser of a new heavy-duty diesel truck transfers the registration of a previously owned heavy-duty diesel truck registered in his or her name to the new heavy-duty diesel truck, the new heavy-duty diesel truck shall next be inspected for diesel emissions at a licensed diesel emission inspection center not later than two years from the expiration date of the transferred registration, and the decal affixed to the new heavy-duty diesel truck by the new motor vehicle dealer or the motor vehicle leasing company shall so indicate. Thereafter, the heavy-duty diesel truck shall be subject to an annual diesel emission inspection in compliance with the periodic inspection program pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17(b).

13:20-27.7 Compliance

(a) A new motor vehicle dealer shall not deliver a new heavy-duty diesel truck to an ultimate purchaser unless such motor vehicle has been inspected pursuant to this subchapter and found to be in compliance with the standards set forth in N.J.A.C. 13:20-27.4 and 27.5.

(b) A motor vehicle leasing company that performs inspections of new heavy-duty diesel trucks pursuant to this subchapter shall not lease a new heavy-duty diesel truck to a lessee unless such motor vehicle has been inspected pursuant to this subchapter and found to be in compliance with the standards set forth in N.J.A.C. 13:20-27.4 and 27.5.

13:20-27.8 Evidence of compliance

(a) Compliance with this subchapter shall be established by:

1. The new motor vehicle dealer's or motor vehicle leasing company's completion of the manufacturer's pre-delivery checklist; and
2. The new motor vehicle dealer's or motor vehicle leasing company's certification that the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, has been inspected and conforms to the manufacturer's specifications.

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

13:20-27.9 Pre-delivery checklist form; required information

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

13:20-27.10 Additional inspection

This subchapter shall not be construed to limit the Chief Administrator's authority to require any additional inspection including, but not limited to, roadside inspection and self-inspection to assure the proper functioning of an element of design and the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus of new heavy-duty diesel trucks, nor shall this subchapter be construed as abrogating any code, rule or regulation now or hereafter promulgated pursuant to the "Air Pollution Control Act (1954)" (N.J.S.A. 26:2C-1 et seq.), as amended and supplemented, or P.L. 1995, c.157 (N.J.S.A. 39:8-59 et seq.), as amended and supplemented.

13:20-27.11 Determination of compliance by Chief Administrator

The Chief Administrator or his or her designee may enter upon the premises of a new motor vehicle dealer or a motor vehicle leasing company to determine compliance with the requirements of this subchapter.

13:20-27.12 Violations; suspension or revocation of motor vehicle dealer license; suspension or revocation of privilege of performing inspections of new heavy-duty diesel trucks

(a) A new motor vehicle dealer that violates any provision of this subchapter shall be subject, upon notice and an opportunity to be heard, to the suspension or revocation of its New Jersey motor vehicle dealer license and/or its privi-

lege of performing inspections of new heavy-duty diesel trucks pursuant to this subchapter.

(b) A motor vehicle leasing company that violates any provision of this subchapter shall be subject, upon notice and an opportunity to be heard, to the suspension or revocation of its privilege of performing inspections of new heavy-duty diesel trucks pursuant to this subchapter.

SUBCHAPTER 28. INSPECTION OF NEW MOTOR VEHICLES**13:20-28.1 Purpose**

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

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

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

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

In (a), added the second sentence.

13:20-28.2 Applicability

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

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

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

Added the second sentence.

13:20-28.3 Definitions

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

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

"Division" means the Division of Motor Vehicles in the Department of Transportation.

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

"New motor vehicle" means every new motor vehicle, regardless of registration class, except omnibuses that are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit, school buses, diesel trucks having a GVWR of 10,000 pounds or more, diesel truck tractors as defined in N.J.S.A. 39:1-1, and vehicles that run upon rails or tracks.

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

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

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

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

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

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

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

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

Rewrote the section.

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

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

13:20-28.4 Manufacturers' new motor vehicle inspection procedure

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

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

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

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

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

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

Rewrote (c).

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

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

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

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

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

Rewrote section.

13:20-28.5 Motor vehicle equipment standards

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

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

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

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

Rewrote section.

13:20-28.6 Decal; period of validity

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

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

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

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

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

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

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

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

13:20-28.7 Compliance

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

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

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

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

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

13:20-28.8 Evidence of compliance

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

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

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

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

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

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

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

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

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

Rewrote the section.

13:20-28.10 Additional inspection

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

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

See: 27 N.J.R. 4140(a), 28 N.J.R. 257(a).

Added "or the New Jersey 'Federal Clean Air Mandate Compliance Act' (P.L. 1995, c.112)".

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

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

Rewrote the section.

13:20-28.11 Determination of compliance by Director

The Director or his or her designee may enter upon the premises of a new motor vehicle dealer or a motor vehicle leasing company to determine compliance with the requirements of this subchapter.

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

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

Inserted "or her" preceding "designees" and deleted "any section of" preceding "this subchapter".

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

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

Rewrote the section.

13:20-28.12 Violations; suspension or revocation of motor vehicle dealer license; suspension or revocation of privilege of performing inspections of new motor vehicles

(a) A new motor vehicle dealer that violates any provision of this subchapter shall be subject, upon notice and an opportunity to be heard, to the suspension or revocation of its New Jersey motor vehicle dealer license and/or its privilege of performing inspections of new motor vehicles pursuant to this subchapter.

(b) A motor vehicle leasing company that violates any provision of this subchapter shall be subject, upon notice and an opportunity to be heard, to the suspension or revocation of its privilege of performing inspections of new motor vehicles pursuant to this subchapter.

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

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

Substituted "opportunity to be heard" for "hearing" preceding ", to the suspension" and inserted "or her" preceding "New Jersey dealer license".

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

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

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

SUBCHAPTER 29. MOBILE INSPECTION UNIT**13:20-29.1 Mobile Inspection Unit**

There is hereby created in the Division of Motor Vehicles a Mobile Inspection Unit which is authorized to conduct on-road inspections of motor vehicles registered in New Jersey in accordance with the procedures set forth at N.J.A.C. 13:20-43.14 for the purpose of fostering highway safety.

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

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

Substituted "conduct on-road inspections of vehicles registered in New Jersey in accordance with the procedures set forth at N.J.A.C. 13:20-43.14" for "set-up and conduct random roadside".

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

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

Deleted a reference to the Bureau of Vehicle Inspection, and substituted a reference to motor vehicles for a reference to vehicles.

Case Notes

Record was insufficient to properly address constitutionality of random roadside examination of vehicles for safety violations. *State v. Kadelak*, 258 N.J.Super. 599, 610 A.2d 916 (A.D.1992).

13:20-29.2 Procedures

(a) Motor vehicles inspected pursuant to N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14 that are found to be in proper operating condition shall retain the existing inspection certificate of approval or certificate of waiver issued therefor. If a motor vehicle passes an on-road inspection, including the emission or on-board diagnostic test(s) applicable to such motor vehicle pursuant to N.J.A.C. 13:20-43.8, and such motor vehicle is due for inspection pursuant to N.J.S.A. 39:8-1 within the two-month period following the calendar month of the on-road inspection approval, such motor vehicle may be presented at the exit end of an official inspection facility for the issuance of a certificate of approval for the biennial inspection cycle applicable to such motor vehicle.

(b) Motor vehicles inspected pursuant to N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14 which are found to be defective shall have the existing inspection certificate of approval or certificate of waiver issued therefor, if any, removed and an inspection rejection sticker shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. Motor vehicles which are found to be defective shall be repaired and presented for reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.6(a).

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

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

In (b) replaced inspection stickers with rejection stickers and added licensed private inspection centers and facilities.

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

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

Rewrote the section.

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

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

In (a), added the second sentence.

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

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

In (a), inserted "or on-board diagnostic" preceding "test(s)" in the second sentence.

Case Notes

Record was insufficient to properly address constitutionality of random roadside examination of vehicles for safety violations. *State v. Kadelak*, 258 N.J.Super. 599, 610 A.2d 916 (A.D.1992).

13:20-29.3 Penalty

Motor vehicles inspected pursuant to N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14 which are found to be defective and which have not been presented for reinspection in accordance with N.J.A.C. 13:20-29.2(b) shall be subject to the penalties provided in N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-43.16(b).

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

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

Rewrote the section.

Case Notes

Record was insufficient to properly address constitutionality of random roadside examination of vehicles for safety violations. *State v. Kadelak*, 258 N.J.Super. 599, 610 A.2d 916 (A.D.1992).

SUBCHAPTER 30. INSPECTION OF SCHOOL BUSES**13:20-30.1 Scope**

This subchapter shall apply to all school buses registered in this State, except buses that are also used for the transportation of passengers for hire and that are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit.

Amended by R.2003 d.36, effective January 21, 2003.

See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Rewrote the section.

13:20-30.2 Definitions

The following words and terms, when used in this subchapter and in N.J.A.C. 13:20-31, shall have the following meanings unless the context clearly indicates otherwise.

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c.13 (N.J.S.A. 39:2A-4) as the successor agency to the Division of Motor Vehicles.

"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.

"Driver" means the authorized licensed operator of a school bus.

"FMVSS" means the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 CFR Part 571). Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3238.

"Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle.

"In-terminal inspection" means an inspection conducted by the Division at the operator's terminal or at a location designated by the Director of any motor vehicle required to meet the safety regulations for school buses adopted by the Division pursuant to N.J.S.A. 39:3B-5 and 39:3B-5.4 and vehicle emission standards established for engine type pursuant to N.J.S.A. 39:8-2 and 39:8-61.

"Operator" means the owner or person responsible for the day-to-day operation and maintenance of a school bus.

"SAE" means the Society of Automotive Engineers, Inc. Copies of the Standards and Recommended Practices of the Society of Automotive Engineers may be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096, (724) 776-4841.

"School bus" or "bus" means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education, school-connected activity, day camp, summer day camp, nursery school, child-care center, pre-school center or other similar places of education and shall be classified in the following manner:

1. A "Type A" school bus is a conversion or body constructed and installed upon a van-type compact truck or a front-section vehicle chassis, with a GVWR of 10,000 pounds or less, originally designed by the manufacturer for carrying 10 to 16 passengers;
2. A "Type B" school bus is constructed utilizing a stripped or cutaway chassis with a GVWR of more than 10,000 pounds, originally designed by the manufacturer for carrying 10 to 54 passengers. Part of the engine is beneath and/or behind the windshield and beside the driver's seat. The service door is behind the front wheels;
3. A "Type C" school bus is a body installed upon a flat back cowl chassis with a GVWR of more than 10,000 pounds, originally designed by the manufacturer for carry-

ing 10 to 54 passengers. The engine is in front of the windshield, or part of the engine is beneath and/or behind the windshield and beside the driver's seat. The service door is behind the front wheels;

4. A "Type D" school bus is a body installed upon a chassis, with the engine mounted in the front, middle, or rear, with a GVWR of more than 10,000 pounds, originally designed by the manufacturer for carrying 10 to 54 passengers. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the school bus, behind the rear wheels; or it may be in the middle of the school bus between the front and rear axles. The service door is ahead of the front wheels; and

5. A "Type S" school bus is a motor vehicle with a GVWR of 3,000 pounds or more, originally designed by the manufacturer with a maximum seating capacity of nine passengers or less excluding the driver.

Amended by R.2003 d.36, effective January 21, 2003.

See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Rewrote the section.

Amended by R.2005 d.24, effective January 18, 2005.

See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

Added "Chief Administrator" and "Commission"; in "School bus" or "bus" added i through 5.

13:20-30.3 Inspection and maintenance

(a) Every school bus that is registered in this State shall be systematically inspected and maintained by the operator to insure that such school bus is in safe and proper operating condition.

(b) An operator of a school bus shall maintain a systematic inspection and maintenance record for each school bus owned or leased by such operator.

(c) An operator shall inspect each school bus owned or leased by such operator in accordance with the vehicle manufacturer's maintenance requirements.

(d) The inspection and maintenance records shall include the following:

1. An identification of the school bus including the New Jersey registration plate number, make, model, model year, vehicle identification number, number of tires, tire size, and number of tire ply;
2. A record of inspection and repairs indicating the nature of the repairs and the date of completion;
3. A lubrication record;
4. A systematic means for indicating for each school bus the nature and due date of the next inspection and maintenance operations to be performed for all systems;
5. The name of the lessor or contractor furnishing the school bus if a school bus is leased or otherwise contracted for; and
6. A daily school bus condition report by the driver.

(e) The inspection and maintenance records shall be maintained by the operator for the life of the school bus; provided, however, that the daily school bus condition reports by the driver shall be maintained by the operator for a period of one year. The inspection and maintenance records shall be available for inspection by the Commission or the Office of Student Transportation in the Department of Education.

Amended by R.2003 d.36, effective January 21, 2003.

See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Rewrote the section.

Amended by R.2005 d.24, effective January 18, 2005.

See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

In (d)6, substituted "school bus" for "vehicle"; rewrote (e).

13:20-30.4 Unsafe operation prohibited

An operator shall not operate or permit or require a driver to operate any school bus determined by the inspection or operation thereof to be in such condition that its operation would be hazardous or likely to result in the breakdown of the vehicle, nor shall any driver operate a school bus which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident, a breakdown of the vehicle, or an unsafe condition for the occupants thereof.

Amended by R.2003 d.36, effective January 21, 2003.

See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Rewrote the section.

13:20-30.5 Inspection of school buses in operation

(a) Every State Police officer and every school bus inspector of the Division, at the direction of the Director, or at the request of the Office of Student Transportation in 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 operator of such vehicles provided, however, that such State Police officer or Division school bus inspector has been authorized so to inspect by the Director and has been trained with regard to school bus inspection standards and test procedures.

(b) Reports of the inspection described in (a) above shall be submitted to the Director or his or her designee. Such reports shall remain on file at the Division for two years from the date of the inspection. The right of examination of such reports may be denied pursuant to N.J.S.A. 47:1A-3 in cases where the reports being sought for examination pertain to any investigation in progress, if the inspection, copying, or publication of the reports is not in the public interest.

(c) Any authorized State Police officer or Division school bus inspector shall declare and mark "out-of-service" any school bus which by reason of its mechanical condition may cause a breakdown, accident, or unsafe condition for the occupants thereof.

(d) Any school bus that has been declared and marked "out-of-service" shall not be operated until all "out-of-service" 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 that a school bus has been declared "out-of-service" prior to the completion of all "out-of-service" 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 school bus that has been declared "out-of-service" prior to the completion of all "out-of-service" repairs and the Division's inspection and certification of all "out-of-service" repairs.

(h) The driver of any school bus who receives notice that the vehicle is "out-of-service" shall deliver such notice to the operator upon his or her arrival at the next terminal, maintenance facility, or place of business of the operator.

(i) Any and all defects and deficiencies noted on the "out-of-service" notice shall be corrected. The driver's failure to comply with (h) above shall not excuse the operator from taking appropriate action to correct defects and deficiencies which come to his or her attention by any means whatsoever.

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

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

Amended by R.2003 d.36, effective January 21, 2003.

See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Rewrote the section.

13:20-30.6 Inspection of damaged school buses

(a) An operator shall not permit or require a driver to operate, nor shall any driver operate a school bus that has been damaged in an accident or by any other cause until an inspection has been performed by a person qualified to ascertain the nature and extent of the damage and such person has determined that the school bus is in safe and proper operating condition.

(b) An operator shall notify the Division's School Bus Inspection Unit within 72 hours of any accident involving a school bus that has resulted in mechanical damage to such school bus sufficient to require the school bus to be towed from the scene of the accident.

Amended by R.2003 d.36, effective January 21, 2003.

See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Rewrote the section.

13:20-30.7 Daily school bus condition report by driver

(a) Every operator shall require his or her drivers to report, and every driver shall prepare such a report in writing at the beginning of his or her workday or tour of duty, which report shall list any defects or deficiencies of the school bus discovered by said driver as would be likely to affect the safe operation of the school bus or result in its mechanical breakdown, or shall indicate that no such defects or deficiencies were discovered by him or her.

(b) The daily school bus condition report shall include, but not be limited to, the following:

1. The driver's name, date, school bus registration plate number, school bus number assigned by the operator, and mileage;
2. Mirror system, including the proper adjustment thereof;
3. Service brakes;
4. Parking brake;
5. Gauges and warning devices;
6. Steering mechanism;
7. Lights and reflectors;
8. Tires;
9. Wheels, rims, and lug nuts;
10. Glazing;
11. Windshield wipers and washer;
12. Fluid leaks;
13. Visible damage;
14. Horn;
15. Exhaust system;
16. Emergency equipment;
17. Emergency exits, windows, and roof hatches;
18. Seats, including seat belts, seat mounting, and the condition thereof; and
19. Special transportation equipment.

(c) An operator shall examine such reports and shall repair the defects or deficiencies noted therein. An operator shall certify on the report that the defects or the deficiencies have been repaired. The driver shall sign the report to acknowledge that he or she has reviewed the report and that there is a certification that the required repairs have been performed.

Amended by R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Rewrote (a); added a new (b); recodified former (b) as (c) and rewrote the paragraph.

Amended by R.2005 d.24, effective January 18, 2005.

See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

In (c), deleted the last sentence.

13:20-30.8 Required practices

(a) The following items of equipment shall be inspected and maintained at least once every three months, or every 3,000 miles, or as set forth in the manufacturer's recommended maintenance schedule, whichever occurs first:

1. All brakelines, linings and components;
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;
11. Steering equipment;
12. Axles and steering assemblies;
13. Clutch;
14. Exhaust system;
15. Glazing and wipers;

16. Mirror system adjustment, including the proper adjustment thereof in accordance with the school bus mirror test procedure set forth in FMVSS No. 111 (49 CFR § 571.111), incorporated herein by reference, as amended and supplemented; and

17. Safety equipment required by Federal law or rule, New Jersey statute, or Division rule.

Amended by R.2003 d.36, effective January 21, 2003.

See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

In (a), rewrote the introductory paragraph, substituted "linings and components" for "lining" in 1, deleted "system" in 10, substituted "steering" for "the tie rod" in 12, added a new 16, recodified former 16 as 17 and rewrote the paragraph.

13:20-30.9 Standards

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

Amended by R.2003 d.36, effective January 21, 2003.

See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Rewrote the section.

13:20-30.10 Certification

(a) Every operator shall certify to the Director, on a form prescribed by the Director, that he or she has inspected and maintained his or her school buses in conformity with this subchapter.

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

Amended by R.2003 d.36, effective January 21, 2003.

See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

In (a), substituted "operator shall" for "owner or lessee must" preceding "certify", "prescribed by the Director, that he or she has" for "prescribed that he has" preceding "inspected" and "his or her school buses in conformity with" for "his vehicles in conformity to".

13:20-30.11 Penalties

Any operator who violates any provision of this subchapter may be subject to the suspension or revocation of his or her New Jersey school bus registration privileges.

Amended by R.2003 d.36, effective January 21, 2003.

See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Substituted "operator" for "owner or lessee" and "his or her New Jersey school bus registration privileges" for "his New Jersey registration and license privileges".

13:20-30.12 Compliance with diesel emission standards, equipment requirements, and test procedures; periodic inspection

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

(b) Diesel-powered school buses registered in New Jersey shall be subject to an annual diesel emission inspection by the Division's School Bus Inspection Unit in accordance with N.J.A.C. 13:20-30.5(a) at the premises or places of business of the operator of such vehicles to determine compliance with (a) above.

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

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

Amended by R.2003 d.36, effective January 21, 2003.

See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Rewrote (b).

13:20-30.13 Compliance with gasoline emission standards, equipment requirements, and test procedures; periodic inspection

(a) Gasoline-powered school buses registered in New Jersey shall be subject to applicable gasoline emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15, an examination of the muffler and emission control apparatus pursuant to N.J.A.C. 7:27-15, and either an idle emission test or a 2,500 RPM emission test, whichever is appropriate based on the GVWR of the school bus, conducted in accordance with N.J.A.C. 7:27-15.5 and either N.J.A.C. 7:27B-5.3(b) or 5.4.

(b) Gasoline-powered school buses registered in New Jersey shall be subject to a semiannual emission inspection by the Division's School Bus Inspection Unit in accordance with N.J.A.C. 13:20-30.5(a) at the premises or places of business of the operator of such vehicles to determine compliance with (a) above.

New Rule, R.2003 d.36, effective January 21, 2003.

See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

13:20-30.14 Driver qualification; criminal history record information; driver qualification employment records

(a) A person shall not operate a school bus that is registered in this State unless such person has been issued a Commercial Driver License with Passenger Endorsement by the Director or, in the case of a nonresident, has been issued a Commercial Driver License with Passenger Endorsement by his or her state of residence.

(b) A school bus driver shall submit to a criminal history record check at the time of his or her initial application and any renewal application for a Commercial Driver License with Passenger Endorsement authorizing the driver to operate a school bus by providing to the Department of Education his or her name, address, and fingerprints taken on standard fingerprint cards by a law enforcement agency as designated by the Superintendent of the New Jersey State Police.

(c) A school bus driver who provides services only to a nonpublic school shall not be required to undergo a criminal history record check through the Department of Education pursuant to N.J.S.A. 18A:6-4.13 provided that the chief administrator of the nonpublic school provides written documentation indicating that the school bus driver is not required to undergo a criminal history record check as a condition of employment or service under contract.

(d) Notwithstanding (c) above, a school bus driver who provides services only to a nonpublic school and who is not required to undergo a criminal history record check through the Department of Education pursuant to N.J.S.A. 18A:6-4.13 shall submit to a criminal history record check in accordance with N.J.S.A. 39:3-10.1 at the time of his or her initial application and any renewal application for a Commercial Driver License with Passenger Endorsement authorizing the driver to operate a school bus by providing to the Division of Motor Vehicles his or her name, address, and fingerprints taken on standard fingerprint cards by a law enforcement agency as designated by the Superintendent of the New Jersey State Police.

(e) The school bus driver shall authorize the Department of Education or the Division, whichever is the appropriate supervising agency, to request the State Bureau of Identification to attach an SBI Number Flag to the school bus driver's SBI numbers in accordance with N.J.A.C. 13:59-1.8.

(f) An operator shall maintain a driver qualification employment record for each driver employed by the operator. A driver qualification employment record shall include the following:

1. The driver's name, social security number, driver license number, driver license type, and the issuing state of the driver's commercial motor vehicle operator's license with appropriate endorsement authorizing the driver to operate a school bus;
2. A medical examiner's certificate of the driver's physical qualification to drive a school bus in the form of a satisfactory medical report completed by a licensed physician;
3. The date of the driver's criminal history record check; and
4. A Division of Motor Vehicles' driver history abstract of the driver that is updated on an annual basis.

New Rule, R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

13:20-30.15 In-terminal inspection of school buses; inspection of retired school buses

(a) An operator shall present each school bus for a semiannual in-terminal inspection by the Division's School Bus Inspection Unit.

(b) An operator shall present each retired school bus with a capacity of 10 or more passengers for an annual inspection at a Division-operated State specialty inspection facility or at a licensed private inspection facility. Such inspection shall include, but not be limited to, an inspection of the following:

1. Chassis and frame;
2. Brake system;
3. Body deterioration;
4. Lighting and electrical system; and
5. Interior seat mounting.

New Rule, R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

13:20-30.16 Inspection fees

(a) All school buses registered in New Jersey shall be subject to the inspection fees as follows:

- | | |
|--|---------------------|
| 1. School bus specification inspection | \$50.00 per vehicle |
| 2. Each semiannual inspection | \$25.00 per vehicle |
| 3. Each reinspection requiring an additional trip by the Division's School Bus Inspection Unit | \$25.00 per vehicle |
| 4. Each annual inspection of retired school buses performed at a State specialty inspection facility | \$25.00 per vehicle |

New Rule, R.2003 d.36, effective January 21, 2003.

See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

13:20-30.17 Schedule of fines

(a) The following fines shall be assessed against an operator in accordance with N.J.S.A. 39:3B-22 per violation for the vehicle inspection violations set forth below:

- | | |
|--|----------|
| 1. Failure to present or make available a school bus for inspection | \$500.00 |
| 2. Failure to retain proper records | \$250.00 |
| 3. Failure to make available any record or document required at time of inspection | \$250.00 |
| 4. Falsification of any record | \$500.00 |
| 5. Failure to comply with standards for driver employment records | \$250.00 |

New Rule, R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

13:20-30.18 Collection of fines

Any fine imposed pursuant to the School Bus Enhanced Safety Inspection Act, P.L. 1999, c.5, may be collected, with costs, in a summary proceeding pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq.

New Rule, R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

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

Authority

N.J.S.A. 39:3B-5, 39:3B-10, 39:3B-24, and
Reorganization Plan No. 005-1998.

Source and Effective Date

R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

13:20-31.1 Scope

(a) This subchapter establishes school bus enhanced safety inspection out-of-service criteria. The out-of-service criteria set forth in this subchapter denote critical school bus vehicle inspection items.

(b) The rules set forth in this subchapter are consistent with the Federal Motor Vehicle Safety Standards established by the National Highway Traffic Safety Administration and the National School Transportation Specifications and Procedures, 2000 Revised Edition, which have been issued by the 2000 National Conference on School Transportation.

13:20-31.2 Brake system

(a) The following are the out-of-service criteria pertaining to the brake system:

1. The number of defective brakes is equal to or greater than 20 percent of the brakes on the vehicle, provided, however, that on a three-axle school bus, one defective brake shall constitute an out-of-service violation. Steering axle brakes are to be included in the 20 percent criterion. A defective brake includes any brake that meets one of the following criteria:

i. Absence of effective braking action upon application of the service brakes, such as brake linings' failing to move or to contact the braking surface upon application;

ii. Missing or broken mechanical components, including shoes, linings, pads, springs, anchor pins, spiders, cam rollers, pushrods, and air chamber mounting bolts;

iii. Loose brake components, including air chambers, spiders, and cam shaft support brackets;

iv. Audible air leak at brake chamber;

v. Brake adjustment limits:

(1) One brake at $\frac{1}{4}$ inch or more above the adjustment limit;

(2) Two brakes less than $\frac{1}{4}$ inch beyond the adjustment limit also equal one defective brake;

(3) Any wedge brake where the combined brake lining movement of both the top and bottom shoe exceeds $\frac{1}{8}$ inch;

vi. Brake linings or pads, except on power unit steering axles:

(1) Cracked, loose, or missing brake lining:

(A) Lining cracks or voids of $\frac{1}{16}$ inch in width observable on the edge of the lining;

(B) Portions of a lining segment missing such that a fastening device (rivet or bolt) is exposed when viewing the lining from the edge;

(C) Cracks that exceed $1\frac{1}{2}$ inches in length;

(D) Loose fitting segments (approximately $\frac{1}{16}$ inch or more movement); or

(E) Complete lining segment missing.

(2) The following chart shall be adhered to in determining brake adjustment limits, and is incorporated herein.

COMMERCIAL VEHICLE SAFETY ALLIANCE

NORTH AMERICAN UNIFORM OUT-OF-SERVICE CRITERIA

BRAKE ADJUSTMENT REFERENCE CHART

Reference: Paragraph 1.a. of Part II of the Out-of-Service Criteria Brake Adjustment: Shall not exceed those specifications contained hereunder relating to "Brake Adjustment Limit." (Dimensions are in inches.)

CLAMP-TYPE BRAKE CHAMBER DATA

Type	Outside Diameter	Brake Adjustment Limit
6	$4\frac{1}{2}$	$1\frac{1}{4}$
9	$5\frac{1}{4}$	$1\frac{3}{8}$
12	$5\frac{1}{2}$	$1\frac{1}{2}$
16	$6\frac{1}{8}$	$1\frac{3}{4}$
20	$6\frac{3}{8}$	$1\frac{3}{4}$
24	$7\frac{1}{2}$	$1\frac{3}{4}$
30	$8\frac{1}{2}$	2
36	9	$2\frac{1}{2}$

NOTE: A brake found at the adjustment limit is not a violation.

'LONG STROKE' CLAMP-TYPE BRAKE CHAMBER DATA

Type	Outside Diameter	Brake Adjustment Limit
16	$6\frac{1}{8}$	2.0
20	$6\frac{3}{8}$	2.0
24	$7\frac{1}{2}$	2.0
24*	$7\frac{1}{2}$	2.5
30	$8\frac{1}{2}$	2.5

*For 3-inch maximum stroke type 24 chambers

NOTE: A brake found at the adjustment limit is not a violation.

TIE ROD STYLE PISTON BRAKE CHAMBER DATA

Type	Outside Diameter	Brake Adjustment Limit
30	$6\frac{1}{2}$ (165mm)	2.5 (64mm)

NOTE: A brake found at the adjustment limit is not a violation.

BOLT-TYPE BRAKE CHAMBER DATA

Type	Outside Diameter	Brake Adjustment Limit
A	$6\frac{1}{16}$	$1\frac{1}{8}$
B	$9\frac{1}{16}$	$1\frac{3}{8}$
C	$8\frac{1}{16}$	$1\frac{3}{8}$
D	$5\frac{1}{4}$	$1\frac{1}{4}$
E	$6\frac{1}{16}$	$1\frac{3}{8}$
F	11	$1\frac{1}{4}$
G	$9\frac{1}{8}$	2

NOTE: A brake found at the adjustment limit is not a violation.

ROTOCHAMBER DATA

Type	Outside Diameter	Brake Adjustment Limit
9	$4\frac{1}{2}$	$1\frac{1}{2}$
12	$4\frac{1}{4}$	$1\frac{1}{2}$
16	$5\frac{1}{2}$	2
20	$5\frac{1}{4}$	2
24	$6\frac{1}{2}$	2
30	$7\frac{1}{4}$	$2\frac{1}{2}$
36	$7\frac{1}{2}$	$2\frac{3}{4}$
50	$8\frac{1}{2}$	3

13:20-31.27 Windshield wipers

(a) The following are the out-of-service criteria pertaining to windshield wipers:

1. Any power unit has a missing windshield wiper or missing part that renders it ineffective; or
2. Any power unit has an inoperative windshield wiper or damaged part that renders it ineffective.

13:20-31.28 Wiring

(a) The following are the out-of-service criteria pertaining to wiring:

1. Wires passing through metal openings are not protected by grommets;
2. Wires are not fastened securely at intervals of not more than 18 inches; or

3. Wire connectors are exposed.

13:20-31.29 Doors; specially equipped school buses

(a) The following are the out-of-service criteria pertaining to doors on specially equipped school buses:

1. A door is not equipped with a warning device that is actuated when the door is not securely closed and the ignition is in the "on" position;
2. A door is equipped with such a warning device that is not in proper operating condition;
3. A door is not equipped with a switch that prevents the lifting mechanism from operating when the power lift platform door is closed; or
4. A door is equipped with such a switch that is not in proper operating condition.

13:20-31.30 Restraining devices; specially equipped school buses

(a) The following are the out-of-service criteria pertaining to restraining devices on specially equipped school buses:

1. The attachment framework or anchorage devices for seat belts, restraining harnesses, or other restraining devices do not conform to FMVSS No. 209 (49 CFR § 571.209), incorporated herein by reference, as amended and supplemented, and FMVSS No. 210 (49 CFR § 571.210), incorporated herein by reference, as amended and supplemented; or

2. The wheelchair occupant restraint system does not conform to FMVSS No. 222 (49 CFR § 571.222), incorporated herein by reference, as amended and supplemented.

13:20-31.31 Wheelchairs and other mobile seating devices; specially equipped school buses

(a) The following is the out-of-service criterion pertaining to wheelchairs and other mobile seating devices on specially equipped school buses:

1. A school bus that has in its passenger compartment an electric-powered wheelchair equipped with liquid electrolyte batteries.

13:20-31.32 Credentials; insurance

(a) The following are the out-of-service criteria pertaining to insurance credentials:

1. An insurance identification card is not presented for the school bus;

2. An expired insurance identification card is presented for the school bus;

3. An altered insurance identification card is presented for the school bus;

4. A mutilated insurance identification card, which renders the card illegible, is presented for the school bus;

5. A photocopy or facsimile of an insurance identification card is presented for the school bus;

6. An insurance identification card not in the form specified by the Department of Banking and Insurance in N.J.A.C. 11:3-6 is presented for the school bus;

7. An insurance identification card that has an expiration date of more than 14 months from the effective date is presented for the school bus;

8. A temporary insurance identification card without an effective date is presented for the school bus; or

9. An expired insurance binder is presented for the school bus.

13:20-31.33 Placement out-of-service

When an inspection of a school bus discloses the existence of an out-of-service violation(s), such school bus shall be placed out-of-service by authorized representatives of the Division or by law enforcement authorities.

13:20-31.34 Duration of out-of-service order

(a) The school bus shall be placed out-of-service:

1. Until all school bus out-of-service violations are repaired on-site; or

2. Until the school bus is towed by the operator to a repair facility or maintenance garage and all school bus out-of-service violations are repaired.

13:20-31.35 Operation of school bus prohibited

The school bus shall not be operated until all out-of-service violations are remedied and such remedial action is either certified or approved by representatives of the Division.

13:20-31.36 Direction to inspection site

Any authorized representative of the Division may direct any school bus operated in this State to proceed immediately to a designated inspection site for inspection; provided, however, this section shall not apply to a school bus with school children on board.

13:20-31.37 Examination of driver's operating credentials

Any authorized representative of the Division may demand and examine the driver's operating credentials.

13:20-31.38 Driver out-of-service violations

(a) A driver shall be immediately placed out-of-service and shall not be permitted to continue driving a school bus if such driver:

1. Does not have a commercial driver license (CDL);

2. Has been issued a CDL, but said license is suspended or revoked;

3. Is in possession of an improper class of CDL;

4. Is in possession of a CDL without proper endorsement(s), including the required passenger endorsement;

5. Has been issued a CDL with proper endorsement(s), but said endorsement(s) is suspended or revoked;

6. Is operating a school bus in violation of a CDL restriction;

7. Is not in possession of satisfactory evidence of continuing physical fitness or such evidence is not on file with the Division; or

8. Does not have on file with the Division proof of good character.

(b) In addition to (a) above, the driver shall be subject to the penalties set forth in N.J.S.A. 39:3-10.18.

13:20-31.39 Provision of notice to driver

A school bus operator shall annually provide to each driver employed by the operator a notice containing a copy of N.J.A.C. 13:20-30 and this subchapter.

13:20-31.40 Coercion of driver by operator

No school bus operator shall compel, coerce, or otherwise cause a driver to include false information on a daily school bus inspection report.

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

13:20-32.1 Definitions

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

"Certificate of approval" means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, N.J.A.C. 13:20-43, this subchapter or N.J.A.C. 13:20-33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of motor vehicles.

"Certificate of waiver" means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with N.J.A.C. 13:20-43 and the rules adopted by the Department of Environmental Protection pertaining to emission or OBD inspection standards have been waived by the Division for the particular inspection cycle for which the waiver is granted.

"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.

"EPA" means the United States Environmental Protection Agency.

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

"Official inspection facility" means a test-only inspection facility that the State Treasurer has contracted for pursuant to section 4 of P.L. 1995, c.112.

"On-board diagnostics" or "OBD" means an automotive diagnostic system complying with California OBD regulations or EPA OBD II regulations effective for model year 1996 and newer motor vehicles.

"Private inspection facility" means any person, partnership, or corporation licensed by the Division pursuant to N.J.A.C. 13:20-44 to perform the motor vehicle inspections required by N.J.S.A. 39:8-1.

"State specialty inspection facility" means a test-only inspection facility that is operated by the Division to inspect certain motor vehicles as specified in N.J.A.C. 13:20-7.3(d).

Administrative change.

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

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

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

Amended "Certificate of waiver" ; added "EPA" and "On-board diagnostics" or "OBD".

13:20-32.2 General provisions; official inspection facilities

(a) This subchapter contains the inspection standards and test procedures to be used by official inspection facilities when inspecting and certifying automobiles, trucks, modified buses with a capacity of not more than 15 passengers which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division, and motorcycles for compliance with inspection standards.

(b) Official inspection facilities shall be authorized to engage in the inspection, reinspection and certification of automobiles, trucks, modified buses with a capacity of not more than 15 passengers which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division, and motorcycles; provided, however, official inspection facilities shall not inspect modified buses with a capacity of more than 15 passengers, school buses, buses which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit, jitneys as defined in N.J.A.C. 13:20-44.2, or motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

(c) An official inspection facility shall be authorized to affix an inspection certificate of approval on a motor vehicle upon:

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

(d) An official inspection facility shall be authorized to affix a certificate of waiver on a motor vehicle which satisfies all of the requirements of N.J.A.C. 13:20-43.13.

(e) If an automobile, truck, or modified bus with a capacity of not more than 15 passengers registered in New Jersey conforms to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, the motor vehicle shall be certified by an official inspection facility by removing the previous inspection certificate of approval, certificate of waiver, or inspection rejection sticker, if any, and replacing it with a current inspection certificate of approval. The inspection certificate of approval issued by an official inspection facility shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the inspection certificate of approval shall be completely visible from the front of the motor vehicle. The inspection certificate of approval shall be affixed in an upright position.

(f) If an automobile, truck, or modified bus with a capacity of not more than 15 passengers registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, an official inspection facility shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, and shall affix an inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle directly above the previous certificate of approval or certificate of waiver, if any, affixed to the windshield. If there is no previous certificate of approval or certificate of waiver affixed to the windshield, an official inspection facility shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. If the motor vehicle that has failed inspection is a used motor vehicle that has been presented for inspection upon transfer of ownership in accordance with N.J.A.C. 13:20-7.4(c)1, 7.4(d), or 7.4(e)1, an official inspection facility shall remove the previous inspection certificate of approval, certificate of waiver, collector motor vehicle windshield sticker, and/or inspection rejection sticker, if any, affixed to the windshield and shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. The inspection rejection sticker shall be an indication that adjustments, corrections, or repairs to the motor vehicle which has failed inspection must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(g) Notwithstanding (f) above, if an automobile, truck, or modified bus with a capacity of not more than 15 passengers registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 and the nature of the defect(s) found is such as to constitute a hazard to the public safety so as to require immediate repairs to such motor vehicle, an official inspection facility shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, shall remove the previous inspection certificate of approval, certificate of waiver and/or inspection rejection sticker, if any, and shall affix a "48 hour" inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A defect which constitutes a hazard to the public safety so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the items specified in N.J.A.C. 13:20-7.6(b). The "48 hour" inspection rejection sticker shall be an indication that the defect(s) deemed to constitute a hazard to the public safety must be repaired and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.6(a).

(h) If a motor vehicle registered in New Jersey satisfies all of the requirements of N.J.A.C. 13:20-43.13 for the issuance of a certificate of waiver, an official inspection facility shall remove the previous inspection certificate of approval, certificate of waiver and/or inspection rejection sticker and shall replace it with a current certificate of waiver. The certificate of waiver issued by an official inspection facility shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the certificate of waiver shall be completely visible from the front of the motor vehicle. The certificate of waiver shall be affixed in an upright position.

(i) If a motorcycle registered in New Jersey conforms to the inspection standards set forth in this subchapter, the motorcycle shall be certified by an official inspection facility by affixing a current inspection certificate of approval to the right side of the rear license plate, equally centered between the upper right and lower right corners of the license plate, in such a position as to be easily visible for enforcement purposes. The inspection certificate of approval shall be affixed in an upright position. If there is a previous certificate of approval affixed to the rear license plate at the location specified in this subsection, the new certificate of approval shall be affixed so as to cover the previous certificate of approval. If there is a previous certificate of approval affixed to the rear license plate at a location other than that specified in this subsection, the new certificate of approval shall be affixed at the location specified in this subsection.

(j) If a motorcycle registered in New Jersey does not conform to the inspection standards set forth in this subchapter, the official inspection facility shall present the inspection report or card for such motorcycle to the operator thereof. The inspection report or card shall be an indication that adjustments, corrections, or repairs to the motorcycle which has failed inspection must be made and the motorcycle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(k) A motor vehicle inspection report, issued to an owner or lessee of a motor vehicle with elevated chassis height, a motor vehicle which has been modified at the direction of the New Jersey Department of Labor, Division of Vocational Rehabilitation Services, a reconstructed vehicle, or a salvage motor vehicle that is subject to inspection at a State specialty inspection facility in accordance with N.J.A.C. 13:20-7.3(d), shall be marked "MUST BE REINSPECTED AT A STATE SPECIALTY INSPECTION FACILITY." When a motor vehicle inspection report is marked in this manner, an official inspection facility shall neither reinspect nor certify the motor vehicle, as it must be returned to a State specialty inspection facility for such reinspection and certification.

(l) If a motor vehicle is presented at an official inspection facility for reinspection, the official inspection facility may reinspect the motor vehicle and certify it if the rejected item(s) has been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, and if there are no obvious safety, emission-related, or OBD-related defects, provided the motor vehicle is presented for reinspection within 45 days of the date of the most recent inspection rejection. If the motor vehicle is presented for reinspection after such date, or if there are obvious safety, emission-related, or OBD-related defects, the motor vehicle shall be subject to a complete reinspection.

(m) If a motor vehicle is presented at an official inspection facility for reinspection and the rejected item(s) have not been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, the official inspection facility shall not issue an inspection rejection sticker to replace the inspection rejection sticker previously affixed to the motor vehicle by an official inspection facility, nor shall the official inspection facility issue an inspection rejection sticker to replace the inspection certificate of approval or certificate of waiver previously defaced by a licensed private inspection facility in accordance with N.J.A.C. 13:20-33.2(l) as an indication that the motor vehicle has failed inspection.

(n) If a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at an official inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has not been repaired, the official inspection facility shall not issue a "48 hour" inspection rejection sticker to replace the "48 hour" inspection rejection sticker previously affixed to the motor vehicle.

(o) Notwithstanding (m) above, if a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at an official inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has been repaired so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, but another rejected item(s) not deemed to constitute a hazard to the public safety has not been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, the official inspection facility shall remove the "48 hour" inspection rejection sticker previously affixed to the motor vehicle and shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. The inspection rejection sticker shall be an indication that adjustments, corrections, or repairs to the motor vehicle must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(p) Any motor vehicle presented for initial inspection shall undergo a complete inspection. Once the inspection has commenced it shall not be terminated until the motor vehicle is either certified or rejected. An inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection.

(q) Any motor vehicle for which the current inspection certificate of approval or certificate of waiver has been lost, stolen, destroyed, or defaced, or any motor vehicle that has had its windshield replaced, may be presented at the exit end of an official inspection facility for the issuance of a replacement inspection certificate of approval or certificate of waiver. Such a replacement inspection certificate of approval or certificate of waiver shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety, emission-related, or OBD-related defects.

(r) Any motor vehicle purchased in a foreign jurisdiction for which a temporary authorization certificate has been issued by the Division in accordance with N.J.A.C. 13:20-7.4(b) shall be presented at the exit end of an official inspection facility for the issuance of a new motor vehicle inspection decal. A new motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(b) and this subsection shall be subject to inspection not later than two years from the last day of the calendar month in which the decal was issued for such motor vehicle, and the decal affixed to such motor vehicle pursuant to N.J.A.C. 13:20-7.4(b) and this subsection shall so indicate. Such a decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety, emission-related, or OBD-related defects.

(s) Any motor vehicle that has been found to be in proper operating condition at an on-road inspection pursuant to N.J.S.A. 39:8-2g and that is due for inspection pursuant to N.J.S.A. 39:8-1 within the two-month period following the calendar month of the on-road inspection approval may, in accordance with N.J.A.C. 13:20-29.2(a), be presented at the exit end of an official inspection facility for the issuance of an inspection certificate of approval for the biennial inspection cycle applicable to such motor vehicle. Such an inspection certificate of approval shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety, emission-related, or OBD-related defects.

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

In (f), substituted "7:27B-5" for "7:27B-4" and added the third sentence; in (l), substituted "7:27B-5" for "7:27B-4" and substituted "45 days of the date of the most recent inspection rejection" for "the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable"; added (r) and (s).

Administrative change.

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

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

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

In (l) and (q) through (s), inserted ", or OBD-related" preceding "defects" throughout.

13:20-32.3 Credentials; official inspection facilities

The driver of a motor vehicle presented for inspection shall present a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable. Photocopies or facsimiles of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

13:20-32.4 License plates; official inspection facilities

(a) A motor vehicle shall not be certified if the license plates are not in the possession of the operator when the motor vehicle is presented for inspection, or if the letters and/or numbers on the license plates are illegible.

(b) Certification of a motor vehicle shall not be refused because the following requirements are not met; however, the motorist shall be advised to have the condition corrected:

1. The license plates shall be clear and distinct and free from grease, dirt, or other blurring material so that they are plainly visible at all times of the day and night;
2. The license plates shall be securely attached to the front and rear of the motor vehicle, respectively;
3. The license plates shall be displayed not less than 12 inches nor more than 48 inches from the ground in a horizontal position, right side up and right side out; provided, however, that the rear license plate may be displayed more than 48 inches from the ground on tank trucks, trailers and other commercial vehicles carrying inflammable liquids and on sanitation vehicles which are used to collect, transport and dispose of garbage, solid wastes and refuse;
4. The letters and/or numbers on the license plates shall agree with the letters and/or numbers on the registration certificate of the motor vehicle;
5. A license plate shall not be obstructed by a trailer hitch, snow plow bracket, bumper, bumper guard, sign, mounting bolt head, reflector, or by any other device or material;
6. The license plates shall not be covered by glass, plastic, or similar material;
7. The license plates shall not be bent or defaced; or
8. The registration plate decal(s) issued by the Division for use on the front and rear license plates shall indicate the month and year in which the registration certificate for the motor vehicle expires and shall be firmly attached to the front and rear license plates.

13:20-32.5 Steering and suspension; official inspection facilities

(a) The suspension system shall consist of the basic elements originally provided by the motor vehicle manufacturer and shall be geometrically arranged in accordance with the manufacturer's specifications. No suspension system component shall be replaced unless the replacement component meets or exceeds the quality and performance standards established by the vehicle manufacturer. The motor vehicle shall have a suspension system that allows movement between the unsprung axles and wheels and the chassis body and shall be equipped with a shock-absorbing device at each wheel location. The suspension system shall be capable of

providing a minimum relative motion of plus or minus two inches. When any corner of the motor vehicle is depressed and released, the damping device shall stop the vertical body motion within two cycles. The use of spacer blocks between the front axle and leaf springs is prohibited.

(b) A motor vehicle having a GVWR of 8,500 pounds or less shall be subject to a steering wheel lash test. Certification of a motor vehicle shall be refused if the steering wheel lash test results in a steer-ahead change of less than .1 degree.

(c) A motor vehicle having a GVWR of 8,500 pounds or less shall be subject to a steering linkage test. Certification of a motor vehicle shall be refused if the steering linkage test results in a difference between total front toe left and right of .4 degrees or more.

(d) With the front wheels of a motor vehicle having a GVWR of more than 8,500 pounds in the straight-ahead position, the steering wheel shall be turned in one direction until there is a perceptible movement of a front wheel. When the steering wheel is turned in the other direction, a point on the steering wheel rim shall not move more than three inches before there is a perceptible return movement of the front wheel under observation. When this test is performed on motor vehicles which are equipped with power steering, the transmission shall be in "neutral" and the engine shall be running.

(e) With the front end of a motor vehicle having a GVWR of more than 8,500 pounds lifted, the front and rear of a front tire shall be grasped and an attempt made to turn the tire and wheel assembly to the right and to the left. The free movement at the front or rear of the tire shall not exceed one-quarter inch. The top and bottom of a front tire shall then be grasped and moved in and out. The movement of the tire shall not exceed the manufacturer's specifications. Both front tires shall be tested in this manner.

(f) A motor vehicle that is inspected in an inspection lane that is not equipped with automated electronic steering test equipment shall be inspected in accordance with (d) and (e) above regardless of the motor vehicle's GVWR.

(g) The steering wheel shall be turned through the limit of travel in both directions. There shall be no binding or jamming in the steering wheel mechanism.

(h) The steering wheel shall be a minimum of 13 inches in diameter.

(i) There shall be no wear or breakage of components of the steering or suspension system which adversely affects the safe operation of the motor vehicle. There shall be no visible caster or camber.

(j) Shock absorbers shall be properly installed and in proper operating condition. Shock absorbers shall not exhibit oil on the shock absorber housing attributable to leakage by the seal.

(k) No portion of a motor vehicle shall extend below the bottom of the wheel rim line at maximum suspension deflection.

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

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

Rewrote (a); added a new (f) and recodified former (f) through (i) as (g) through (j); added (k).

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

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

13:20-32.6 Front parking lights; official inspection facilities

(a) Front parking lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "P," along with the manufacturer's name or trademark, are often on the lens of such lights.

(b) Front parking lights shall be white, yellow, or amber in color, and shall be securely mounted on the motor vehicle so as to reduce the likelihood of their being obscured by mud or dust thrown up by the wheels. There shall be one front parking light mounted on each side of the vertical centerline of the motor vehicle at the same height and as far apart as practicable.

(c) Certification of a motor vehicle shall not be refused for the following reasons; however, the motorist shall be advised to have the defect corrected:

1. One or both of the front parking lights are inoperative; or
2. A front parking light lens is damaged or missing. Where the front turn signal lights are combined with the front parking lights, the motor vehicle shall not be refused certification because of a cracked lens; however, if the lens is cracked and a portion of the lens is separated or missing, the motor vehicle shall be refused certification.

13:20-32.7 Glazing; official inspection facilities

(a) All glazing used on motor vehicles manufactured after July 1, 1935, shall be an approved type of glazing which is legibly and permanently marked with the manufacturer's name, trademark, DOT number, "AS" number, or other distinctive designation under which the glazing was approved, so as to be visible when the glazing is installed in the motor vehicle. The proper type of glazing shall be used for each location in a motor vehicle. The approved locations for the various types of glazing are as follows:

1. AS-1: Mandatory in windshields but may be used for any other window in a motor vehicle;

2. AS-2: Anywhere except windshields;
3. AS-3: Rear side windows on buses;
4. AS-4, AS-5, AS-6 and AS-7: Rear windows of convertibles and windows (except windshields) which can be readily removed without the use of tools;
5. AS-8 and AS-9: Rear windows of buses;
6. AS-10: Bullet-resistant windshields;
7. AS-11: Bullet-resistant windows except windshields; and
8. AS-12 and AS-13: Windows (except windshields) which can be readily removed without the use of tools.

(b) All openings in a motor vehicle which were originally manufactured with glazing shall be equipped with an approved type of glazing.

(c) Certification of a motor vehicle shall be refused if the motor vehicle is equipped with glazing which causes undue or unsafe distortion of visibility for the driver, or is equipped with unduly fractured, broken, cracked, discolored, scratched, or deteriorated glazing, or is equipped with glazing with sharp edges.

(d) A motor vehicle, other than a police vehicle or a motor vehicle for which a medical exemption certificate has been issued by the Division in accordance with N.J.S.A. 39:3-75.1 et seq., shall not be certified which has tinted spray or plastic material added to previously approved glazing in the front windshield or windows, vents, wings, deflectors, or side shields to the immediate right or left of the driver, because such condition changes the vision and light transmission properties of the glazing in areas where driver visibility shall not be obscured or obstructed; provided, however, tinted spray or plastic material may be applied to previously approved glazing in the front windshield if such spray or material extends no lower than six inches from the top of the front windshield or such spray or material does not extend below the AS-1 marking on the front windshield.

(e) A motor vehicle shall not be certified which has defrosters of the "electric element" type installed on any window which obstruct the driver's vision. Motor vehicles manufactured with the heating element as an integral part of an approved type of glazing shall not be refused certification.

(f) The window on the driver's side shall be capable of being readily opened to permit arm direction signals to be made by the driver. The presence of approved turn signals does not satisfy this requirement except on trucks over 80 inches in width.

(g) Any motor vehicle may have the rear window and/or side windows to the rear of the driver tinted or covered in some manner so as to partially obscure the driver's vision and any motor vehicle registered for commercial purposes

and constructed on a truck chassis (including noncommercial trucks registered pursuant to N.J.S.A. 39:3-8.1) may have the rear window and/or side windows to the rear of the driver painted, tinted, or constructed in some manner so as to obstruct or obscure the driver's vision, provided that the motor vehicle is equipped with an exterior mirror on each side of the motor vehicle. The high-mounted rear stoplight on motor vehicles required to be equipped with such a light shall not be obstructed in any manner. If glazing material remains in any of the window openings specified in this subsection, the approval markings shall be visible.

(h) A motor vehicle shall not be certified which has mirror-type material on any window.

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

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

Rewrote (d); in (g), added the second sentence.

13:20-32.8 Obstruction to driver's vision; official inspection facilities

(a) No accessory or other object shall be mounted in such a manner as to interfere with the driver's vision.

(b) Signs, posters, stickers, or other non-transparent material shall not be placed upon the windshield, wings, deflectors, side shields, or front side windows of any motor vehicle; provided, however, the inspection certificate of approval, certificate of waiver, inspection rejection sticker, an automatic vehicle identification system transponder approved by the Director in accordance with N.J.A.C. 13:20-10, or any other sticker approved by the Director, is permitted.

(c) A motor vehicle shall not be certified which has an air scoop on the engine hood if the scoop is so high that it obstructs more than a three inch high area of the windshield glass. The height of the obstructed area of the windshield glass shall be measured by placing a straight edge on the top of the scoop and holding the straight edge in a level position with one end contacting the windshield glass.

13:20-32.9 Horn; official inspection facilities

(a) Certification of a motor vehicle shall be refused for any of the following reasons:

1. A horn which is inoperable;
2. A horn which is not audible under normal conditions from a distance of not less than 200 feet;
3. A horn which is not securely fastened to the motor vehicle;
4. A horn which has a broken button or switch, or a horn which does not have a button or switch. (For example, a horn which is activated by grounding a bare wire shall not be certified.);
5. A horn which has an activating button or switch beyond the reach of the driver;

6. A horn button which is located in a place that is not readily conspicuous to the driver, or a horn button which requires the driver to take his or her eyes off of the road to activate the horn;

7. A horn ring which is broken so as to be likely to cause injury or to snag clothing; or

8. A motor vehicle which is equipped with a siren, whistle, or bell (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24); provided, however, that any motor vehicle may be equipped with a theft alarm signal device which is installed so that it cannot be used by the driver as an ordinary warning signal.

(b) Certification of a motor vehicle shall not be refused for the following reasons; however, the motorist shall be advised to have the condition corrected:

1. A horn which emits an unreasonably loud or harsh sound. An unreasonably loud horn, such as an air horn, is permitted on a motor vehicle, provided the motor vehicle is also equipped with a standard horn for use in residence or business districts; or

2. A horn which can only be sounded by a portion of the horn activation device.

13:20-32.10 Windshield wipers; official inspection facilities

(a) Every motor vehicle having a windshield shall be equipped with at least one windshield wiper in proper operating condition to provide clear vision for the driver. A motor vehicle manufactured with only one windshield wiper shall have the wiper so located that it cleans the portion of the windshield directly in front of the driver in order for the driver to safely operate the motor vehicle.

(b) If a motor vehicle was originally manufactured with two windshield wipers, both wipers shall operate properly.

(c) A windshield wiper shall be capable of operating at a speed necessary to provide the driver a clear view ahead under all conditions of weather.

(d) Windshield wiper blades shall not be damaged, hardened, deteriorated, missing, or of an improper type (such as a blade designed for a flat windshield installed on a curved windshield), or of an improper size.

(e) A windshield wiper blade shall be held against the windshield with adequate pressure to provide the driver a clear view ahead under all conditions of weather.

(f) A windshield wiper shall clean the full area of the windshield for which it was designed.

(g) A windshield wiper control shall be constructed and installed as to be operated or controlled by the driver and shall be in proper operating condition.

13:20-32.11 Clearance lights; official inspection facilities

(a) Clearance lights are lights which show to the front and rear of the vehicle, respectively, mounted on a permanent part of the vehicle as near as practical to the upper left and right extreme edges so as to indicate the overall width and height of the vehicle.

(b) A truck 80 inches or more in width manufactured after January 1, 1965, shall be equipped with two amber clearance lights on the front of the vehicle and two red clearance lights on the rear of the vehicle.

(c) Clearance lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC," along with the manufacturer's name or trademark, are on the lens of such lights in most cases.

(d) Every clearance light shall be permanently and securely mounted on a permanent part of the vehicle.

(e) A combination clearance and side-marker light is a single light which fulfills the requirements of both a clearance light and a side-marker light.

13:20-32.12 Turn signals and hazard warning signals; official inspection facilities

(a) Every motor vehicle, other than a noncommercial motorcycle, shall be equipped with two front and two rear turn signals, except that a passenger vehicle manufactured before July 2, 1954, is not required to be equipped with turn signals. When any motor vehicle, regardless of the date of its manufacture, is equipped with turn signals, the turn signals shall be in proper operating condition.

(b) All turn signal and hazard warning signal systems including lights, flashers and operating units shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name and trademark, are often on such devices. In the case of front and rear turn signal lights, the letter "T" or the letter "D" is often on the lens of such lights.

(c) Front turn signal and hazard warning signal lights shall be mounted on each side of the vertical centerline at the same level and as widely spaced laterally as practical. Front turn signal and hazard warning signal lights shall emit a flashing white or amber light visible for a distance of 500 feet.

(d) Rear turn signal and hazard warning signal lights shall be mounted on each side of the vertical centerline at the same level and as widely spaced laterally as practical. Rear turn signal and hazard warning signal lights shall emit a flashing red or amber light visible for a distance of 500 feet.

(e) All turn signal lights shall be permanently and securely mounted in such a manner so as to reduce the likelihood of their being obscured by mud or dust thrown up by the wheels.

(f) A turn signal light shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material if such obstruction reduces the visible area of the turn signal light to less than three and one-half square inches on a passenger automobile, truck, or modified

bus which is less than 80 inches in overall width, or reduces the visible area of the turn signal light to less than 12 square inches on a truck which is 80 inches or more in overall width.

(g) Turn signal lights shall flash from 50 to 130 times per minute. The "on" period of the flashes shall be long enough to permit the bulb filaments to reach full brightness.

(h) All turn signal light systems and components shall be in proper operating condition. Certification of a motor vehicle shall not be refused because a turn signal light has a cracked lens, provided no white light shows to the rear of the motor vehicle and no portion of the lens is missing. However, the motorist shall be advised to have the defect corrected.

13:20-32.13 Reflectors; official inspection facilities

(a) Reflectors are devices designed and used on vehicles to give an indication to an approaching driver by reflected light.

(b) Reflectors shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "A" (for Class A reflectors) or the letter "B" (for Class B reflectors), along with the manufacturer's name or trademark, are on such reflectors in most cases.

(c) Passenger vehicles manufactured before July 2, 1954, shall have one Class A or Class B red reflector mounted on the rear of the vehicle.

(d) Passenger automobiles manufactured after July 1, 1954, shall have two Class A red or two Class B red reflectors mounted on the rear of the vehicle on each side of the vertical centerline at the same level and as widely spaced laterally as practical.

(e) All passenger automobiles with commercial registration and all trucks and buses shall have two Class A red reflectors mounted on the rear of the vehicle on each side of the vertical centerline at the same level and as widely spaced laterally as practical.

(f) A truck 80 inches or more in width manufactured after January 1, 1965, shall have one Class A amber reflector mounted on each side of the vehicle as far to the front as practicable and one Class A red reflector mounted on each side of the vehicle as far to the rear as practicable.

(g) The mounted height of a reflector shall be not less than 15 inches nor more than 60 inches from the level surface upon which the vehicle stands. Reflectors shall be permanently and securely mounted on a permanent part of the vehicle.

(h) Any reflector, otherwise properly mounted, may be securely installed on flexible strapping or belting provided that under conditions of normal operation it reflects light in the required direction.

(i) The mounted height of a reflector shall be measured from the center of the reflector to the level surface upon which the vehicle stands.

13:20-32.14 Identification lights; official inspection facilities

(a) Identification lights are used in groups of three in a horizontal row which show to the front and rear of a motor vehicle, respectively, and have light centers spaced not less than six inches nor more than 12 inches apart.

(b) A truck 80 inches or more in width manufactured after January 1, 1965, shall be equipped with three amber identification lights on the front of the vehicle and three red identification lights on the rear of the vehicle. If the cab is not more than 42 inches wide at the front roof line, a single identification light at the centerline of the cab shall be deemed to comply with the requirements for front identification lights.

(c) Identification lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P" or "P2," along with the manufacturer's name and trademark, are on the lens of such lights in most cases.

(d) Every identification light shall be permanently and securely mounted on a permanent part of the vehicle as close as practical to the vertical centerline and the top of the vehicle. No part of front identification lights or their mountings shall extend below the top of the vehicle windshield.

13:20-32.15 Side-marker lights; official inspection facilities

(a) Side-marker lights are lights on the left and right sides near the front and rear of a motor vehicle that show to the side and are intended to indicate vehicle length.

(b) A truck 80 inches or more in width manufactured after January 1, 1965, shall be equipped with one amber side-marker light mounted on each side at or near the front of the vehicle and one red side-marker light mounted on each side at or near the rear of the vehicle. Side-marker lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC," along with the manufacturer's name or trademark, are on the lens of such lights in most cases.

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

13:20-32.21 Prescribed emission or on-board diagnostics test(s); official inspection facilities

With respect to each gasoline-fueled or bi-fueled motor vehicle presented for inspection, an official inspection facility shall conduct the emission or OBD test(s) specified for such motor vehicle at N.J.A.C. 13:20-43.8 in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

Administrative change.

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

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

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

Inserted "or OBD" following "the emission".

13:20-32.22 Emission test equipment and on-board diagnostics inspection equipment maintenance; official inspection facilities

The emission test equipment and OBD inspection equipment shall be maintained in accordance with the manufacturer's requirements and the general instructions for all tests adopted by the Department of Environmental Protection at N.J.A.C. 7:27B-5.2.

Administrative change.

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

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

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

Inserted "and OBD inspection equipment" following "emission test equipment" and deleted "calibrated and" preceding "maintained".

13:20-32.23 Headlights; official inspection facilities

(a) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights at the same level with an equal number on each side of the front of the motor vehicle. Headlights shall emit only a white light and shall be tested for proper operation.

(b) Headlights shall be properly installed so that their beams are readily adjustable, both vertically and horizontally, and their aim is not grossly misaligned nor readily disturbed by ordinary vehicle operation.

(c) Headlights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers.

(d) A motor vehicle having a headlight with a cracked, broken, or missing lens, or a headlight with insufficient light intensity, shall not be certified; provided, however, that a motor vehicle shall not be refused certification because the

headlight has a bullseye-type hole which has been repaired in a proper manner.

(e) There shall be no auxiliary equipment, such as colored spray, on the lens, visor, reflector, or other attachment which is not included in the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers.

(f) On motor vehicles equipped with four headlights, the Type 2 headlight shall be mounted above or to the outside of the Type 1 headlight. A motor vehicle which is equipped with recessed headlights shall, when such headlights are illuminated, have nothing covering them or in front of them except clear glass. A 1969 or later model year motor vehicle equipped with headlights which, when in use, have any styling or other features, such as a glass cover or grille in front of the lens, shall not be certified.

(g) Retractable headlights shall be in the fully open position when the headlights are tested.

(h) Motor vehicles which are used for plowing snow may have an extra set of headlights mounted above the plow. Switching shall be provided so that either set of headlights may be used, but not both.

(i) A motor vehicle shall not be refused certification because of a missing headlight rim or rims; however, the motorist shall be advised to have the defect corrected.

13:20-32.24 Rear view mirrors; official inspection facilities

(a) A motor vehicle shall not be certified if it is not equipped with at least one rear view mirror. A passenger automobile manufactured after January 1, 1965, shall be equipped with an interior mirror and an exterior mirror on the driver's side.

(b) A commercial motor vehicle manufactured after January 1, 1965, shall be equipped with an interior mirror and an exterior mirror on the driver's side, except that every such vehicle so constructed or loaded as to obstruct or obscure a rear view from an interior mirror shall, in lieu of an interior mirror, be equipped with an exterior mirror on the side of the vehicle opposite the driver's side.

(c) Mirrors shall be securely mounted and located and adjusted so as to provide the driver adequate rear view vision. Mirrors shall not obstruct the driver's forward vision. Concave or convex mirrors shall not be used in place of the interior mirror or the driver's side exterior mirror.

(d) A motor vehicle shall not be certified if a mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges.

(e) Mirrors shall be capable of adjustment to a fixed horizontal and vertical position.

13:20-32.25 Miscellaneous lights; official inspection facilities

(a) All miscellaneous lights used on motor vehicles shall be of a type and color approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name and trademark, are often on the lens of such lights. In addition, the letters listed below often appear on the following lights:

1. Fog lights = F;
2. Spot lights = O;
3. Emergency warning lights = W or W1 or W3; or
4. Supplemental driving or passing lights = Y or Z.

(b) Any motor vehicle may be equipped with not more than two auxiliary driving lights mounted on the front of the vehicle at a height of not less than 12 inches nor more than 42 inches above the level surface upon which the vehicle stands. Auxiliary driving lights include, but are not limited to, fog lights, passing lights, and supplemental driving lights. Auxiliary driving lights shall be properly installed so that their aim is not grossly misaligned nor readily disturbed by ordinary vehicle operation.

1. Fog lights are auxiliary driving lights which may be used with the low beam headlights to provide general illumination ahead of a motor vehicle. A fog light shall be white, yellow, or amber in color. Approved fog lights shall meet the requirements of SAE J-583d, incorporated herein by reference. The Standards of the Society of Automotive Engineers (SAE) may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

2. Passing lights are also known as auxiliary low beam driving lights and are designed to supplement the lower beam of a standard headlight system. Approved lights shall meet the requirements of SAE J-582a, incorporated herein by reference. Passing lights shall be wired so that they are controlled by a switch separate from the headlight switch.

3. Supplemental driving lights are auxiliary driving lights which may be used to supplement the upper beam of a standard headlight system. Approved lights shall meet the requirements of SAE J-581, incorporated herein by reference. Supplemental driving lights shall be wired so that they are controlled by a switch separate from the headlight switch.

(c) A spot light is a light which can be aimed at will. Any motor vehicle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O," along with the manufacturer's name or trademark, are often on the lens of approved type spot lights. Approved spot lights shall meet the requirements of SAE J-591b, incorporated herein by reference.

(d) Any motor vehicle may be equipped with not more than two side cowl or fender lights which shall emit a white or yellow light without glare.

(e) Any motor vehicle may be equipped with not more than one running board courtesy light on each side thereof which shall emit a white or yellow light without glare.

(f) Any motor vehicle may be equipped with one or more back-up lights, either separately or in combination with other lights. Back-up lights shall be white in color. No back-up light shall be illuminated when the motor vehicle is in forward motion.

(g) On motor vehicles used for plowing snow, there may be auxiliary driving lights connected to either the parking light system or the low beam headlight system. If sealed beam headlight units are used for the auxiliary driving lights, they shall be wired so that the taillights will be illuminated when the auxiliary driving lights are turned on. Auxiliary turn signal lights are also permitted on such motor vehicles.

(h) Flashing lights are prohibited on motor vehicles (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24) except as a means for indicating right or left turns or for hazard warning signals.

(i) A motor vehicle driven by an active member in good standing of a volunteer fire company or a volunteer first aid or rescue squad may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-5. An identification card (permit) issued pursuant to N.J.A.C. 13:24-5 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motor vehicle.

(j) A motor vehicle driven by an active member in good standing of the New Jersey Wing of the Civil Air Patrol may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-7. A permit issued pursuant to N.J.A.C. 13:24-7 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motor vehicle.

(k) All miscellaneous lights shall be permanently and securely mounted on a permanent part of the vehicle in such a manner as to reduce the likelihood of their being obscured by mud or dirt thrown up by the wheels.

(l) Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

1. A turn signal with a headlight; or
2. A clearance light with a taillight or an identification light.

(m) Motor vehicles may be equipped with other lights in addition to those which are specified in this subchapter. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights, along with the identification letters shown below:

1. E: Side turn signal lights (mounted on vehicle sides);

2. K: Cornering lights;

3. R: Back-up lights;

4. U: Supplemental high-mounted stop and turn signal lights;

5. V: Liquid burning emergency flares;
6. W4: Emergency reflex reflectors; or
7. X: Emergency lanterns.

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

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

In (f), added the second sentence; added a new (j) and recodified former (j) through (l) as (k) through (m).

13:20-32.26 Wiring and switching; official inspection facilities

(a) Certification of a motor vehicle shall be refused for any of the following reasons:

1. The wiring is not in proper condition, is improperly installed, or is so located as to cause damage;
2. Any connection that is not secure or shows signs of corrosion;
3. The switches are not in proper condition or do not function properly;
4. Any light circuit that does not light the proper filament when the appropriate switch position is applied; or
5. Any defect in wiring and/or switching which adversely affects the lighting performance of any exterior light.

(b) Certification of a motor vehicle shall not be refused if replacement switches are present which perform the same function as the original switches, provided the safe operation of the motor vehicle is not adversely affected.

(c) Certification of a motor vehicle shall not be refused if replacement switches are present which perform the same function as the original switches but are not located in the original switch position(s), provided the safe operation of the motor vehicle is not adversely affected.

13:20-32.27 Headlight beam indicator light; official inspection facilities

Certification of a motor vehicle shall not be refused because the headlight beam indicator light is inoperative or does not operate properly; however, the motorist shall be advised to have the defect corrected.

13:20-32.28 Turn signal and hazard warning signal indicator lights; official inspection facilities

(a) Certification of a motor vehicle shall not be refused because of an inoperative turn signal indicator light and/or an inoperative hazard warning signal indicator light; however, the motorist shall be advised to have the defect corrected.

(b) If any turn signal indicator light is not readily visible to the driver, there shall be an illuminated indicator to give

the driver a clear and unmistakable indication that the turn signal system is turned "on."

(c) In motor vehicles equipped with a single turn signal indicator, a separate hazard warning signal indicator shall flash and the turn signal indicator may flash while the hazard warning signal system is turned "on."

(d) In motor vehicles equipped with right and left turn signal indicators, both indicators or separate indicators shall flash simultaneously while the hazard warning signal system is turned "on."

(e) If a separate indicator light is used for the hazard warning signal system, it shall emit a red color and have a minimum area equivalent to a one-half inch diameter circle.

13:20-32.29 Antenna; official inspection facilities

Any antenna mounted on a motor vehicle shall be securely attached so as not to swing or project in a hazardous manner. Certification of a motor vehicle shall not be refused because of an insecure antenna; however, the motorist shall be advised to have the condition corrected.

13:20-32.30 Body; official inspection facilities

The motor vehicle body panels, floor pan and other sections shall be in good condition, and shall not be rusted out or missing. The motor vehicle body shall be free of rips and sharp edges which could cause injury.

13:20-32.31 Bumpers; official inspection facilities

Bumpers, if present, shall be securely mounted on a motor vehicle and in good condition with no sharp or protruding parts or edges which could cause injury. Front and rear bumper heights shall be in accordance with the motor vehicle manufacturer's specifications.

13:20-32.32 Doors; official inspection facilities

(a) The motor vehicle doors and all door operating devices, handles, buttons, hinges, and latches shall be in proper operating condition. A method of opening the door from the outside is not required on motor vehicles with fabric tops which are equipped with glazing material which can be readily removed without the use of tools.

(b) Motor vehicles designed and manufactured with doors shall be equipped with doors.

(c) Motor vehicles designed and manufactured without doors shall be equipped with seat belts or a strap, chain, or restraining device of some type across the openings.

13:20-32.33 Fenders and fender flaps; official inspection facilities

(a) The motor vehicle fenders shall be securely mounted and shall have no rips or sharp edges which could cause injuries to persons.

(b) Fenders shall cover the width of the tire tread. The rear fenders shall be designed and installed so as to prevent the wheels of the motor vehicle from throwing dirt, water, or other material onto other motor vehicles. Fender flaps may be attached to the rear fenders to provide the necessary wheel coverage.

13:20-32.34 Fuel system; official inspection facilities

Fuel leakage at any point in the motor vehicle fuel system shall be cause for rejection. The fuel tank and piping shall be securely mounted and in proper condition, and the fuel tank shall be properly capped.

13:20-32.35 Hood; official inspection facilities

Motor vehicles shall be equipped with an engine hood. The hood shall be properly secured and latched, and all hinges, latches, and other components shall be in proper operating condition.

13:20-32.36 Lettering; official inspection facilities

(a) Vehicles used for commercial purposes on a street or highway, except for passenger automobiles and vehicles owned or leased by a pharmacy and utilized for the transportation or delivery of drugs, shall have conspicuously displayed on the vehicle, or on a name plate attached to the vehicle, the name of the owner, lessee, or lessor of the vehicle, and the name of the municipality in which the owner, lessee, or lessor has his or her principal place of business. Franchised public utilities and operators of fleets of 50 or more commercial vehicles shall be exempted from displaying the name of the municipality, provided that their vehicles display a corporate identification number. The sign or the name plate shall be in plain view and the lettering shall be as close as possible to three inches high. Certification of a commercial vehicle shall not be refused because the vehicle fails to display the owner's name and business address; however, the motorist shall be advised to have the condition corrected.

(b) A noncommercial truck, registered as a passenger vehicle pursuant to N.J.S.A. 39:3-8.1, is issued passenger vehicle license plates by the Division. Such a noncommercial truck shall not have any advertising, signs, lettering, names, or addresses on its exterior, excepting trademarks and labels of the manufacturer and dealer. Certification of a noncommercial truck shall not be refused because the truck displays any type of lettering; however, the motorist shall be advised to have the condition corrected.

(c) Certification of a vehicle with a GVWR of 26,001 pounds or more shall not be refused because the GVWR is not displayed on the vehicle; however, the motorist shall be advised to have the condition corrected.

13:20-32.37 Ornaments; official inspection facilities

All motor vehicle ornaments shall be free of sharp parts or edges which could cause injury to persons.

13:20-32.38 Pedals; official inspection facilities

Brake, clutch, and accelerator pedals shall have rubber pads or some other method of providing the pedals with a non-skid surface. All pedals shall be in proper operating condition.

13:20-32.39 Racks or carriers; official inspection facilities

A motor vehicle may be equipped with racks or carriers provided the maximum vehicle dimensional limits set forth in N.J.S.A. 39:3-84 are not exceeded and provided they do not create a dangerous condition which may cause injury to persons.

13:20-32.40 Reflective tape; official inspection facilities

Reflective tape of a color amber to white may be displayed on the front of a motor vehicle. Reflective tape of a color red or amber to white may be displayed on the rear of a motor vehicle.

13:20-32.41 Seats; official inspection facilities

All motor vehicle seats shall be securely mounted and free of hazardous conditions. The driver's seat shall lock securely in a position that permits the safe operation of the motor vehicle.

13:20-32.42 Seat belts; air bags; official inspection facilities

(a) All motor vehicles which are required by law to be equipped with seat belts shall be in compliance with Federal Motor Vehicle Safety Standards 208 and 209, incorporated herein by reference. All motor vehicles which are required by law to be equipped with air bags shall be in compliance with Federal Motor Vehicle Safety Standard 208, incorporated herein by reference. Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 C.F.R. Part 571) may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3238, and are available for review, during regular business hours, at:

Office of the Director
New Jersey Division of Motor Vehicles
225 East State Street
9th Floor
Trenton, NJ 08666-0160

Regular business hours at this office are 8:30 A.M. to 5:00 P.M., Eastern Time, Monday through Friday. The telephone number is (609) 777-1407.

(b) Seat belts and their anchorage units, or other restraining devices, shall be of a type approved as meeting the standards of the United States Department of Transportation or the specifications of the Society of Automotive Engineers. The buckles and anchorage units shall be in good condition and the webbing shall not be dangerously worn or cut.

(c) Certification of a motor vehicle shall be refused if an air bag(s) has been deployed and has not been replaced with an air bag(s) that is in compliance with Federal Motor Vehicle Safety Standard 208, incorporated herein by reference.

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

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

In (a), added the second sentence; added (c).

13:20-32.43 Gear shift indicator; official inspection facilities

A motor vehicle equipped with an automatic transmission shall be equipped with a gear shift indicator in proper operating condition. Certification of a motor vehicle shall not be refused because of a minor misalignment of a gear shift indicator (that is, a misalignment of not more than one-half the distance between shift positions); however, the motorist shall be advised to have the defect corrected.

13:20-32.44 Transmission; official inspection facilities

The transmission of a motor vehicle shall operate properly and shall be capable of operating in reverse. A reverse detent mechanism shall be present and shall be in proper operating condition.

13:20-32.45 Television; official inspection facilities

A motor vehicle shall not have a television installed in such a manner that the viewing screen is visible to the driver while he or she is operating the motor vehicle.

13:20-32.46 Trunk lid; official inspection facilities

A motor vehicle trunk lid shall be capable of being securely fastened in accordance with the motor vehicle manufacturer's original design and specification.

13:20-32.47 Service brakes (including service brake equalization and service brake pedal reserve); official inspection facilities

(a) The inspection for motor vehicle service brake pedal reserve shall be performed as set forth in this section. "Pedal reserve" is the amount of total pedal travel left in reserve when the pedal is depressed to the brake applied position. The service brake pedal reserve test does not apply to air brake systems.

(b) With the motor vehicle stationary and the service brake pedal depressed under a moderate foot force (that is, a force of 25 pounds for power brakes and 50 pounds for other brakes), there shall be a minimum of one-fifth of the total average pedal travel (as per the motor vehicle manufacturer's specifications) remaining. The motor vehicle engine shall be running when power brakes are tested. In the event that the adequacy of the service brake pedal reserve on a motor vehicle equipped with disc brakes is in question, the pedal reserve shall be tested when the brakes are applied while the motor vehicle is being driven. The service

brake pedal reserve test is not required for motor vehicles equipped with full power (central hydraulic) brake systems or for motor vehicles with brake systems designed to operate with less than one-fifth pedal travel.

(c) With the service brake pedal depressed to the brake applied position for 10 seconds under a foot force of approximately 125 pounds, there shall be no perceptible decrease in pedal height and, if the motor vehicle is so equipped, no illumination of the brake system failure indicator light. If a motor vehicle is so equipped, the brake system failure indicator light shall be in proper operating condition.

(d) Brake hoses shall not be mounted so as to contact the vehicle body or chassis. Brake hoses shall not be cracked, chafed, or flattened. Protective devices, such as "rub rings," are not to be considered part of the brake hose.

(e) Hydraulic or air brake line tubing shall be specially designed for automotive hydraulic or air brake line use. Tubing designed for gasoline or oil lines is not acceptable for use as hydraulic or air brake lines.

(f) Backing plates and caliper assemblies shall not be deformed or cracked. Brake system parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled properly and installed correctly.

(g) The vacuum brake hoses shall be examined visually and aurally with the motor vehicle engine running. The hoses shall not be collapsed, abraded, broken, improperly mounted, or audibly leaking.

(h) After insuring that the tires are properly inflated, a brake performance test shall be conducted. The brakes shall be tested on a drive-on platform tester. The results shall show some brake force produced by each wheel brake and the total brake force shall be equal to at least 43.5 percent of the gross vehicle weight. This is equivalent to a deceleration of 14 feet per second, which shall produce a stop from a speed of 20 miles per hour in 30 feet. The braking force on a front wheel or on a rear wheel shall not be less than 65 percent of the braking force developed on the other front wheel or rear wheel, respectively. The service brake shall have a minimum front to rear brake ratio of 40 percent and a maximum front to rear brake ratio of 95 percent. The allowable front brake bias margin shall be 25 percent. The allowable rear brake bias margin shall be 15 percent, except that for motor vehicles having a GVWR of 7,000 pounds or more but less than 10,001 pounds, the allowable rear brake bias margin shall be 25 percent.

(i) If a motor vehicle is equipped with air brakes, the low pressure warning system and air brake components shall be tested for proper operation. This test includes the following:

1. The low pressure warning system. The engine shall be turned off when there is sufficient air pressure so that the low pressure warning signal is not illuminated. The

electrical power shall be turned on and the brake pedal shall be depressed and released to reduce the air tank pressure. The low air pressure warning signal shall become illuminated before the air pressure drops to less than 60 pounds per square inch in the air tank (or, in dual air systems, in the tank with the lower air pressure).

2. Operation of automatic spring brakes. The motor vehicle wheels shall be chocked, the parking brake released when there is sufficient air pressure to do so, and the engine turned off. The brake pedal shall be depressed and released to reduce the air tank pressure. The parking brake knob shall pop out when the air pressure falls to the manufacturer's specification, which is usually in a range of between 20 to 40 pounds per square inch. This shall cause the spring brakes to engage.

3. Rate of air pressure increase. With the motor vehicle engine idling at the motor vehicle manufacturer's specification, the air pressure shall increase from 85 pounds per square inch to 100 pounds per square inch within 45 seconds in dual air systems. If the motor vehicle is equipped with larger than minimum air tanks, the rate of increase may be longer as per the manufacturer's specifications. In single air systems on pre-1975 model year motor vehicles, typical specifications are an air pressure rate of increase from 50 to 90 pounds per square inch within three minutes with the engine at an idle speed of 600 to 900 revolutions per minute.

4. Air leakage rate. With a fully-charged air system (typically 125 pounds per square inch), the engine shall be turned off, the service brake shall be released, and the air pressure drop shall be timed. The loss rate shall be less than two pounds per square inch in one minute for single vehicles, or less than three pounds per square inch in one minute for combination vehicles. Ninety pounds per square inch or more shall then be applied to the brake pedal. After the initial pressure drop, the air pressure shall not fall more than three pounds per square inch in one minute for single vehicles, nor more than four pounds per square inch in one minute for combination vehicles.

5. Governor cut-in and cut-out pressure. The air compressor shall start pumping at approximately 100 pounds per square inch and shall stop pumping at approximately 125 pounds per square inch as per the manufacturer's specifications. The motor vehicle engine shall be operated at a fast idle. The air governor shall cut-out the air compressor at approximately the manufacturer's specified pressure. The air pressure indicated on the air pressure gauge(s) shall stop rising. With the engine idling, the brake pedal shall be depressed and released to reduce the air tank pressure. The air compressor shall cut-in at approximately the manufacturer's specified cut-in pressure, and the air pressure shall begin to rise.

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

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

In (h), amended the former last sentence to be the new last two sentences.

13:20-32.48 Parking brake; official inspection facilities

(a) The parking brake shall be able to hold the motor vehicle stationary on any up or down grade upon which it can be operated, whether the motor vehicle is empty or loaded.

(b) The parking brake shall be equipped with a ratchet and pawl, or other type of automatic locking device, which will hold the brake in the applied position. On motor vehicles equipped with an automatic transmission and an automatic parking brake release, the locking device shall hold the parking brake in the applied position regardless of whether the transmission gear shift lever is in the "neutral" or "park" position.

(c) When the parking brake is applied, there shall be a minimum of one-third of the total average travel (as per the motor vehicle manufacturer's specifications) remaining.

13:20-32.49 Speed recording instrument (speedometer); mileage recording instrument (odometer); official inspection facilities

Certification of a motor vehicle shall be refused if the speed recording instrument (speedometer) or the mileage recording instrument (odometer) for such motor vehicle is inoperative or does not operate properly.

13:20-32.50 Credentials; motorcycles; official inspection facilities

The driver of a motorcycle presented for inspection shall present either a valid motorcycle operator's license or a valid basic driver's license with a motorcycle endorsement, a valid New Jersey motorcycle registration certificate, and a valid New Jersey insurance identification card for the motorcycle. Photocopies or facsimiles of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

13:20-32.51 License plate; motorcycles; official inspection facilities

(a) A motorcycle shall not be certified if the license plate is not in the possession of the operator when the motorcycle is presented for inspection, or if the letters and/or numbers on the license plate are illegible.

(b) Certification of a motorcycle shall not be refused because the following requirements are not met; however, the motorcyclist shall be advised to have the condition corrected:

1. Only a rear license plate is required on a motorcycle. The license plate shall be clear and distinct and free from grease, dirt, or other blurring material so that it is plainly visible at all times of the day and night;

2. The license plate shall be securely attached to the rear of the motorcycle;

3. The license plate shall be displayed not less than 12 inches nor more than 48 inches from the ground in a horizontal position, right side up and right side out;

4. The letters and/or numbers on the license plate shall agree with the letters and/or numbers on the registration certificate of the motorcycle;

5. The license plate shall not be covered by glass, plastic, or similar material;

6. The license plate shall not be bent or defaced; or

7. The registration plate decal(s) issued by the Division for use on the license plate shall indicate the month and year in which the registration certificate for the motorcycle expires and shall be firmly attached to the license plate.

13:20-32.52 Frame, wheels, steering, handlebars, and suspension; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The frame is bent or damaged so as to affect the safe operation of the motorcycle;

2. The wheels and/or rims are bent, damaged, or defective, or the wheels are out of line, so that steering and control are adversely affected;

3. The steering-head bearing is loose, broken, defective, or out of adjustment;

4. The handlebars are loose, bent, broken, or damaged so as to affect proper steering;

5. The handlebar grips are higher than the shoulder height of the operator when he or she is seated on the motorcycle in normal driving position. Inasmuch as no portion of the handlebar grips shall be higher than the shoulder height of the operator, the measurement shall be made to the highest point on the handlebar grips;

6. Any component which is loose, bent, broken, defective, out of adjustment, or missing, so as to affect the safe operation of the motorcycle; or

7. The steering or suspension system is not in a condition equivalent to the motorcycle manufacturer's specifications.

13:20-32.53 Windscreen, glazing, and obstruction to driver's vision; motorcycles; official inspection facilities

(a) A windscreen is not required on a motorcycle if the operator has in his or her possession an approved type of goggles or an approved type of face shield. If the motorcycle is equipped with a windscreen, it shall be inspected and certification shall be refused for any of the following reasons:

1. The windscreen is not of an approved type. The windscreen shall be approved as meeting Standard Z26.1 of the American National Standards Institute. The letters "AS," along with the trademark of the manufacturer or distributor, appear on approved types of windscreens;

2. The windscreen support, or some other component, obstructs the driver's vision or is constructed or located as to constitute a hazard to the driver;

3. The windscreen is broken, cracked, discolored, or scratched so as to obstruct the driver's vision;

4. The windscreen is not securely mounted;

5. The windscreen does not provide adequate protection for the operator; or

6. A sign, poster, sticker, or other non-transparent material is on the windscreen so as to obstruct the driver's vision; provided, however, an automatic vehicle identification system transponder approved by the Director in accordance with N.J.A.C. 13:20-10, or any sticker approved by the Director, is permitted.

13:20-32.54 Horn; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with a horn;

2. A horn is not securely fastened to the motorcycle;

3. A horn button is placed in an unsafe position;

4. A horn button is not operating properly;

5. Horn wiring is in an unsafe condition;

6. A horn is not audible under normal conditions from a distance of not less than 200 feet; or

7. A motorcycle is equipped with a siren, whistle, or bell (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24); provided, however, that any motorcycle may be equipped with a theft alarm signal device which is installed so that it cannot be used by the driver as an ordinary warning signal.

(b) Certification of a motorcycle shall not be refused because a horn emits an excessively loud or harsh sound; however, the motorcyclist shall be advised to have the condition corrected.

13:20-32.55 Windshield wipers; motorcycles; official inspection facilities

(a) Some three-wheeled motorcycles are equipped with a passenger automobile type of windshield. In such cases, the motorcycle shall be equipped with at least one properly operating windshield wiper to provide clear vision for the driver. A motorcycle manufactured with only one windshield wiper shall have the wiper so located that it cleans the

portion of the windshield directly in front of the driver in order for the driver to safely operate the motorcycle.

(b) If a motorcycle was originally manufactured with two windshield wipers, both wipers shall operate properly.

(c) A windshield wiper shall be capable of operating at a speed necessary to provide the driver a clear view ahead under all conditions of weather.

(d) Windshield wiper blades shall not be damaged, hardened, deteriorated, missing, or of an improper type (such as a blade designed for a flat windshield installed on a curved windshield), or of an improper size.

(e) A windshield wiper blade shall be held against the windshield with adequate pressure to provide the driver a clear view ahead under all conditions of weather.

(f) A windshield wiper shall clean the full area of the windshield for which it was designed.

(g) A windshield wiper control shall be constructed and installed as to be operated or controlled by the driver and shall be in proper operating condition.

13:20-32.56 Clearance lights; motorcycles; official inspection facilities

(a) If the motorcycle is equipped with a side car or any other extension that is attached to the side thereof, there shall be a clearance light located on the outside limit of the side car or extension which displays white light to the front of the motorcycle.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The clearance light is not of an approved type. Clearance lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC," along with the manufacturer's name or trademark, are on the lens of such lights;

2. The clearance light is not permanently and securely mounted on a permanent part of the motorcycle;

3. The lens is missing, broken, or cracked;

4. The clearance light does not display white light to the front of the motorcycle; or

5. The filament does not light when the headlight is in operation.

(c) A three-wheeled motorcycle shall be equipped with amber side clearance lights or parking lights on each side visible from the front of the motorcycle.

13:20-32.57 Taillight, reflector, and license plate light; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The taillight shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the

letter "T," along with the manufacturer's name or trademark, are often on the lens of such lights;

2. The taillight shall be permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two taillights are present they shall be symmetrically disposed about the vertical centerline. The mounted height of a taillight, as measured from the center of the lens to the level surface upon which the motorcycle stands, shall be not less than 15 inches nor more than 72 inches;

3. The lens is missing, broken, or of a color other than red. Certification of a motorcycle shall not be refused because a taillight lens is cracked, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected;

4. The filament does not light when the headlight is in operation;

5. The reflector shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "A" (for Class A reflectors) or the letter "B" (for Class B reflectors), along with the manufacturer's name or trademark, are on such reflectors in most cases; or

6. The reflector shall be permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two reflectors are present they shall be symmetrically disposed about the vertical centerline. The mounted height of a reflector shall be not less than 15 inches nor more than 60 inches from the level surface upon which the motorcycle stands. The mounted height of a reflector shall be measured from the center of the reflector.

(b) A three-wheeled motorcycle shall be equipped with a taillight and a red reflector on each side visible from the rear of the motorcycle.

(c) Certification of a motorcycle shall be refused if the license plate light is inoperative. License plate lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "L," along with the manufacturer's name or trademark, are often on the lens of such lights.

13:20-32.58 Stoplight; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The stoplight is not red or amber in color;
2. The stoplight is not of an approved type. All stoplights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "S," along with the manufacturer's name or trademark, are often on the lens of such lights;
3. The stoplight is not activated by application of the brake;
4. The stoplight is not permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two stoplights are present they shall be symmetrically disposed about the vertical centerline; or
5. The lens is missing. Certification of a motorcycle shall not be refused because of a cracked lens, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected.

(b) A three-wheeled motorcycle shall be equipped with a red or amber stoplight on each side visible from the rear of the motorcycle.

13:20-32.59 Tires; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The tread on any tire is less than $\frac{3}{32}$ of an inch in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire;
2. Any part of the ply or cord is exposed;
3. The tire structure has a chunk, bump, knot, or bulge evidencing cord, ply, or tread separation from the casing or other adjacent material; or
4. A tire has been regrooved below the original tread depth, unless such tire was originally manufactured with extra undertread material and is marked "REGROOVABLE."

13:20-32.60 Exhaust system; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. An exhaust system in which the muffler is missing, defective, or not in proper operating condition;
2. An exhaust system if there is evidence of exhaust gas leakage at any point in the system;

3. The muffler is not designed especially for motorcycles or is not equivalent in quality and performance to the original manufacturer's equipment designed for highway use;

4. There is a muffler cut-out, muffler bypass or any similar device, or any change or modification to the exhaust system which causes excessive noise;

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

6. There is excessive smoke. There shall be no more smoke than that produced by a properly maintained and functioning motorcycle;

7. An exhaust system in which all parts are not properly mounted; or

8. There is excessive vibration of the exhaust system.

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

13:20-32.61 Headlights; motorcycles; official inspection facilities

(a) Every motorcycle shall be equipped with a headlight on the front on the vertical centerline, except that if two headlights are present they shall be symmetrically disposed about the vertical centerline. Motorcycle headlights shall emit only a white light and shall be tested for proper operation.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with at least one approved type of motorcycle headlight. All headlights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "M," along with the manufacturer's name or trademark, often appear on approved type motorcycle headlights;

2. A motorcycle shall not have more than two headlights. If two headlights are installed, both shall operate properly and be of an approved type. Motorcycles having motors not over five horsepower may have either multiple beam or single beam headlights; all other motorcycles shall have multiple beam headlights. One seven inch sealed beam passenger automobile headlight unit of an approved type, or one $5\frac{3}{4}$ inch Type 1 and one $5\frac{3}{4}$ inch Type 2 sealed beam passenger automobile headlight unit of an approved type, may be used if desired;

3. The headlight is not securely mounted, cannot be aimed vertically or its aim is grossly misaligned, the wiring is not in proper condition, or the headlight switch (if the motorcycle is so equipped) does not operate properly;

4. The lens is cracked, missing, broken, or improperly installed;

5. There is dirt, excessive moisture, discoloration, contamination, or reflector deterioration; or

6. The light intensity is not sufficient; provided, however, that the engine speed of the motorcycle may be increased in an attempt to obtain sufficient light intensity.

(c) Certification of a motorcycle shall not be refused because the headlight rim is missing; however, the motorcyclist shall be advised to have the defect corrected.

(d) Certification of a motorcycle shall not be refused because a headlight switch is not present provided the headlight is illuminated when the ignition switch is turned on.

13:20-32.62 Rear view mirrors; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with a rear view mirror;

2. The mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges;

3. The mirror is not capable of adjustment to a fixed horizontal and vertical position;

4. The mirror is not securely or properly mounted on the motorcycle;

5. The mirror does not provide the driver adequate rear view vision; or

6. The primary rear view mirror to the left of the driver has a concave or convex shape.

13:20-32.63 Miscellaneous lights; motorcycles; official inspection facilities

(a) The lights described in this section are not required on motorcycles, unless otherwise noted, but are permitted provided they comply with the requirements set forth in this section.

(b) All miscellaneous lights used on motorcycles shall be of a type and color approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name or trademark, are often on the lens of such lights. In addition, the letters listed below often appear on the following lights:

1. Fog lights = F; or

2. Supplemental driving or passing lights = Y or Z.

(c) Any motorcycle may be equipped with not more than two auxiliary driving lights which are securely mounted on the front of the motorcycle at a height of not less than 12 inches nor more than 42 inches above the level surface upon which the motorcycle stands. Auxiliary driving lights include, but are not limited to, fog lights, passing lights, and supplemental driving lights. Auxiliary driving lights shall be properly installed so that their aim is not grossly misaligned nor readily disturbed by ordinary motorcycle operation. Fog lights shall be wired so that they can only be used in conjunction with the low beam headlights.

(d) The following concern turn signal lights required on three-wheeled motorcycles:

1. Two turn signal lights shall be visible from the front of the motorcycle, and two turn signal lights shall be visible from the rear of the motorcycle.

2. The entire turn signal system shall be of an approved type. All turn signal lights, flashers and operating units shall be of a type approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name or trademark, are often on such devices. In the case of front and rear turn signal lights, the letter "I" or the letter "D" is often on the lens of such lights.

3. The turn signal lights showing to the front of the motorcycle shall be amber or white in color.

4. The turn signal lights showing to the rear of the motorcycle shall be amber or red in color.

5. All turn signal lights, systems and components shall be in proper operating condition. Certification of a motorcycle shall not be refused because a turn signal light has a cracked lens, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected.

(e) A spot light is a light which can be aimed at will. Any motorcycle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O," along with the manufacturer's name or trademark, are often on the lens of approved type spot lights. Approved spot lights shall meet the requirements of SAE J-591b, incorporated herein by reference. The Standards of the Society of Automotive Engineers (SAE) may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

(f) Flashing lights are prohibited on motorcycles (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24) except as a means for indicating right or left turns or for hazard warning signals.

(g) A motorcycle driven by an active member in good standing of a volunteer fire company or a volunteer first aid or rescue squad may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-5. An identification card (permit) issued pursuant to N.J.A.C. 13:24-5 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motorcycle.

(h) All miscellaneous lights shall be permanently and securely mounted on a permanent part of the motorcycle in such a manner as to reduce the likelihood of their being obscured by mud or dirt thrown up by the wheels.

(i) Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

1. A turn signal with a headlight; or
2. A clearance light with a taillight or an identification light.

(j) Motorcycles may be equipped with other lights in addition to those which are specified in this subchapter. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights, along with the identification letters shown below:

1. E: Side turn signal lights (mounted on motorcycle sides);
2. K: Cornering lights;
3. M: Motorcycle and motor driven cycle headlights (motorcycle type);
4. N: Motorcycle and motor driven cycle headlights (motor driven cycle type);
5. R: Back-up lights;
6. U: Supplemental high-mounted stop and turn signal lights;
7. V: Liquid burning emergency flares;
8. W4: Emergency reflex reflectors; or
9. X: Electric emergency lanterns.

13:20-32.64 Wiring, switching, and electrical equipment; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The wiring and/or switches are not in proper condition, are improperly installed, or are so located as to cause damage;
2. The switches do not function properly;
3. A connection is not secure or shows signs of damage;

4. The power for lights is not provided by a generator, alternator, or magneto. Dry cell batteries are not acceptable as a source of electrical energy except for parking lights; or

5. Any defect in wiring or switching which adversely affects the lighting performance of any exterior light.

(b) Certification of a motorcycle shall not be refused because a headlight switch is not present provided the headlight is illuminated when the ignition switch is turned on.

(c) Certification of a motorcycle shall not be refused if replacement switches are present which perform the same function as original switches, provided the safe operation of the motorcycle is not adversely affected.

(d) Certification of a motorcycle shall not be refused if replacement switches are present which perform the same function as the original switches but are not located in the original switch position(s), provided the safe operation of the motorcycle is not adversely affected.

13:20-32.65 Headlight beam indicator light; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall not be refused because the headlight beam indicator light is inoperative or does not operate properly; however, the motorcyclist shall be advised to have the defect corrected.

(b) A headlight beam indicator light is not required on motorcycles equipped with single beam headlights.

13:20-32.66 Miscellaneous items; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. Fuel leakage at any point in the motorcycle fuel system;
2. The fuel tank and piping are not securely mounted or are not in proper condition;
3. The fuel tank is not properly capped;
4. The chainguard does not provide sufficient protection; or
5. The speed recording instrument (speedometer) or the mileage recording instrument (odometer) is inoperative or does not operate properly.

(b) The rear fenders of three-wheeled motorcycles shall extend downward to the rear at least three-quarters of the distance from the top of the tire to the horizontal centerline of the tire. Fender flaps may be attached to the rear fenders to provide the required length.

13:20-32.67 Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with front and rear brakes adequate to control the movement of and stop the motorcycle within a safe distance; or, for 1973 and earlier model year motorcycles, the motorcycle is not equipped with at least one brake adequate to control the movement of and stop the motorcycle within a safe distance;
2. Levers (foot and hand) do not have at least one-third of their average travel distance as reserve after the brakes are fully applied;
3. Any leak in a hydraulic brake system; or
4. Any defect in mechanical components.

(b) A three-wheeled motorcycle shall be equipped with a parking brake in proper operating condition.

(c) The parking brake shall be able to hold the motorcycle stationary on any up or down grade upon which it can be operated, whether the motorcycle is empty or loaded.

(d) The parking brake shall be equipped with an automatic locking device which will hold the brake in the applied position.

(e) When the parking brake is applied, there shall be a minimum of one-third of the total average travel (as per the motorcycle manufacturer's specifications) remaining.

(f) The service brakes on a three-wheeled motorcycle shall be properly equalized.

13:20-32.68 Helmets; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. There is not an approved type of safety helmet in the possession of the motorcycle operator. An approved type of safety helmet is marked to meet Federal Motor Vehicle Safety Standard No. 218, along with the manufacturer's or distributor's trademark.
2. The safety helmet is not equipped with either a neck or chin strap; or
3. The safety helmet is not reflectorized over an area of at least four square inches on each side of the helmet. Red, white, or amber reflectorized safety tape shall be used and shall be securely affixed to the helmet in a permanent waterproof manner.

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

In (a)3, deleted the last sentence.
Amended by R.2003 d.206, effective May 19, 2003.
See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).
In (a)1, inserted "No." preceding "218".

13:20-32.69 Goggles or face shields; motorcycles; official inspection facilities

(a) A motorcycle operator is not required to have goggles or a face shield in his or her possession if the motorcycle is equipped with an approved type of windscreen in accordance with N.J.A.C. 13:20-32.53. If the motorcycle is not equipped with an approved type of windscreen, it shall not be certified unless the operator has in his or her possession either an approved type of goggles or an approved type of face shield.

(b) Approved type goggles and approved type face shields are marked to meet Standard Z2.1 or Standard Z87.1 of the American National Standards Institute or Regulation V-8. The letters and numbers Z2.1 or Z87.1 or V-8 appear on such goggles and face shields, along with the trademark of the manufacturer or distributor.

13:20-32.70 Seats; motorcycles; official inspection facilities

(a) Motorcycles designed for occupancy by two people shall have either one permanent seat designed for two persons, or a separate passenger seat located to the rear or side of the seat for the operator.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The seats are not equivalent in quality and safety to the original manufacturer's equipment;
2. Each seat is not securely mounted; or
3. The seats are not of sufficient strength or are mounted in such a manner that the operator and passenger cannot ride without crowding or interfering with the operation of the motorcycle.

13:20-32.71 Foot rests; motorcycles; official inspection facilities

(a) Motorcycles designed to carry more than one person shall be equipped with adequate foot rests for each passenger.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The foot rests are not equivalent in quality and performance to the original manufacturer's equipment;
2. The foot rests are not securely mounted;
3. The foot rests are not capable of supporting the full weight of the user; or

4. The foot rests for passengers are mounted in such a manner as to interfere with the operation of the motorcycle.

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

13:20-33.1 Definitions

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

"Certificate of approval" means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, N.J.A.C. 13:20-43, N.J.A.C. 13:20-32 or this subchapter, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of motor vehicles.

"Certificate of waiver" means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with N.J.A.C. 13:20-43 and the rules adopted by the Department of Environmental Protection pertaining to emission or OBD inspection standards have been waived by the Division for the particular inspection cycle for which the waiver is granted.

"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.

"EPA" means the United States Environmental Protection Agency.

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

"Official inspection facility" means a test-only inspection facility that the State Treasurer has contracted for pursuant to section 4 of P.L. 1995, c.112.

"On-board diagnostics" or "OBD" means an automotive diagnostic system complying with California OBD regulations or EPA OBD II regulations effective for model year 1996 and newer motor vehicles.

"Private inspection facility" means any person, partnership, or corporation licensed by the Division pursuant to N.J.A.C. 13:20-44 to perform the motor vehicle inspections required by N.J.S.A. 39:8-1.

"State specialty inspection facility" means a test-only inspection facility that is operated by the Division to inspect certain motor vehicles as specified in N.J.A.C. 13:20-7.3(d).

Administrative change.

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

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

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

In "Certificate of waiver", inserted "or OBD" preceding "inspection standards"; added "EPA" and "'On-board diagnostics' or 'OBD'".

13:20-33.2 General provisions; Class I, II, and III licensees

(a) This subchapter contains the inspection standards and test procedures to be used by licensed private inspection facilities, including Class I and Class II licensed private inspection facilities when inspecting and certifying automobiles, trucks, buses (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), and jitneys as defined in N.J.A.C. 13:20-44.2 for compliance with inspection standards, and Class III licensed private inspection facilities when inspecting and certifying motorcycles for compliance with inspection standards.

(b) A private inspection facility license authorizes the placement of an inspection certificate of approval on a motor vehicle upon:

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

(c) An emission or OBD inspection or reinspection shall be performed by a motor vehicle emission inspector licensed in accordance with N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-43.17. The motor vehicle emission inspector shall sign his or her name on the motor vehicle inspection report upon completion of the inspection or reinspection of a motor vehicle. A safety inspection or reinspection shall be performed by a mechanic possessing the qualifications set forth at N.J.A.C. 13:20-44.19. The mechanic shall sign his or her name on the motor vehicle inspection report or motorcycle inspection invoice upon completion of the inspection or reinspection of a motor vehicle or motorcycle.

(d) The fee which may be charged by a Class I licensed private inspection facility for an initial inspection shall not exceed the schedule of inspection charges displayed at the facility's place of business and on file with the Division of Motor Vehicles' Private Inspection Facility Licensing Unit. The schedule of inspection charges shall specifically set forth the inspection charge for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less and the inspection charge for the initial inspection of motor vehicles having a GVWR greater than 8,500 pounds.

(e) The fee which may be charged by a Class III licensed private inspection facility for an initial inspection shall not exceed one-quarter of the private inspection facility's hourly labor charge. The schedule of inspection charges shall be displayed at the facility's place of business and filed with the Division of Motor Vehicles' Private Inspection Facility Licensing Unit.

(f) A Class I or Class II licensed private inspection facility shall not perform emission-related or OBD-related motor vehicle repairs unless it is registered with the Division as a motor vehicle emission repair facility in accordance with N.J.A.C. 13:20-45.

(g) If a licensed private inspection facility is authorized to make repairs, the condition of the rejected item(s) shall be brought into compliance with the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(h) A private inspection facility license also requires reinspection and certification of a motor vehicle when the motor vehicle owner or lessee, or someone not under the direction of the licensee, has made the repairs, adjustments, or corrections. In such cases, the private inspection facility shall reinspect the rejected item(s) to determine if they conform to the standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. If such defect(s) have been brought into compliance with the standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, an inspection certificate of approval shall be affixed to the motor vehicle. A private inspection facility may charge a fee for such reinspection service for motor vehicles having a GVWR of 8,500 pounds or less, motor vehicles having a GVWR greater than 8,500 pounds, and motorcycles based on the facility's established hourly labor charge for repair service, but only that portion of an hour which the Division has established to be the average time for reinspection of specific rejected items for motor vehicles having a GVWR of 8,500 pounds or less by Class I licensees as set forth in Appendix A, incorporated herein by reference; or that portion of an hour which the Division has established to be the average time for reinspection of specific rejected items for motor vehicles having a GVWR greater than 8,500 pounds by Class I licensees as set forth in Appendix B, incorporated herein by reference; or that portion of an hour which the Division has established to be the average time for reinspection of specific rejected items for motorcycles by Class III licensees as set forth in Appendix C, incorporated herein by reference.

(i) When an inspection is performed on a motor vehicle, the private inspection facility shall cause to be imprinted on the inspection invoice a stamp with the following:

NEW JERSEY
DIVISION OF MOTOR VEHICLES
PRIVATE INSPECTION FACILITY
LICENSE NO.
STICKER NO.
DATE:

(j) The private inspection facility license number, the inspection certificate of approval number, if applicable, and the date of inspection shall be contained on the stamp. Each private inspection facility shall purchase the above stamp from a commercial source.

(k) If an automobile, truck, bus (including a modified bus regardless of passenger capacity which has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), or jitney registered in New Jersey conforms to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, the motor vehicle shall be certified by a Class I or Class II licensee by removing the previous inspection certificate of approval, certificate of waiver, or inspection rejection sticker, if any, and replacing it with a current inspection certificate of approval. The inspection certificate of approval issued by a Class I or Class II licensee shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the inspection certificate of approval shall be completely visible from the front of the motor vehicle. The inspection certificate of approval shall be affixed in an upright position.

(l) If an automobile, truck, bus (including a modified bus regardless of passenger capacity which has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), or jitney registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, a Class I licensee shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, and a Class I or Class II licensee shall deface the inspection certificate of approval or certificate of waiver affixed to the motor vehicle, if any, by cutting it in a diagonal manner from the upper right corner of the certificate to the lower left corner of the certificate as viewed from inside the passenger compartment of the motor vehicle and removing the lower right half of such certificate. This shall be an indication that adjustments, corrections, or repairs to the motor vehicle which has failed inspection must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5. If there is no previous certificate of approval or certificate of waiver affixed to the windshield, the motor vehicle inspection report or inspection card issued to the operator of the motor

vehicle by the licensed private inspection facility shall be an indication that adjustments, corrections, or repairs to the motor vehicle which has failed inspection must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(m) Notwithstanding (l) above, if an automobile, truck, bus (including a modified bus regardless of passenger capacity which has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), or jitney registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 and the nature of the defect(s) found is such as to constitute a hazard to the public safety so as to require immediate repairs to such motor vehicle, a Class I licensee shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, shall remove the previous inspection certificate of approval, certificate of waiver and/or inspection rejection sticker, if any, and shall affix a "48 hour" inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A defect which constitutes a hazard to the public safety so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the items specified in N.J.A.C. 13:20-7.6(b). The "48 hour" inspection rejection sticker shall be an indication that the defect(s) deemed to constitute a hazard to the public safety must be repaired and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.6(a).

(n) If a motorcycle registered in New Jersey conforms to the inspection standards set forth in this subchapter, the motorcycle shall be certified by a Class III licensee by affixing a current inspection certificate of approval to the right side of the rear license plate, equally centered between the upper right and lower right corners of the license plate, in such a position as to be easily visible for enforcement purposes. The inspection certificate of approval shall be affixed in an upright position. If there is a previous certificate of approval affixed to the rear license plate at the location specified in this subsection, the new certificate of approval shall be affixed so as to cover the previous certificate of approval. If there is a previous certificate of approval affixed to the rear license plate at a location other than that specified in this subsection, the new certificate of approval shall be affixed at the location specified in this subsection.

(o) If a motorcycle registered in New Jersey does not conform to the inspection standards set forth in this subchapter, the private inspection facility shall present the inspection card for such motorcycle to the operator thereof. The inspection card shall be an indication that adjustments, corrections, or repairs to the motorcycle which has failed inspection must be made and the motorcycle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(p) A motor vehicle inspection report, issued to an owner or lessee of a motor vehicle with elevated chassis height, a motor vehicle which has been modified at the direction of the New Jersey Department of Labor, Division of Vocational Rehabilitation Services, a reconstructed vehicle, or a salvage motor vehicle that is subject to inspection at a State specialty inspection facility in accordance with N.J.A.C. 13:20-7.3(d), shall be marked "MUST BE REINSPECTED AT A STATE SPECIALTY INSPECTION FACILITY." When a motor vehicle inspection report is marked in this manner, a licensed private inspection facility shall neither reinspect nor certify the motor vehicle, as it must be returned to a State specialty inspection facility for such reinspection and certification.

(q) If a motor vehicle is presented at a licensed private inspection facility for reinspection, the private inspection facility may reinspect the motor vehicle and certify it if the rejected item(s) has been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, and if there are no obvious safety, emission-related, or OBD-related defects, provided the motor vehicle is presented for reinspection within 45 days of the date of the most recent inspection rejection. If the motor vehicle is presented for reinspection after such date, or if there are obvious safety, emission-related, or OBD-related defects, the motor vehicle shall be subject to a complete reinspection.

(r) If a motor vehicle is presented at a licensed private inspection facility for reinspection and the rejected item(s) have not been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, the licensed private inspection facility shall not remove the inspection rejection sticker previously affixed to the motor vehicle by an official inspection facility, nor shall the licensed private inspection facility remove the inspection certificate of approval or certificate of waiver previously defaced by a licensed private inspection facility in accordance with N.J.A.C. 13:20-33.2(l) as an indication that the motor vehicle has failed inspection.

(s) If a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at a licensed private inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has not been repaired, the licensed private inspection facility shall not issue a "48 hour" inspection rejection sticker to replace the "48 hour" inspection rejection sticker previously affixed to the motor vehicle.

(t) Notwithstanding (r) above, if a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at a licensed private inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has been repaired so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, but another rejected item(s) not deemed to constitute a hazard to the public safety has not been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, the licensed private inspection facility shall remove the "48 hour" inspection rejection sticker previously affixed to the motor vehicle and shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof. The motor vehicle inspection report or inspection card shall be an indication that adjustments, corrections, or repairs to the motor vehicle must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(u) Charges for initial inspections, reinspections, and repairs shall be listed separately on the inspection or repair invoice.

(v) A licensed private inspection facility shall not require, as a condition of performing the initial inspection, that any repairs, adjustments, or corrections be performed at the private inspection facility performing the inspection.

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

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

Customer's Signature _____ Date _____

(x) Any motor vehicle presented for initial inspection shall undergo a complete inspection. Once the inspection has commenced it shall not be terminated until the motor vehicle is either certified or rejected. An inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection.

(y) Licensed private inspection facilities shall not be authorized to issue certificates of waiver. Certificates of waiver shall only be issued by official inspection facilities in accordance with N.J.A.C. 13:20-32.2 for motor vehicles which satisfy all of the requirements of N.J.A.C. 13:20-43.13.

(z) A licensed private inspection facility shall not issue a replacement inspection certificate of approval or certificate of waiver for any motor vehicle for which the current inspection certificate of approval or certificate of waiver has been lost, stolen, destroyed, or defaced, or for any motor vehicle which has had its windshield replaced. Such a replacement inspection certificate of approval or certificate of waiver shall only be issued by an official inspection facility in accordance with N.J.A.C. 13:20-32.2(q).

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

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

In (f), inserted "or Class II" following "Class I"; in (h), substituted "someone not under the direction of the licensee" for "any other person authorized by the motor vehicle owner or lessee" and substituted "7:27B-5" for "7:27B-4"; in (q), rewrote first sentence.

Administrative change.

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

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

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

In (c), inserted "or OBD" following "An emission"; in (f), inserted "or OBD-related" following "emission-related"; in (q), inserted ", or OBD-related" following "emission-related".

13:20-33.3 Credentials; Class I and II licensees

The driver of a motor vehicle presented for inspection shall present a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable. Photocopies or facsimiles of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

13:20-33.4 License plates; Class I and II licensees

(a) A motor vehicle shall not be certified if the license plates are not in the possession of the operator when the motor vehicle is presented for inspection, or if the letters and/or numbers on the license plates are illegible.

(b) Certification of a motor vehicle shall not be refused because the following requirements are not met; however, the motorist shall be advised to have the condition corrected:

1. The license plates shall be clear and distinct and free from grease, dirt, or other blurring material so that they are plainly visible at all times of the day and night;
2. The license plates shall be securely attached to the front and rear of the motor vehicle, respectively;
3. The license plates shall be displayed not less than 12 inches nor more than 48 inches from the ground in a horizontal position, right side up and right side out; provided, however, that the rear license plate may be displayed more than 48 inches from the ground on tank trucks, trailers and other commercial vehicles carrying inflammable liquids and on sanitation vehicles which are used to collect, transport and dispose of garbage, solid wastes and refuse;

4. The letters and/or numbers on the license plates shall agree with the letters and/or numbers on the registration certificate of the motor vehicle;

5. A license plate shall not be obstructed by a trailer hitch, snow plow bracket, bumper, bumper guard, sign, mounting bolt head, reflector, or by any other device or material;

6. The license plates shall not be covered by glass, plastic, or similar material;

7. The license plates shall not be bent or defaced; or

8. The registration plate decal(s) issued by the Division for use on the front and rear license plates shall indicate the month and year in which the registration certificate for the motor vehicle expires and shall be firmly attached to the front and rear license plates.

13:20-33.5 Steering and suspension; Class I and II licensees

(a) The suspension system shall consist of the basic elements originally provided by the motor vehicle manufacturer and shall be geometrically arranged in accordance with the manufacturer's specifications. No suspension system component shall be replaced unless the replacement component meets or exceeds the quality and performance standards established by the vehicle manufacturer. The motor vehicle shall have a suspension system that allows movement between the unsprung axles and wheels and the chassis body and shall be equipped with a shock-absorbing device at each wheel location. The suspension system shall be capable of providing a minimum relative motion of plus or minus two inches. When any corner of the motor vehicle is depressed and released, the damping device shall stop the vertical body motion within two cycles. The use of spacer blocks between the front axle and leaf springs is prohibited.

(b) Starting with the front wheels in the straight-ahead position, the steering wheel shall be turned in one direction until there is a perceptible movement of a front wheel. When the steering wheel is turned in the other direction, a point on the steering wheel rim shall not move more than three inches before there is a perceptible return movement of the front wheel under observation. When this test is performed on motor vehicles which are equipped with power steering, the transmission shall be in "neutral" and the engine shall be running.

(c) With the front end of the motor vehicle lifted, the front and rear of a front tire shall be grasped and an attempt made to turn the tire and wheel assembly to the right and to the left. The free movement at the front or rear of the tire shall not exceed one-quarter inch. The top and bottom of a front tire shall then be grasped and moved in and out. The movement of the tire shall not exceed the manufacturer's specifications. Both front tires shall be tested in this manner.

(d) The steering wheel shall be turned through the limit of travel in both directions. There shall be no binding or jamming in the steering wheel mechanism.

(e) The steering wheel shall be a minimum of 13 inches in diameter.

(f) There shall be no wear or breakage of components of the steering or suspension system which adversely affects the safe operation of the motor vehicle. There shall be no visible caster or camber.

(g) Shock absorbers shall be properly installed and in proper operating condition. Shock absorbers shall not exhibit oil on the shock absorber housing attributable to leakage by the seal.

(h) No portion of a motor vehicle shall extend below the bottom of the wheel rim line at maximum suspension deflection.

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

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

Rewrote (a); added (h).

13:20-33.6 Front parking lights; Class I and II licensees

(a) Front parking lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "P," along with the manufacturer's name or trademark, are often on the lens of such lights.

(b) Front parking lights shall be white, yellow, or amber in color, and shall be securely mounted on the motor vehicle so as to reduce the likelihood of their being obscured by mud or dust thrown up by the wheels. There shall be one front parking light mounted on each side of the vertical centerline of the motor vehicle at the same height and as far apart as practicable.

(c) Certification of a motor vehicle shall not be refused for the following reasons; however, the motorist shall be advised to have the defect corrected:

1. One or both of the front parking lights are inoperative; or

2. A front parking light lens is damaged or missing. Where the front turn signal lights are combined with the front parking lights, the motor vehicle shall not be refused certification because of a cracked lens; however, if the lens is cracked and a portion of the lens is separated or missing, the motor vehicle shall be refused certification.

13:20-33.7 Glazing; Class I and II licensees

(a) All glazing used on motor vehicles manufactured after July 1, 1935, shall be an approved type of glazing which is legibly and permanently marked with the manufacturer's name, trademark, DOT number, "AS" number, or other distinctive designation under which the glazing was approved, so as to be visible when the glazing is installed in the motor vehicle. The proper type of glazing shall be used for each location in a motor vehicle. The approved locations for the various types of glazing are as follows:

1. AS-1: Mandatory in windshields but may be used for any other window in a motor vehicle;
2. AS-2: Anywhere except windshields;
3. AS-3: Rear side windows on buses;
4. AS-4, AS-5, AS-6 and AS-7: Rear windows of convertibles and windows (except windshields) which can be readily removed without the use of tools;
5. AS-8 and AS-9: Rear windows of buses;
6. AS-10: Bullet-resistant windshields;
7. AS-11: Bullet-resistant windows except windshields; and
8. AS-12 and AS-13: Windows (except windshields) which can be readily removed without the use of tools.

(b) All openings in a motor vehicle which were originally manufactured with glazing shall be equipped with an approved type of glazing.

(c) Certification of a motor vehicle shall be refused if the motor vehicle is equipped with glazing which causes undue or unsafe distortion of visibility for the driver, or is equipped with unduly fractured, broken, cracked, discolored, scratched, or deteriorated glazing, or is equipped with glazing with sharp edges.

(d) A motor vehicle, other than a police vehicle or a motor vehicle for which a medical exemption certificate has been issued by the Division in accordance with N.J.S.A. 39:3-75.1 et seq., shall not be certified which has tinted spray or plastic material added to previously approved glazing in the front windshield or windows, vents, wings, deflectors, or side shields to the immediate right or left of the driver, because such condition changes the vision and light transmission properties of the glazing in areas where driver visibility shall not be obscured or obstructed; provided, however, tinted spray or plastic material may be applied to previously approved glazing in the front windshield if such spray or material extends no lower than six inches from the top of the front windshield or such spray or material does not extend below the AS-1 marking on the front windshield.

(e) A motor vehicle shall not be certified which has defrosters of the "electric element" type installed on any window which obstruct the driver's vision. Motor vehicles manufactured with the heating element as an integral part of an approved type of glazing shall not be refused certification.

(f) The window on the driver's side shall be capable of being readily opened to permit arm direction signals to be made by the driver. The presence of approved turn signals does not satisfy this requirement except on buses and trucks over 80 inches in width.

(g) Any motor vehicle may have the rear window and/or side windows to the rear of the driver tinted or covered in some manner so as to partially obscure the driver's vision and any motor vehicle registered for commercial purposes and constructed on a truck chassis (including noncommercial trucks registered pursuant to N.J.S.A. 39:3-8.1) may have the rear window and/or side windows to the rear of the driver painted, tinted, or constructed in some manner so as to obstruct or obscure the driver's vision, provided that the motor vehicle is equipped with an exterior mirror on each side of the motor vehicle. The high-mounted rear stoplight on motor vehicles required to be equipped with such a light shall not be obstructed in any manner. If glazing material remains in any of the window openings specified in this subsection, the approval markings shall be visible.

(h) A motor vehicle shall not be certified which has mirror-type material on any window.

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

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

Rewrote (d); in (g), inserted the second sentence.

Case Notes

Fact that defendant's vehicle had a tinted windshield was insufficient to establish an articulable and reasonable suspicion that a violation of the law occurred, as required to justify a traffic stop. State in the Interest of R.M. and J.M., 777 A.2d 1041 (2001).

Transparent or tinted windshield material in and of itself does not justify motor vehicle stop; such material is allowed by regulation in certain instances. State in the Interest of R.M. and J.M., 777 A.2d 1041 (2001).

13:20-33.8 Obstruction to driver's vision; Class I and II licensees

(a) No accessory or other object shall be mounted in such a manner as to interfere with the driver's vision.

(b) Signs, posters, stickers, or other non-transparent material shall not be placed upon the windshield, wings, deflectors, side shields, or front side windows of any motor vehicle; provided, however, the inspection certificate of approval, certificate of waiver, inspection rejection sticker, an automatic vehicle identification system transponder approved by the Director in accordance with N.J.A.C. 13:20-10, or any other sticker approved by the Director, is permitted.

(c) A motor vehicle shall not be certified which has an air scoop on the engine hood if the scoop is so high that it obstructs more than a three inch high area of the windshield glass. The height of the obstructed area of the windshield glass shall be measured by placing a straight edge on the top of the scoop and holding the straight edge in a level position with one end contacting the windshield glass.

13:20-33.9 Horn; Class I and II licensees

(a) Certification of a motor vehicle shall be refused for any of the following reasons:

1. A horn which is inoperable;
2. A horn which is not audible under normal conditions from a distance of not less than 200 feet;
3. A horn which is not securely fastened to the motor vehicle;
4. A horn which has a broken button or switch, or a horn which does not have a button or switch. (For example, a horn which is activated by grounding a bare wire shall not be certified.);
5. A horn which has an activating button or switch beyond the reach of the driver;
6. A horn button which is located in a place that is not readily conspicuous to the driver, or a horn button which requires the driver to take his or her eyes off of the road to activate the horn;
7. A horn ring which is broken so as to be likely to cause injury or to snag clothing; or
8. A motor vehicle which is equipped with a siren, whistle, or bell (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24); provided, however, that any motor vehicle may be equipped with a theft alarm signal device which is installed so that it cannot be used by the driver as an ordinary warning signal.

(b) Certification of a motor vehicle shall not be refused for the following reasons; however, the motorist shall be advised to have the condition corrected:

1. A horn which emits an unreasonably loud or harsh sound. An unreasonably loud horn, such as an air horn, is permitted on a motor vehicle, provided the motor vehicle is also equipped with a standard horn for use in residence or business districts; or
2. A horn which can only be sounded by a portion of the horn activation device.

13:20-33.10 Windshield wipers; Class I and II licensees

(a) Every motor vehicle having a windshield shall be equipped with at least one windshield wiper in proper operating condition to provide clear vision for the driver. A motor vehicle manufactured with only one windshield wiper shall have the wiper so located that it cleans the portion of the windshield directly in front of the driver in order for the driver to safely operate the motor vehicle.

(b) If a motor vehicle was originally manufactured with two windshield wipers, both wipers shall operate properly.

(c) A windshield wiper shall be capable of operating at a speed necessary to provide the driver a clear view ahead under all conditions of weather.

(d) Windshield wiper blades shall not be damaged, hardened, deteriorated, missing, or of an improper type (such as a blade designed for a flat windshield installed on a curved windshield), or of an improper size.

(e) A windshield wiper blade shall be held against the windshield with adequate pressure to provide the driver a clear view ahead under all conditions of weather.

(f) A windshield wiper shall clean the full area of the windshield for which it was designed.

(g) A windshield wiper control shall be constructed and installed as to be operated or controlled by the driver and shall be in proper operating condition.

13:20-33.11 Clearance lights; Class I and II licensees

(a) Clearance lights are lights which show to the front and rear of the vehicle, respectively, mounted on a permanent part of the vehicle as near as practical to the upper left and right extreme edges so as to indicate the overall width and height of the vehicle.

(b) A truck or bus 80 inches or more in width manufactured after January 1, 1965, shall be equipped with two amber clearance lights on the front of the vehicle and two red clearance lights on the rear of the vehicle.

(c) Clearance lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC," along with the manufacturer's name or trademark, are on the lens of such lights in most cases.

(d) Every clearance light shall be permanently and securely mounted on a permanent part of the vehicle.

(e) A combination clearance and side-marker light is a single light which fulfills the requirements of both a clearance light and a side-marker light.

13:20-33.12 Turn signals and hazard warning signals; Class I and II licensees

(a) Every motor vehicle, other than a noncommercial motorcycle, shall be equipped with two front and two rear turn signals, except that a passenger vehicle manufactured before July 2, 1954, is not required to be equipped with turn signals. When any motor vehicle, regardless of the date of its manufacture, is equipped with turn signals, the turn signals shall be in proper operating condition.

(b) All turn signal and hazard warning signal systems including lights, flashers and operating units shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name and trademark, are often on such devices. In the case of front and rear turn signal lights, the letter "I" or the letter "D" is often on the lens of such lights.

(i) There shall be no auxiliary equipment, such as colored spray, on the lens, visor, reflector, or other attachment which is not included in the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers.

(j) On motor vehicles equipped with four headlights, the Type 2 headlight shall be mounted above or to the outside of the Type 1 headlight. A motor vehicle which is equipped with recessed headlights shall, when such headlights are illuminated, have nothing covering them or in front of them except clear glass. A 1969 or later model year motor vehicle equipped with headlights which, when in use, have any styling or other features, such as a glass cover or grille in front of the lens, shall not be certified.

(k) Retractable headlights shall be in the fully open position when the headlights are tested.

(l) Motor vehicles which are used for plowing snow may have an extra set of headlights mounted above the plow. Switching shall be provided so that either set of headlights may be used, but not both.

(m) A motor vehicle shall not be refused certification because of a missing headlight rim or rims; however, the motorist shall be advised to have the defect corrected.

13:20-33.24 Rear view mirrors; Class I and II licensees

(a) A motor vehicle shall not be certified if it is not equipped with at least one rear view mirror. A passenger automobile manufactured after January 1, 1965, shall be equipped with an interior mirror and an exterior mirror on the driver's side.

(b) A commercial motor vehicle manufactured after January 1, 1965, shall be equipped with an interior mirror and an exterior mirror on the driver's side, except that every such vehicle so constructed or loaded as to obstruct or obscure a rear view from an interior mirror shall, in lieu of an interior mirror, be equipped with an exterior mirror on the side of the vehicle opposite the driver's side.

(c) Mirrors shall be securely mounted and located and adjusted so as to provide the driver adequate rear view vision. Mirrors shall not obstruct the driver's forward vision. Concave or convex mirrors shall not be used in place of the interior mirror or the driver's side exterior mirror.

(d) A motor vehicle shall not be certified if a mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges.

(e) Mirrors shall be capable of adjustment to a fixed horizontal and vertical position.

13:20-33.25 Miscellaneous lights; Class I and II licensees

(a) All miscellaneous lights used on motor vehicles shall be of a type and color approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name and trademark, are often on the lens of such lights. In addition, the letters listed below often appear on the following lights:

1. Fog lights = F;
2. Spot lights = O;
3. Emergency warning lights = W or W1 or W3; or
4. Supplemental driving or passing lights = Y or Z.

(b) Any motor vehicle may be equipped with not more than two auxiliary driving lights mounted on the front of the vehicle at a height of not less than 12 inches nor more than 42 inches above the level surface upon which the vehicle stands. Auxiliary driving lights include, but are not limited to, fog lights, passing lights, and supplemental driving lights. Auxiliary driving lights shall be aimed in conformance with the standards of the Society of Automotive Engineers applicable to the particular type of auxiliary driving light. Auxiliary driving lights shall be properly installed so that their aim is not grossly misaligned nor readily disturbed by ordinary vehicle operation.

1. Fog lights are auxiliary driving lights which may be used with the low beam headlights to provide general illumination ahead of a motor vehicle. A fog light shall be white, yellow, or amber in color. Approved fog lights shall meet the requirements of SAE J-583d, incorporated herein by reference.

2. Passing lights are also known as auxiliary low beam driving lights and are designed to supplement the lower beam of a standard headlight system. Approved lights shall meet the requirements of SAE J-582a, incorporated herein reference. Passing lights shall be wired so that they are controlled by a switch separate from the headlight switch.

3. Supplemental driving lights are auxiliary driving lights which may be used to supplement the upper beam of a standard headlight system. Approved lights shall meet the requirements of SAE J-581, incorporated herein by reference. Supplemental driving lights shall be wired so that they are controlled by a switch separate from the headlight switch.

(c) A spot light is a light which can be aimed at will. Any motor vehicle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O," along with the manufacturer's name or trademark, are often on the lens of approved type spot lights. Approved spot lights shall meet the requirements of SAE J-591b, incorporated herein by reference. The Standards of the Society of Automotive Engineers (SAE) may be obtained from the Society

of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

(d) Any motor vehicle may be equipped with not more than two side cowl or fender lights which shall emit a white or yellow light without glare.

(e) Any motor vehicle may be equipped with not more than one running board courtesy light on each side thereof which shall emit a white or yellow light without glare.

(f) Any motor vehicle may be equipped with one or more back-up lights, either separately or in combination with other lights. Back-up lights shall be white in color. No back-up light shall be illuminated when the motor vehicle is in forward motion.

(g) On motor vehicles used for plowing snow, there may be auxiliary driving lights connected to either the parking light system or the low beam headlight system. If sealed beam headlight units are used for the auxiliary driving lights, they shall be wired so that the taillights will be illuminated when the auxiliary driving lights are turned on. Auxiliary turn signal lights are also permitted on such motor vehicles.

(h) Flashing lights are prohibited on motor vehicles (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24) except as a means for indicating right or left turns or for hazard warning signals.

(i) A motor vehicle driven by an active member in good standing of a volunteer fire company or a volunteer first aid or rescue squad may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-5. An identification card (permit) issued pursuant to N.J.A.C. 13:24-5 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motor vehicle.

(j) A motor vehicle driven by an active member in good standing of the New Jersey Wing of the Civil Air Patrol may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-7. A permit issued pursuant to N.J.A.C. 13:24-7 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motor vehicle.

(k) All miscellaneous lights shall be permanently and securely mounted on a permanent part of the vehicle in such a manner as to reduce the likelihood of their being obscured by mud or dirt thrown up by the wheels.

(l) Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

1. A turn signal with a headlight; or

2. A clearance light with a taillight or an identification light.

(m) Motor vehicles may be equipped with other lights in addition to those which are specified in this subchapter. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights, along with the identification letters shown below:

1. E: Side turn signal lights (mounted on vehicle sides);
2. K: Cornering lights;
3. R: Back-up lights;
4. U: Supplemental high-mounted stop and turn signal lights;
5. V: Liquid burning emergency flares;
6. W4: Emergency reflex reflectors; or
7. X: Emergency lanterns.

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

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

In (f), added the second sentence; added a new (j) and recodified former (j) through (l) as (k) through (m).

13:20-33.26 Wiring and switching; Class I and II licensees

(a) Certification of a motor vehicle shall be refused for any of the following reasons:

1. The wiring is not in proper condition, is improperly installed, or is so located as to cause damage;
2. Any connection that is not secure or shows signs of corrosion;
3. The switches are not in proper condition or do not function properly;
4. Any light circuit that does not light the proper filament when the appropriate switch position is applied; or
5. Any defect in wiring and/or switching which adversely affects the lighting performance of any exterior light.

(b) Certification of a motor vehicle shall not be refused if replacement switches are present which perform the same function as the original switches, provided the safe operation of the motor vehicle is not adversely affected.

(c) Certification of a motor vehicle shall not be refused if replacement switches are present which perform the same function as the original switches but are not located in the original switch position(s), provided the safe operation of the motor vehicle is not adversely affected.

13:20-33.27 Headlight beam indicator light; Class I and II licensees

Certification of a motor vehicle shall not be refused because the headlight beam indicator light is inoperative or does not operate properly; however, the motorist shall be advised to have the defect corrected.

13:20-33.28 Turn signal and hazard warning signal indicator lights; Class I and II licensees

(a) Certification of a motor vehicle shall not be refused because of an inoperative turn signal indicator light and/or an inoperative hazard warning signal indicator light; however, the motorist shall be advised to have the defect corrected.

(b) If any turn signal indicator light is not readily visible to the driver, there shall be an illuminated indicator to give the driver a clear and unmistakable indication that the turn signal system is turned "on."

(c) In motor vehicles equipped with a single turn signal indicator, a separate hazard warning signal indicator shall flash and the turn signal indicator may flash while the hazard warning signal system is turned "on."

(d) In motor vehicles equipped with right and left turn signal indicators, both indicators or separate indicators shall flash simultaneously while the hazard warning signal system is turned "on."

(e) If a separate indicator light is used for the hazard warning signal system, it shall emit a red color and have a minimum area equivalent to a one-half inch diameter circle.

13:20-33.29 Antenna; Class I and II licensees

Any antenna mounted on a motor vehicle shall be securely attached so as not to swing or project in a hazardous manner. Certification of a motor vehicle shall not be refused because of an insecure antenna; however, the motorist shall be advised to have the condition corrected.

13:20-33.30 Body; Class I and II licensees

The motor vehicle body panels, floor pan and other sections shall be in good condition, and shall not be rusted out or missing. The motor vehicle body shall be free of rips and sharp edges which could cause injury.

13:20-33.31 Bumpers; Class I and II licensees

Bumpers, if present, shall be securely mounted on a motor vehicle and in good condition with no sharp or protruding parts or edges which could cause injury. Front and rear bumper heights shall be in accordance with the motor vehicle manufacturer's specifications.

13:20-33.32 Doors; Class I and II licensees

(a) The motor vehicle doors and all door operating devices, handles, buttons, hinges, and latches shall be in proper operating condition. A method of opening the door from the outside is not required on motor vehicles with fabric tops which are equipped with glazing material which can be readily removed without the use of tools.

(b) Motor vehicles designed and manufactured with doors shall be equipped with doors.

(c) Motor vehicles designed and manufactured without doors shall be equipped with seat belts or a strap, chain, or restraining device of some type across the openings.

13:20-33.33 Fenders and fender flaps; Class I and II licensees

(a) The motor vehicle fenders shall be securely mounted and shall have no rips or sharp edges which could cause injuries to persons.

(b) Fenders shall cover the width of the tire tread. The rear fenders shall be designed and installed so as to prevent the wheels of the motor vehicle from throwing dirt, water, or other material onto other motor vehicles. Fender flaps may be attached to the rear fenders to provide the necessary wheel coverage.

13:20-33.34 Fuel system; Class I and II licensees

Fuel leakage at any point in the motor vehicle fuel system shall be cause for rejection. The fuel tank and piping shall be securely mounted and in proper condition, and the fuel tank shall be properly capped.

13:20-33.35 Hood; Class I and II licensees

Motor vehicles shall be equipped with an engine hood. The hood shall be properly secured and latched, and all hinges, latches, and other components shall be in proper operating condition.

13:20-33.36 Lettering; Class I and II licensees

(a) Vehicles used for commercial purposes on a street or highway, except for passenger automobiles and vehicles owned or leased by a pharmacy and utilized for the transportation or delivery of drugs, shall have conspicuously displayed on the vehicle, or on a name plate attached to the vehicle, the name of the owner, lessee, or lessor of the vehicle, and the name of the municipality in which the owner, lessee, or lessor has his or her principal place of business. Franchised public utilities and operators of fleets of 50 or more commercial vehicles shall be exempted from displaying the name of the municipality, provided that their vehicles display a corporate identification number. The sign or the name plate shall be in plain view and the lettering shall be as close as possible to three inches high. Certification of a commercial vehicle shall not be refused because the vehicle fails to display the owner's name and business address; however, the motorist shall be advised to have the condition corrected.

(b) A noncommercial truck, registered as a passenger vehicle pursuant to N.J.S.A. 39:3-8.1, is issued passenger vehicle license plates by the Division. Such a noncommercial truck shall not have any advertising, signs, lettering, names, or addresses on its exterior, excepting trademarks and labels of the manufacturer and dealer. Certification of a noncommercial truck shall not be refused because the truck displays any type of lettering; however, the motorist shall be advised to have the condition corrected.

(c) Certification of a vehicle with a GVWR of 26,001 pounds or more shall not be refused because the GVWR is not displayed on the vehicle; however, the motorist shall be advised to have the condition corrected.

13:20-33.37 Ornaments; Class I and II licensees

All motor vehicle ornaments shall be free of sharp parts or edges which could cause injury to persons.

13:20-33.38 Pedals; Class I and II licensees

Brake, clutch, and accelerator pedals shall have rubber pads or some other method of providing the pedals with a non-skid surface. All pedals shall be in proper operating condition.

13:20-33.39 Racks or carriers; Class I and II licensees

A motor vehicle may be equipped with racks or carriers provided the maximum vehicle dimensional limits set forth in N.J.S.A. 39:3-84 are not exceeded and provided they do not create a dangerous condition which may cause injury to persons.

13:20-33.40 Reflective tape; Class I and II licensees

Reflective tape of a color amber to white may be displayed on the front of a motor vehicle. Reflective tape of a color red or amber to white may be displayed on the rear of a motor vehicle.

13:20-33.41 Seats; Class I and II licensees

All motor vehicle seats shall be securely mounted and free of hazardous conditions. The driver's seat shall lock securely in a position that permits the safe operation of the motor vehicle.

13:20-33.42 Seat belts; air bags; Class I and II licensees

(a) All motor vehicles which are required by law to be equipped with seat belts shall be in compliance with Federal Motor Vehicle Safety Standards 208 and 209, incorporated herein by reference. All motor vehicles which are required by law to be equipped with air bags shall be in compliance with Federal Motor Vehicle Safety Standard 208, incorporated herein by reference. Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 C.F.R. Part 571) may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3238, and are available for review, during regular business hours, at:

Office of the Director
New Jersey Division of Motor Vehicles
225 East State Street
9th Floor
Trenton, NJ 08666-0160

Regular business hours at this office are 8:30 A.M. to 5:00 P.M., Eastern Time, Monday through Friday. The telephone is (609) 777-1407.

(b) Seat belts and their anchorage units, or other restraining devices, shall be of a type approved as meeting the standards of the United States Department of Transportation or the specifications of the Society of Automotive Engineers. The buckles and anchorage units shall be in good condition and the webbing shall not be dangerously worn or cut.

(c) Certification of a motor vehicle shall be refused if an air bag(s) has been deployed and has not been replaced with an air bag(s) that is in compliance with Federal Motor Vehicle Safety Standard 208, incorporated herein by reference.

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

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

In (a), added the second sentence; added (c).

13:20-33.43 Gear shift indicator; Class I and II licensees

A motor vehicle equipped with an automatic transmission shall be equipped with a gear shift indicator in proper operating condition. Certification of a motor vehicle shall not be refused because of a minor misalignment of a gear shift indicator (that is, a misalignment of not more than one-half the distance between shift positions); however, the motorist shall be advised to have the defect corrected.

13:20-33.44 Transmission; Class I and II licensees

The transmission of a motor vehicle shall operate properly and shall be capable of operating in reverse. A reverse detent mechanism shall be present and shall be in proper operating condition.

13:20-33.45 Television; Class I and II licensees

A motor vehicle shall not have a television installed in such a manner that the viewing screen is visible to the driver while he or she is operating the motor vehicle.

13:20-33.46 Trunk lid; Class I and II licensees

A motor vehicle trunk lid shall be capable of being securely fastened in accordance with the motor vehicle manufacturer's original design and specification.

13:20-33.47 Service brakes (including service brake equalization and service brake pedal reserve); Class I and II licensees

(a) The inspection for motor vehicle service brake pedal reserve shall be performed as set forth in this section. "Pedal reserve" is the amount of total pedal travel left in reserve when the pedal is depressed to the brake applied position. The service brake pedal reserve test does not apply to air brake systems.

(b) With the motor vehicle stationary and the service brake pedal depressed under a moderate foot force (that is, a force of 25 pounds for power brakes and 50 pounds for other brakes), there shall be a minimum of one-fifth of the total average pedal travel (as per the motor vehicle manufacturer's specifications) remaining. The motor vehicle engine shall be running when power brakes are tested. In the event that the adequacy of the service brake pedal reserve on a motor vehicle equipped with disc brakes is in question, the pedal reserve shall be tested when the brakes are applied while the motor vehicle is being driven. The service brake pedal reserve test is not required for motor vehicles equipped with full power (central hydraulic) brake systems or for motor vehicles with brake systems designed to operate with less than one-fifth pedal travel.

(c) With the service brake pedal depressed to the brake applied position for 10 seconds under a foot force of approximately 125 pounds, there shall be no perceptible decrease in pedal height and, if the motor vehicle is so equipped, no illumination of the brake system failure indicator light. If a motor vehicle is so equipped, the brake system failure indicator light shall be in proper operating condition.

(d) Brake hoses shall not be mounted so as to contact the vehicle body or chassis. Brake hoses shall not be cracked, chafed, or flattened. Protective devices, such as "rub rings," are not to be considered part of the brake hose.

(e) Hydraulic or air brake line tubing shall be specially designed for automotive hydraulic or air brake line use. Tubing designed for gasoline or oil lines is not acceptable for use as hydraulic or air brake lines.

(f) If the motor vehicle inspection report indicates that a motor vehicle was previously rejected for service brakes or service brake equalization, at least one front wheel of the motor vehicle shall be removed so that it can be determined whether the internal parts of the brake are in proper condition. Any wear, breakage, or malfunctioning of the brake system which would adversely affect the safe operation of the motor vehicle shall be cause for rejection.

(g) The brake drum diameter or disc brake rotor thickness shall be measured. If the brake drum is embossed with a maximum safe diameter dimension or the brake rotor is embossed with a minimum safety thickness dimension, the drum or disc shall be within such specification. These dimensions will be found on motor vehicles manufactured

after January 1, 1971, and may be found on motor vehicles manufactured prior to that date. If the drums and discs are not so embossed, the drums and discs shall be within the manufacturer's specifications.

(h) The brake lining or pad shall be visually examined, and the height of the rubbing surface of the lining or pad over the rivet heads shall be measured. The bonded lining or bonded pad thickness over the shoe surface shall be measured at the thinnest point of the lining or pad.

(i) The thickness of a riveted lining or pad on each brake shall be not less than $\frac{1}{2}$ of an inch over the rivet heads. The thickness of a bonded lining or pad shall be not less than $\frac{1}{2}$ of an inch over the brake shoe or shoe plate. Brake linings and pads shall not have cracks or breaks that extend to rivet holes except minor cracks that do not impair attachment. Drum brake linings shall be securely attached to brake shoes. Disc brake pads shall be securely attached to shoe plates.

(j) Backing plates and caliper assemblies shall not be deformed or cracked. Brake system parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled properly and installed correctly.

(k) The vacuum brake hoses shall be examined visually and aurally with the motor vehicle engine running. The hoses shall not be collapsed, abraded, broken, improperly mounted, or audibly leaking.

(l) The motor vehicle engine shall be turned off and the service brake applied several times to destroy vacuum in the system. The brake pedal shall be depressed with 25 pounds of force and, while maintaining such force, the engine started. The brake pedal shall fall slightly under force when the engine starts. This test is not applicable to motor vehicles equipped with full power (central hydraulic) brake systems, as the service brake performance test shall be considered an adequate test of system performance for such motor vehicles.

(m) After insuring that the tires are properly inflated, a Type 1, Type 2, or Type 3 brake performance test shall be conducted:

1. Type 1: If the brakes are tested on a drive-on platform or roller-type brake tester, the results shall show some brake force produced by each wheel brake and the total brake force shall be equal to at least 43.5 percent of the gross vehicle weight. This is equivalent to a deceleration of 14 feet per second, which shall produce a stop from a speed of 20 miles per hour in 30 feet. The braking force on a front wheel or on a rear wheel shall not be less than 65 percent of the braking force developed on the other front wheel or rear wheel, respectively. The service brake shall have a minimum front to rear brake ratio of 40 percent and a maximum front to rear brake ratio of 95

percent. The allowable front brake bias margin shall be 25 percent. The allowable rear brake bias margin shall be 15 percent, except that for motor vehicles having a GVWR of 7,000 pounds or more but less than 10,001 pounds, the allowable rear brake bias margin shall be 25 percent.

2. Type 2: The brakes may be tested with an approved accelerometer/inertia navigation type tester to determine whether the motor vehicle can stop from a speed of 20 miles per hour in 30 feet.

3. Type 3: If a drive-on platform brake tester or roller-type brake tester or an accelerometer/inertia navigation type tester is not utilized, the brakes shall be road tested on a level, dry, smooth, hard surface that is free of loose material, oil, or grease to determine whether the motor vehicle is able to stop from a speed of 20 miles per hour in 30 feet or less without swerving out of a 12-foot wide lane. If the private inspection facility performs a road test of the brakes, a diagram of the test location shall be provided to the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a).

(n) If a motor vehicle is equipped with air brakes, the low pressure warning system and air brake components shall be tested for proper operation. This test includes the following:

1. The low pressure warning system. The engine shall be turned off when there is sufficient air pressure so that the low pressure warning signal is not illuminated. The electrical power shall be turned on and the brake pedal shall be depressed and released to reduce the air tank pressure. The low air pressure warning signal shall become illuminated before the air pressure drops to less than 60 pounds per square inch in the air tank (or, in dual air systems, in the tank with the lower air pressure).

2. Operation of automatic spring brakes. The motor vehicle wheels shall be chocked, the parking brake released when there is sufficient air pressure to do so, and the engine turned off. The brake pedal shall be depressed and released to reduce the air tank pressure. The parking brake knob shall pop out when the air pressure falls to the manufacturer's specification, which is usually in a range of between 20 to 40 pounds per square inch. This shall cause the spring brakes to engage.

3. Rate of air pressure increase. With the motor vehicle engine idling at the motor vehicle manufacturer's specification, the air pressure shall increase from 85 pounds per square inch to 100 pounds per square inch within 45 seconds in dual air systems. If the motor vehicle is equipped with larger than minimum air tanks, the rate of increase may be longer as per the manufacturer's specifications. In single air systems on pre-1975 model year motor vehicles, typical specifications are an air pressure rate of increase from 50 to 90 pounds per square inch within three minutes with the engine at an idle speed of 600 to 900 revolutions per minute.

4. Air leakage rate. With a fully-charged air system (typically 125 pounds per square inch), the engine shall be turned off, the service brake shall be released, and the air pressure drop shall be timed. The loss rate shall be less than two pounds per square inch in one minute for single vehicles, or less than three pounds per square inch in one minute for combination vehicles. Ninety pounds per square inch or more shall then be applied to the brake pedal. After the initial pressure drop, the air pressure shall not fall more than three pounds per square inch in one minute for single vehicles, nor more than four pounds per square inch in one minute for combination vehicles.

5. Governor cut-in and cut-out pressure. The air compressor shall start pumping at approximately 100 pounds per square inch and shall stop pumping at approximately 125 pounds per square inch as per the manufacturer's specifications. The motor vehicle engine shall be operated at a fast idle. The air governor shall cut-out the air compressor at approximately the manufacturer's specified pressure. The air pressure indicated on the air pressure gauge(s) shall stop rising. With the engine idling, the brake pedal shall be depressed and released to reduce the air tank pressure. The air compressor shall cut-in at approximately the manufacturer's specified cut-in pressure, and the air pressure shall begin to rise.

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

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

In (m)1, rewrote the last sentence as new last two sentences.

13:20-33.48 Parking brake; Class I and II licensees

(a) The parking brake shall be able to hold the motor vehicle stationary on any up or down grade upon which it can be operated, whether the motor vehicle is empty or loaded.

(b) The parking brake shall be equipped with a ratchet and pawl, or other type of automatic locking device, which will hold the brake in the applied position. On motor vehicles equipped with an automatic transmission and an automatic parking brake release, the locking device shall hold the parking brake in the applied position regardless of whether the transmission gear shift lever is in the "neutral" or "park" position.

(c) When the parking brake is applied, there shall be a minimum of one-third of the total average travel (as per the motor vehicle manufacturer's specifications) remaining.

13:20-33.49 Speed recording instrument (speedometer); mileage recording instrument (odometer); Class I and II licensees

Certification of a motor vehicle shall be refused if the speed recording instrument (speedometer) or the mileage recording instrument (odometer) for such motor vehicle is inoperative or does not operate properly.

13:20-33.50 Credentials; Class III licensees

The driver of a motorcycle presented for inspection shall present either a valid motorcycle operator's license or a valid basic driver's license with a motorcycle endorsement, a valid New Jersey motorcycle registration certificate, and a valid New Jersey insurance identification card for the motorcycle. Photocopies or facsimiles of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

13:20-33.51 License plate; Class III licensees

(a) A motorcycle shall not be certified if the license plate is not in the possession of the operator when the motorcycle is presented for inspection, or if the letters and/or numbers on the license plate are illegible.

(b) Certification of a motorcycle shall not be refused because the following requirements are not met; however, the motorcyclist shall be advised to have the condition corrected:

1. Only a rear license plate is required on a motorcycle. The license plate shall be clear and distinct and free from grease, dirt, or other blurring material so that it is plainly visible at all times of the day and night;
2. The license plate shall be securely attached to the rear of the motorcycle;
3. The license plate shall be displayed not less than 12 inches nor more than 48 inches from the ground in a horizontal position, right side up and right side out;
4. The letters and/or numbers on the license plate shall agree with the letters and/or numbers on the registration certificate of the motorcycle;
5. The license plate shall not be covered by glass, plastic, or similar material;
6. The license plate shall not be bent or defaced; or
7. The registration plate decal(s) issued by the Division for use on the license plate shall indicate the month and year in which the registration certificate for the motorcycle expires and shall be firmly attached to the license plate.

13:20-33.52 Frame, wheels, steering, handlebars, and suspension; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The frame is bent or damaged so as to affect the safe operation of the motorcycle;

2. The wheels and/or rims are bent, damaged, or defective, or the wheels are out of line, so that steering and control are adversely affected;

3. The steering-head bearing is loose, broken, defective, or out of adjustment;

4. The handlebars are loose, bent, broken, or damaged so as to affect proper steering;

5. The handlebar grips are higher than the shoulder height of the operator when he or she is seated on the motorcycle in normal driving position. Inasmuch as no portion of the handlebar grips shall be higher than the shoulder height of the operator, the measurement shall be made to the highest point on the handlebar grips;

6. Any component which is loose, bent, broken, defective, out of adjustment, or missing, so as to affect the safe operation of the motorcycle; or

7. The steering or suspension system is not in a condition equivalent to the motorcycle manufacturer's specifications.

13:20-33.53 Windscreen, glazing, and obstruction to driver's vision; Class III licensees

(a) A windscreen is not required on a motorcycle if the operator has in his or her possession an approved type of goggles or an approved type of face shield. If the motorcycle is equipped with a windscreen, it shall be inspected and certification shall be refused for any of the following reasons:

1. The windscreen is not of an approved type. The windscreen shall be approved as meeting Standard Z26.1 of the American National Standards Institute. The letters "AS," along with the trademark of the manufacturer or distributor, appear on approved types of windscreens;

2. The windscreen support, or some other component, obstructs the driver's vision or is constructed or located as to constitute a hazard to the driver;

3. The windscreen is broken, cracked, discolored, or scratched so as to obstruct the driver's vision;

4. The windscreen is not securely mounted;

5. The windscreen does not provide adequate protection for the operator; or

6. A sign, poster, sticker, or other non-transparent material is on the windscreen so as to obstruct the driver's vision; provided, however, an automatic vehicle identification system transponder approved by the Director in accordance with N.J.A.C. 13:20-10, or any sticker approved by the Director, is permitted.

13:20-33.54 Horn; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with a horn;
2. A horn is not securely fastened to the motorcycle;
3. A horn button is placed in an unsafe position;
4. A horn button is not operating properly;
5. Horn wiring is in an unsafe condition;
6. A horn is not audible under normal conditions from a distance of not less than 200 feet; or
7. A motorcycle is equipped with a siren, whistle, or bell (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24); provided, however, that any motorcycle may be equipped with a theft alarm signal device which is installed so that it cannot be used by the driver as an ordinary warning signal.

(b) Certification of a motorcycle shall not be refused because a horn emits an excessively loud or harsh sound; however, the motorcyclist shall be advised to have the condition corrected.

13:20-33.55 Windshield wipers; Class III licensees

(a) Some three-wheeled motorcycles are equipped with a passenger automobile type of windshield. In such cases, the motorcycle shall be equipped with at least one properly operating windshield wiper to provide clear vision for the driver. A motorcycle manufactured with only one windshield wiper shall have the wiper so located that it cleans the portion of the windshield directly in front of the driver in order for the driver to safely operate the motorcycle.

(b) If a motorcycle was originally manufactured with two windshield wipers, both wipers shall operate properly.

(c) A windshield wiper shall be capable of operating at a speed necessary to provide the driver a clear view ahead under all conditions of weather.

(d) Windshield wiper blades shall not be damaged, hardened, deteriorated, missing, or of an improper type (such as a blade designed for a flat windshield installed on a curved windshield), or of an improper size.

(e) A windshield wiper blade shall be held against the windshield with adequate pressure to provide the driver a clear view ahead under all conditions of weather.

(f) A windshield wiper shall clean the full area of the windshield for which it was designed.

(g) A windshield wiper control shall be constructed and installed as to be operated or controlled by the driver and shall be in proper operating condition.

13:20-33.56 Clearance lights; Class III licensees

(a) If the motorcycle is equipped with a side car or any other extension that is attached to the side thereof, there shall be a clearance light located on the outside limit of the side car or extension which displays white light to the front of the motorcycle.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The clearance light is not of an approved type. Clearance lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC," along with the manufacturer's name or trademark, are on the lens of such lights;
2. The clearance light is not permanently and securely mounted on a permanent part of the motorcycle;
3. The lens is missing, broken, or cracked;
4. The clearance light does not display white light to the front of the motorcycle; or
5. The filament does not light when the headlight is in operation.

(c) A three-wheeled motorcycle shall be equipped with amber side clearance lights or parking lights on each side visible from the front of the motorcycle.

13:20-33.57 Taillight, reflector, and license plate light; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The taillight shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "T," along with the manufacturer's name or trademark, are often on the lens of such lights;
2. The taillight shall be permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two taillights are present they shall be symmetrically disposed about the vertical centerline. The mounted height of a taillight, as measured from the center of the lens to the level surface upon which the motorcycle stands, shall be not less than 15 inches nor more than 72 inches;
3. The lens is missing, broken, or of a color other than red. Certification of a motorcycle shall not be refused because a taillight lens is cracked, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected;

4. The filament does not light when the headlight is in operation;

5. The reflector shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "A" (for Class A reflectors) or the letter "B" (for Class B reflectors), along with the manufacturer's name or trademark, are on such reflectors in most cases; or

6. The reflector shall be permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two reflectors are present they shall be symmetrically disposed about the vertical centerline. The mounted height of a reflector shall be not less than 15 inches nor more than 60 inches from the level surface upon which the motorcycle stands. The mounted height of a reflector shall be measured from the center of the reflector.

(b) A three-wheeled motorcycle shall be equipped with a taillight and a red reflector on each side visible from the rear of the motorcycle.

(c) Certification of a motorcycle shall be refused if the license plate light is inoperative. License plate lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "L," along with the manufacturer's name or trademark, are often on the lens of such lights.

13:20-33.58 Stoplight; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The stoplight is not red or amber in color;
2. The stoplight is not of an approved type. All stoplights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "S," along with the manufacturer's name or trademark, are often on the lens of such lights;
3. The stoplight is not activated by application of the brake;
4. The stoplight is not permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two stoplights are present they shall be symmetrically disposed about the vertical centerline; or

5. The lens is missing. Certification of a motorcycle shall not be refused because of a cracked lens, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected.

(b) A three-wheeled motorcycle shall be equipped with a red or amber spotlight on each side visible from the rear of the motorcycle.

13:20-33.59 Tires; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The tread on any tire is less than $\frac{3}{32}$ of an inch in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire;
2. Any part of the ply or cord is exposed;
3. The tire structure has a chunk, bump, knot, or bulge evidencing cord, ply, or tread separation from the casing or other adjacent material; or
4. A tire has been regrooved below the original tread depth, unless such tire was originally manufactured with extra undertread material and is marked "REGROOVABLE."

13:20-33.60 Exhaust system; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. An exhaust system in which the muffler is missing, defective, or not in proper operating condition;
2. An exhaust system if there is evidence of exhaust gas leakage at any point in the system;
3. The muffler is not designed especially for motorcycles or is not equivalent in quality and performance to the original manufacturer's equipment designed for highway use;
4. There is a muffler cut-out, muffler bypass or any similar device, or any change or modification to the exhaust system which causes excessive noise;
5. An exhaust system which has loose or worn components or has been patched; provided, however, that an exhaust system which has been properly welded and is in good condition may be certified;
6. There is excessive smoke. There shall be no more smoke than that produced by a properly maintained and functioning motorcycle;
7. An exhaust system in which all parts are not properly mounted; or
8. There is excessive vibration of the exhaust system.

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

13:20-33.61 Headlights; Class III licensees

(a) Every motorcycle shall be equipped with a headlight on the front on the vertical centerline, except that if two headlights are present they shall be symmetrically disposed about the vertical centerline. Motorcycle headlights shall emit only a white light and shall be tested for proper operation. Headlights shall not be tested for aim unless they have been previously rejected at inspection for one of the reasons set forth in this section. If headlight aim testing is required, the headlight shall be aimed straight ahead with the center of the hot spot of the high beam dropped the following distance in 25 feet, as measured with the operator seated on the motorcycle:

1. Multiple beam: Four inch drop ($\pm 2\frac{1}{2}$ inches).
2. Single beam: Nine inch drop ($\pm 2\frac{1}{2}$ inches).

(b) Notwithstanding (a) above, if headlight aim testing is required and if seven inch or $5\frac{3}{4}$ inch sealed beam headlight units are present on the motorcycle being tested, such headlights shall meet the headlight aim requirements set forth in N.J.A.C. 13:20-33.23.

(c) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with at least one approved type of motorcycle headlight. All headlights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "M," along with the manufacturer's name or trademark, often appear on approved type motorcycle headlights;

2. A motorcycle shall not have more than two headlights. If two headlights are installed, both shall operate properly and be of an approved type. Motorcycles having motors not over five horsepower may have either multiple beam or single beam headlights; all other motorcycles shall have multiple beam headlights. One seven inch sealed beam passenger automobile headlight unit of an approved type, or one $5\frac{3}{4}$ inch Type 1 and one $5\frac{3}{4}$ inch Type 2 sealed beam passenger automobile headlight unit of an approved type, may be used if desired;

3. The headlight is not securely mounted, cannot be aimed vertically or its aim is grossly misaligned, the wiring is not in proper condition, or the headlight switch (if the motorcycle is so equipped) does not operate properly;

4. The lens is cracked, missing, broken, or improperly installed;

5. There is dirt, excessive moisture, discoloration, contamination, or reflector deterioration; or

6. The light intensity is not sufficient; provided, however, that the engine speed of the motorcycle may be increased in an attempt to obtain sufficient light intensity.

(d) Certification of a motorcycle shall not be refused because the headlight rim is missing; however, the motorcyclist shall be advised to have the defect corrected.

(e) Certification of a motorcycle shall not be refused because a headlight switch is not present provided the headlight is illuminated when the ignition switch is turned on.

13:20-33.62 Rear view mirrors; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with a rear view mirror;
2. The mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges;
3. The mirror is not capable of adjustment to a fixed horizontal and vertical position;
4. The mirror is not securely or properly mounted on the motorcycle;
5. The mirror does not provide the driver adequate rear view vision; or
6. The primary rear view mirror to the left of the driver has a concave or convex shape.

13:20-33.63 Miscellaneous lights; Class III licensees

(a) The lights described in this section are not required on motorcycles, unless otherwise noted, but are permitted provided they comply with the requirements set forth in this section.

(b) All miscellaneous lights used on motorcycles shall be of a type and color approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name or trademark, are often on the lens of such lights. In addition, the letters listed below often appear on the following lights:

1. Fog lights = F; or
2. Supplemental driving or passing lights = Y or Z.

(c) Any motorcycle may be equipped with not more than two auxiliary driving lights which are securely mounted on the front of the motorcycle at a height of not less than 12 inches nor more than 42 inches above the level surface upon which the motorcycle stands. Auxiliary driving lights include, but are not limited to, fog lights, passing lights, and supplemental driving lights. Auxiliary driving lights shall be aimed

as set forth in N.J.A.C. 13:20-33.61. Auxiliary driving lights shall be properly installed so that their aim is not grossly misaligned nor readily disturbed by ordinary motorcycle operation. Fog lights shall be wired so that they can only be used in conjunction with the low beam headlights.

(d) The following concern turn signal lights required on three-wheeled motorcycles:

1. Two turn signal lights shall be visible from the front of the motorcycle, and two turn signal lights shall be visible from the rear of the motorcycle.
2. The entire turn signal system shall be of an approved type. All turn signal lights, flashers and operating units shall be of a type approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name or trademark, are often on such devices. In the case of front and rear turn signal lights, the letter "I" or the letter "D" is often on the lens of such lights.
3. The turn signal lights showing to the front of the motorcycle shall be amber or white in color.
4. The turn signal lights showing to the rear of the motorcycle shall be amber or red in color.
5. All turn signal lights, systems and components shall be in proper operating condition. Certification of a motorcycle shall not be refused because a turn signal light has a cracked lens, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected.

(e) A spot light is a light which can be aimed at will. Any motorcycle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O," along with the manufacturer's name or trademark, are often on the lens of approved type spot lights. Approved spot lights shall meet the requirements of SAE J-591b, incorporated herein by reference. The Standards of the Society of Automotive Engineers (SAE) may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

(f) Flashing lights are prohibited on motorcycles (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24) except as a means for indicating right or left turns or for hazard warning signals.

(g) A motorcycle driven by an active member in good standing of a volunteer fire company or a volunteer first aid or rescue squad may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-5. An identification card (permit) issued pursuant to N.J.A.C. 13:24-5 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motorcycle.

(h) All miscellaneous lights shall be permanently and securely mounted on a permanent part of the motorcycle in such a manner as to reduce the likelihood of their being obscured by mud or dirt thrown up by the wheels.

(i) Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

1. A turn signal with a headlight; or
2. A clearance light with a taillight or an identification light.

(j) Motorcycles may be equipped with other lights in addition to those which are specified in this subchapter. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights, along with the identification letters shown below:

1. E: Side turn signal lights (mounted on motorcycle sides);
2. K: Cornering lights;
3. M: Motorcycle and motor driven cycle headlights (motorcycle type);
4. N: Motorcycle and motor driven cycle headlights (motor driven cycle type);
5. R: Back-up lights;
6. U: Supplemental high-mounted stop and turn signal lights;
7. V: Liquid burning emergency flares;
8. W4: Emergency reflex reflectors; or
9. X: Electric emergency lanterns.

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

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

In (j)7, inserted "V:" preceding "Liquid".

13:20-33.64 Wiring, switching, and electrical equipment; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The wiring and/or switches are not in proper condition, are improperly installed, or are so located as to cause damage;
2. The switches do not function properly;
3. A connection is not secure or shows signs of damage;
4. The power for lights is not provided by a generator, alternator, or magneto. Dry cell batteries are not acceptable as a source of electrical energy except for parking lights; or
5. Any defect in wiring or switching which adversely affects the lighting performance of any exterior light.

(b) Certification of a motorcycle shall not be refused because a headlight switch is not present provided the headlight is illuminated when the ignition switch is turned on.

(c) Certification of a motorcycle shall not be refused if replacement switches are present which perform the same function as original switches, provided the safe operation of the motorcycle is not adversely affected.

(d) Certification of a motorcycle shall not be refused if replacement switches are present which perform the same function as the original switches but are not located in the original switch position(s), provided the safe operation of the motorcycle is not adversely affected.

13:20-33.65 Headlight beam indicator light; Class III licensees

(a) Certification of a motorcycle shall not be refused because the headlight beam indicator light is inoperative or does not operate properly; however, the motorcyclist shall be advised to have the defect corrected.

(b) A headlight beam indicator light is not required on motorcycles equipped with single beam headlights.

13:20-33.66 Miscellaneous items; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. Fuel leakage at any point in the motorcycle fuel system;
2. The fuel tank and piping are not securely mounted or are not in proper condition;
3. The fuel tank is not properly capped;
4. The chainguard does not provide sufficient protection; or
5. The speed recording instrument (speedometer) or the mileage recording instrument (odometer) is inoperative or does not operate properly.

(b) The rear fenders of three-wheeled motorcycles shall extend downward to the rear at least three-quarters of the distance from the top of the tire to the horizontal centerline of the tire. Fender flaps may be attached to the rear fenders to provide the required length.

13:20-33.67 Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with front and rear brakes adequate to control the movement of and stop the

motorcycle within a safe distance; or, for 1973 and earlier model year motorcycles, the motorcycle is not equipped with at least one brake adequate to control the movement of and stop the motorcycle within a safe distance;

2. Levers (foot and hand) do not have at least one-third of their average travel distance as reserve after the brakes are fully applied;

3. Any leak in a hydraulic brake system; or

4. Any defect in mechanical components.

(b) A three-wheeled motorcycle shall be equipped with a parking brake in proper operating condition.

(c) The parking brake shall be able to hold the motorcycle stationary on any up or down grade upon which it can be operated, whether the motorcycle is empty or loaded.

(d) The parking brake shall be equipped with an automatic locking device which will hold the brake in the applied position.

(e) When the parking brake is applied, there shall be a minimum of one-third of the total average travel (as per the motorcycle manufacturer's specifications) remaining.

(f) The service brakes on a three-wheeled motorcycle shall be properly equalized.

13:20-33.68 Helmets; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. There is not an approved type of safety helmet in the possession of the motorcycle operator. An approved type of safety helmet is marked to meet Federal Motor Vehicle Safety Standard No. 218, along with the manufacturer's or distributor's trademark.

2. The safety helmet is not equipped with either a neck or chin strap; or

3. The safety helmet is not reflectorized over an area of at least four square inches on each side of the helmet. Red, white, or amber reflectorized safety tape shall be used and shall be securely affixed to the helmet in a permanent waterproof manner.

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

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

In (a)3, deleted last sentence.

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

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

In (a)1, deleted "Standard Z90.1 of the American National Standards Institute or" following "is marked to meet" and inserted "No." preceding "218".

13:20-33.69 Goggles or face shields; Class III licensees

(a) A motorcycle operator is not required to have goggles or a face shield in his or her possession if the motorcycle is equipped with an approved type of windscreen in accor-

dance with N.J.A.C. 13:20-33.53. If the motorcycle is not equipped with an approved type of windscreen, it shall not be certified unless the operator has in his or her possession either an approved type of goggles or an approved type of face shield.

(b) Approved type goggles and approved type face shields are marked to meet Standard Z2.1 or Standard Z87.1 of the American National Standards Institute or Regulation V-8. The letters and numbers Z2.1 or Z87.1 or V-8 appear on such goggles and face shields, along with the trademark of the manufacturer or distributor.

13:20-33.70 Seats; Class III licensees

(a) Motorcycles designed for occupancy by two people shall have either one permanent seat designed for two persons, or a separate passenger seat located to the rear or side of the seat for the operator.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The seats are not equivalent in quality and safety to the original manufacturer's equipment;
2. Each seat is not securely mounted; or
3. The seats are not of sufficient strength or are mounted in such a manner that the operator and passenger cannot ride without crowding or interfering with the operation of the motorcycle.

13:20-33.71 Foot rests; Class III licensees

(a) Motorcycles designed to carry more than one person shall be equipped with adequate foot rests for each passenger.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The foot rests are not equivalent in quality and performance to the original manufacturer's equipment;
2. The foot rests are not securely mounted;
3. The foot rests are not capable of supporting the full weight of the user; or
4. The foot rests for passengers are mounted in such a manner as to interfere with the operation of the motorcycle.

APPENDIX A

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

<u>Item Reinspected</u>	<u>Time Required</u>
Credentials .....	.1 hour*

<u>Item Reinspected</u>	<u>Time Required</u>
License Plates .....	.1 hour*
Steering and Suspension .....	.5 hour
Front Parking Lights .....	.1 hour*
Glazing .....	.2 hour
Obstruction to Driver's Vision .....	.1 hour*
Horn .....	.1 hour*
Windshield Wipers .....	.2 hour
Turn Signals and/or Hazard Warning Signals .....	.2 hour
Clearance Lights, Reflectors, Identification Lights and/or Side-Marker Lights .....	.2 hour
Taillights and/or License Plate Light .....	.1 hour*
Stoplights .....	.1 hour*
Wheels and/or Tires .....	.2 hour
Exhaust System .....	.2 hour
Engine Emissions (CO, HC, NO _x and/or Smoke) .....	.5 hour
Fuel Cap Leak Test .....	.2 hour
On-Board Diagnostics (OBD) Inspection ..	.3 hour
Catalytic Converter .....	.2 hour
Headlights .....	.3 hour
Rear View Mirrors .....	.1 hour*
Miscellaneous Lights .....	.2 hour
Wiring and/or Switching .....	.2 hour
Miscellaneous Items .....	.3 hour
Service Brakes .....	.5 hour
Parking Brake and Reserve .....	.2 hour
Service Brake Equalization .....	.5 hour
Service Brake Pedal Reserve .....	.2 hour

*Note: If this is the only item to be reinspected on a motor vehicle, the reinspection time shall be considered to be .2 hour.

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

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

Substituted "Fuel Cap Leak Test" for "Gas Cap Test" and "On-Board Diagnostics (OBD) Inspection" for "On-Board Diagnostic (OBD) Test"; deleted "Pressure Test .3 hour".

APPENDIX B

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

<u>Item Reinspected</u>	<u>Time Required</u>
Credentials .....	.1 hour*
License Plates .....	.1 hour*
Steering and Suspension .....	.7 hour
Front Parking Lights .....	.1 hour*
Glazing .....	.2 hour
Obstruction to Driver's Vision .....	.1 hour*
Horn .....	.1 hour*
Windshield Wipers .....	.2 hour
Turn Signals and/or Hazard Warning Signals .....	.2 hour
Clearance Lights, Reflectors, Identification Lights and/or Side Marker Lights .....	.2 hour
Taillights and/or License Plate Light .....	.1 hour*
Stoplights .....	.1 hour*
Wheels and/or Tires .....	.2 hour
Exhaust System .....	.4 hour
Engine Emissions (CO, HC and/or Smoke) ..	.5 hour
Fuel Cap Leak Test .....	.2 hour
Catalytic Converter .....	.2 hour

Item Reinspected	Time Required
Headlights .....	.3 hour
Rear View Mirrors .....	.1 hour*
Miscellaneous Lights .....	.2 hour
Wiring and/or Switching .....	.2 hour
Miscellaneous Items .....	.3 hour
Service Brakes .....	.7 hour
Parking Brake and Reserve .....	.4 hour
Service Brake Equalization .....	.7 hour
Service Brake Pedal Reserve .....	.4 hour

*Note: If this is the only item to be reinspected on a motor vehicle, the reinspection time shall be considered to be .2 hour.

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

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

Substituted "Fuel Cap Leak Test" for "Gas Cap Test".

APPENDIX C

AVERAGE LENGTH OF TIME REQUIRED TO REINSPECT A SPECIFIC ITEM ON A MOTORCYCLE

Item Reinspected	Time Required
Credentials .....	.1 hour*
License Plate .....	.1 hour*
Frame, Wheels, Steering, Handlebars and/or Suspension .....	.2 hour
Parking Lights .....	.1 hour*
Windscreen and/or Glazing .....	.2 hour
Obstruction to Driver's Vision .....	.1 hour*
Horn .....	.1 hour*
Windshield Wipers .....	.2 hour
Turn Signals and/or Hazard Warning Sig- nals .....	.2 hour
Clearance Lights, Reflectors, Identification Lights and/or Side-Marker Lights .....	.2 hour
Taillights and/or License Plate Light .....	.1 hour*
Stoplights .....	.1 hour*
Tires .....	.2 hour
Exhaust System (Including Smoke) .....	.2 hour
Headlights .....	.2 hour
Rear View Mirrors .....	.1 hour*
Miscellaneous Lights .....	.2 hour
Wiring, Switching and/or Electrical Equip- ment .....	.2 hour
Miscellaneous Items .....	.2 hour
Service Brakes .....	.2 hour
Parking Brake and Reserve .....	.2 hour
Service Brake Equalization .....	.2 hour
Service Brake Pedal Reserve .....	.2 hour
Helmets .....	.1 hour*
Goggles and/or Face Shields .....	.1 hour*
Seats and/or Foot Rests .....	.1 hour*

*Note: If this is the only item to be reinspected on a motorcycle, the reinspection time shall be considered to be .2 hour.

SUBCHAPTER 34. IDENTIFYING MARKS

13:20-34.1 Definitions

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

"Courtesy marks" means particular identifying marks having inscribed thereon motor vehicle registration numbers comprised of three alphabetic characters and any number from 1 through 20, except those combinations hereinafter reserved.

"Legislature courtesy marks" mean courtesy marks hereinafter reserved for members of the Senate and General Assembly of the State of New Jersey.

"Particular identifying mark or marks" mean motor vehicle license plates having inscribed thereon motor vehicle registration numbers comprised of combinations of letters or numbers, or both, requested by the registrants.

"Personalized marks" mean particular identifying marks having inscribed thereon motor vehicle registration numbers comprised of any combination of alphabetic characters or numbers, or both, except combinations defined as courtesy marks.

13:20-34.2 Registration numbers reserved

(a) The following registration numbers are reserved as specified:

1. Registration numbers comprised of two alphabetic characters only and registration numbers comprised of one alphabetic character and a single digit for vehicles owned or leased by members of the Senate of the State of New Jersey; SP for a vehicle owned by, or leased by or for, the President of the Senate of the State of New Jersey;
2. Registration numbers comprised of two alphabetic characters and one digit for vehicles owned or leased by members of the General Assembly of the State of New Jersey; SPKR for a vehicle owned by, or leased by or for, the Speaker of the General Assembly of the State of New Jersey;
3. U.S.S. 1 and U.S.S. 2 for vehicles owned or leased by United States Senators representing the State of New Jersey;
4. U.S. 1 through U.S. 20 for vehicles owned or leased by members of Congress representing districts in the State of New Jersey;
5. MD A 1 through MD Z 999, 1 MD A through 999 MD Z, MD 1000 through MD 9999, 1000 MD through 9999 MD, and MD 1 A through MD 99 Z for vehicles owned or leased by persons licensed to practice medicine and surgery in New Jersey or neighboring states;
6. NJP 1 through NJP 999 and 1 NJP through 999 NJP for vehicles owned or leased by persons accredited as members of the "Press" in New Jersey.
7. NYP 1 through NYP 9999 and 1 NYP through 9999 NYP for vehicles owned or leased by persons accredited as members of the "Press" in the City of New York, New York;

8. PBA, PBA 1 through PBA 999 and 1 PBA through 999 PBA for incumbent officers of the State Patrolmen's Benevolent Association, Inc.;

9. QQA 1 through QQZ 999, 1 QQA through 999 QQZ, QQ1 A through QQ999 Z, 100 AQQ through 999 ZQQ, and QQ 1000 through QQ 99999 for "historic" vehicles registered pursuant to N.J.S.A. 39:3-27.3 et seq.; Q1 through Q9999 for "historic" motorcycles;

10. DAV 1 through DAV 999, 1 DAV through 999 DAV, DV 1 through DV 9999 and 1 DV through 9999 DV for vehicles owned by members of "Disabled American Veterans" of New Jersey;

11. VFW 1 through VFW 999 and 1 VFW through 999 VFW for vehicles owned or leased by members of "Veterans of Foreign Wars of the United States, State of New Jersey";

12. DAA 1 through DZZ 99 and 1 DAA through 99 DZZ for issuance to licensed motor vehicle dealers pursuant to N.J.S.A. 39:3-18;

13. A11A through Z99Z and 1AA1 through 9ZZ9 for vehicles owned by any bona fide firefighter (paid, partially paid, or volunteer);

14. F 1000 through F 9999 and 1000 F through 9999 F for vehicles owned by any bona fide members of first aid or rescue squads;

15. P 1000 through P 9999 and 1000 P through 9999 P for vehicles owned by any person who served in the armed forces of the United States and who was held as a prisoner of war by an enemy of the United States during any armed conflict;

16. R 1000 through R 9999 and 1000 R through 9999 R for vehicles manufactured before 1949 and registered with a New Jersey street rod club affiliated with the National Street Rod Association, Inc.;

17. H 1000 through H 9999, 1000 H through 9999 H, HA 1000 through HZ 9999 and 1000 HA through 9999 HZ for vehicles that qualify under N.J.S.A. 39:4-204 through 207, A 100 through A 999 for motorcycles that qualify under N.J.S.A. 39:4-204 through 207;

18. NGA 1 through NGZ 999 and 1 NGA through 999 NGZ and any combination beginning with NG for vehicles owned by active members of or former active members who have been honorably separated from the New Jersey Air National Guard or Army National Guard;

19. A 1 AA through Z 9 ZZ, except for those combinations beginning with the letters A, K, N or W which are reserved for amateur radio call letter registrations, for vehicles owned or leased by a County Office of New Jersey. The first letter will designate the county code. Freeholder, Surrogate, County Clerk, and Sheriff will be assigned numbers one through three. All other plates will bear the title County Officer with assigned numbers four through nine;

20. DDS 001 through DDS 999, 001 DDS through 999 DDS and DMD 001 through DMD 999, 001 DMD through 999 DMD, and any combination of one to three letters with DDS or DMD for vehicles owned or leased by persons licensed to practice dentistry in New Jersey or neighboring states;

21. DPM 100 through DPM 999, 100 DPM through 999 DPM, and any combination of one to three letters with DPM for vehicles owned or leased by persons licensed to practice podiatry in New Jersey or neighboring states;

22. 1 DC 1 through 1 DC 999 for vehicles owned or leased by persons licensed to practice chiropractic medicine in New Jersey or neighboring states;

23. DO 1000 through DO 9999 and 1000 DO through 9999 DO for vehicles owned or leased by osteopathic physicians licensed to practice medicine and surgery in New Jersey or neighboring states;

24. AA1AA through ZZ9ZZ for vehicles owned or leased by the mayor or chief executive of a municipality in this State;

25. USS NJ, USS NJ 1 through 9 to be set aside for the members of the USS New Jersey Battleship Commission;

26. SA 1000 through SA 9999 and SA 100A through SZ 999Z, except that the letters I, O and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Coastal Protection license plates issued by the Division pursuant to N.J.S.A. 39:3-27.48;

27. IM 1000 through IM 9999 and IM 100A through IM 999Z, except that the letters O and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Animal Welfare license plates issued by the Division pursuant to N.J.S.A. 39:3-27.55;

28. CW 1000 through CW 9999, 1000 CW through 9999 CW, CW 100A through CW 999Z, CW 10AA through CW 99ZZ, WC 10AA through WC 99ZZ, and WC 100A through WC 999Z, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Wildlife Conservation license plates issued by the Division pursuant to N.J.S.A. 39:3-33.10;

29. US 1000 through US 9999, 1000 US through 9999 US, and US 100A through US 999Z, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on United States Olympic license plates issued by the Division pursuant to N.J.S.A. 39:3-27.62;

30. BB 1000 through BB 9999, 1000 BB through 9999 BB, and BB 10AA through BB 99ZZ, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Battleship U.S.S. New Jersey license plates issued by the Division pursuant to N.J.S.A. 39:3-27.67;

31. ZZ 1000 through ZZ 9999, 1000 ZZ through 9999 ZZ, and ZZ 100A through ZZ 999Z, except that the letters I, O, and Q shall not be utilized in such non-

personalized plate combinations. Designated for use on Historic Preservation license plates issued by the Division pursuant to N.J.S.A. 39:3-27.73;

32. VS 1000 through VS 9999 for license plates issued by the Division for vehicles pursuant to N.J.S.A. 39:3-40.2; V 100 S through V 999 S for license plates issued by the Division for motorcycles pursuant to N.J.S.A. 39:3-40.2;

33. AA 100A through AZ 999Z, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on apportioned vehicle license plates issued by the Division pursuant to N.J.S.A. 39:3-6.13 and N.J.A.C. 13:18-2.10;

34. Three alphabetic characters plus 1 through 20 and 1 through 20 plus three alphabetic characters designated as "courtesy plates" approved by county senators;

35. CC 1000 through CC 9999, 1000 CC through 9999 CC, CC 10AA through CC 99ZZ, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Conquer Cancer license plates issued by the Division pursuant to N.J.S.A. 39:3-27.90;

36. WE 1000 through WE 9999, 1000 WE through 9999 WE, WE 100A through WE 999Z, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Shade Tree and Community Forestry Preservation license plates issued by the Division pursuant to N.J.S.A. 39:3-27.79;

37. BH 1000 through BH 9999, 1000 BH through 9999 BH, BH 10AA through BH 99ZZ, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Barnegat Bay Decoy & Baymen's Museum license plates issued by the Division pursuant to N.J.S.A. 39:3-27.86;

38. PL 1000 through PL 9999, 1000 PL through 9999 PL, PL 10AA through PL 99ZZ, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Pinelands Preservation license plates issued by the Division pursuant to N.J.S.A. 39:3-27.85;

39. LS 1000 through LS 9999, 1000 LS through 9999 LS, LS 10AA through LS 99ZZ, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Liberty State Park license plates issued by the Division pursuant to N.J.S.A. 39:3-27.92;

40. DH 1000 through DH 9999, 1000 DH through 9999 DH, DH 100A through DH 999Z, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Deborah Heart and Lung Center license plates issued by the Division pursuant to N.J.S.A. 39:3-27.107;

41. MC 1000 through MC 9999, 1000 MC through 9999 MC, MC 10AA through MC 99ZZ, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on

Hackensack Meadowlands Conservation license plates issued by the Division pursuant to N.J.S.A. 39:3-27.100;

42. NC 1000 through NC 9999. Designated for use on Navy Cross license plates issued by the Division pursuant to N.J.S.A. 39:3-27.106; and

43. ME 1000 through ME 9999. Designated for use on vehicles owned or leased by Municipal Mayors issued by the Division pursuant to N.J.S.A. 39:3-27.114.

(b) Notwithstanding the above reservations, the Director in his or her discretion may issue marks reserved for members of the United States Senate and House of Representatives, and the Senate and General Assembly of New Jersey for vehicles owned by spouses of said members or for vehicles owned by firms or corporations of which said members are owners, partners or employees.

Amended by R.1985 d.101, effective March 4, 1985.

See: 16 N.J.R. 2743(a), 17 N.J.R. 601(a).

Substantially amended.

Amended by R.1992 d.264, effective June 15, 1992.

See: 24 N.J.R. 1467(b), 24 N.J.R. 2283(b).

Revised text.

Amended by R.1994 d.314, effective June 20, 1994.

See: 26 N.J.R. 1487(a), 26 N.J.R. 2587(b).

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

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

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

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

Rewrote (a); in (b), inserted "or her" preceding "discretion" and substituted "for" for "to" preceding "vehicles owned by spouses" and "vehicles owned by firms".

13:20-34.3 Registration numbers excluded

(a) The following registration numbers shall be excluded from issuance as "particular identifying marks" and, where so indicated, shall be used for the purpose specified:

1. Any combination except those hereinbefore reserved having the following arrangements: three alphabetic followed by three numeric characters (for example ABC 123); three numeric followed by three alphabetic characters (for example 123 ABC); three alphabetic followed by two numeric and one alphabetic character (for example, ABC 12D); two alphabetic followed by three numeric and one alphabetic character (for example, BA 123C), except that the letters I, O and Q shall not be utilized in this type of six character non-personalized plate combination; three alphabetic followed by four numeric characters (for example, ABC 1234), except that the letters I, O and Q shall not be utilized in such seven character non-personalized plate combinations. Any combination herein excluded and not in a series designated for special classes of vehicles may be reissued as "personalized marks" if the registrant to whom the marks were previously issued has surrendered said marks and corresponding registration certificate. Designated for general issue;

2. "1" through "30" except "22 and 25". Designated for State vehicles assigned to cabinet officers;

3. "100 through 19000". Designated for "constructor" registrations;

4. Except as otherwise provided by N.J.A.C. 13:20-34.2(a)1 and 13:20-34.2(a)9, any combination consisting of less than three characters or more than seven characters;

5. Any combination consisting of one alphabetic followed by two numeric characters (for example, A 12). Designated for "contractor equipment in transit registration";

6. "AA 10" through "YZ 99," except for QQ 1 through QQ 99. Designated for "contractor equipment in transit registration." "ZA 10" through "ZZ 99" and "10 ZA through 99 ZZ". Designated for "empty contractor equipment in transit registration";

7. Any combination having two alphabetic followed by three numeric characters (for example, AB 123) or three numeric followed by two alphabetic characters (for example, 123 AB). Designated for general motorcycle registrations (A100A through Z999Z and A1000 through Z1000 new series);

8. F 10000 through F 99999, FA 10000 through FA 99999, and FA 10A through FZ 99Z. Designated for "farm use registrations" issued pursuant to N.J.S.A. 39:3-24(b);

9. "G" followed by three numeric characters (for example G 123) and three numerics followed by "G" (for example, 123 G). Designated for motorcycles owned by governmental agencies;

10. "H" followed by three numeric characters (for example, H 123) and three numerics followed by "H" (for example, 123 H). Designated for motorcycles owned by governmental agencies;

11. "J" followed by three numeric characters (for example J 123) and three numerics followed by "J" (for example, 123 J). Designated for motorcycles owned by governmental agencies;

12. "MV 1" through "MV 10" and "1 MV" through "10 MV". Designated for State vehicles assigned to Division of Motor Vehicles personnel;

13. S1 100A through S1 999Z and 100A S1 through 9999Z S1 for School Vehicle Type I; S2 100A through S2 999Z and 100A S2 through 9999Z S2 for School Vehicle Type II;

14. TA 100 through TZ 9999, TAA 100 through TZZ 9999, TA100A through TZ999Z, 100 TAA through 999 TZZ, and T100AA through T999ZZ for commercial trailers and semitrailers; provided, however, that the letters I, O and Q shall not be utilized in seven character combinations issued for commercial trailers and semitrailers;

15. XA 100 through XZ 9999, XAA 100 through XZZ 9999, XA1000 through XZ9999, X10000 through X99999, X1A100 through X9Z999, XAA10A through XXZ99Z, XX10AA through XX99ZZ, and X100AA through X999ZZ for commercial motor vehicles; provided, however, that the letters I, O and Q shall not be utilized in seven character combinations issued for commercial motor vehicles;

16. SGA 1 through SGZ 999, 1 SGA through 999 SGZ, SG 1000 through SG 99999, and 1000 SG through 99999 SG for State-owned or leased vehicles; CGA 1 through CGZ 999, 1 CGA through 999 CGZ, CG 100A through CG 999Z, CG 1000 through CG 99999, and 1000 CG through 99999 CG for county-owned or leased vehicles; MGA 1 through MGZ 999, 1 MGA through 999 MGZ, MG 10AA through MG 99ZZ, MG 1000 through MG 99999, and 1000 MG through 99999 MG for municipal-owned or leased vehicles; TD 100 through TD 9999 and 100 TD through 9999 TD for State-owned or leased vehicles assigned to the Department of Transportation;

17. ACE 21 through ACE 99 and 21 ACE through 99 ACE for vehicles owned or leased by the South Jersey Transportation Authority; HAA 1 through HAZ 999 and 1 HAA through 999 HAZ for vehicles owned or leased by the New Jersey Highway Authority; TPA 1 through TPA 999, 1 TPA through 999 TPA, and TPA 10A through TPA 99Z for vehicles owned or leased by the New Jersey Turnpike Authority;

18. OXV 100 through OZZ 9999 for vehicles utilized as buses for hire;

19. XYA 10A through XZD 99Z and XY 10AA through XZ99ZZ for vehicles utilized as farmer trucks;

20. CV 1000 through CV 9999 and 1000 CV through 9999 CV for vehicles utilized as commuter vans for hire;

21. TR 1000 through TR 9999, TRA 100 through TRM 999, TSA 100 through TSF 999 and 1000 TA through 9999 TZ for tractors utilized on farms;

22. OL 4000 through OL 9999 and 4000 OL through 9999 OL for vehicles utilized as taxis for hire;

23. SPA 100 through SPA 999, 100 SPA through 999 SPA, SPB 100 through SPB 999, 100 SPB through 999 SPB, SP 1000 through SP 9999, and 1000 SP through 9999 SP, used for State Police designated vehicles;

24. OL 1000 through OL 3999 and 1000 OL through 3999 OL for vehicles utilized as limousines or taxis for hire with PUC approval;

25. Any combination except those hereinbefore reserved having the following arrangements: AAA 100 through ZZZ 9999, 100 AAA through 9999 ZZZ and AAA 10A through ZZZ 99Z for vehicles utilized as pleasure vehicles; provided, however, that the letters I, O, and Q shall not be utilized in seven character non-personalized plate combinations issued for vehicles utilized as pleasure vehicles; BA 100A through ZZ 999Z for vehicles utilized as pleasure vehicles, except that the letters I, O, and Q shall not be utilized in this type of six character non-personalized plate combination issued for vehicles utilized as pleasure vehicles;

26. 1A1A1 through 9Y9Y9 for motorized bicycles;
27. Any combination of alphabetic and numeric characters that constitutes amateur radio call letters as issued by the Federal Communications Commission;
28. Three letters followed by CMH. Designated for vehicles owned or leased by New Jersey residents who have been awarded the Congressional Medal of Honor;
29. 1000 SS through 9999 SS for vehicles owned or leased by persons who have been awarded the Silver Star medal;
30. CI 1000 through CI 9999 and 1000 CI through 9999 CI for vehicles owned or leased by persons who are holders of the Combat Infantryman Badge;
31. AR 1000 through AR 9999, NR 1000 through NR 9999, CR 1000 through CR 9999, AF 1000 through AF 9999 and MR 1000 through MR 9999 for vehicles owned by persons serving in military reserve units;
32. NFA 100 through NFZ 999 and NF 10000 through NF 99999 for vehicles that qualify for registration at no fee pursuant to N.J.S.A. 39:3-27 and which are not assigned specific combinations by any other provision of this subchapter;
33. EM 1000 through EM 9999 and 1000 EM through 9999 EM for vehicles owned or leased by emergency medical technician-ambulance.
34. Except as otherwise provided by this subchapter, any combination consisting of two alphabetic followed by four numeric characters (for example, AB 1234) or four numeric followed by two alphabetic characters (for example, 1234 AB). Designated for use on special organization vehicle registration plates issued by the Division pursuant to N.J.S.A. 39:3-27.35 et seq. and N.J.A.C. 13:20-39;
35. Any combination of alphabetic characters or numbers, or both, that may carry connotations offensive to good taste and decency.

Amended by R.1985 d.101, effective March 4, 1985.

See: 16 N.J.R. 2743(a), 17 N.J.R. 601(a).

Substantially amended.

Amended by R.1992 d.264, effective June 15, 1992.

See: 24 N.J.R. 1467(b), 24 N.J.R. 2283(b).

Revised text.

Amended by R.1994 d.314, effective June 20, 1994.

See: 26 N.J.R. 1487(a), 26 N.J.R. 2587(b).

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

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

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

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

In (a)6, substituted "through" for "to" preceding "QQ99"; rewrote (a)16; in (a)17, substituted "South Jersey Transportation Authority" for "new Jersey Expressway Authority".

13:20-34.4 Denial, suspension or revocation

(a) "Particular identifying marks" shall not be issued to any person who:

1. Has been convicted of a violation of N.J.S.A. 2C:11-5;

2. For the 10-year period next preceding the date of application for a particular identifying mark has been convicted for a violation of either N.J.S.A. 39:4-50, or N.J.S.A. 39:4-96 or section 2 of P.L. 1966, c.142 (N.J.S.A. 39:4-50.2) or has been convicted of a violation of a law of a substantially similar nature in another jurisdiction; or

3. For the two-year period next preceding his or her application for a particular identifying mark has had his or her driving privileges in this State or in another jurisdiction revoked or suspended for any reason whatsoever.

(b) "Courtesy marks" shall not be issued to any person who:

1. Has been convicted of a violation of either N.J.S.A. 39:4-50, or N.J.S.A. 39:4-96 or section 2 of P.L. 1966, c.142 (N.J.S.A. 39:4-50.2) or has been convicted of a violation of a law of a substantially similar nature in another jurisdiction;

2. Has been convicted of a violation of N.J.S.A. 2C:11-5; or

3. For the two-year period next preceding his or her application for a courtesy mark has had his or her driving privileges in this State or in another jurisdiction revoked or suspended for any reason whatsoever.

(c) Any cause for which issuance of particular identifying marks may be denied which arises subsequent to the issuance of such plates shall also be cause for the suspension or revocation of particular identifying marks;

(d) A material misstatement of fact on an application therefor shall be cause for suspension or revocation of particular identifying marks.

(e) Any person to whom particular identifying marks have been issued which identify that person as a United States Senator or Congressman, State Senator or Assemblyman, member of the "Press" accredited in New Jersey or New York City, Officer of the New Jersey State Patrolmen's Benevolent Association, Inc., first aid or squad member, firefighter member, or county officer shall surrender said plates to the Division together with the corresponding motor vehicle registration certificate immediately upon the termination of said office or accreditation unless otherwise provided by law. The failure to so surrender said plates shall be cause for the revocation of the particular identifying marks.

Amended by R.1985 d.101, effective March 4, 1985.

See: 16 N.J.R. 2743(a), 17 N.J.R. 601(a).

(a) added: "2C:11-5" and deleted "misdemeanor in"; (d) added: "first aid or squad member, fire-fighter member, or county officer".

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

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

Rewrote the section.

13:20-34.5 Fees

(a) Fees for particular identifying marks, which shall be paid with the application therefor, shall be as follows unless otherwise provided by law:

1. "Courtesy marks": \$30.00;
2. "Personalized marks": \$50.00;
3. Replacement of lost, stolen or obliterated "particular identifying marks": \$11.00.

(b) Except as otherwise provided by (a)3 above and (c) below, a fee of \$6.00 shall be paid for replacement of lost, stolen or obliterated license plates.

(c) A fee of \$11.00 shall be paid for replacement of lost, stolen or obliterated license plates in each of the following license plate categories:

1. Coastal Protection;
2. Animal Welfare;
3. Wildlife Conservation;
4. United States Olympic;
5. Battleship U.S.S. New Jersey;
6. Historic Preservation;
7. Shade Tree and Community Forestry Preservation;
8. Pinelands Preservation;
9. Barnegat Bay Decoy & Baymen's Museum;
10. Conquer Cancer;
11. Liberty State Park;
12. Deborah Heart & Lung Center; and
13. Hackensack Meadowlands Conservation.

Amended by R.1985 d.101, effective March 4, 1985.

See: 16 N.J.R. 2743(a), fees changed from \$5.00 to \$10.00.

Amended by R.1992 d.264, effective June 15, 1992.

See: 24 N.J.R. 1467(b), 24 N.J.R. 2283(b).

Added (b).

Amended by R.1995 d.365, effective July 3, 1995.

See: 27 N.J.R. 1521(b), 27 N.J.R. 2592(b).

Increased the fees.

Amended by R.1998 d.333, effective July 6, 1998.

See: 30 N.J.R. 1518(a), 30 N.J.R. 2511(a).

In (a)2, decreased the fee from \$100 to \$50.

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

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

In (b), inserted "and (c) below" following "by (a)3 above"; added (c).

13:20-34.6 Transfers to survivor

(a) The surviving spouse, child or children of a deceased registered owner of any motor vehicle in whom title thereto shall vest by virtue of the terms of the will of such deceased owner, or otherwise, shall upon application to the director and upon payment of the transfer fee of \$4.50 specified in N.J.S.A. 39:3-30 be entitled to have the particular identifying mark issued for said vehicle transferred to his or her name provided that said survivor meets the qualifications therefor specified by law and these rules.

Amended by R.1985 d.101, effective March 4, 1985.

See: 16 N.J.R. 2743(a), 17 N.J.R. 601(a).

Transfer fee changed from "\$3.00" to "\$4.50".

13:20-34.7 Reissue

In the event a registrant fails to renew the registration for a particular identifying mark for two years from the date of expiration or surrenders said mark and corresponding registration certificate to the Division, said marks shall be available for reissuance to any applicant therefor upon payment to the Division of the applicable fee specified in N.J.A.C. 13:20-34.5(a) for said marks.

Amended by R.1984 d.157, effective May 7, 1984.

See: 16 N.J.R. 347(b), 16 N.J.R. 1095(c).

"Two consecutive registration years" deleted; "60 days from date of expiration" substituted.

Amended by R.1992 d.264, effective June 15, 1992.

See: 24 N.J.R. 1467(b), 24 N.J.R. 2283(b).

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

13:20-35.1 Application of subchapter

This subchapter shall apply to motor vehicles owned by the State of New Jersey which are subject to the control of the central motor pool in the Department of the Treasury for service, maintenance and release to government employees for use in the performance of governmental functions.

13:20-35.2 Inspection by the central motor pool

Motor vehicles within the purview of this subchapter shall be examined and inspected in accordance with the provisions of chapter 8 of the motor vehicle laws by the central motor pool in the Department of the Treasury.

13:20-35.3 Inspection standards and frequency

Motor vehicles or motor vehicle equipment inspected in accordance with this subchapter shall comply with any laws and regulations providing vehicle equipment standards and/or specifying frequency of inspections.

13:20-35.4 Inspection decal

Whenever a motor vehicle inspected in accordance with this subchapter is determined to comply satisfactorily with vehicle equipment standards provided by law and regulation, the central motor pool shall affix upon the windshield of such vehicle the decal prescribed by the Director of Motor Vehicles as indicative of compliance with the inspection laws.

13:20-35.5 Facilities

Facilities used by the central motor pool in performing inspections of motor vehicles hereunder shall be equipped with the machinery necessary for inspecting all vehicle equipment standards provided by law and regulation.

13:20-35.6 Instruction of mechanics

The central motor pool shall instruct mechanics who are to perform inspections under this subchapter of vehicle equipment standards provided by law and regulation.

13:20-35.7 Certification

A mechanic performing an inspection under this subchapter shall certify to the Director that he or she has inspected the motor vehicle in accordance with the vehicle equipment standards established by law and regulation.

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

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

Inserted "or she" preceding "has inspected".

SUBCHAPTER 36. SPECIAL NATIONAL GUARD PLATES

13:20-36.1 Application; certification; fees

(a) Application for special National Guard plates may be made by any person who is an active member of the New Jersey National Guard or former active member who has been honorably separated under normal conditions from the New Jersey National Guard.

(b) An application for special National Guard plates must be obtained from the Commander of the National Guard Unit of which the applicant is an active member, or retired members may obtain an application from the New Jersey Department of Military and Veterans' Affairs.

1. The Commander shall certify that the applicant is an active or separated member of the New Jersey National Guard.

2. The Commander shall forward the completed application together with the fee established in this section to the Division's Special Plate Unit.

3. The Special Plate Unit shall notify the Department of Military and Veterans' Affairs when the special National Guard plates are issued to an applicant.

(c) A fee of \$15.00 for each set of plates shall be paid at the time of application for special National Guard plates. A fee of \$11.00 shall be paid for replacement of lost, stolen or obliterated special National Guard plates.

As amended, R.1984 d.319, eff. August 6, 1984.

See: 16 N.J.R. 1188(a), 16 N.J.R. 2142(a).

Section 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) eliminated limitation of two sets of plates per Guard member, and in (c) increased the fee for replacement plates.

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

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

Rewrote (b).

13:20-36.2 Surrender of special plates

(a) Whenever the holder of special National Guard plates ceases to be an active member of the New Jersey National Guard for reasons other than honorable separation or for honorable separation under abnormal conditions, he or she shall obtain replacement plates from the Division of Motor Vehicles, within five days of his or her separation from the New Jersey National Guard and he or she shall then surrender the National Guard plates to the Department of Military and Veterans' Affairs.

1. The Department of Military and Veterans' Affairs shall forward the surrendered plates to the Division of Motor Vehicles.

2. If the special National Guard plates are not surrendered to the Department of Military and Veterans' Affairs within five days from the date the holder of special plates ceases to be an active member of the New Jersey National Guard, the Department of Military and Veterans' Affairs shall notify the Division of Motor Vehicles of the holder's failure to surrender the special plates.

As amended, R.1984 d.319, eff. August 6, 1984.

See: 16 N.J.R. 1188(a), 16 N.J.R. 2142(a).

(a) added: "for reasons other . . . abnormal conditions".

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

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

Neutralized gender references throughout.

SUBCHAPTER 37. STANDARDS FOR MOTOR VEHICLES WITH ELEVATED CHASSIS HEIGHT

13:20-37.1 Definitions

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

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

"Division" means the Division of Motor Vehicles in the Department of Transportation.

"Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.

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

"Lift" means any modification or alteration, other than load, of the chassis, suspension, body, rims, or tire size which elevates the height of a motor vehicle.

"Original manufacturer" means any company engaged in the manufacture or assemblage of motor vehicles which comply with all applicable United States Department of Transportation regulations for delivery to the first purchaser.

"Original vehicle height" or "OVH" means the highest distance inclusive of the largest tires and highest suspension available as standard or optional equipment for the particular vehicle from the original manufacturer. The distance shall be measured from the lowest edge of the centerline of the operator's door with the door closed, or from the lowest point where the door would meet the body on vehicles without doors, or from the lowest point on the floor panel directly below the operator's position on vehicles designed without doors, to the level surface on which the unladen vehicle rests.

"Wheel track" means the shortest distance between the centers of the tire treads on the same axle. The widest distance shall be calculated on vehicles having dissimilar track widths.

New Rule, R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

Former N.J.A.C. 13:20-37.1, Modifications of height of motor vehicle restricted; approval of the director, recodified to N.J.A.C. 13:20-37.2. Amended by R.2001 d.20, effective January 16, 2001.

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

13.20-37.2 Elevation of original vehicle height of motor vehicle restricted; elevated vehicle approval certificate; special windshield decal; inspection

(a) No person shall operate on any highway of this State any motor vehicle registered in this State whose original vehicle height has been elevated by modifying the tire or rim size from the manufacturer's specifications or by elevating the chassis, suspension or body from the manufacturer's specifications by use of "shackle lift kits" for leaf springs or by use of lift kits for coil springs or by use of blocks or by any other device or means without an elevated vehicle approval certificate issued by the Director, except that an elevation of the original vehicle height resulting exclusively from an increase in tire diameter that does not exceed four inches or, for motor vehicles which have been modified for snowplowing purposes, an elevation of the front suspension from the manufacturer's specifications that does not exceed two inches, shall not be subject to the requirements of this subchapter.

(b) In order to receive an elevated vehicle approval certificate and a special windshield decal from the Director, the owner or lessee of a motor vehicle whose original vehicle height has been increased by elevating the chassis, suspension, body, rims or tire size from the manufacturer's specifications shall comply with the requirements of this subchapter, and such elevated vehicle shall successfully pass inspection to verify that it complies with the requirements of this subchapter and does not possess any modifications or alterations that would affect the safe operation of the vehicle.

(c) In order to receive an elevated vehicle approval certificate and a special windshield decal from the Director, an inspection of the vehicle to determine compliance with this subchapter shall be conducted by the Division of Motor Vehicles. Such inspection shall occur within 30 days after the elevation of the vehicle or registration or renewal thereof, whichever occurs first. All inspections required by this subchapter shall be performed at a site or sites specifically authorized by the Director to perform the type of inspection and tests required by this subchapter. Any test or inspection conducted at any other location shall be null and void.

(d) In addition to determining whether a vehicle complies with the specific requirements of this subchapter, an elevated vehicle shall fail inspection if any of the modifications affect the safe operation of the vehicle; are improperly installed; degrade the structural integrity of the vehicle or any of its component parts; modify the geometric angles on critical components from original manufacturer specifications likely to result in component failure; create the danger of leaks, cracks, or chafing of brake lines; cause brake lines to be of insufficient length, size, or durability; or cause any component that affects the safe operation of the vehicle to be less effective or more likely to fail in the performance of its designed function.

(e) Vehicles subject to inspection pursuant to this subchapter shall comply with all other applicable safety and emissions inspection requirements imposed by law or regulation in addition to complying with the inspection requirements imposed by this subchapter.

Recodified from N.J.A.C. 13:20-37.1 and amended by R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

Rewrote (a); and added (b) through (e). Former N.J.A.C. 13:20-37.2, Requirements for motor vehicle approval, recodified to N.J.A.C. 13:20-37.3.

13:20-37.3 Requirements for elevated vehicle approval certificate

(a) To be approved pursuant to this subchapter, a motor vehicle shall meet the following standards:

1. The suspension system shall consist of the basic elements originally provided by the manufacturer and be geometrically arranged in accordance with the manufacturer's specifications. No suspension system component shall be replaced unless the replacement component meets or exceeds the quality and performance standards established by the vehicle manufacturer. The vehicle shall have a suspension system that allows movement between the unsprung axles and wheels and the chassis body and shall be equipped with a shock-absorbing device at each wheel location. The suspension system shall be capable of providing a minimum relative motion of plus or minus two inches. When any corner of the vehicle is depressed and released, the damping device shall stop vertical body motion within two cycles. The use of spacer blocks between the front axle and leaf springs is prohibited.

2. Steering gear ratios and the number of turns necessary to rotate the steering wheel from the left stop position to the right stop position shall be in accordance with the original manufacturer's specifications within a tolerance of one-half turn. The distance between the wheel stop and the front axle shall be the same on both sides. The number of turns of the steering wheel from a straight ahead front tire position to right stop shall be equal to the number of turns of the steering wheel from a straight ahead front tire position to left stop within a tolerance of one-twelfth turn on either side of centerline. No modification of the motor vehicle shall obstruct or limit the turning radius of the motor vehicle.

3. Headlights shall be not less than 22 inches nor more than 54 inches from the level surface upon which the vehicle stands to the center line of the lamp. Tail-lights shall be not less than 15 inches nor more than 72 inches from the level surface upon which the vehicle stands to the center of the lamp. All lighting equipment shall meet the standards of the Society of Automotive Engineers and auxiliary off-road lights shall be equipped with opaque covers which shall be used to completely block any light at all times when the vehicle is operated on public roads.

4. License plates shall be not less than 12 inches nor more than 48 inches from the ground.

5. Brake lines and hoses shall conform to 49 C.F.R. 571.106 and shall be protected from excessive heat and vibration and be installed so as to prevent chafing and undue wear, stress, or unintentional disconnection during operation of the motor vehicle.

6. Where the vehicle was originally equipped by the manufacturer with bumpers, all bumpers shall be securely mounted, extend across the full width of the vehicle and be horizontal load-bearing bumpers attached to the vehicle frame to effectively transfer impact when engaged. Bumpers shall not have sharp edges or dangerous configurations. Bumpers shall be mounted to be no lower than 16 inches from the ground to the bottom of the bumper.

7. The maximum tire diameter for vehicles with a GVWR of 10,000 pounds or under shall be 38 inches or six inches more than the maximum tire diameter available as standard or optional equipment for the particular vehicle from the original manufacturer, whichever is less. In determining compliance with this requirement, actual tire diameter shall be measured with the tires inflated to the manufacturer's specifications.

8. All tires on the same axle or on axles less than six feet apart shall be of the same tire size with respect to diameter and width. Each tire shall have a load carrying capacity specified by the tire manufacturer in excess of the intended maximum axle load divided by the number of tires on the axle. Each front tire shall measure a minimum of 60 percent of the tread width of the rear tires. Tires shall have a sufficient vertical and horizontal

clearance so as not to rub on the chassis, body, suspension or other part of the vehicle while being operated. All tires shall be marked as approved for highway use as required by the United States Department of Transportation.

9. Fenders shall extend the full width of the tire tread and, in case the rear wheels are not covered by the fenders, body or other parts of the vehicle, the vehicle shall be equipped with suitable metal protectors or substantial flexible flaps so as to prevent the throwing of dirt, water or other debris on following vehicles. The metal protectors or flexible flaps shall be a standard type or design and installed in a manner which complies with the Society of Automotive Engineers Standard J682, incorporated herein by reference.

10. Fuel tanks which have become exposed as a result of elevating the vehicle shall be protected against damage from collision by some means of encasement. For vehicles equipped with a side-mounted fuel tank mounted outside the vehicle frame, a protective bar shall be installed to protect the fuel tank from being ruptured in case of collision.

11. All moving parts or exhaust system components which have become exposed as a result of elevating the vehicle shall be shielded to prevent injury to persons making contact with these parts.

12. Any ballast material used for the purpose of adding weight to the vehicle shall be permanently attached to the vehicle structure. No liquid or loose ballast is permitted.

13. Release of the steering wheel while the vehicle is in a sharp turn at a speed of between five to 10 miles per hour shall result in a distinct tendency for the vehicle to increase its turning radius.

14. The weight distribution between the two sides of an empty vehicle on level ground shall not exceed 45 percent/55 percent.

15. Spacers shall not be used to increase wheel track.

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)3 increased the minimum height of headlights.

Recodified from N.J.A.C. 13:20-37.2 and amended by R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

Rewrote (a). Former N.J.A.C. 13:20-37.3, Standards for vehicles with modified height, recodified to N.J.A.C. 13:20-37.4.

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

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

In (a)1, substituted "or" for "and" preceding "minus two inches".

13:20-37.4 Standards for vehicles with elevated height

(a) If a motor vehicle has been elevated more than four inches beyond the manufacturer's specifications, it must, in addition to complying with the standards set forth at N.J.A.C. 13:20-37.3, be tested to verify that it can withstand

the lateral standard established by the Director of the Division of Motor Vehicles.

(b) For testing passenger or utility type vehicles the standard is 1.1 gravitational force or more.

(c) For testing pickup trucks the standard is 1.1 gravitational force or more.

(d) Vehicles that have not been elevated more than four inches may be approved provided they comply with the standards set forth at N.J.A.C. 13:20-37.3.

Recodified from N.J.A.C. 13:20-37.3 and amended by R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

In (a), inserted ", in addition to complying with the standards set forth at N.J.A.C. 13:20-37.3," following "must"; and in (d), changed N.J.A.C. reference. Former N.J.A.C. 13:20-37.4, Testing, recodified to N.J.A.C. 13:20-37.5.

13:20-37.5 Testing

Tests shall be conducted by the Division of Motor Vehicles at sites to be designated by the Director using the procedures and equation set forth at N.J.A.C. 13:20-37.7.

Recodified from N.J.A.C. 13:20-37.4 and amended by R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

Changed N.J.A.C. reference. Former N.J.A.C. 13:20-37.5, Procedure for testing modified vehicles, recodified to N.J.A.C. 13:20-37.7.

13:20-37.6 Maximum lift

(a) No motor vehicle shall be elevated by any means, including, but not limited to, elevation of the chassis, suspension, body, rims, or tire size, to create a lift with the vehicle unladen in excess of the following amounts based on the gross vehicle weight rating of the vehicle:

<u>GVWR</u>	<u>Maximum Lift</u>
4,500 pounds or under	7 inches above OVH
4,501 to 7,500 pounds	9 inches above OVH
7,501 to 10,000 pounds	11 inches above OVH

(b) In determining compliance with this section, the distance shall be measured from the lowest edge of the centerline of the operator's door with the door closed, or from the lowest point where the door would meet the body on vehicles without doors, or from the lowest point on the floor panel directly below the operator's position on vehicles designed without doors, to the level surface on which the unladen vehicle rests.

(c) Any vehicle equipped with adjustable lifts, including, but not limited to, hydraulic or air adjustable lifts, shall comply with the requirements of this subchapter when tested and measured with the lift devices in both their lowest and highest height positions. Adjustable lifts shall be installed in such a manner to prevent height modifications or alterations while the vehicle is in motion.

New Rule, R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

Former N.J.A.C. 13:20-37.6, Certificate of approval, recodified to N.J.A.C. 13:20-37.9.

13:20-37.7 Procedure for testing elevated vehicles

(a) The track width of the front and rear axles shall be measured from the centers of the tread of the outermost tires on the same axle. The front track width shall be added to the rear track width and the sum shall be divided by two to give the average track width.

(b) The side to side weight distribution shall be calculated with the vehicle empty on level ground. The distribution shall not exceed 45 percent/55 percent as set forth in N.J.A.C. 13:20-37.3(a)14.

(c) One side of the vehicle should be raised to a static relative angle of 15 degrees plus or minus $\frac{1}{2}$ degree from horizontal.

(d) The weight of the vehicle shall be measured on the unraised side.

(e) The maximum permissible weight on the unraised side is 62.4 percent of the total vehicle weight multiplied by twice the unraised side's weight percentage as determined in (b) above.

Recodified from N.J.A.C. 13:20-37.5 and amended by R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

In (b), changed N.J.A.C. reference. Former N.J.A.C. 13:20-37.7, Denied or revocation of approval, N.J.A.C. 13:20-37.10.

13:20-37.8 Method of measurement

Compliance with any distance or height limitation contained in this subchapter shall be determined by measuring the vehicle in an unloaded condition on a level surface with the tires inflated to the manufacturer's specifications.

New Rule, R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

13:20-37.9 Elevated vehicle approval certificate; special windshield decal; possession and exhibition of elevated vehicle approval certificate; compliance requirements

(a) Upon the motor vehicle's compliance with the requirements set forth in this subchapter and after successful completion of the inspection required by this subchapter, the Division shall issue an elevated vehicle approval certificate and a special windshield decal for the vehicle. The elevated vehicle approval certificate shall be in the possession of the vehicle operator while the vehicle is being operated on any highway of this State and shall be exhibited to any law enforcement officer or employee of the Division of Motor Vehicles upon request. The special windshield decal shall be affixed to the lower left corner of the windshield inside the passenger compartment of the elevated vehicle.

(b) Motor vehicles with elevated height that have been approved by the Director pursuant to this subchapter prior to October 1, 1998 shall comply with all of the requirements of this subchapter as amended by not later than February 1, 1999 except:

1. Such vehicles need not comply with the requirements contained in N.J.A.C. 13:20-37.6, Maximum lift; and
2. Such vehicles shall comply with the requirements contained in N.J.A.C. 13:20-37.3(a)7 (tire diameter limitations) by not later than October 1, 2000.

Recodified from N.J.A.C. 13:20-37.6 and amended by R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).
See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).
Rewrote the section.

13:20-37.10 Denial or suspension of elevated vehicle approval certificate; suspension of vehicle registration

Any person who owns or leases a motor vehicle which is subject to the provisions of this subchapter, and who fails or refuses to have such motor vehicle inspected within the time period set forth at N.J.A.C. 13:20-37.2(c), or who fails or refuses to place such motor vehicle in proper condition after having such motor vehicle inspected, or who alters such motor vehicle for which an elevated vehicle approval certificate and a special windshield decal have been issued in accordance with N.J.A.C. 13:20-37.9 with intent to defeat the purpose of an inspection under this subchapter, shall be subject, upon notice and an opportunity to be heard pursuant to 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, to a denial or suspension of an elevated vehicle approval certificate and, in addition thereto, a suspension of said vehicle's registration. A denial or suspension of an elevated vehicle approval certificate and a suspension of registration imposed pursuant to this subchapter shall remain in effect until such time as the Director ascertains that the vehicle meets the requirements set forth in this subchapter.

Recodified from N.J.A.C. 13:20-37.7 and amended by R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).
See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).
Rewrote the section.

13:20-37.11 Penalty for violation

A violation of any of the provisions of this subchapter constitutes a violation of N.J.S.A. 39:3-44 and will subject the operator of the vehicle to the penalty set forth in N.J.S.A. 39:3-79.

New Rule, R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).
See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

SUBCHAPTER 38. DIMENSIONAL STANDARDS FOR AUTOMOBILE TRANSPORTERS

13:20-38.1 Purpose

The purpose of this subchapter is to conform the rules of this State to the national policy governing truck size as set forth in the Federal "Surface Transportation Assistance Act of 1982," Pub.L. 97-424 (49 App. U.S.C. § 2311), as amended, and the regulations promulgated pursuant to that Federal law by establishing dimensional standards for automobile transporters that are in compliance with Federal standards contained in 23 C.F.R. § 658.13, revised as of February 1, 1991. The purpose of this subchapter is also to facilitate interstate commerce on the National Network of highways that can safely and efficiently accommodate the automobile transporters authorized by the "Surface Transportation Assistance Act of 1982."

Repeal and New Rule, R.1993 d.380, effective August 2, 1993.
See: 25 N.J.R. 1342(a), 25 N.J.R. 3504(a).
Section was "Vehicle combination lengths."

13:20-38.2 Definitions

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

"Automobile transporter" means any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles.

"Fullmount" means a smaller vehicle mounted completely on the frame of either the first or last vehicle in a saddle-mount combination.

"Saddlemount combination" means a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a double saddlemount combination. When three vehicles are towed in this manner, the combination is called a triple saddlemount combination.

"Stinger-steered combination" means an automobile transporter consisting of a truck tractor semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

"Traditional automobile transporter" means an automobile transporter wherein the fifth wheel is located on the frame of the truck tractor over the rear axle(s) of said truck tractor.

Repeal and New Rule, R.1993 d.380, effective August 2, 1993.
See: 25 N.J.R. 1342(a), 25 N.J.R. 3504(a).

Section was "Load overhang automobile transporters."

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).
Amended N.J.A.C. references.

13:20-38.3 Vehicle combination lengths; traditional automobile transporters; stinger-steered combination

(a) A traditional automobile transporter when operated on the highways of this State shall not exceed 65 feet in overall length, excluding the load.

(b) An automobile transporter consisting of a stinger-steered combination when operated on the highways of this State shall not exceed 75 feet in overall length, excluding the load.

Repeal and New Rule, R.1993 d.380, effective August 2, 1993.

See: 25 N.J.R. 1342(a), 25 N.J.R. 3504(a).

Section was "Number of vehicles; overall length."

13:20-38.4 Automobile transporter; load overhang

Automobile transporters when operated on the highways of this State may have a load overhang of no more than three feet to the front and/or no more than four feet to the rear.

New Rule, R.1993 d.380, effective August 2, 1993.

See: 25 N.J.R. 1342(a), 25 N.J.R. 3504(a).

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

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

Rewrote the section.

13:20-38.5 Drive-away saddlemount vehicle transporter combinations; drive-away saddlemount with fullmount vehicle transporter combinations; overall length

(a) Drive-away saddlemount vehicle transporter combinations when operated on the highways of this State shall not exceed 75 feet in overall length.

(b) Drive-away saddlemount with fullmount vehicle transporter combinations when operated on the highways of this State shall not exceed 75 feet in overall length.

New Rule, R.1993 d.380, effective August 2, 1993.

See: 25 N.J.R. 1342(a), 25 N.J.R. 3504(a).

13:20-38.6 Application of Department of Transportation standards for 102-inch standard trucks to automobile transporters

Automobile transporters, drive-away saddlemount vehicle transporter combinations and drive-way saddlemount with fullmount transporter combinations having an overall length of the combination of vehicles, including load, or contents or any part or portion thereof, which exceed 62 feet shall be subject to the provisions of N.J.A.C. 16:32-1.2(a) and (b), 1.4(a) through (e), and 1.5(d) and (e), as amended, which have been adopted by the Commissioner of Transportation.

New Rule, R.1993 d.380, effective August 2, 1993.

See: 25 N.J.R. 1342(a), 25 N.J.R. 3504(a).

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

SUBCHAPTER 39. SPECIAL REGISTRATION PLATES FOR NON-PROFIT ORGANIZATIONS

13:20-39.1 Purpose

(a) N.J.S.A. 39:3-27.35 et seq. provides for the issuance of special motor vehicle registration plates to members of non-profit community, alumni or service organizations in this State which have been approved by the Director. This subchapter establishes the following:

1. Standards and procedures by which an organization may request approval to have special motor vehicle registration plates prepared for its members who desire to apply for them;
2. Procedures regarding the certification of membership in good standing by an organization;
3. Standards and procedures by which an organization shall submit proof of its status as a non-profit organization to the Division;
4. Procedures by which an organization shall appoint an organization liaison who will act as a coordinator between the organization and the Division with regard to special motor vehicle registration plates;
5. Procedures by which an organization shall submit the organization's proposed special motor vehicle registration plate design to the Division for review and approval;
6. Standards and procedures which an approved organization must adhere to in order for its members in good standing to be able to apply for the organization's special motor vehicle registration plates;
7. Fees to be charged by the Division for special motor vehicle registration plates; and
8. Grounds upon which the Division may refuse to issue special motor vehicle registration plates to an individual, and the circumstances under which the Division may suspend or revoke such special plates.

Amended by R.1994 d.175, effective April 4, 1994.

See: 26 N.J.R. 331(a), 26 N.J.R. 1516(a).

13:20-39.2 Definitions

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

"Alumni organization" means a non-profit organization which requires its members to be either graduates, former students or benefactors of a specific post-secondary educational institution.

"Approved organization" means an organization in this State which has received a letter of approval from the Director indicating that its members are eligible to apply for special motor vehicle registration plates pursuant to this subchapter.

"Community organization" means a non-profit organization, other than an alumni or service organization as defined in this subchapter, which performs some type of philanthropic community service and which, in the Director's discretion, qualifies for the issuance of special motor vehicle registration plates to its members in good standing who apply for same pursuant to this subchapter.

"Director" means the Director of Motor Vehicles in the Department of Transportation.

"Division" means the Division of Motor Vehicles in the Department of Transportation.

"Member" means any person who is a member in good standing of a non-profit community, alumni or service organization.

"Non-profit organization" means any community, alumni or service organization in this State that has been issued an approval letter by the United States Internal Revenue Service confirming its non-profit status.

"Organization" means any non-profit association, group or organization with a membership in good standing of at least 500 persons or, in the case of a service organization, with a membership in good standing of at least 175 persons, which qualifies as a non-profit organization.

"Organization liaison" means the representative appointed by an organization who will act as the organization's sole contact with the Division regarding special motor vehicle registration plates pursuant to this subchapter.

"Service organization" means a non-profit organization which the Director determines to have as its primary purpose the advancement of United States military veterans' causes and interests and/or the honoring of all or some veterans of any branch of the United States military service.

Amended by R.1994 d.175, effective April 4, 1994.

See: 26 N.J.R. 331(a), 26 N.J.R. 1516(a).

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

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

13:20-39.3 Qualifications for organization approval; final decision; right to suspend approval

(a) An organization seeking approval from the Division pursuant to this subchapter to have special motor vehicle

registration plates prepared for its members in good standing who wish to apply for them shall:

1. Submit a written request to the Division seeking approval to have special plates prepared for its members who wish to apply for same;
2. Be composed of an active membership in good standing of at least 500 persons or, in the case of a service organization, an active membership in good standing of at least 175 persons;
3. Be a non-profit organization; and
4. Receive written approval from the Director as qualifying for special motor vehicle registration plates for its members in good standing who apply for same.

(b) The Director shall render the final decision as to whether or not an organization is approved for the issuance of special motor vehicle registration plates for its members pursuant to this subchapter in accordance with N.J.S.A. 39:3-27.37.

(c) The Director, in his or her discretion, may suspend approval of any organization which had previously been granted permission to obtain special motor vehicle registration plates on behalf of its members pursuant to this subchapter in accordance with N.J.S.A. 39:3-27.38.

Amended by R.1994 d.175, effective April 4, 1994.

See: 26 N.J.R. 331(a), 26 N.J.R. 1516(a).

13:20-39.4 Appointment of organization liaison

(a) Each organization shall appoint an organization liaison to represent that organization in any and all communications with the Division regarding special motor vehicle registration plates.

(b) The position of organization liaison shall be established at the highest administrative level within the organization.

(c) The organization shall submit to the Director, at the time of requesting approval to have special motor vehicle registration plates prepared for its members who wish to apply for same, the name, title and address of the organization liaison.

13:20-39.5 Certification of membership

(a) Upon seeking approval to have special plates prepared for its members who wish to apply for same pursuant to this subchapter, an organization shall submit to the Division a list of the legal names, addresses and current New Jersey registration plate numbers of its 500 or more members in good standing or, in the case of a service organization, of its 175 or more members in good standing, in alphabetical order by surname, who will be requesting the special motor vehicle registration plates if the Division approves the issuance of such plates.

(b) The certification of membership required pursuant to this section shall be provided at the organization's expense, shall be compiled and submitted on the organization's official letterhead, and shall be signed by the organization liaison.

(c) Certifications of membership submitted to the Division pursuant to this section are not public records and are not accessible for public examination pursuant to the "Right to Know Law" (N.J.S.A. 47:1A-1 et seq.).

Amended by R.1994 d.175, effective April 4, 1994.
See: 26 N.J.R. 331(a), 26 N.J.R. 1516(a).

13:20-39.6 Non-profit status

(a) Upon seeking approval to have special plates prepared for its members who wish to apply for same pursuant to this subchapter, an organization shall submit to the Division proof that it is a non-profit organization and such other information as the Division may require.

(b) To prove its non-profit status, an organization shall submit to the Division a photocopy of the approval letter issued to the organization by the United States Internal Revenue Service which confirms the organization's status as non-profit, and shall certify by affidavit that the photocopy is of the authentic document issued by the United States Internal Revenue Service to that organization.

(c) An organization shall provide a copy of its charter to the Division upon seeking approval to have special plates prepared for its members who wish to apply for same. The charter shall indicate the organization's lawful purpose.

13:20-39.7 Notification of organization approval

The Director will notify each organization by letter as to whether or not it has been approved for the issuance of special motor vehicle registration plates to its members in good standing who wish to apply for same pursuant to this subchapter.

13:20-39.8 Plate design

(a) An organization, through its designated organization liaison, shall submit to the Division a special motor vehicle registration plate prototype design which indicates the name or initials that the organization wishes to appear at the bottom of the special motor vehicle registration plate and the logotype, if any, that the organization wishes to appear on the special motor vehicle registration plate.

(b) The Director shall make the final determination pursuant to this subchapter as to:

1. The use, arrangement and size of an approved organization's name on the special motor vehicle registration plates;
2. Any initials that are to appear at the bottom of the special motor vehicle registration plates; and

3. The use, arrangement and size of an approved organization's desired logotype on the special motor vehicle registration plates.

(c) An approved organization will be notified whether its plate design has been approved through a letter from the Director to the organization liaison.

13:20-39.9 Fees; plate ordering; authenticity of membership

(a) Fees for special motor vehicle registration plates pursuant to this subchapter shall be as follows:

1. For members of an approved non-profit community organization, \$25.00 per each set of plates;
2. For members of an approved non-profit alumni organization, \$50.00 per each set of plates; and
3. For members of an approved non-profit service organization, \$15.00 per each set of plates.

(b) The initial order for special motor vehicle registration plates submitted to the Division by an approved organization on behalf of its members applying for such plates pursuant to this subchapter shall be for no less than 500 members of the organization in good standing or, in the case of a service organization, for no less than 175 members of the organization in good standing. The initial order shall be accompanied by a non-refundable fee representing the total cost of the initial order, which shall be determined by multiplying the number of sets of plates being ordered by the applicable fee for each set of such plates set forth in (a) above.

(c) Once an approved organization has an approved plate design, each organization member who wishes to apply for special motor vehicle registration plates shall be furnished an application by the organization liaison. The applicant shall complete the application in its entirety, and submit it, together with the applicable fee set forth in (a) above, to the organization liaison.

(d) The organization liaison shall authenticate each member's application for that organization's special motor vehicle registration plates by certifying on the application that the applicant is a member in good standing of the organization.

(e) The organization liaison shall thereafter submit the special plate applications to the Division together with the applicable fee for each set of such plates set forth in (a) above. The initial order of special motor vehicle registration plates pursuant to this subchapter shall be in accordance with (b) above.

(f) The Division, upon approval of an individual member's application, will mail the special motor vehicle registration plates and replacement certificate of registration bearing the new registration plate number to the applicable member.

(g) Upon receipt of the special motor vehicle registration plates and replacement certificate of registration by an organization member, that member must surrender his or her replaced license plates within 10 days to the Division at any motor vehicle agency or official inspection facility or by mail to:

Division of Motor Vehicles
PO Box 403
Trenton, New Jersey 08666-0403

Amended by R.1994 d.175, effective April 4, 1994.

See: 26 N.J.R. 331(a), 26 N.J.R. 1516(a).

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

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

In (g), substituted "official" for "State operated motor vehicle" and substituted "facility" for "station".

13:20-39.10 Denial, suspension or revocation

(a) Special motor vehicle registration plates shall not be issued pursuant to this subchapter to any person who:

1. Has been convicted of a violation of either N.J.S.A. 39:4-50 or N.J.S.A. 39:4-96;
2. Has been convicted of a violation of N.J.S.A. 2C:11-5;
3. Has had a suspension or revocation of driving privileges in effect in this State at any time within the two year period next preceding the date of application for such plates.

(b) Special motor vehicle registration plates shall not be issued pursuant to this subchapter for any motorcycle or commercially registered vehicle, nor for any vehicle which is not registered in the State of New Jersey.

(c) Any cause for which issuance of special motor vehicle registration plates pursuant to this subchapter may be denied which arises subsequent to the issuance of such plates shall also be cause for the suspension or revocation of such plates.

(d) A material misstatement of fact on an application for special motor vehicle registration plates submitted pursuant to this subchapter shall be cause for suspension or revocation of such plates.

(e) Any person who has been issued special motor vehicle registration plates pursuant to this subchapter which identify that person as a member of an approved organization shall surrender such plates to the Division together with the corresponding registration certificate within 30 days of that

person's resignation, removal or termination from membership in such organization. The failure to so surrender such plates shall be cause for the suspension or revocation of such plates.

(f) The organization liaison shall notify the Division of Motor Vehicles in writing of any person who has been issued special motor vehicle registration plates pursuant to this subchapter and who subsequently resigns or is removed or terminated from membership in the approved organization. The notification required by this subsection shall be supplied to the Division within 30 days of the former organization member's resignation, removal or termination of membership in the approved organization, and shall specify the date of the former member's resignation, removal or termination.

SUBCHAPTER 40. (RESERVED)

SUBCHAPTER 41. SILVER STAR INSIGNIAS ON LICENSE PLATES

13:20-41.1 Use

A person who has been issued Silver Star license plates in accordance with N.J.S.A. 39:3-27.45 may, pursuant to P.L. 1999, c.127 and this subchapter, affix a Silver Star insignia to such license plates. Such an insignia may only be affixed to New Jersey Silver Star license plates.

13:20-41.2 Design

The Silver Star insignia to be affixed to a Silver Star license plate as set forth in N.J.A.C. 13:20-41.1 shall be of a design similar to that set forth in 32 CFR § 578.7(b), and shall be no larger in size than the replica of the Silver Star which is on the Silver Star license plate.

13:20-41.3 Materials

The Silver Star insignia to be affixed to a Silver Star license plate as set forth in N.J.A.C. 13:20-41.1 shall be made of reflectorized material.

13:20-41.4 Placement

The Silver Star insignia to be affixed to a Silver Star license plate as set forth in N.J.A.C. 13:20-41.1 shall be placed upon the replica of the Silver Star which is on the license plate, and shall not obscure or cover any portion of the letters or numbers which appear on the license plate.

SUBCHAPTER 42. PURPLE HEART EMBLEMS ON LICENSE PLATES

13:20-42.1 Use

A person who is an active member of the Military Order of the Purple Heart may, pursuant to P.L. 1991, c.232 and this subchapter, affix a purple heart emblem to a New Jersey purple heart license plate issued in accordance with N.J.S.A. 39:3-27.35 et seq. for a motor vehicle owned or leased by that member. Such an emblem may only be affixed to a New Jersey purple heart license plate.

13:20-42.2 Design

The purple heart emblem to be affixed to a purple heart license plate as set forth in N.J.A.C. 13:20-42.1 shall be of a design similar to that set forth in 32 CFR § 578.14(b), and shall be no larger in size than the replica of the purple heart which is already embossed on the purple heart license plate.

13:20-42.3 Materials

The purple heart emblem to be affixed to a purple heart license plate as set forth in N.J.A.C. 13:20-42.1 shall be made of reflectorized material.

13:20-42.4 Placement

The purple heart emblem to be affixed to a purple heart license plate as set forth in N.J.A.C. 13:20-42.1 shall be placed upon the replica of the purple heart which is already embossed on the license plate, and shall not obscure or cover any portion of the letters or numbers which appear on the license plate.

SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

13:20-43.1 Definitions

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

"Bi-fueled" means powered by gasoline and by an alternative fuel, but not on a mixture of the two fuels. Each fuel is stored in a separate tank. For example, a vehicle may operate on either propane or gasoline, but it cannot operate on both at the same time. Typically, these vehicles will consume the alternative fuel until the supply is exhausted, then switch over, often automatically, to use the traditional fuel. This term shall not include vehicles powered by electric motors.

"Certificate of approval" means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, this subchapter, N.J.A.C. 13:20-32 or 13:20-33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of motor vehicles.

"Certificate of waiver" means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with this subchapter and the rules adopted by the Department of Environmental Protection pertaining to emission or OBD inspection standards have been waived by the Division for the particular inspection cycle for which the waiver is granted.

"Certified configuration" means a vehicle-engine-chassis design for light-duty gasoline-fueled vehicles and light-duty gasoline-fueled trucks certified by either of the following agencies as meeting the applicable emission standards for motor vehicles manufactured in a given model year:

1. EPA for model year 1968 or for a more recent model year; or
2. California Air Resources Board for model year 1966 or for a more recent model year.

"Collector motor vehicle" means a motor vehicle, not otherwise qualified for designation as an "historic vehicle," or "street rod," which was either: originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity; or at the time of qualification for designation exists in such limited numbers; either one or the other or both of the above, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner to the Division, as may be accepted by the Director in his or her discretion, so as to establish it as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns, and, further, that is not driven in excess of the maximum mileage permitted by the terms of a valid limited use motor vehicle insurance policy issued for, and covering such vehicle, proof of which shall be supplied to the Division at the time of application for designation as a collector vehicle, which mileage shall in no event exceed 3,000 miles per year. This term shall not include motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

"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 control system" means a device or equipment installed on a motor vehicle by the vehicle manufacturer and/or the engine manufacturer for the purpose of controlling air contaminants emitted from the motor vehicle or motor vehicle engine, including devices or equipment integral with, but not limited to, exhaust emission control systems, fuel evaporation control systems, crankcase emission control systems, and associated devices or systems which control or monitor the function and maintenance of these devices or systems.

"EPA" means the United States Environmental Protection Agency.

"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.

"Federal test procedure" means a chassis dynamometer test which employs varying speeds and loads, developed by the Federal Environmental Protection Agency for purposes of measuring motor vehicle exhaust emissions.

"Fleet" means 10 or more motor vehicles.

"Gasoline-fueled" means powered by a hydrocarbon fuel other than diesel fuel, including, but not limited to, gasoline, natural gas, liquified petroleum gas, and propane, and also powered by alcohol fuels and hydrocarbon-alcohol fuel blends.

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

"Inspector" means an individual who is licensed by the Division to perform motor vehicle emission and OBD inspections.

"Light-duty gasoline-fueled truck" means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, a vehicle curb weight of 6,000 pounds or less, and a basic frontal area of 45 square feet or less, and that is:

1. Designed primarily for the transportation of property or more than 12 passengers; or
2. Available with special features enabling off-street or off-highway operation and use.

"Light-duty gasoline-fueled vehicle" means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, is designed primarily for use as a passenger car or is a passenger car derivative and is capable of seating 12 or fewer passengers.

"Loaded-mode (dynamometer-based) emission test" means the ASM 5015 emission test.

"Low mileage vehicle" means a vehicle that is driven less than 10,000 miles during the biennial inspection period.

"Low utilization modified performance vehicle" means a vehicle that has been modified for performance and that is driven less than 10,000 miles during the biennial inspection period, provided, however, that any such performance modification shall comply with all of the anti-tampering requirements of N.J.A.C. 7:27-15.7(a).

"Model year" means, with respect to a motor vehicle, the year in which the motor vehicle is considered to have been manufactured. If the manufacturer establishes an annual production period, designation of the year shall be based on the annual production period during which the manufacturer begins production of the motor vehicle. When such annual production period falls within one calendar year, the model year attributed to the motor vehicle shall be that calendar year. When such annual production period continues from one calendar year into the next, the model year attributed to the motor vehicle shall be the latter calendar year (for example, a motor vehicle produced in an annual production period that continues from 1994 to 1995 shall be considered as being produced in the 1995 model year). If the manufacturer establishes no annual production period, a motor vehicle's model year shall be the calendar year in which the manufacturer begins production of that motor vehicle. If a motor vehicle is manufactured in two or more stages, the model year of such motor vehicle shall be based on the date of completion of the chassis. In case of any dispute, the Director shall have sole discretion to determine the model year of a vehicle for purposes of this subchapter. For purposes of this subchapter, the Director may, in his or her discretion, determine that "model year" means the model year designated for the motor vehicle as contained in the vehicle identification number for such vehicle.

"Motor vehicle" means all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

"Motor vehicle emission repair facility" means any person, partnership, or corporation registered by the Division to engage in the business of performing emission-related and OBD-related repairs on motor vehicles that have failed an emission or OBD inspection required by this subchapter and which repairs may qualify for consideration in determining whether a certificate of waiver may be granted.

"Official inspection facility" means a test-only inspection facility that the State Treasurer has contracted for pursuant to section 4 of P.L. 1995, c.112.

"Omnibus" means all motor vehicles used for the transportation of passengers for hire, except commuter vans and vehicles used in ridesharing arrangements and school buses, if the same are not otherwise used in the transportation of passengers for hire.

"On-board diagnostics" or "OBD" means an automotive diagnostic system complying with California OBD regula-

tions or EPA OBD II regulations effective for model year 1996 and newer motor vehicles.

"OBD-eligible" means capable of receiving an OBD inspection as determined by the Department of Environmental Protection in accordance with N.J.A.C. 7:27-15.5(m).

"Private inspection facility" means any person, partnership or corporation licensed by the Division pursuant to N.J.A.C. 13:20-44 to perform the motor vehicle inspections required by N.J.S.A. 39:8-1.

"Remote sensing device" means an apparatus which remotely monitors motor vehicle emissions from an on-road, roadside, or other location.

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

"State specialty inspection facility" means a test-only inspection facility that is operated by the Division to inspect certain motor vehicles as specified in N.J.A.C. 13:20-7.3(d).

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

In "Collector motor vehicle" amended maximum mileage provision and inserted proof of insurance requirement.

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

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

Inserted "Bi-fueled", "Low utilization modified performance vehicle" and "State specialty inspection facility"; deleted "Primary emission control component" and "Working order"; rewrote "Certificate of approval"; in "Certificate of waiver" inserted "issued by an official inspection facility" following "sticker"; in "Collector motor vehicle", added the last sentence; in "Emission control system", substituted a reference to vehicle manufacturers and engine manufacturers for a reference to manufacturers, and inserted a reference to maintenance; in "Official inspection facility", deleted "is operated by the Division of or that" following "facility that"; and in "Private inspection facility", changed N.J.A.C. reference.

Administrative change.

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

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

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

In "Certificate of waiver", "Inspector", and "Motor vehicle emission repair facility", inserted references to OBD inspections and OBD-related repairs; added "'On-board diagnostics or 'OBD'" and "OBD-eligible".

13:20-43.2 Inspection requirements for motor vehicles; exempt vehicles; designation of collector motor vehicles; designation of low utilization modified performance vehicles; designation of low mileage vehicles

(a) Except as otherwise provided in (b) below, all motor vehicles, regardless of model year or fuel type, which are registered or required to be registered in New Jersey and all fleet motor vehicles that are primarily operated in New Jersey shall be inspected in accordance with this subchapter and the applicable emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. It shall be the responsibility of the owner or lessee of any motor vehicle primarily operated in New Jersey but which is registered in another jurisdiction to have such motor vehicle inspected in the state or jurisdiction of registration or in this State.

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

1. Historic motor vehicles registered pursuant to N.J.S.A. 39:3-27.4;

2. Collector motor vehicles;

3. Motorcycles;

4. Motorized bicycles;

5. Farm tractors and traction equipment;

6. Farm machinery and implements;

7. Fire trucks having a GVWR of more than 8,500 pounds;

8. In-transit construction equipment registered pursuant to N.J.S.A. 39:4-30;

9. Diesel-fueled motor vehicles, other than omnibuses and school buses, having a GVWR of 10,000 pounds or more that are required to be inspected by the owner or lessee of the vehicle in accordance with N.J.A.C. 13:20-26;

10. Omnibuses having a seating capacity of 10 passengers or more and which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit;

11. School buses that are subject to inspection by the Division's School Bus Inspection Unit in accordance with N.J.S.A. 39:3B-18 et seq.; and

12. Tactical military vehicles operated on Federal installations within this State.

(c) To qualify for designation as a "collector motor vehicle" the owner or lessee of a motor vehicle shall submit an application in the form specified by the Division which provides evidence of the following:

1. The vehicle is not currently qualified for designation as an "historic motor vehicle," as provided at N.J.S.A. 39:3-27.3 et seq., and any rules promulgated pursuant thereto, or as a "street rod," as provided at N.J.S.A. 39:3-27.27, and any rules promulgated pursuant thereto;

2. The vehicle is not a motor vehicle with elevated chassis height which is subject to inspection in accordance with N.J.A.C. 13:20-37;

3. The vehicle is not driven in excess of the maximum mileage permitted by the terms of a valid limited use motor vehicle insurance policy issued for such vehicle; and

4. The vehicle currently qualifies for, and is covered by, motor vehicle insurance coverage of a kind intended for limited use collector motor vehicles, proof of which shall be supplied to the Division at the time of application for designation as a collector motor vehicle, which policy shall limit the mileage of the vehicle to 3,000 miles per year or less; and either,

i. Proof that the vehicle was originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner or lessee to the Division, as may be accepted by the Director in his or her discretion, so as to establish the vehicle as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns; or

ii. Proof that at the time of qualification for designation as a "collector motor vehicle" that the make and model of such vehicles exist in such limited numbers, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner or lessee to the Division, as may be accepted by the Director in his or her discretion, so as to establish the vehicle as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns.

(d) The Director or his or her designee shall verify the odometer reading of a "collector motor vehicle" and may require that such motor vehicle be equipped with an odometer lock. A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "collector motor vehicle."

(e) The owner of any motor vehicle qualifying as a "collector motor vehicle" shall be eligible to purchase from the Division a distinctive windshield sticker, of a design and dimensions to be approved by the Director, said sticker to be affixed in lieu of a certificate of approval, by an authorized representative of the Division, indicating that said vehicle is a "collector motor vehicle" that is exempt from the inspection requirements of N.J.S.A. 39:8-1. The windshield sticker shall be valid for the inspection test cycle.

(f) The Director or his or her designee shall remove the previous "collector motor vehicle" windshield sticker, if any, of a motor vehicle which is denied designation as a "collector motor vehicle" in accordance with this section. A motor vehicle that is denied designation as a "collector motor vehicle" shall not be eligible for such designation for one inspection cycle.

(g) The owner or lessee of a "collector motor vehicle" shall make application to the Division for the renewal of the windshield sticker prior to expiration of the inspection test

cycle. The renewal application shall at a minimum be accompanied by proof that the vehicle is covered by motor vehicle insurance coverage of a kind intended for limited use collector motor vehicles that limits the mileage use of the vehicle to 3,000 miles per year or less.

(h) The cost of said sticker shall be \$25.00 for the initial inspection test cycle and \$10.00 for the renewal of said sticker for inspection test cycles thereafter.

(i) To qualify for designation as a "low utilization modified performance vehicle," a motor vehicle shall be driven less than 10,000 miles during the biennial inspection period and the owner or lessee of a motor vehicle shall submit a certification in the form specified by the Division to the effect that the motor vehicle's emission control apparatus conforms to the standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(j) The Director or his or her designee shall verify the odometer reading of a "low utilization modified performance vehicle." A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "low utilization modified performance vehicle."

(k) A motor vehicle which is denied designation as a "low utilization modified performance vehicle" in accordance with this section shall not be eligible for such designation for one inspection cycle.

(l) To qualify for designation as a "low mileage vehicle" a motor vehicle shall be driven less than 10,000 miles during the biennial inspection period.

(m) The Director or his or her designee shall verify the odometer reading of a "low mileage vehicle." A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "low mileage vehicle."

(n) A motor vehicle which is denied designation as a "low mileage vehicle" in accordance with this section shall not be eligible for such designation for one inspection cycle.

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

In (c)2, amended maximum mileage provision; in (c)3, inserted proof of insurance and 3,000 mile policy limitation provisions; and in (f), inserted 3,000 mile policy limitation.

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

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

Rewrote the section.

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

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

In (a), amended N.J.A.C. references.

Administrative change.

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

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

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

Rewrote (a); in (b), added a new 11 and recodified former 11 as 12.

13:20-43.3 Inspection facilities

A motor vehicle subject to inspection shall have the inspection performed at an official inspection facility, a private inspection facility licensed by the Division, or a State specialty inspection facility operated by the Division, in accordance with N.J.A.C. 13:20-7.3.

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

Deleted provision prohibiting vehicles over four years old from inspection at private facilities and provision requiring reinspection of specified vehicles at official facilities following two initial emission test failures.

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

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

Rewrote the section.

13:20-43.4 Federal motor vehicles

(a) Motor vehicles that are operated on Federal installations located within New Jersey and motor vehicles operated by Federal government agencies in this State shall be inspected in accordance with this subchapter and the emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles which are inspected pursuant to this section shall be inspected by a Class I or Class II private inspection facility licensed by the Division pursuant to N.J.A.C. 13:20-44.

(c) A Class I licensed private inspection facility shall provide to the operator of a Federally-plated or numbered motor vehicle that is presented for inspection in this State a report of inspection conducted in accordance with (a) above, which shall include:

1. The VIN for the motor vehicle;
2. The license plate number issued by the Federal government agency for the motor vehicle;
3. HC results, if applicable;
4. CO results, if applicable;
5. CO₂ results, if applicable;
6. NO_x results, if applicable;
7. O₂ results, if applicable;
8. OBD inspection results, if applicable;
9. Fuel cap leak test results, if applicable; and
10. Exhaust system inspection results.

(d) All motor vehicles owned, leased, or operated by civilian or military personnel on Federal installations in New Jersey, whether such motor vehicles are registered in this State or in another jurisdiction, shall be inspected in accordance with this subchapter and the emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. This inspection requirement shall not apply to visiting agency, employee, or military personnel vehicles so long as such visits do not exceed 60 calendar days per year.

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

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

Rewrote (a) and (b); and in (c), substituted a reference to Class I licensed private inspection facilities for a reference to the Division in the introductory paragraph, substituted a reference to CO results for a reference to O results in 4, and substituted a reference to exhaust system inspection results for a reference to safety inspection results in 10.

Administrative change.

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

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

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

In (a), substituted "the emission or OBD inspection standards and test procedures adopted" for "emission standards adopted"; rewrote (c); in (d), substituted "the emission or OBD inspection standards and test procedures adopted" for "emission standards adopted" and amended the N.J.A.C. references.

13:20-43.5 Motor vehicles registered in other states

(a) Owners, lessees, or operators of motor vehicles registered in other jurisdictions may present their motor vehicles for inspection in this State. The inspection shall be in accordance with this subchapter and the emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles which are inspected pursuant to this section shall be inspected by a Class I or Class II private inspection facility licensed by the Division pursuant to N.J.A.C. 13:20-44.

(c) A Class I licensed private inspection facility shall provide to the operator of a motor vehicle which is presented for inspection in this State a report of inspection conducted under N.J.A.C. 13:20-43.4(d) or (a) above.

(d) The owner or lessee of a motor vehicle shall transmit a report of inspections conducted in accordance with N.J.A.C. 13:20-43.4(d) or (a) above to the state of registration, which shall include:

1. The VIN for the motor vehicle;
2. The license plate number issued for the motor vehicle;
3. The name of the state in which the motor vehicle is registered;
4. HC results, if applicable;
5. CO results, if applicable;
6. CO₂ results, if applicable;
7. O₂ results, if applicable;
8. NO_x results, if applicable;
9. OBD inspection results, if applicable;
10. Fuel cap leak test results, if applicable; and
11. Exhaust system inspection results.

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

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

In (a), changed N.J.A.C. references; rewrote (b); in (c), substituted a reference to Class I licensed private inspection facilities for a reference to the Division; and in (d)11, substituted a reference to exhaust system inspection results for a reference to safety inspections. Administrative change.

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

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

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

In (a), substituted "emission or OBD inspection standards and test procedures adopted" for "emission standards adopted"; rewrote (d).

13:20-43.6 Fleet motor vehicles

All fleet motor vehicles, including those that are available for lease or rent, which are registered in this State, or are registered in another state and primarily operated in New Jersey, shall be inspected in accordance with this subchapter and the emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. A fleet vehicle shall be inspected at an official inspection facility or by a Class I or Class II licensed private inspection facility. The owner or lessee of fleet motor vehicles may apply for and be licensed by the Division as a Class II private inspection facility in accordance with N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-44.

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

Deleted provision requiring reinspection of specified vehicles at official facilities following two initial emission test failures.

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

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

Changed N.J.A.C. references in the first sentence, inserted "Class I or Class II" in the second sentence, and inserted "Class II" and changed N.J.S.A. reference in the last sentence.

Administrative change.

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

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

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

Added "or OBD inspection" following "emission" and "and test procedures" following "standards".

13:20-43.7 Test frequency

Motor vehicles subject to inspection pursuant to this subchapter shall be inspected on a biennial basis, except as otherwise provided by law or regulation.

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

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

Deleted former second and third sentences.

13:20-43.8 On-board diagnostics inspection; tests for emissions

(a) On and after June 1, 2003, an OBD inspection shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.7 on all OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled motor vehicles with model years 1996 and later having a GVWR of 8,500 pounds or less. Notwithstanding N.J.A.C. 13:20-43.2(b)11 and 30.13, on and after June 1, 2003, a biennial OBD inspection shall be conducted by the Division's School Bus Inspection Unit in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.7 on all OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled school buses

with model years 1996 and later having a GVWR of 8,500 pounds or less. All motor vehicles that are subject to an OBD inspection shall not exceed the OBD inspection standards established at N.J.A.C. 7:27-15 for such motor vehicles by the Department of Environmental Protection.

(b) A loaded-mode (dynamometer-based) test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.5 on all gasoline-fueled and bi-fueled motor vehicles with model years 1981 and later having a GVWR of 8,500 pounds or less; provided, however, no such test shall be required for any full-time four-wheel drive vehicle regardless of weight class, for a low mileage vehicle, for a low utilization modified performance vehicle, for a motor vehicle that is operated by a handicapped person and that has been modified so that such motor vehicle is fully controlled by specially designed mechanical devices for the handicapped, for a motor vehicle that is equipped with non-disengagable traction control, for any other motor vehicle originally manufactured with a particular design characteristic that makes its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director, or for any other motor vehicle with a chassis height that has been modified so as to make its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director. In such exceptional cases, a 2,500 RPM emission test, conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.4, shall be administered. All motor vehicles that are subject to a loaded-mode (dynamometer-based) test shall not exceed the emission levels established at N.J.A.C. 7:27-15 for such motor vehicles by the Department of Environmental Protection for hydrocarbons (HC), carbon monoxide (CO), and oxides of nitrogen (NO_x). On and after June 1, 2003, this subsection shall not apply to OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled motor vehicles with model years 1996 and later having a GVWR of 8,500 pounds or less that are subject to an OBD inspection in accordance with (a) above.

(c) An idle emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.3(b) on all gasoline-fueled and bi-fueled motor vehicles with model years 1980 and earlier, all gasoline-fueled and bi-fueled motor vehicles having a GVWR greater than 8,500 pounds, and on any other motor vehicle originally manufactured with a particular design characteristic that makes it either impractical or hazardous to conduct a 2,500 RPM emission test, as shall be determined in the discretion of the Director. A 2,500 RPM emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.4 on all low-mileage vehicles with model years 1981 and later, on all low utilization modified performance vehicles with model years 1981 and later, on all full-time four-wheel drive vehicles with model years 1981 and later, on all motor vehicles that are operated by handicapped persons and have been modified so that such motor vehicles are fully controlled by specially designed mechanical devices for the handicapped with mod-

el years 1981 and later, on motor vehicles with model years 1981 and later that are equipped with non-disengagable traction control, on any other motor vehicle with model years 1981 and later originally manufactured with a particular design characteristic that makes its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director, and on any other motor vehicle with model years 1981 and later with a chassis height that has been modified so as to make its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director. All motor vehicles that are subject to an idle test or a 2,500 RPM emission test shall not exceed the emission levels established at N.J.A.C. 7:27-15 for such motor vehicles by the Department of Environmental Protection for hydrocarbons (HC) and carbon monoxide (CO). On and after June 1, 2003, this subsection shall not apply to OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled motor vehicles with model years 1996 and later having a GVWR of 8,500 pounds or less that are subject to an OBD inspection in accordance with (a) above.

(d) A fuel cap leak test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.8 on all motor vehicles originally equipped with a sealed fuel filler cap. Motor vehicles subject to the fuel cap leak test shall meet the standards for such test established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.8.

(e) An inspection shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-5 for the presence of the catalytic converter on all light-duty gasoline-fueled and bi-fueled motor vehicles and light-duty gasoline-fueled and bi-fueled trucks which were manufactured with a catalytic converter as original equipment or which were retrofitted with a catalytic converter. Motor vehicles shall fail inspection if the catalytic converter was a part of the original certified configuration for the motor vehicle and the catalytic converter is missing or disconnected. If it is found that the catalytic converter is modified or improperly connected, or is not certified in accordance with EPA procedures, or is not of a type which was part of the original certified configuration for the motor vehicle, the motor vehicle shall fail inspection.

(f) A visible smoke test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-5 on all gasoline-fueled and bi-fueled motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1.

(g) The Director, as required by 40 CFR § 51.353(c)(3) to evaluate the effectiveness of the enhanced inspection and maintenance program, may require a motor vehicle which has been presented for an initial inspection to undergo an alternate emission inspection by his or her designee.

(h) A motor vehicle safety equipment inspection shall be conducted on all motor vehicles subject to inspection; provided, however, that with regard to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 and motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5, the safety equipment inspection required by this subsection shall be limited to an inspection of the motor vehicle's exhaust system. The following safety equipment shall be subject to inspection:

1. Steering and suspension;
2. Glazing and vision obstruction;
3. Headlights;
4. Red rear lights;
5. Stop lights;
6. Turn signals;
7. Reflectors;
8. Horn;
9. Windshield wipers;
10. Wheels and tires;
11. Exhaust system;
12. Mirrors;
13. Service brake (operation and pedal reserve);
14. Parking brake;
15. Brake equalization;
16. Seat belts; and

17. Such other equipment, as an inspection discloses will affect the safe operation of the vehicle or present an imminent safety hazard to its occupants or the public.

(i) Each motor vehicle inspection conducted pursuant to this subchapter shall include an examination of the driver's license, motor vehicle registration certificate and insurance identification card; provided, however, that this subsection shall not apply to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 or to motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5.

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

Amended model years throughout; in (b), reference to full-time four-wheel drive vehicles, the model year for vehicles controlled by devices for the handicapped, and vehicles whose operation on a dynamometer is impracticable or hazardous inserted; and in (d), inserted gas cap pressure test and gas cap standards provisions.

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

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

Rewrote the section.

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

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

In (a), rewrote the first sentence; in (b), rewrote the second and third sentences; deleted "idle" following "RPM" and updated N.J.A.C. references throughout.

Administrative change.

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

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

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

Rewrote the section.

13:20-43.9 Inspection reports; emission-related repair forms

(a) The operator of each motor vehicle shall be provided with a motor vehicle inspection report and inspection report supplement, if issued, upon completion of an inspection. The motor vehicle inspection report and inspection report supplement, if issued, shall include:

1. The inspection facility number;
2. The type of test(s) performed;
3. The date of the inspection;
4. The inspection serial number;
5. The inspection certificate number;
6. The vehicle model year, make, and body type;
7. The vehicle license plate number;
8. The fuel type;
9. The gross vehicle weight rating;
10. The vehicle identification number;
11. The vehicle odometer reading to the nearest 1,000 miles;
12. The category of inspection (that is, initial inspection, first reinspection, second reinspection, etc.);
13. The pass/fail result of applicable visual inspections;
14. Results of the fuel cap leak test;
15. The type of vehicle preconditioning performed, if applicable;
16. Results of the safety inspection;
17. Emission or OBD inspection results and standards for the motor vehicle;
18. Instructions indicating that the report is to be returned to an official inspection facility or licensed private inspection facility upon reinspection;
19. A statement indicating the availability of warranty coverage as required in section 207 of the Federal Clean Air Act;
20. Instructions indicating that the motor vehicle must be repaired and returned to an official inspection facility or licensed private inspection facility and reinspected;
21. Instructions for waiver applicants;
22. Such advisory diagnostic information as may be made available;

23. Space to indicate repair by a registered motor vehicle emission repair facility;

24. Space to indicate the name, address, and registration number of the motor vehicle emission repair facility that performed the emission-related or OBD-related repair(s);

25. Space to indicate the cost of parts and labor for emission-related or OBD-related repair(s);

26. Space to indicate the emission-related or OBD-related repair(s) performed;

27. Space to indicate technician recommended repair(s) that were not performed; and

28. Other information as the Division may require to enable it to determine compliance with this subchapter.

(b) A registered motor vehicle emission repair facility shall provide all of the information on the motor vehicle inspection report and inspection report supplement, if issued, relating to emission-related or OBD-related repairs required by (a) above and shall present the completed motor vehicle inspection report and inspection report supplement, if issued, to the owner or lessee upon delivery of the repaired motor vehicle to such owner or lessee.

(c) The Division shall prescribe a Pre-inspection Repair Form for use by registered motor vehicle emission repair facilities for demonstrating that pre-inspection emission-related repairs have been performed by such facilities and shall contain all applicable information as set forth in (a)23 through 28 above. The Pre-inspection Repair Form may be used by a registered motor vehicle emission repair facility for demonstrating that post-inspection emission-related repairs have been performed by such facility only when the original motor vehicle inspection report or inspection report supplement, if issued, has been lost by the owner or lessee and has not been presented to the facility. The Pre-inspection Repair Form shall be completed and presented to the owner or lessee upon delivery of the repaired vehicle to such owner or lessee. No such Pre-inspection Repair Form shall be presented in blank to such owner or lessee or any other person; nor shall such form be furnished to such owner or lessee unless the vehicle identification number of the repaired vehicle is clearly printed or written in ink on the face of said form. The form prescribed by the Division pursuant to this subsection may be reprinted as needed by registered motor vehicle emission repair facilities. The forms, as reprinted by a registered repair facility, shall contain the registration number of such facility and each form shall contain a unique control number which corresponds to the sequential order in which such forms were reprinted, and any other information that the Director may require.

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

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

In (a), substituted "fuel cap leak test" for "evaporative system functional tests" in 14, inserted "or OBD" following "Emission" and "motor" preceding "vehicle" in 17, inserted "or OBD-related" preceding "repair(s)" in 24 through 26; in (b), inserted "or OBD-related" following "emission-related" and "motor" following "repaired".

13:20-43.10 Reinspections

Motor vehicles that fail inspection shall be reinspected within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable, after the motor vehicle has been repaired or adjusted. Emission-related or OBD-related repairs shall be performed by a registered motor vehicle emission repair facility or by the owner or lessee of the motor vehicle. The owner or lessee who had a registered motor vehicle emission repair facility perform emission-related or OBD-related repairs on a motor vehicle that failed the emission or OBD inspection shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, and the pre-inspection repair form (if applicable), which has/have been completed by such registered motor vehicle emission repair facility and invoice(s) issued by such registered motor vehicle emission repair facility. The owner or lessee possessing a nationally-recognized certification for emission-related diagnosis and repairs who performs emission-related or OBD-related repairs to a motor vehicle that failed the emission or OBD inspection shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, and the pre-inspection repair form (if applicable), which has/have been completed by such owner or lessee and invoices for emission-related parts. The owner or lessee who performs emission-related or OBD-related repairs of the emission control system and/or who performs an emission-related process on a motor vehicle that failed the emission or OBD inspection shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, and the pre-inspection repair form (if applicable), which has/have been completed by such owner or lessee and invoices for emission control system parts and/or emission-related processes. All motor vehicles subject to a reinspection, including motor vehicles that have failed an on-road inspection conducted in accordance with N.J.A.C. 13:20-43.14, for noncompliance with the emission or OBD inspection standards shall be subject to the separable portions of the inspection procedure for the vehicle model year (that is, fuel cap leak testing and either exhaust or OBD testing, whichever is applicable). Portions of the testing procedure shall be considered separable for purposes of this section if a failure on one portion does not affect the likelihood of passage or failure on any other portion of the testing procedure. If the motor vehicle passes the reinspection, the Division, or an authorized inspector, shall issue a certificate of approval for the motor vehicle indicating compliance. If the motor vehicle fails to pass the reinspection, the Division, or an authorized inspector, shall issue a motor vehicle inspection report indicating noncompliance. If the motor vehicle fails the reinspection for an emission-related

or OBD-related problem and the owner or lessee requests a waiver of compliance, the Division or its authorized representatives shall review the request and shall approve or deny the request in accordance with N.J.A.C. 13:20-43.13. Requests for waiver shall be presented at such locations as are designated by the Director and approved or denied only by such persons as designated by the Director.

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

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

Rewrote the section.

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

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

Rewrote section.

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

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

Rewrote the section.

13:20-43.11 Inspection certificates of approval; inspection rejection stickers

(a) An inspection certificate of approval shall be issued for New Jersey registered motor vehicles that meet safety and emission or OBD standards. The inspection certificate of approval issued for motor vehicles other than motorcycles shall be affixed in accordance with N.J.A.C. 13:20-32.2(e) or 33.2(k), whichever is applicable, to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

(b) An inspection rejection sticker shall be issued by an official inspection facility for New Jersey registered motor vehicles other than motorcycles that fail to meet safety and/or emission or OBD standards. The inspection rejection sticker shall be affixed by an official inspection facility in accordance with N.J.A.C. 13:20-32.2(f) or, if applicable, N.J.A.C. 13:20-32.2(g), to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A licensed private inspection facility shall denote that a New Jersey registered motor vehicle other than a motorcycle has failed to meet safety and/or emission or OBD standards by defacing the inspection certificate of approval or certificate of waiver affixed to the motor vehicle, if any, in accordance with N.J.A.C. 13:20-33.2(l), except as otherwise provided at N.J.A.C. 13:20-33.2(m). The owner or lessee of a motor vehicle that has failed inspection shall have the necessary repairs made and shall present the motor vehicle for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable.

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

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

Rewrote the section.

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

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

Inserted "or ODB" preceding "standards" throughout.

13:20-43.12 Inspection extensions

(a) A motor vehicle which is registered in New Jersey that cannot be presented for inspection in this State prior to the expiration of the certificate of approval or certificate of waiver issued for the motor vehicle shall be deemed to be in compliance with the inspection requirements of this State if the motor vehicle is presented for an inspection in the state or region in which it is temporarily located, provided that such inspection is performed in an enhanced I/M program. In order to avoid sanctions for failure to comply with the inspection requirements of this State, it shall be the responsibility of the owner or lessee of the motor vehicle to transmit to the Division proof that the motor vehicle has been inspected by another state's enhanced I/M program. Such proof shall consist of a report issued by the enhanced I/M program of such other state containing the license plate number or vehicle identification number of the motor vehicle inspected, the date and location of inspection, and the results of such inspection. If such proof has been submitted and a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle except as hereafter provided. The Director shall issue an additional inspection extension(s) pursuant to this subsection to a motor vehicle owner or lessee who is on active military duty or who is attending college or graduate school in a state or region that has an enhanced I/M program; provided, however, that continuing proof that the motor vehicle has been presented for inspection in another state's enhanced I/M program is transmitted to the Division by the owner or lessee of the motor vehicle.

(b) The owner or lessee of a motor vehicle registered in New Jersey which cannot be presented for inspection in this or another State prior to the expiration of the certificate of approval or certificate of waiver issued for the motor vehicle because it is temporarily located in a state or region that does not have an enhanced I/M program shall notify the Division of the date upon which the motor vehicle will be returned to New Jersey. If a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle except as hereafter provided. The Director shall issue an inspection extension of greater length pursuant to this subsection to a motor vehicle owner or lessee who is on active military duty and is stationed in another state or region that does not have an enhanced I/M program, or to a

motor vehicle owner or lessee who is attending college or graduate school in another state or region that does not have an enhanced I/M program.

(c) The owner or lessee of a motor vehicle registered in New Jersey which cannot be presented for inspection or reinspection prior to the date by which the motor vehicle must be presented for such inspection or reinspection due to the ill health of the motor vehicle owner or lessee, or for other good cause, shall notify the Division of such circumstance. If a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected or reinspected; provided, however, that such an extension shall not be granted for a motor vehicle which has failed inspection and requires repairs pursuant to N.J.A.C. 13:20-7.6. The inspection extension shall be valid until such date as specified by the Director or his or her designee, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle.

(d) The owner or lessee of a motor vehicle registered in New Jersey which has failed inspection and requires repairs, other than repairs required to be made pursuant to N.J.A.C. 13:20-7.6, which cannot be completed prior to the date by which the motor vehicle must be presented for reinspection due to the nature of the repairs which are required, shall notify the Division of the date upon which the repairs to the motor vehicle shall be completed. If a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle reinspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the repairs to the motor vehicle have been completed, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle.

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

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

Rewrote the section.

13:20-43.13 Waivers; criteria for issuance; denial of warranty form; repair receipt form; waiver valid for inspection cycle; waiver issuance

(a) A motor vehicle that fails to satisfy the applicable emission or OBD inspection standards as set forth in the rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 shall be eligible for a certificate of waiver if the following requirements are satisfied:

1. The motor vehicle has failed to pass a loaded-mode emission reinspection or an OBD reinspection, whichever is applicable, after all qualifying repairs have been completed;

2. The motor vehicle has passed an idle emission test conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.3(b);

3. The motor vehicle has passed a safety inspection conducted in accordance with N.J.A.C. 13:20-32 or 33, whichever is applicable, and this subchapter;

4. The owner or lessee has provided written proof to the satisfaction of the Director that all available warranty repairs have been made to the motor vehicle or a written denial of warranty coverage from the manufacturer or authorized dealer in a form prescribed for such purpose by the Director;

5. Repairs were appropriate to the cause of the test failure and were performed 60 days or less prior to the date on which the initial enhanced test was due;

6. Emission-related or OBD-related repairs were performed by a registered motor vehicle emission repair facility or by the owner or lessee of the motor vehicle, provided he or she possesses a nationally-recognized certification for emission-related diagnosis and repairs. Any owner or lessee of a motor vehicle may perform emission-related or OBD-related repairs of the emission control system and/or may perform an emission-related process; provided, that only the cost of parts incurred by the owner or lessee during the course of the repair of such system shall be applied toward the applicable waiver amount in (a)8 below;

7. Original repair receipts are submitted to the Division verifying that qualifying repairs have been performed; and

8. The owner or lessee has expended no less than \$450.00 for emission-related or OBD-related repairs of the motor vehicle excluding any repairs made under warranty coverage.

(b) A waiver shall not be issued to a motor vehicle for tampering-related repairs. The cost of tampering-related repairs shall not be counted towards the cost limits in (a)8 above.

(c) A waiver shall expire at the end of the specific inspection cycle for which it was granted, after which the vehicle shall either pass inspection or qualify for issuance of another waiver pursuant to this section.

(d) The Director, or his or her designee, shall issue a certificate of waiver for those motor vehicles satisfying all the requirements of this section. The certificate of waiver shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

Amended by R.1997 d.100, effective March 3, 1997.
See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

In (a)5, inserted 60 day provision; and in (a)8, substituted "January 1, 2000" for "January 1, 1998".

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

In (a), changed N.J.A.C. references in 2 and 3, substituted a reference to motor vehicles for a reference to vehicles in 3, rewrote 6, and substituted references to 2002 for references to 2000 in 8.
Amended by R.2001 d.358, effective October 15, 2001.

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

In (a), substituted "7:27B-5" for "7:27B-4" in the introductory paragraph and substituted "\$450.00" for "the amount specified at 40 C.F.R. § 51.360(a)(7)" in 8.

Administrative change.

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

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

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

Rewrote (a); deleted former (c) and recodified former (d) and (e) as (c) and (d).

13:20-43.14 On-road inspections; scope; inspection procedures; criteria for selecting vehicles; procedures upon inspection failure

(a) On-road motor vehicle safety and emission or OBD inspection is intended to complement the safety and emission or OBD inspection otherwise required in the State of New Jersey by law or regulation.

(b) On-road inspection shall consist of a safety inspection, a visible smoke test, an emission test or an OBD inspection, whichever is applicable, a fuel cap leak test, an inspection for the presence and integrity of the motor vehicle's catalytic converter, including a tap test thereof, an examination of the driver's license, motor vehicle registration certificate and insurance identification card, and such other tests as may be determined by the Director.

(c) On-road emission tests and OBD inspections shall be conducted using emission test and OBD inspection equipment approved by the Director after consultation with the Department of Environmental Protection in accordance with N.J.A.C. 7:27B-5.9.

(d) On-road emission tests and OBD inspections shall be conducted using the inspection standards and test procedures set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(e) The Division shall use the following criteria in determining which motor vehicles shall be subjected to on-road inspection:

1. Motor vehicles with an observable defect(s);

2. Motor vehicles without an inspection certificate of approval or certificate of waiver;

3. Motor vehicles with an expired inspection certificate of approval or certificate of waiver;

4. Motor vehicles with an expired inspection rejection sticker or other indication that the motor vehicle has failed inspection and has not been presented for reinspection within the period of time specified in N.J.A.C. 13:20-7.5, 7.6(a), or (g) below, whichever is applicable;

5. Motor vehicles without a registration plate(s) and/or registration plate decal(s);

6. Motor vehicles with an expired registration plate decal(s);

7. Motor vehicles which fail to meet minimum emission standards as determined by a remote sensing device; or

8. Motor vehicles that correspond to a predetermined numerical sequence established by Division supervisory personnel for subjecting motor vehicles to on-road inspection (for example, every fifth motor vehicle, every tenth motor vehicle, etc.)

(f) If a motor vehicle subject to on-road inspection fails to meet safety, emission, or OBD inspection standards, an inspection rejection sticker shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

(g) The owner or lessee of a motor vehicle which has failed an on-road inspection shall have the necessary repairs made and present the motor vehicle for reinspection within

30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.6(a).

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

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

Rewrote (e); and in (g), changed N.J.A.C. reference.

Administrative change.

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

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

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

Rewrote the section.

13:20-43.15 Recall compliance procedures; purpose; applicability; notice to owner; recall compliance form; transfer of ownership; denial and suspension of registration

(a) Owners and lessees of motor vehicles which are included in either a "Voluntary Emissions Recall" as defined at 40 C.F.R. § 85.1902(d), or in a remedial plan determination made pursuant to section 207(c) of the Federal Clean Air Act, shall present such vehicles to the manufacturer or authorized dealer for emission-related repairs and shall comply with the procedures set forth in this section.

(b) Recall compliance procedures set forth in this section shall apply to all motor vehicles for which owner recall notification occurs after January 1, 1995.

(c) The EPA or an entity approved by the EPA shall provide the Division with a list of vehicle identification numbers with unresolved recalls.

(d) The Division shall provide written notice to an owner or lessee of a motor vehicle which is contained on an EPA list of vehicle identification numbers with unresolved recalls. The notice shall inform the owner or lessee of the following:

1. That the vehicle is subject to a recall notification;
2. That the vehicle must be presented to the manufacturer or authorized dealer for emission-related repairs; and
3. That proof of compliance with the recall notice must be submitted to the Division as a precondition to the Division's issuance of a certificate of approval for the vehicle.

(e) The Division shall prescribe a Recall Compliance Form for use in demonstrating recall compliance in accordance with this section. The Recall Compliance Form shall be provided to an owner or lessee with the written notice required under (d) above. The owner or lessee shall submit the Recall Compliance Form to the manufacturer or authorized dealer when he or she presents the vehicle for emission-related recall repairs. The manufacturer or authorized dealer shall be responsible for providing the information required on the Recall Compliance Form. The manufacturer or authorized dealer shall provide the owner or lessee with the completed Recall Compliance Form. The owner or lessee of the vehicle shall submit the Recall Compliance Form to the Division. The manufacturer or authorized dealer shall maintain a copy of the Recall Compliance Form in its files for a period of five years from the date of completion of the emission-related repairs. The manufacturer or authorized dealer shall make available the completed Recall Compliance Form upon the request of the Director or his or her designee.

(f) The Recall Compliance Form shall include the following:

1. The VIN, make, and model year of the vehicle;
2. The recall campaign number;
3. The date emission-related repairs were completed;
4. The name, address and telephone number of the authorized dealer completing the emission-related repairs; and
5. The dealer license number, if the authorized dealer completing the emission-related repairs is located in New Jersey.

(g) Except as otherwise provided in this section, the Division shall deny the issuance or renewal of the registration of a motor vehicle and shall suspend the registration of a motor vehicle if the owner or lessee has not filed or caused to be filed with the Division within six months of the written notice provided under (d) above proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer.

(h) The denial of the registration shall be effective on the first day following the expiration date of the motor vehicle's registration. The suspension of the registration shall be effective on the date specified by the Division in an order of suspension issued to the owner or lessee.

1. The Division shall not suspend a motor vehicle registration pursuant to this section if the owner or lessee has surrendered to the Division the registration certificate and registration plates issued thereto.

2. The Division shall not deny a motor vehicle registration pursuant to this section if the owner or lessee presents or causes the motor vehicle to be presented to the manufacturer or authorized dealer for emission-related recall repairs and files or causes to be filed with the Division proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer.

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

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

In (g), inserted "within six months of the written notice provided under section (d) above" following "Division"; and in (h), substituted a reference to motor vehicles for a reference to vehicles and inserted a reference to lessees in the introductory paragraph, inserted a reference to lessees in 1, and rewrote 2.

13:20-43.16 Registration denial; suspension of registration; motor vehicles not inspected by certificate of approval or certificate of waiver expiration date; motor vehicles which have failed inspection and have not been presented for reinspection; conditional registration restoration; reinstatement of registration suspension due to noncompliance; conditional registration; suspension of conditional registration due to noncompliance; penalties

(a) Except as otherwise provided in this section, the Division shall deny the issuance or renewal of the registration of a motor vehicle, other than a motorcycle, and shall suspend the registration of a motor vehicle, other than a motorcycle, if the owner or lessee has not presented the motor vehicle for inspection prior to the expiration of the certificate of approval or certificate of waiver issued for the motor vehicle. The Division shall mail a notice of scheduled registration suspension to the owner or lessee of a motor vehicle whenever a motor vehicle has not been presented for inspection prior to the expiration of the certificate of approval or certificate of waiver issued for the motor vehicle. The notice of scheduled registration suspension shall inform the owner or lessee that the motor vehicle must be present-

ed for inspection within 30 days from the date of the notice of scheduled registration suspension and that the owner's or lessee's failure to present the motor vehicle for inspection shall cause the registration of the motor vehicle to be suspended. The Division shall mail an order of registration suspension to the owner or lessee if the owner or lessee fails to present the motor vehicle for inspection in accordance with the notice of scheduled registration suspension. The Division shall not suspend a motor vehicle registration pursuant to this subsection if the owner or lessee complies with either of the following requirements:

1. Surrenders or causes to be surrendered to the Division the registration certificate and registration plates issued for the motor vehicle within the period of time provided in the Division's notice of scheduled registration suspension; or

2. Presents or causes the motor vehicle to be presented for inspection within the period of time provided in the Division's notice of scheduled registration suspension and an inspection certificate of approval or certificate of waiver is issued for the motor vehicle within such period of time.

(b) Except as otherwise provided in this section, the Division shall deny or suspend the registration of a motor vehicle, other than a motorcycle, if the owner or lessee has not presented the motor vehicle for reinspection prior to the expiration of the inspection rejection sticker or other indication of inspection rejection issued for the motor vehicle after failure of inspection. The Division shall mail a notice of scheduled registration suspension to the owner or lessee of a motor vehicle whenever a motor vehicle has not been presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 13:20-43.14(g), whichever is applicable. The notice of scheduled registration suspension shall inform the owner or lessee that the motor vehicle must be presented for reinspection within 30 days from the date of the notice of scheduled registration suspension and that the owner's or lessee's failure to present the motor vehicle for reinspection shall cause the registration of the motor vehicle to be suspended. The Division shall mail an order of registration suspension to the owner or lessee if the owner or lessee fails to present the motor vehicle for reinspection in accordance with the notice of scheduled registration suspension. The Division shall not suspend a motor vehicle registration pursuant to this subsection if the owner or lessee complies with either of the following requirements:

1. Surrenders or causes to be surrendered to the Division the registration certificate and registration plates issued for the motor vehicle within the period of time provided in the Division's notice of scheduled registration suspension; or

2. Presents or causes the motor vehicle to be presented for reinspection within the period of time provided in the Division's notice of scheduled registration suspension and an inspection certificate of approval or certificate of waiver is issued for the motor vehicle within such period of time.

(c) The Division shall not issue a motor vehicle registration renewal application if the registration for the motor vehicle is denied or suspended in accordance with this section.

(d) The Division shall issue a notice of conditional registration restoration to a motor vehicle owner or lessee who has applied for the restoration of a motor vehicle registration which has been denied or suspended pursuant to this section provided he or she has paid the registration restoration fee in accordance with N.J.S.A. 39:3-10a and N.J.A.C. 13:21-9.3(b) and, if applicable, the registration renewal fee required by law; provided, however, a notice of conditional registration restoration shall not be issued if the motor vehicle registration is otherwise suspended and is not eligible for restoration. The conditional registration restoration shall authorize the operation of such motor vehicle only for the following purposes:

1. To travel to and from an official inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

2. To travel to and from a Class I or Class II licensed private inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

3. To travel to and from a State specialty inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

4. To travel to and from a registered motor vehicle emission repair facility where the repair of such motor vehicle is to be performed; or

5. To travel to and from a repair facility where the repair of such motor vehicle is to be performed.

(e) A notice of conditional registration restoration issued pursuant to (d) above shall be valid for a period not to exceed 14 days. The registration suspension of a motor vehicle for which a notice of conditional registration restoration has been issued by the Division pursuant to (d) above shall be reinstated if an inspection certificate of approval or certificate of waiver is not issued for such motor vehicle prior to the expiration of the notice of conditional registration restoration.

(f) The Division shall issue a conditional registration certificate to the purchaser of a used motor vehicle for which the registration thereof had been denied or suspended pursuant to this section prior to the date of sale provided the registrant has paid the registration fee required by law; provided, however, a conditional registration certificate shall not be issued if the purchaser's registration privilege is otherwise suspended and is not eligible for restoration. The conditional registration shall authorize the operation of such motor vehicle only for the following purposes:

1. To travel from the place of purchase to the purchaser's residence or place of business;

2. To travel to and from an official inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

3. To travel to and from a Class I or Class II licensed private inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

4. To travel to and from a State specialty inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

5. To travel to and from a registered motor vehicle emission repair facility where the repair of such motor vehicle is to be performed; or

6. To travel to and from a repair facility where the repair of such motor vehicle is to be performed.

(g) A conditional registration certificate issued pursuant to (f) above shall be valid from the date of its issuance. The registration of a motor vehicle for which a conditional registration has been issued by the Division pursuant to (f) above shall be suspended if an inspection certificate of approval or certificate of waiver is not issued for such motor vehicle within 14 days of the issuance of the conditional registration certificate.

(h) If a motor vehicle for which a notice of conditional registration restoration has been issued pursuant to (d) above or for which a conditional registration has been issued pursuant to (f) above is presented for inspection at an official inspection facility or a licensed private inspection facility and fails such inspection, the official inspection facility or licensed private inspection facility shall remove the previous inspection certificate of approval, certificate of waiver, collector motor vehicle windshield sticker, and/or inspection rejection sticker, if any, affixed to the windshield and shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof.

(i) A motor vehicle owner or lessee whose motor vehicle registration has been denied or suspended pursuant to this section shall not operate or permit the operation of such motor vehicle during the period of such denial or suspension. A person who operates or permits the operation of a motor vehicle during a period of denial or suspension shall be subject to the penalties set forth in N.J.S.A. 39:3-4, 39:3-40 and 39:5-35.

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

Rewrote the section.

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

In (a), rewrote 2; in (b), substituted "of" for "for" following "registration" in the third sentence of the introductory paragraph and rewrote 2; added new (h); and recodified former (h) as (i).

13:20-43.17 Emission inspector training and licensing; training administration; testing; application process; license fee; renewal of license; refresher training and testing; conflicts of interest

(a) No person shall perform an emission or OBD inspection required by this subchapter unless licensed by the Division to perform such inspection. In order to obtain licensure as a motor vehicle emission inspector, an applicant shall complete a training program that shall consist of acquiring an understanding of:

1. The air pollution problem, its causes and effects;
2. The purpose, function, and goal of the enhanced motor vehicle inspection and maintenance program;
3. Emission and OBD inspection regulations and procedures;
4. Technical details of emission test and OBD inspection procedures and the rationale for their design;
5. Emission control device function, configuration, and inspection;
6. Emission test and OBD inspection equipment operation, calibration, and maintenance.
7. Quality control procedures and their purpose;
8. Public relations; and
9. Personal safety and health issues related to the inspection process.

(b) The Division shall either administer the training program or approve, monitor and evaluate the training programs administered by third parties as set forth in N.J.A.C. 13:20-43.21.

(c) An applicant for licensure as a motor vehicle emission inspector shall submit to the Division a license fee of \$50.00 and a certificate confirming that the applicant has successfully completed training and testing at a Division-approved emission inspector training program. The applicant shall have attained a score of at least 80 percent of correct responses on a written examination covering all aspects of the training. In addition, a hands-on test shall have been administered in which the applicant demonstrated, without assistance, the ability to conduct a proper inspection, to properly utilize equipment, and to follow other procedures adopted by the Division. Inability to properly conduct any emission test or OBD inspection procedure shall constitute failure of the test.

(d) A motor vehicle emission inspector license shall be valid for two years. Refresher training and testing shall be required prior to renewal of the license, and each application for license renewal shall be accompanied by the applicable fee specified in (c) above. For purposes of this subsection, "refresher training and testing" shall mean either a training program as set forth in (a) above or an on-

the-job evaluation of the licensee's inspection performance and knowledge of current inspection requirements by the Director or his or her designee.

(e) No person licensed as an emission inspector shall, while in the employment of an official inspection facility, own, operate, or be employed by any motor vehicle repair or service facility, motor vehicle parts sales business, or any motor vehicle sales or leasing business. An emission inspector, other than an emission inspector employed at an official inspection facility, may be employed by a private inspection facility which is licensed by the Division in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-44.

(f) No person licensed as an emission inspector, while in the employment of an official inspection facility, shall refer motor vehicle owners, lessees, or operators to particular providers of motor vehicle repair service except as may be permitted by Federal law.

(g) The Director, upon presentation of a statement stating that the original emission inspector license has been destroyed, lost, or stolen, may, if he or she is satisfied that the facts as set forth in the statement are substantially true, issue a duplicate emission inspector license to the original holder thereof, upon payment of a fee of \$5.00 for each duplicate emission inspector license so issued.

(h) A person shall not be licensed as a motor vehicle emission inspector, nor perform the duties of a motor vehicle emission inspector, unless such person possesses a valid driver license.

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

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

Deleted a former (g).

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

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

Rewrote (b); in (e) and (f), inserted "emission" preceding "inspector"; added (g) and (h).

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

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

Rewrote (a); in (c), inserted "or OBD inspection" following "emission test".

13:20-43.18 Suspension or revocation of emission inspector license; retraining and retesting; suspension pending hearing; schedule of penalties

(a) A motor vehicle emission inspector license may be suspended or revoked for any of the following:

1. Fraudulently, willfully, or negligently conducting an improper emission or OBD inspection of a motor vehicle;

2. Violation of any provision of N.J.S.A. 39:8-1 et seq., N.J.A.C. 13:20-7, 13:20-32, 13:20-33, 13:20-44, 13:20-45, or this subchapter;

3. Violation of any procedure established by the Division or the Department of Environmental Protection for the conduct of emission or OBD inspections;

4. Fraudulently, willfully or negligently issuing an improper certificate of approval or certificate of waiver; or

5. Other good cause.

(b) An emission inspector who fraudulently or willfully conducts an improper emission or OBD inspection of a motor vehicle shall be subject to a suspension of his or her emission inspector license for a period of at least six months. An emission inspector whose license is suspended pursuant to this section shall successfully complete refresher training and testing in accordance with N.J.A.C. 13:20-43.17(d) before such license is restored pursuant to this subchapter.

(c) Any applicant who submits false information when applying for a motor vehicle emission inspector license may be disqualified from receiving the license. In addition, any licensee whose eligibility for a license was based on the submission of false information is subject to license suspension or revocation by the Division.

(d) A motor vehicle emission inspector license may be suspended immediately by the Director upon a charge of a violation that directly affects emission reduction benefits or compromises the integrity of the inspection system. If the Director determines that the public interest requires suspension of a license pursuant to this subchapter prior to hearing, the Director may do so, provided that notice containing the reasons for such suspension and the effective date of the suspension is provided to the licensee in person, or by certified or regular mail, prior thereto and the licensee is afforded the opportunity to request in writing a hearing within 10 days of the effective date of the suspension. When a licensee requests an administrative adjudication it shall be held as soon thereafter as practicable. If the Director determines it necessary to suspend a license prior to hearing and the licensee submits a request for a hearing within the time prescribed by this section, the Director may require that a preliminary hearing be held or may refer the matter to the Office of Administrative Law for a preliminary hearing to determine whether sufficient cause exists to continue such suspension until a plenary hearing can be conducted.

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

(f) The following penalty schedule shall apply to emission inspector licensees who violate P.L. 1995, c.112, N.J.S.A. 39:8-1 et seq., N.J.A.C. 13:20-7, 13:20-32, 13:20-33, 13:20-44, 13:20-45, or this subchapter.

1. For intentionally or willfully improperly passing or waiving a motor vehicle for any required portion of the emission test or OBD inspection in violation of rules or procedural requirements:

- | | |
|---|------------------|
| i. Six month license suspension; plus \$500.00 civil penalty; plus mandatory re-training and retesting | first violation |
| ii. Two year license suspension; plus \$1,000.00 civil penalty; plus mandatory retraining and retesting | second violation |
| iii. Lifetime license revocation; plus \$2,000.00 civil penalty | third violation |

2. For gross negligence in passing or waiving a motor vehicle for any required portion of the emission test or OBD inspection in violation of rules or procedural requirements:

- | | |
|--|------------------|
| i. Three month license suspension; plus \$500.00 civil penalty; plus mandatory re-training and retesting | first violation |
| ii. Six month license suspension; plus \$750.00 civil penalty; plus mandatory re-training and retesting | second violation |
| iii. Two year license suspension; plus \$1,000.00 civil penalty; plus mandatory retraining and retesting | third violation |
| iv. Lifetime license revocation; plus \$2,000.00 civil penalty | fourth violation |

3. For simple negligence in passing or waiving a motor vehicle for any required portion of the emission test or OBD inspection in violation of rules or procedural requirements:

- | | |
|--|---------------------------------|
| i. Two week license suspension; plus \$500.00 civil penalty; plus mandatory re-training and retesting | first violation |
| ii. One month license suspension; plus \$500.00 civil penalty; plus mandatory re-training and retesting | second violation |
| iii. Three month license suspension; plus \$750.00 civil penalty; plus mandatory re-training and retesting | third violation |
| iv. Six month license suspension; plus \$750.00 civil penalty; plus mandatory re-training and retesting | fourth violation |
| v. Two year license suspension; plus \$1,000.00 civil penalty; plus mandatory retraining and retesting | fifth and subsequent violations |

4. For misrepresentation on application (fraud or misrepresentation in securing the license):

- i. Three-year license denial or suspension

5. For fraudulently affixing certificate of approval, certificate of waiver or rejection sticker:

- | | |
|---|------------------|
| i. Immediate two-year license suspension; plus \$500.00 civil penalty | first violation |
| ii. Immediate four-year license suspension; plus \$1,000.00 civil penalty | second violation |
| iii. Lifetime license revocation; plus \$2,000.00 civil penalty | third violation |

6. For fraud or misrepresentation in the conduct of the licensed activity:

- | | |
|--|------------------|
| i. Immediate two-year license suspension | first violation |
| ii. Immediate four-year license suspension | second violation |
| iii. Lifetime license revocation | third violation |

7. For issuance or possession of an altered, forged, stolen, or counterfeit certificate of approval, certificate of waiver, rejection sticker, or emission inspector license:

- | | |
|----------------------------------|------------------|
| i. Two-year license suspension | first violation |
| ii. Four-year license suspension | second violation |
| iii. Lifetime license revocation | third violation |

8. For furnishing, lending, giving or selling a certificate of approval, certificate of waiver or rejection sticker without performing the required inspection or reinspection:

- | | |
|----------------------------------|----------------------------------|
| i. Two-year license suspension | first violation |
| ii. Four-year license suspension | second and subsequent violations |

9. For fraudulent recordkeeping:

- | | |
|--|------------------|
| i. Immediate two-year license suspension | first violation |
| ii. Immediate four-year license suspension | second violation |
| iii. Lifetime license revocation | third violation |

10. For failing to produce inspection records:

- i. Immediate license suspension until compliance

11. For improper recordkeeping:

- | | |
|-----------------------------------|---------------------------------|
| i. One-month license suspension | first violation |
| ii. Two-month license suspension | second violation |
| iii. Six-month license suspension | third and subsequent violations |

12. For improper security of certificates of approval, certificates of waiver and/or rejection stickers:

- | | |
|-----------------------------------|---------------------------------|
| i. Written warning | first violation |
| ii. Two-month license suspension | second violation |
| iii. Six-month license suspension | third and subsequent violations |

13. For lost or stolen certificates of approval, certificates of waiver, and/or rejection stickers for which the licensee does not properly account. A licensee can "properly account" for such documents by demonstrating, to the satisfaction of the Director, that they were lost or stolen under circumstances beyond the reasonable control of the licensee:

- | | |
|----------------------------------|---------------------------------|
| i. One-month license suspension | first violation |
| ii. Two-month license suspension | second violation |
| iii. One-year license suspension | third and subsequent violations |

14. For overcharging on inspection/reinspection:

- | | |
|--------------------------------|---------------------------------|
| i. Written warning | first violation |
| ii. 30-day license suspension | second violation |
| iii. 60-day license suspension | third and subsequent violations |

15. For failure to provide vehicle inspection report and/or work order to the customer:

- | | |
|----------------------------------|---------------------------------|
| i. 30-day license suspension | first violation |
| ii. 60-day license suspension | second violation |
| iii. One-year license suspension | third and subsequent violations |

16. For criminal conviction which is disqualifying:

- i. Indefinite denial/suspension

Issuance/restoration predicated on standards set forth in the Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.).

17. For lending an emission inspector license to another person:

- | | |
|----------------------------------|----------------------------------|
| i. Two-year license suspension | first violation |
| ii. Four-year license suspension | second and subsequent violations |

18. For failing to produce an emission inspector license:

- | | |
|--|---------------------------------|
| i. Immediate cessation of licensed activity until compliance; plus written warning | first violation |
| ii. Immediate cessation of licensed activity until compliance; plus \$25.00 civil penalty | second violation |
| iii. Immediate cessation of licensed activity until compliance; plus \$50.00 civil penalty; plus 30-day license suspension | third and subsequent violations |

(g) 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 issue or renew a motor vehicle emission inspector license, the Director shall also have the authority to impose an official warning, as an alternative or in addition to such suspension, revocation or refusal to issue or renew.

(h) A motor vehicle emission inspector whose license is suspended pursuant to this section or who receives an official warning from the Director shall be required to successfully complete refresher training and testing in accordance with N.J.A.C. 13:20-43.17(d).

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

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

In (a)4, inserted "or certificate of waiver" following "certificate of approval".

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

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

In (a), rewrote 2; rewrote (b); in (e), substituted "issue" for "grant"; in (f), rewrote the introductory paragraph and 7, inserted 17 and 18; added (g) and (h).

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

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

Inserted reference to OBD inspection following reference to emission test throughout.

13:20-43.19 Quality assurance; auditor training

(a) Any person licensed or authorized by the Division to perform inspections required by this subchapter shall cooperate fully with the Division, the Department of Environmental Protection, or their authorized representatives, in the conduct of any audits or reviews authorized by the Division or the Department. All books, records, documents, papers, reports, or data relating to the performance of inspections required by this subchapter, in whatever form kept, shall be open to inspection by the Division or the Department of Environmental Protection at such times and at such locations as the Division or the Department may specify. The Division, the Department of Environmental Protection, or their authorized representatives, may conduct covert and overt audits of the performance of inspectors or inspection facilities and the equipment utilized by such persons at any times during which inspections are being performed or the facility is open for business. In conducting an audit or review, the Division, the Department of Environmental Protection, or their authorized representatives shall be given unfettered access to all areas of an inspection facility and to all equipment at such facility. The Division or the Department of Environmental Protection may conduct audits or reviews at such frequencies as they deem appropriate to assure the integrity and performance of the inspection system.

(b) Auditors shall be formally trained and knowledgeable in:

1. The use of analyzers;
2. Program rules and regulations;
3. The basics of air pollution control;
4. Basic principles of motor vehicle engine repair relating to emission performance;
5. Emission control systems;
6. OBD systems;
7. Evidence gathering;
8. State administrative procedures laws;
9. Quality assurance practices; and
10. Covert audit procedures.

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

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

In (b), inserted a new 6 and recodified former 6 through 9 as 7 through 10.

13:20-43.20 Surrender of emission inspector license

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

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

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

13:20-43.21 Emission inspector training programs administered by third parties; fee; approval process; auditing of programs

(a) The Director, as required by 40 CFR § 51.367, shall monitor and evaluate emission inspector training programs administered by third parties.

(b) The Division shall charge a fee of \$100.00 for the approval of emission inspector training programs administered by third parties. If a third party provider has multiple training sites, an approval fee shall be charged for each site.

(c) Each applicant for approval of an emission inspector training program 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 emission inspector training program;
2. The name, residence address(es), driver's license number, and telephone number(s) of:
 - i. The owner and/or possessor of a controlling interest of the emission inspector training program, in the case of a sole proprietorship;
 - ii. Each partner, in the case of a partnership; or
 - iii. Each officer, director and possessor of a controlling interest, in the case of a corporation;
3. The name, residence address(es), driver's license number, professional credentials, and training experience of trainers employed by the emission inspector training program;
4. Accreditation;
5. The number of years the emission inspector training program has been in operation; and
6. Whether the emission inspector training program intends to develop its own curriculum or use a curriculum that has been already developed.

(d) The classroom facility shall be subject to inspection by the Director or his or her designee and shall meet the following requirements:

1. There shall be a minimum of 15 square feet per student; provided, however, a third party administering an emission inspector training program prior to October 15, 2001 shall be exempted from this requirement;

2. Seating facilities and writing surfaces shall be available for each student;

3. Lighting, heating, ventilation, and toilet facilities shall be provided which meet municipal housing code ordinance requirements;

4. Instructional materials including manuals, workbooks, videos, charts, diagrams, pictures, and other training materials related to the enhanced motor vehicle inspection and maintenance program rules and inspection procedures shall be provided; and

5. Chalkboards or display apparatus that are visible from all seating areas shall be provided.

(e) The hands-on emission and OBD test demonstration area, including the emission and OBD test equipment (that is, the dynamometer, exhaust gas analyzer, OBD scanner and analyzer, and fuel cap leak tester) shall be subject to inspection by the Director or his or her designee. If a simulator is used, a written explanation of its design and function shall be required.

(f) If a third party emission inspector training program provider conducts the hands-on emission and OBD test demonstration at its own facility, the provider shall furnish a motor vehicle for such hands-on emission and OBD test demonstration and an instructor for the written test.

(g) A third party emission inspector training program provider shall present a certificate to all students who successfully complete its program. This certificate shall be in the following form:

Emission Inspector Training Program Name

DMV CERTIFICATE No. _____

This is to certify that

Name of Student

Has successfully completed
Emission Inspector Training

Date

Signature of Instructor

This emission inspector training program certificate is valid for two years from the date of issuance

(h) A third party emission inspector training program provider shall submit to the Director or his or her designee a class roster that includes the name and social security number of all students prior to emission inspector license testing.

(i) A third party emission inspector training program provider shall submit a curriculum or syllabus to the Di-

rector or his or her designee for approval covering the following:

1. The air pollution problem, its causes and effects;
2. The purpose, function, and goal of the enhanced motor vehicle inspection and maintenance program;
3. Emission and OBD inspection regulations and procedures;
4. Technical details of emission test and OBD inspection procedures and the rationale for their design;
5. Emission control device function, configuration, and inspection;
6. Emission test and OBD inspection equipment operation, calibration, and maintenance;
7. OBD system function, configuration, and inspection;
8. Quality control procedures and their purpose;
9. Public relations; and
10. Personal safety and health issues related to the enhanced motor vehicle emission and OBD inspection process.

(j) The training curriculum or syllabus shall meet or exceed the performance standard for emission inspector training as set forth in this subsection. A student who has successfully completed an emission inspector training program shall be able to properly perform each emission and OBD inspection procedure and shall have knowledge of the subject matters set forth below.

1. Overview information:
 - i. Plain English guide to the Federal Clean Air Act and the Clean Air Act Amendments of 1990;
 - ii. Understanding of the air pollution problem, its causes and effects;
 - iii. The purpose, function, and goals of the New Jersey enhanced motor vehicle emission inspection and maintenance program;
 - iv. Motor vehicle emissions;
 - v. Program requirements;
 - vi. Consumer benefits; and
 - vii. Public relations and customer interaction;
2. Exhaust emission testing:
 - i. General information:
 - (1) Understanding emission theory;
 - (2) Understanding five gas theory (HC, CO, O₂, CO₂, and NO);

(3) Understanding and utilizing exhaust gas analyzers; and

(4) Oxides of nitrogen (NO_x) production and control; and

ii. Detailed information:

(1) Knowledge of how to perform New Jersey's enhanced exhaust gas emission test, known as the ASM 5015 exhaust emission test, as well as the basic idle test and 2500 RPM test;

(2) Knowledge of the inspection regulations and procedures needed to perform all exhaust emission tests;

(3) Knowledge of the test equipment operation, calibration, and maintenance for exhaust emission testing;

(4) Quality control procedures for exhaust emission testing and their purpose;

(5) Safety and health issues related to the exhaust emission inspection process; and

(6) Public relations and customer interaction;

3. Emission control apparatus compliance testing:

i. General information:

(1) Understanding catalytic converters; and

(2) Understanding and utilizing fuel cap leak and emission control apparatus testing equipment; and

ii. Detailed information:

(1) Knowledge of how to perform the fuel cap leak test;

(2) Knowledge of how to perform the inspection for the presence of a catalytic converter;

(3) Knowledge of the inspection regulations and procedures for emission control apparatus testing;

(4) Quality control procedures for emission control apparatus testing and their purpose;

(5) Safety and health issues related to the emission control apparatus inspection process; and

(6) Public relations and customer interaction;

4. OBD-I and OBD-II:

i. General information:

(1) Understanding the theory of and the concepts behind On Board Diagnostics (OBD); and

(2) Understanding and utilizing the OBD testing equipment; and

ii. Detailed information:

(1) Description of the differences between OBD-I and OBD-II;

(2) Explanation of how OBD-II systems monitoring is similar to the exhaust test procedures;

(3) Explanation of OBD-II terminology; and

(4) Explanation of OBD-II diagnostic codes.

(k) A third party emission inspector training program provider shall:

1. Provide a minimum of eight hours of classroom instruction, including hands-on emission and OBD test demonstrations;

2. Provide trained instructor(s) in a number sufficient to insure that each student is provided with adequate attention. The ratio of students to instructors shall not exceed 25 to one per class; and

3. Provide a student with a certificate stating that such student has successfully completed the emission inspector training program.

(l) An applicant for approval as a third party emission inspector training program shall have a minimum of two years of training experience in either the development of an emission inspector training program or the administration of an emission inspector training program for either a basic or an enhanced motor vehicle inspection and maintenance program.

New Rule, R.2001 d.358, effective October 15, 2001.

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

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

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

Rewrote the section.

13:20-43.22 Records; third party emission inspector training programs

(a) An approved third party emission inspector training program provider shall maintain a record of every person receiving emission inspector training, whether the person successfully completed the course or not, the name of the instructor giving the course, and the dates instruction was given. Such records shall be maintained at the provider's principal place of business for a period of two years.

(b) The records of the third party emission inspector training program provider may be electronically stored.

New Rule, R.2001 d.358, effective October 15, 2001.

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

13:20-43.23 Change of address of principal place of business; change of instructors; third party emission inspector training programs

(a) A third party emission inspector training program provider shall notify the Director in writing within seven

days of a change of the provider's principal place of business.

(b) A third party emission inspector training program provider shall notify the Director in writing within seven days of a change of instructors employed by such provider.

New Rule, R.2001 d.358, effective October 15, 2001.

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

13:20-43.24 Audits; third party emission inspector training programs

A third party emission inspector training program provider shall permit representatives from the Division or the Department of Environmental Protection access to training sessions for the purpose of auditing and shall upon request furnish the dates, times, and locations of such training sessions.

New Rule, R.2001 d.358, effective October 15, 2001.

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

13:20-43.25 Additional violations; third party emission inspector training programs

(a) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Director may refuse to approve, or withdraw approval of, a third party emission inspector training program if he or she determines that the applicant has made a false statement or concealed a fact in connection with the application for approval.

(b) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Director may refuse to approve, or withdraw approval of, a third party emission inspector training program if he or she determines that the applicant at any time following submission of the application for approval:

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-26C;

2. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which indicates that approval of the applicant or continued approval of the training program would be inimical to the standards set forth in P.L. 1995, c.112 and this subchapter;

3. Demonstrates a pattern of conduct wherein emission inspector training was not conducted in a professional manner;

4. Issues a check in payment of any fee required by this subchapter which is subsequently dishonored;

5. Has failed to comply with any of the provisions of this subchapter;

6. Fails to maintain an approved classroom in accordance with this subchapter;

7. Fails to pay any fee required by law or regulation;
8. Fails to notify the Director in writing as required by N.J.A.C. 13:20-43.23;
9. 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; or
10. For other good cause.

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

13:20-43.26 Additional penalties; third party emission inspector training programs

When, pursuant to N.J.S.A. 39:8-1 et seq. or any regulation adopted thereunder, the Director has the authority to withdraw the approval of a third party emission inspector training program provider, the Director shall also have the authority to impose an official warning as an alternative to such withdrawal of approval.

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

13:20-43.27 Investigations; third party emission inspector training programs

(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 an approved third party emission inspector training program provider.

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

(c) Subpoenas shall be served in the same manner, and 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.

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

13:20-43.28 Written notice of refusal to approve or withdrawal of approval; third party emission inspector training programs

(a) The Director shall notify the applicant, in writing by certified mail, of any refusal to approve a third party emission inspector training program 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 third party emission inspector training program provider, in writing by certified mail, of any proposed withdrawal of approval of its emission inspector training program and the grounds thereof. Written notice shall be mailed to the place of business on record with the Division. Unless the third party emission inspector training program files with the Director a written request for a hearing in accordance with N.J.A.C. 13:20-43.29, the emission inspector training program approval shall be withdrawn on the date specified in such notice.

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

13:20-43.29 Request for hearing; third party emission inspector training programs

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-43.28(a) that the Director refuses to approve a third party emission inspector training program, 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. 13:20-43.28(a).

(b) If a third party emission inspector training program provider has been notified in accordance with N.J.A.C. 13:20-43.28(b) of a proposed withdrawal of approval of its emission inspector training program, the provider shall be entitled to an administrative hearing concerning such proposed withdrawal of approval provided that the emission inspector training program provider 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 provider by the Division in accordance with N.J.A.C. 13:20-43.28(b).

(c) Any written request for a hearing by a third party emission inspector training program shall be sent to the Division's Emission Inspector Training Program Approval Unit. The address of the Emission Inspector Training Program Approval Unit is Division of Motor Vehicles, 225 East State Street, PO Box 170, Trenton, New Jersey 08666-0170. The hearing request shall contain the following information:

1. The name, certificate number, place of business and telephone number of the third party emission inspector training program;
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 if without knowledge thereof, a statement to that effect; any allegation in the Division's notice 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 third party emission inspector training program provider does not file a written request for a hearing in accordance with (a), (b) or (c) above, the withdrawal of approval of the emission inspector training program shall be effective on the date specified in such notice. The third party emission inspector training program provider shall cease all activities of the business of an emission inspector training program provider effective on the date specified in such notice.

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

13:20-43.30 Hearing procedures; third party emission inspector training programs

Any hearing concerning the refusal to approve or the withdrawal of approval of a third party emission inspector training program 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.

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

SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

13:20-44.1 Purpose

(a) P.L. 1995, c.112 provides for the licensing and regulation of private inspection facilities by the Director of the Division of Motor Vehicles. The purposes of this subchapter are to:

1. Establish a system for the licensing of private inspection facilities which perform inspections and/or reinspections on motor vehicles and issue certifications for motor vehicles, including emission control system inspections; and

2. Establish standards and procedures necessary to protect the public from incompetent, dishonest, deceptive and fraudulent practices in the inspection, reinspection and certification of motor vehicles, including emission control systems, and to eliminate or exclude from licensing those persons who engage in such practices or who otherwise demonstrate unfitness.

(b) The Division finds that in order to ensure that motor vehicles which are inspected, reinspected and certified by a private inspection facility are satisfactorily inspected, rein-

spected and certified and are in proper condition to be operated on the highways of this State and to ensure that inspections, reinspections and certifications are performed in accordance with the standards established by the Division at N.J.A.C. 13:20-33 and 13:20-43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, a licensed private inspection facility must possess certain equipment used in the inspection, reinspection and certification of motor vehicles, including emission control systems.

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

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

In (b), changed N.J.A.C. references.

Administrative change.

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

13:20-44.2 Definitions

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

"Advertising" means any printed or published materials including, but not limited to, direct mail, circulars, leaflets, pamphlets, newspapers, magazines, billboards, yellow pages of any telephone directory, radio and/or television broadcasts, and any other advertising medium of communication used to induce the public to seek the services of the private inspection 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 license to engage in the business of a private inspection facility or to renew an existing license. In the case of a partnership or corporation applying for a license, the term "applicant" shall respectively include all partners and/or officers and directors and/or persons having a controlling interest in a sole proprietorship or corporation.

"Bi-fueled" means powered by gasoline and by an alternative fuel, but not on a mixture of the two fuels. Each fuel is stored in a separate tank. For example, a vehicle may operate on either propane or gasoline, but it cannot operate on both at the same time. Typically, these vehicles will consume the alternative fuel until the supply is exhausted, then switch over, often automatically, to use the traditional fuel. This term shall not include vehicles powered by electric motors.

"Controlling interest" means possession of the power to direct or cause the direction of the management and policies of a private inspection 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 private inspection 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.

"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 control system" means a device or equipment installed on a motor vehicle by the vehicle manufacturer and/or the engine manufacturer for the purpose of controlling air contaminants emitted from the motor vehicle or motor vehicle engine, including devices or equipment integral with, but not limited to, exhaust emission control systems, fuel evaporation control systems, crankcase emission control systems, and associated devices or systems which control or monitor the function and maintenance of these devices or systems.

"Engaged in the business" means:

1. Any person who inspects, reinspects and certifies motor vehicles, including motor vehicle emission control systems; or
2. Any person who for compensation negotiates, in any manner, with any customer to inspect, reinspect and certify motor vehicles, including emission control systems.

"EPA" means the United States Environmental Protection Agency.

"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.

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

"Heavy-duty gasoline-fueled vehicle" means a gasoline-fueled motor vehicle that has a GVWR of more than 8,500 pounds and that is designed primarily for transportation of persons or property.

"Jitney" means an autobus as defined in N.J.S.A. 48:16-23 with a carrying capacity of not more than 13 passengers, operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route.

"Light-duty gasoline-fueled truck" means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, a vehicle curb weight of 6,000 pounds or less, and a basic frontal area of 45 square feet or less, and that is:

1. Designed primarily for the transportation of property or more than 12 passengers; or
2. Available with special features enabling off-street or off-highway operation and use.

"Light-duty gasoline-fueled vehicle" means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, is designed primarily for use as a passenger car or is a passenger car derivative and is capable of seating 12 or fewer passengers.

"Model year" means, with respect to a motor vehicle, the year in which the motor vehicle is considered to have been manufactured. If the manufacturer establishes an annual production period, designation of the year shall be based on the annual production period during which the manufacturer begins production of the motor vehicle. When such annual production period falls within one calendar year, the model year attributed to the motor vehicle shall be that calendar year. When such annual production period continues from one calendar year into the next, the model year attributed to the motor vehicle shall be the latter calendar year (for example, a motor vehicle produced in an annual production period that continues from 1994 to 1995 shall be considered as being produced in the 1995 model year). If the manufacturer establishes no annual production period, a motor vehicle's model year shall be the calendar year in which the manufacturer begins production of that motor vehicle. If a motor vehicle is manufactured in two or more stages, the model year of such a motor vehicle shall be based on the date of completion of the chassis. In case of any dispute, the Director shall have sole discretion to determine the model year of a vehicle for purposes of this subchapter. For purposes of this subchapter, the Director may, in his or her discretion, determine that "model year" means the model year designated for the motor vehicle as contained in the vehicle identification number for such vehicle.

"Motor vehicle emission testing equipment" means equipment in accordance with specifications contained in N.J.A.C. 7:27B-5.9. The equipment shall include all devices used for performing a motor vehicle emission inspection, including, but not limited to, exhaust gas analyzers, dynamometers, OBD scanners and analyzers, fuel cap leak testers, and computers and related software.

"On-board diagnostics" or "OBD" means an automotive diagnostic system complying with California OBD regulations or EPA OBD II regulations effective for model year 1996 and newer motor vehicles.

"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 private inspection facility are offered or ordinarily performed.

"Private inspection facility" means any person who for compensation engages in the business of inspecting, re-inspecting and certifying motor vehicles, including emission control systems. For purposes of this subchapter, an employee of a private inspection facility who engages in the business of inspecting, re-inspecting and certifying motor vehicles, including emission control systems, solely by reason of his or her employment is not deemed to be a private inspection facility and is not required to be licensed as such.

"Private inspection facility license" means a license issued to a private inspection facility which evidences the Director's authorization for the facility to engage in the inspection, reinspection and certification of motor vehicles, including motor vehicle emission control systems.

"Reconstructed vehicle" means a vehicle which has been materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

"Suspension, revocation or refusal to grant or renew" means administrative action by the Director, in accordance with the provisions of P.L. 1995, c.112 or this subchapter, to refuse to grant or renew a private inspection facility license or to suspend or revoke an existing license.

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

Inserted "Bi-fueled" and "Jitney"; in "Emission control system", substituted a reference to vehicle manufacturers and engine manufacturers for a reference to manufacturers, and inserted a reference to maintenance; and in "Motor vehicle emission testing equipment", changed N.J.A.C. reference.

Administrative change.

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

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

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

Added "EPA" and "'On-board diagnostics' or 'OBD'"; amended "Motor vehicle emission testing equipment".

13:20-44.3 Scope; license required; vehicle classes; inspection services; license classes

(a) This subchapter shall apply to every person engaged in the business of a private inspection facility which performs inspections, re-inspections and certifications of motor vehicles, including emission control systems.

(b) No person shall, on or after June 29, 1995, engage in the business of a private inspection facility unless licensed by the Director in accordance with the provisions of this subchapter.

(c) Private inspection facilities shall be licensed to engage in the inspection, reinspection and certification of light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of less than 10,000 pounds, motorcycles, buses (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), and jitneys; provided, however, private inspection facilities shall not inspect school buses, buses which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit, or motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

(d) Class I and Class II licensed private inspection facilities shall provide inspection, reinspection, and certification services in all motor vehicle inspection categories, other than motorcycle inspection categories, established by the Division, including the following inspection categories:

1. Credentials;
2. Engine emissions;
3. On-board diagnostics;
4. Brake system;
5. Exhaust system;
6. Steering, suspension, tires and wheels;
7. Glass (windshield, windows);
8. Electrical (all switches, signals, wipers, lenses and lights, including headlights); and
9. Miscellaneous (any inspection item not in other categories)

(e) Class III licensed private inspection facilities shall provide inspection, reinspection and certification services in all motorcycle inspection categories established by the Division, including the following inspection categories:

1. Credentials;
2. Brake system;
3. Exhaust system;
4. Steering, suspension, tires, and wheels;
5. Glazing (windscreen);
6. Electrical (all switches, signals, wipers, lenses, and lights, including headlights); and
7. Miscellaneous (any inspection item not in other categories).

(f) Each motor vehicle inspection conducted by a private inspection facility pursuant to this subchapter shall include an examination of the driver's license, motor vehicle regis-

tration certificate and insurance identification card; provided, however, that this subsection shall not apply to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 or to motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5.

(g) Private inspection facilities shall be licensed in the following classes:

1. Class I licenses shall be issued to private inspection facilities to engage in the inspection and certification of light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of less than 10,000 pounds, buses, and jitneys.

2. Class II licenses shall be issued to owners or lessees of fleets of 10 or more light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, or diesel-fueled trucks having a GVWR of less than 10,000 pounds to engage in the inspection and certification of such motor vehicles.

3. Class III licenses shall be issued to private inspection facilities to engage in the inspection and certification of motorcycles.

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

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

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

Rewrote the section.

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

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

In (d), added a new 3 and recodified former 3 to 8 as 4 to 9.

13:20-44.4 Initial application for a license

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

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

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

1. The name, place of business and telephone number of the private inspection 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. The businesses in which the applicant has been engaged for the five years preceding the date of application, and if employed, the names and addresses of the employers;

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

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

6. Whether the applicant has ever been denied, or had suspended or revoked, a license or registration to engage in any business, profession or occupation licensed or registered under the laws of any state; and

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

(c) Each initial application for a private inspection facility license shall be accompanied by proof of the following:

1. The New Jersey Sales Tax Identification Number;

2. The New Jersey Unemployment Registration Number;

3. The Federal Employer Identification Number;

4. The corporation code, if one has been issued by the Division;

5. Proof in such form as the Director may require that the applicant meets the requirements of N.J.A.C. 13:20-44.9; and

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

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

1. The applicable nonrefundable fee as set forth in N.J.A.C. 13:59-1.3 payable to the Division of State Police-State Bureau of Identification shall be submitted for each natural person required to be fingerprinted. The payment of this fee shall be in the form of a cashier's check, certified check, money order, or ordinary business check as required by N.J.A.C. 13:59-1.3(g).

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

(e) Each initial application for a private inspection facility license shall be accompanied by proof of liability insurance coverage in the following minimum amounts: for injury to, or death of any one person in any one occurrence: \$100,000; for injury to, or death of two or more persons in any one occurrence: \$300,000; for damage to property in any one occurrence: \$50,000. Proof of insurance coverage shall be in the form of a certificate issued by the carrier containing a clause that 30 days prior notice shall be given to the Division of any cancellation or termination of the policy. Failure to maintain such insurance coverage shall be cause for immediate license suspension.

(f) Each initial application for a private inspection facility license shall be accompanied by the applicable fees as specified in N.J.A.C. 13:20-44.6.

(g) If there are multiple locations for private inspection facilities owned by the same applicant, a separate application, accompanying documents, and application and license fee as specified in N.J.A.C. 13:20-44.6 shall be submitted for each such place of business.

(h) Upon preliminary approval of each initial license application, a license shall be issued to the private inspection facility. Each initial license issued to a private inspection facility on or after June 29, 1995 shall be effective on the date of issuance and shall continue in force and effect until June 30, 2000, and shall, thereafter, be renewed on an annual basis, unless such license is suspended or revoked by the Director. If there are multiple places of business for a private inspection facility, a separate license shall be issued for each such place of business.

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

(j) All private inspection facilities that apply to renew a private inspection facility license on or after June 29, 1995 must satisfy all of the requirements of (c)5 above. A private inspection facility whose license has been suspended by the Director and which applies for reinstatement on or after June 29, 1995 must satisfy the requirements of (c)5 above prior to restoration of the license.

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

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

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

In (h), substituted a reference to 2000 for a reference to 1998.

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

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

In (d)1, amended N.J.A.C. references and inserted ", or ordinary business check" following "money order".

13:20-44.5 Applicant qualifications

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

(b) 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.

13:20-44.6 Application and license fees

(a) Each initial application for a private inspection facility license shall be accompanied by a nonrefundable application fee of \$20.00 payable to the Division. In the event that an initial applicant simultaneously submits applications for a Class I and Class III private inspection facility license, only

one application fee shall be payable to the Division pursuant to this subsection.

(b) Each initial or renewal application for a Class I or Class II private inspection facility license shall be accompanied by a license fee of \$250.00 payable to the Division. Such license fee shall be returned to the applicant only in the event that the Director refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.

(c) Each initial or renewal application for a Class III private inspection facility license shall be accompanied by a license fee of \$25.00 payable to the Division. Such license fee shall be returned to the applicant only in the event that the Director refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.

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

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

Rewrote the section.

13:20-44.7 License renewals

(a) Each licensee shall, no later than 30 days before the expiration of the license, submit to the Director an application to renew its current license provided that such licensee is not prohibited from applying for a license as specified in N.J.A.C. 13:20-44.25. An application to renew a private inspection facility license may be obtained from the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a).

(b) Each application to renew a private inspection facility license shall be accompanied by the applicable license renewal fee(s) specified in N.J.A.C. 13:20-44.6 and proof of liability insurance coverage as specified in N.J.A.C. 13:20-44.4(e).

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

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

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

In (b), substituted a reference to license renewal fees for a reference to fees, and changed N.J.A.C. reference.

13:20-44.8 Surrender of license

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

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

13:20-44.9 Facilities and equipment

(a) Licensed private inspection facilities shall be located in a structure having a garage-type entrance and one or more service bays or lanes; except that licensed private inspection facilities which perform inspections, reinspections and certifications exclusively at the business locations of owners or lessees of fleet motor vehicles may be exempted from the provisions of this subsection.

(b) Motor vehicle emission testing equipment, approved by the Department of Environmental Protection, shall be owned or leased by a Class I or Class II licensed private inspection facility and shall be located on the business premises of the facility.

(c) A vehicle lift or heavy duty floor jack shall be available on the business premises of a Class I or Class II licensed private inspection facility.

(d) Brake testing equipment, for example, a drive-on horizontal scale or roller-type tester, shall be available on the business premises of the facility. The brake testing equipment requirements of this subsection may be waived by the Division upon receipt of written notification from the licensee expressing its commitment to make visual inspections of the brake system and to perform road tests of the brake system.

(e) A tire tread depth gauge calibrated in 32nds of an inch shall be available on the business premises of the facility.

(f) Electronic medium for retrieval of motor vehicle inspection information from, and for transmission of motor vehicle inspection information to, the Division's data base shall be available on the business premises of a Class I or Class II licensed private inspection facility.

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

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

In (b), inserted "Class I or Class II licensed" following "leased by a"; in (c), substituted "a Class I or Class II licensed private inspection" for "the" following "premises of"; and in (f), inserted "motor vehicle" preceding "inspection" throughout, and substituted "a Class I or Class II licensed private inspection" for "the" following "premises of".

13:20-44.10 Inspection certificates of approval

(a) The inspection certificate of approval issued for motor vehicles, other than motorcycles, shall be composed of a base inspection sticker and insert indicating respectively the year and month of expiration of the certificate of approval. The insert shall contain a bar-coded identifier linked to the motor vehicle. The inspection certificate of approval issued for motorcycles shall be composed of a one-piece sticker indicating the year and month of expiration of the certificate of approval.

(b) Base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles shall be purchased by a licensee, by mail or in person, from the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a).

(c) Base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles shall be purchased by a licensee at \$1.00 per sticker in quantities of 25 or more.

(d) A licensee shall secure base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles in a locked place of limited access, such as a safe, cabinet, or desk drawer. The licensee is solely responsible for the security of base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles. A licensee's failure to take necessary precautions to secure base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles from loss or theft shall be cause for suspension or revocation of the license.

(e) A licensee shall affix an inspection certificate of approval to a motor vehicle only after inspection or reinspection has been successfully completed.

(f) When defects detected at an inspection conducted at an official inspection facility or at a private inspection facility have been repaired or adjusted by the licensee or by an employee of the licensee, the licensee shall insure, prior to affixation of a certificate of approval on the vehicle, that the person or persons who performed the repair or adjustment work has signed his or her name on the motor vehicle inspection report. When defects detected at inspection have been repaired by someone other than the licensee or an employee of the licensee, the licensee shall insure, prior to affixation of a certificate of approval on the vehicle, that the person or persons who inspected the vehicle have signed his or her name on the motor vehicle inspection report at the bottom of its reverse side.

(g) A Class I or Class II licensed private inspection facility shall not certify the emissions or on-board diagnostics of any motor vehicle unless an emission inspector licensed by the Division in accordance with chapter 8 of

Title 39 of the Revised Statutes and N.J.A.C. 13:20-43.17 has personally performed the emission or OBD inspection or reinspection and has determined that the motor vehicle meets the inspection standards adopted by the Division at N.J.A.C. 13:20-43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. A Class I or Class II licensed private inspection facility shall not certify the emissions or on-board diagnostics of any motor vehicle that has been rejected because of an emission test or OBD inspection failure unless a certified emission repair technician or the owner or lessee of the motor vehicle has performed the emission-related or OBD-related repairs.

(h) A licensee shall secure motor vehicle inspection reports separate and apart from base inspection stickers for motor vehicles other than motorcycles, and shall secure motorcycle inspection cards separate and apart from inspection certificates of approval for motorcycles, in a locked place of limited access, such as a safe, cabinet, or desk drawer.

(i) A licensee shall record the date of issuance of the inspection certificate of approval on the corresponding motor vehicle inspection report or motorcycle inspection card.

(j) A licensee shall retain defective or voided inspection certificates of approval, motor vehicle inspection reports, and motorcycle inspection cards and shall surrender them to a Division representative at the time of a periodic audit conducted by the Division.

(k) A licensee shall notify the local law enforcement agency upon determining that a base inspection sticker(s) for a motor vehicle other than a motorcycle or a certificate(s) of approval for a motorcycle has been stolen and shall file a copy of such report with the Division.

(l) A licensee shall return all unused base inspection stickers for motor vehicles other than motorcycles, all unused certificates of approval for motorcycles, all unused motor vehicle inspection reports, and all unused motorcycle inspection cards to a Division representative upon the licensee's discontinuation of inspection certification services.

(m) A licensee shall be solely responsible for base inspection stickers for motor vehicles other than motorcycles, certificates of approval for motorcycles, motor vehicle inspection reports, and motorcycle inspection cards issued to it by the Division.

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

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

Rewrote the section.

Administrative change.

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

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

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

Inserted references to on-board diagnostics and OBD throughout; substituted "inspection" for "emission" following "vehicle meets the".

13:20-44.11 Responsibility of licensees

(a) In the case of a sole proprietorship, the owner and/or possessor of a controlling interest in the private inspection facility shall be 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.

(b) In the case of a partnership or corporation, each partner, or corporate officer and/or director, or any person or entity possessing a controlling interest, as the case may be, shall be held individually responsible to the Director for the conduct of the business of the 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.

13:20-44.12 Notice and recordkeeping requirements

(a) Each licensee, except a Class II licensed private inspection facility, shall display an outdoor sign which shall read: "Official New Jersey Private Inspection Facility." The sign shall include the license number of the private inspection facility. The sign shall contain letters at least two inches high with a stroke of approximately one-half inch, be visible from the road and be located in a conspicuous location for the general public to see. If zoning ordinances prohibit the posting of such sign or such posting is otherwise impractical, the licensee shall prominently display such sign on the exterior of the private inspection facility.

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

(c) Every licensed private inspection facility shall maintain copies of all motor vehicle inspection reports and other documents prepared by that facility for inspections, re-inspections, certifications and repair work performed by that facility.

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

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

(d) Every private inspection 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 licensee to administrative action pursuant to this subchapter.

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

(f) The licensee shall notify the Director in writing within 10 days of any change in address of the private inspection facility or of any change in address of persons or entities required to be listed on the application by N.J.A.C. 13:20-44.4.

(g) The licensee shall notify the Director in writing within 10 days whenever any person or entity required to be listed on the application by N.J.A.C. 13:20-44.4 is no longer associated with the private inspection facility.

(h) All written notifications required by this subchapter shall be made by either personal delivery or sent by certified mail to the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a).

(i) An amended application shall be filed by the licensee with the Director when there is a substitution and/or addition of persons or entities required to be listed on the application by N.J.A.C. 13:20-44.4. The licensee shall also comply with the requirements of N.J.A.C. 13:20-44.6(a) and 13:20-44.4(d).

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

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

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

In (a), substituted "Class II licensed private" for "private fleet" following "except a", and substituted "Official" for "Licensed: State of" following "read:".

13:20-44.13 Records; inspection reports

(a) A licensee shall maintain copies of motor vehicle inspection reports and motorcycle inspection cards in an order corresponding to the date on which the inspection certificate of approval was issued.

(b) A licensee shall maintain repair orders and invoices (bills for parts and labor) in the form required by N.J.A.C. 13:45A-26C.

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

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

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

(f) A licensee's failure to permit investigators and other personnel from the Division, the Department of Environmental Protection, or the Division of Consumer Affairs on the premises of the licensee during regular business hours for purposes of conducting investigations shall be cause for suspension or revocation of the private inspection facility license. Such investigations may include, but shall not be limited to, discussions with customers, examination of motor vehicle emission testing and OBD inspection equipment, and other equipment specified in N.J.A.C. 13:20-44.9, questioning of employees and the employment of such other investigatory techniques as may be necessary for the enforcement of this subchapter and the provisions of Title 39, Title 26 and Title 56 of the Revised Statutes and the regulations adopted thereunder by the Division at N.J.A.C. 13:20-43, the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, and the Division of Consumer Affairs at N.J.A.C. 13:45A-26C.

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

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

Rewrote (a) and (b); in (c), added a reference to motorcycle inspection cards; in (d), substituted a reference to inspection certificates of approval for a reference to base inspection stickers; in (e), substituted "or" for "and" following "Protection" throughout; in (f), changed N.J.A.C. references.

Administrative change.

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

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

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

Inserted "and OBD inspection" following "emission testing".

13:20-44.14 Certification of inspection

(a) Each Class I or Class II licensed private inspection facility shall have the authority to perform inspections in all motor vehicle inspection categories established by the Division and to certify that specific items for which a motor vehicle was rejected at inspection have been corrected so that the motor vehicle is in proper operating condition and that it conforms to the inspection standards adopted by the Division at N.J.A.C. 13:20-33 and 43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(b) Each Class III licensed private inspection facility shall have the authority to perform inspections in all motorcycle

inspection categories established by the Division and to certify that specific items for which a motorcycle was rejected at inspection have been corrected so that the motorcycle is in proper operating condition.

(c) A Class I or Class II licensed private inspection facility shall not certify that items for which a motor vehicle was rejected at inspection have been corrected unless the licensee, or a licensed emission inspector or mechanic acting as an employee or agent of the licensee, has inspected the motor vehicle in accordance with N.J.A.C. 13:20-33 and has determined that all defects detected at inspection have been corrected so that the motor vehicle is in proper operating condition and that it conforms to the inspection standards adopted by the Division at N.J.A.C. 13:20-33 and 43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(d) A Class III licensed private inspection facility shall not certify that items for which a motorcycle was rejected at inspection have been corrected unless the licensee has inspected the motorcycle and has determined that all defects detected at inspection have been corrected so that the motorcycle is in proper operating condition and that it conforms to the inspection standards adopted by the Division at N.J.A.C. 13:20-33.

(e) Certification shall be evidenced by the affixation of a certificate of approval on a motor vehicle as specified in N.J.A.C. 13:20-43.11(a) and 33.2(k), or by the affixation of a certificate of approval on a motorcycle as specified in N.J.A.C. 13:20-33.2(n).

(f) Certification of a motor vehicle by a Class I or Class II licensed private inspection facility or an employee thereof shall constitute the licensee's representation that the licensee, or a licensed emission inspector or mechanic, has inspected the motor vehicle in accordance with N.J.A.C. 13:20-33 and has determined that the motor vehicle is in proper operating condition and conforms to the inspection standards adopted by the Division at N.J.A.C. 13:20-33 and 43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(g) Certification of a motorcycle by a Class III licensed private inspection facility or an employee thereof shall constitute the licensee's representation that the licensee has inspected the motorcycle and has determined that the motorcycle is in proper operating condition and conforms to the inspection standards adopted by the Division at N.J.A.C. 13:20-33.

(h) The fee which a licensee may charge the consumer for affixing a certificate of approval shall not exceed \$2.50.

(i) The fee which a licensee may charge for reinspection of items for motor vehicles having a GVWR of 8,500 pounds or less, motor vehicles having a GVWR greater than 8,500 pounds, and motorcycles rejected after inspection and

which have been repaired by the motor vehicle owner or lessee or someone not under the direction of the licensee shall not exceed that portion of the licensee's established hourly labor charge for repair service as specified by the Director to be the average time required to reinspect a particular item of equipment. A licensee shall inform the consumer in advance that the licensee's charge for such reinspection shall not exceed that portion of the hourly labor rate.

(j) Every licensee who performs inspection certification services for the general public shall conspicuously display a schedule of inspection charges at his or her place of business and shall file a copy thereof with the Private Inspection Facility Licensing Unit of the Division. The schedule of inspection charges shall specifically set forth the inspection charge for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less and the inspection charge for the initial inspection of motor vehicles having a GVWR greater than 8,500 pounds. The posted schedule shall not be smaller than one square foot.

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

Deleted provisions which prohibited vehicles over four years old or which failed two initial emission tests from inspection at private facilities.

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

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

Rewrote the section.

Administrative change.

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

13:20-44.15 Advertising

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

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

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

13:20-44.16 Storage rates

Every private inspection facility which charges a per diem fee to store a motor vehicle on its premises shall disclose in writing, prior to initiating inspection certification services, the amount of such storage charge to the customer.

13:20-44.17 Additional violations

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

1. Has made a false statement or concealed a fact in connection with the application for a license or a renewal thereof;
2. Is not the owner of, or possessor of a controlling interest in, the private inspection facility;
3. Has been found to have tampered with emission control apparatus in violation of N.J.A.C. 7:27-15.7;
4. Has been found to have violated or conducted fraudulent or deceptive practices concerning the inspection, reinspection, certification and/or repair of motor vehicles in violation of N.J.S.A. 39:8-1 et seq., 56:8-1 et seq., N.J.A.C. 13:45A-26C or this subchapter;
5. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which would be:

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

All crimes of the first degree;

N.J.S.A. 2C:5-1 (attempt to commit an offense which is listed in this subparagraph);

N.J.S.A. 2C:5-2 (conspiracy to commit an offense which is listed in this subparagraph);

N.J.S.A. 2C:11-4b (manslaughter);

N.J.S.A. 2C:11-5 (vehicular homicide);

N.J.S.A. 2C:12-1b (aggravated assault);

N.J.S.A. 2C:13-1 (kidnapping);

N.J.S.A. 2C:14-1 et seq. (sexual offenses);

N.J.S.A. 2C:15-1 (robberies);

N.J.S.A. 2C:17-1a and b (crimes involving arson and related offenses);

N.J.S.A. 2C:17-2a and b (causing or risking widespread injury or damage);

N.J.S.A. 2C:18-2 (burglary);

N.J.S.A. 2C:20-1 et seq. (theft and related offenses);

N.J.S.A. 2C:21-4a (falsifying or tampering with records);

N.J.S.A. 2C:27-1 et seq. (bribery and corrupt influence);

N.J.S.A. 2C:28-1 et seq. (perjury and other falsification in official matters);

N.J.S.A. 2C:30-2 and N.J.S.A. 2C:30-3 (misconduct in office and abuse of office);

N.J.S.A. 2C:35-5 (manufacturing, distributing or dispensing a controlled dangerous substance or a controlled dangerous substance analog);

N.J.S.A. 2C:35-6 (employing a juvenile in a drug distribution scheme);

N.J.S.A. 2C:35-7 (distributing, dispensing, or possessing a controlled dangerous substance or controlled substance analog on or within 1,000 feet of school property or bus);

N.J.S.A. 2C:35-10 (possession, use or being under the influence of a controlled dangerous substance or a controlled substance analog, or failure to make lawful disposition of same);

N.J.S.A. 2C:35-11 (distribution, possession or manufacture of imitation controlled dangerous substances);

N.J.S.A. 2C:35-13 (acquisition of controlled dangerous substances by fraud); or

ii. Any other offense under New Jersey or Federal law which indicates that licensure of the applicant or continued licensure of the licensee would be inimical to the licensing standards set forth in P.L. 1995, c.112 and this subchapter;

6. Demonstrates a pattern of conduct whereby inspections, reinspections, certifications and/or repairs made by the private inspection facility were not made in the prescribed manner;

7. Issues a check in payment of any fees required by this subchapter which is subsequently dishonored;

8. Has failed to comply with any of the provisions of this subchapter;

9. Fails to maintain an approved place of business in accordance with this subchapter;

10. Fails to pay any fee required by law or regulation;

11. Does not have valid permits, as provided in N.J.A.C. 13:20-44.4(c)6, or other authorization from the appropriate Federal, State or other governmental agency authorizing operation of the business or operation of any equipment, service or process on the premises;

12. Fails to notify the Director in writing as required by N.J.A.C. 13:20-44.12(e), (f) and (g);

13. 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;

14. Has performed an emission-related or OBD-related repair without being registered as a motor vehicle emission repair facility; or

15. For other good cause.

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

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

In (a), changed N.J.A.C. references in 4 and 11, and substituted a reference to vehicular homicide for a reference to death by auto in 5i. Amended by R.2001 d.358, effective October 15, 2001.

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

In (a), added a new 14 and recodified former 14 as 15.

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

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

In (a)14, inserted "or OBD-related" following "emission-related".

13:20-44.18 Emission inspector

A Class I or Class II licensed private inspection facility shall employ an emission inspector licensed in accordance with N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-43.17.

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

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

Rewrote the section.

13:20-44.19 Mechanic qualifications

(a) If the private inspection facility performs safety equipment repairs, the licensee or someone in his or her employment shall meet one of the following criteria:

1. One year experience as a paid automotive mechanic and successful completion of advanced courses in automotive mechanics specifically designed for professionals engaged in the trade; or

2. Three or more years paid experience in general automotive repair and service or at least one year paid experience and completion of an automotive repair course at a vocational school, provided the applicant has successfully passed the National Institute for Automotive Service Excellence Test for engine tuneup and at least one other test from the following areas:

i. Brakes;

ii. Front end; or

iii. Automotive electrical systems.

13:20-44.20 Additional penalties; schedule of penalties

(a) 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 grant or renew the license of a private inspection facility, the Director shall also have the authority to impose, as an alternative or in addition to such suspension, revocation or refusal to grant or renew, an official warning.

(b) The following penalty schedule shall apply to private inspection facilities that violate P.L. 1995, c.112, N.J.A.C. 13:20-33, or this subchapter.

1. For intentionally or willfully improperly passing a motor vehicle for any required portion of the emission test or OBD inspection in violation of rules or procedural requirements:

- | | |
|---|------------------|
| i. Six month license suspension; plus \$1,000.00 civil penalty | first violation |
| ii. Two year license suspension; plus \$5,000.00 civil penalty | second violation |
| iii. Lifetime license revocation; plus \$7,500.00 civil penalty | third violation |

2. For gross negligence in passing a motor vehicle for any required portion of the emission test or OBD inspection in violation of rules or procedural requirements:

- | | |
|---|------------------|
| i. Six month license suspension; plus \$500.00 civil penalty | first violation |
| ii. One year license suspension; plus \$1,000.00 civil penalty | second violation |
| iii. Two year license suspension; plus \$2,000.00 civil penalty | third violation |
| iv. Lifetime license revocation; plus \$5,000.00 civil penalty | fourth violation |

3. For simple negligence in passing a motor vehicle for any required portion of the emission test or OBD inspection in violation of rules or procedural requirements:

- | | |
|---|---------------------------------|
| i. Six month license suspension; plus \$500.00 civil penalty | first violation |
| ii. Six month license suspension; plus \$500.00 civil penalty | second violation |
| iii. One year license suspension; plus \$750.00 civil penalty | third violation |
| iv. One year license suspension; plus \$750.00 civil penalty | fourth violation |
| v. Two year license suspension; plus \$1,000.00 civil penalty | fifth and subsequent violations |

4. For misrepresentation on application (fraud or misrepresentation in securing the license):

- i. Three-year license denial

5. For fraudulently affixing certificate of approval or certificate of waiver:

- | | |
|---|------------------|
| i. Immediate two-year license suspension; plus \$500.00 civil penalty | first violation |
| ii. Immediate four-year license suspension; plus \$1,000.00 civil penalty | second violation |
| iii. Lifetime license revocation; plus \$2,000.00 civil penalty | third violation |

6. For fraud or misrepresentation in the conduct of the licensed activity:

- | | |
|--|------------------|
| i. Immediate two-year license suspension | first violation |
| ii. Immediate four-year license suspension | second violation |
| iii. Lifetime license revocation | third violation |

7. For issuance or possession of altered, forged, stolen, or counterfeit certificate of approval, certificate of waiver or rejection sticker:

- | | |
|--------------------------------|-----------------|
| i. Two-year license suspension | first violation |
|--------------------------------|-----------------|

- | | |
|----------------------------------|------------------|
| ii. Four-year license suspension | second violation |
| iii. Lifetime license revocation | third violation |

8. For furnishing, lending, giving or selling a certificate of approval, certificate of waiver or rejection sticker without performing the required inspection or reinspection:

- | | |
|----------------------------------|----------------------------------|
| i. Two-year license suspension | first violation |
| ii. Four-year license suspension | second and subsequent violations |

9. For failing to produce inspection records:

- i. Immediate license suspension until compliance

10. For an unlicensed person performing an emission test or OBD inspection:

- | | |
|----------------------------------|---------------------------------|
| i. Four-month license suspension | first violation |
| ii. Six-month license suspension | second violation |
| iii. One-year license suspension | third and subsequent violations |

11. For fraudulent recordkeeping:

- | | |
|--|------------------|
| i. Immediate two-year license suspension | first violation |
| ii. Immediate four-year license suspension | second violation |
| iii. Lifetime license revocation | third violation |

12. For improper recordkeeping:

- | | |
|-----------------------------------|---------------------------------|
| i. One-month license suspension | first violation |
| ii. Two-month license suspension | second violation |
| iii. Six-month license suspension | third and subsequent violations |

13. For certifying a vehicle that does not meet State equipment safety standards:

- | | |
|----------------------------------|---------------------------------|
| i. Six-month license suspension | first violation |
| ii. Six-month license suspension | second violation |
| iii. One-year license suspension | third and subsequent violations |

14. For improper security of certificates of approval, certificates of waiver and/or rejection stickers:

- | | |
|-----------------------------------|---------------------------------|
| i. Written warning | first violation |
| ii. Two-month license suspension | second violation |
| iii. Six-month license suspension | third and subsequent violations |

15. For lost or stolen certificates of approval, certificates of waiver and/or rejection stickers for which the licensee does not properly account. A licensee can "properly account" for such documents by demonstrating, to the satisfaction of the Director, that they were lost or stolen under circumstances beyond the reasonable control of the licensee:

- | | |
|--|---------------------------------|
| i. One-month license suspension; plus \$100.00 civil penalty per certificate | first violation |
| ii. Two-month license suspension plus \$250.00 civil penalty per certificate | second violation |
| iii. One-year license suspension plus \$500.00 civil penalty per certificate | third and subsequent violations |

16. For overcharging on inspection/reinspection:

- | | |
|--------------------------------|---------------------------------|
| i. Written warning | first violation |
| ii. 30-day license suspension | second violation |
| iii. 60-day license suspension | third and subsequent violations |

17. For failing to maintain insurance coverage:

- i. Minimum 15-day license suspension and until compliance

18. For failure to provide a motor vehicle inspection report, repair order, invoice, and/or Emission Repair Facility list to a customer:

- | | |
|----------------------------------|---------------------------------|
| i. 30-day license suspension | first violation |
| ii. 60-day license suspension | second violation |
| iii. One-year license suspension | third and subsequent violations |

19. For failure to post license:

- | | |
|-----------------------------------|---------------------------------|
| i. Written warning | first violation |
| ii. 20-day license suspension | second violation |
| iii. Two-month license suspension | third and subsequent violations |

20. For failure to post outdoor sign:

- | | |
|-----------------------------------|---------------------------------|
| i. Written warning | first violation |
| ii. 20-day license suspension | second violation |
| iii. Two-month license suspension | third and subsequent violations |

21. For failure to post hourly rate and/or inspection fees:

- | | |
|-----------------------------------|---------------------------------|
| i. Written warning | first violation |
| ii. 20-day license suspension | second violation |
| iii. Two-month license suspension | third and subsequent violations |

22. For failure to pay fee(s):

- i. License suspension until compliance

23. For criminal conviction which is disqualifying:

- i. Indefinite license denial/suspension

license issuance/restoration predicated on standards set forth in the Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.).

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

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

In (b), inserted N.J.A.C. reference following c.112 in the introductory paragraph and rewrote 18.

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

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

In (b), inserted "motor" preceding "vehicle" and "or OBD inspection" following "emission test" throughout, rewrote 10.

13:20-44.21 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 private inspection facility.

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

(c) Except as set forth in N.J.A.C. 13:20-44.12(j), 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 these rules or to testify with respect to any matter concerning which he or she may be lawfully interrogated, the Superior Court, on application of the Director, may be requested to issue an order requiring the attendance of such person and the giving of testimony or production of evidence. Any person failing to obey the order of the court may be punished by the court for contempt.

(e) In addition to the authority set forth in (a) above, 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.

13:20-44.22 Written notice of suspension or revocation or refusal to grant or renew license

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

(b) The Director shall notify the licensee, in writing by certified mail, of any proposed suspension or revocation of the private inspection facility license and the grounds thereof. Written notice shall be mailed to the place of business on record with the Division. Unless the licensee files with the Director a written request for a hearing in accordance with N.J.A.C. 13:20-44.23, the private inspection facility license shall be suspended or revoked on the date specified in such notice.

13:20-44.23 Request for hearing

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-44.22(a) that the Director refuses to grant or renew a private inspection facility license to him or her, the applicant shall be entitled to an administrative hearing concerning such refusal provided that the applicant has filed and the Director has received a written request for a hearing within 15 days. The 15-day period shall commence

on the date such notice was mailed to the applicant by the Division in accordance with N.J.A.C. 13:20-44.22(a).

(b) If a licensee has been notified in accordance with N.J.A.C. 13:20-44.22(b) of a proposed suspension or revocation of his or her private inspection facility license, the licensee shall be entitled to an administrative hearing concerning such proposed suspension or revocation provided that the licensee has filed and the Director has received a written request for a hearing within 15 days. The 15-day period shall commence on the date such notice was mailed to the licensee by the Division in accordance with N.J.A.C. 13:20-44.22(b).

(c) Any written request for a hearing by an applicant or licensee shall be sent to the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a). The hearing request shall contain the following information:

1. The name, license number, place of business and telephone number of the private inspection 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 licensee does not file a written request for a hearing in accordance with (a), (b), or (c) above, the suspension, revocation or refusal to grant or renew the private inspection facility license shall be effective on the date specified in such notice. The private inspection facility shall cease all activities of the business of a private inspection facility effective on the date specified in such notice.

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

In (b), substituted "licensee" for "license" preceding "has been notified".

13:20-44.24 Hearing procedures

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

13:20-44.25 Limitations on issuance of license after suspension, revocation or refusal to grant or renew

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

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

13:20-44.26 License restoration

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

(b) Each suspension or revocation of any 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

(a) 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 that perform emission and OBD repairs for compensation on "gasoline-fueled" or "bi-fueled" motor vehicles as defined in N.J.A.C. 13:20-43.1 that have failed an emission or OBD inspection so that the Division may track emission and OBD repairs for monitoring purposes and document emission and OBD repair costs for purposes of issuance of certificates of waiver pursuant to N.J.A.C. 13:20-43.13.

(b) The purpose of this subchapter is also to establish a system for the registration of motor vehicle emission repair facilities which perform diesel emission repairs for compensation pursuant to the provisions of P.L. 1995, c.157.

Amended by, R.1997 d.392, effective September 15, 1997.
See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).

In (a), inserted "gasoline-fueled" and N.J.A.C. references; and added (b).

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

In (a), inserted a reference to bi-fueled motor vehicles.

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

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

Inserted references to OBD following "emission" throughout.

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 that evidences the Director’s authorization for the facility to engage in emission and OBD repairs, including diesel repairs pursuant to P.L. 1995, c.157, on motor vehicles that have failed an emission or OBD inspection.

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

1. Any person performing emission or OBD repair(s) on motor vehicles that have failed an emission or OBD 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 or OBD repairs on motor vehicles that have failed an emission or OBD 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 or OBD repairs on motor vehicles that have failed an emission or OBD inspection required by the Director; or
4. Any person who negotiates in any manner with any customer to perform emission or OBD repairs on motor vehicles that have failed an emission or OBD inspection required by the Director.

“EPA” means the United States Environmental Protection Agency.

“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 or OBD 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 or OBD 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 or OBD inspection and who is employed by a single commercial or industrial establishment that is the owner or lessee of such motor 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 or OBD inspection failures.

"On-board diagnostics" or "OBD" means an automotive diagnostic system complying with California OBD regulations or EPA OBD II regulations effective for model year 1996 and newer motor vehicles.

"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.

Amended by R.1997 d.392, effective September 15, 1997.
See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).

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

Amended "Emission repair facility registration", "Engaged in the business", and "Motor vehicle emission repair facility"; added "EPA" and "On-board diagnostics" or "OBD".

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
PO Box 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, 2000, and shall, thereafter, be renewed on a biennial basis, unless such registration is suspended or revoked by the Director.

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

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

In (f), substituted a reference to 2000 for a reference to 1998.

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 on or after January 1 of any year

shall continue in force and effect until December 31 of the following year, unless such registration is suspended or revoked by the Director.

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

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

Rewrote (c).

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 P.L. 1995, c.157, or this subchapter.

(b) In the case of a partnership or corporation, each partner, or corporate officer and/or director, or any person or entity possessing a controlling interest, as the case may be, shall be held individually 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 P.L. 1995, c.157, or this subchapter.

Amended by, R.1997 d.392, effective September 15, 1997.

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

Inserted references to P.L. 1995, c.157.

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-26C.

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

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

Changed N.J.A.C. reference.

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.

(m) When an emission repair or OBD repair is performed on a motor vehicle, the registered motor vehicle emission repair facility shall cause to be imprinted on the emission repair form a stamp with the following:

NEW JERSEY
DIVISION OF MOTOR VEHICLES
EMISSION REPAIR FACILITY
REGISTRATION NO.
DATE:

1. The motor vehicle emission repair facility registration number and the date of emission repairs or OBD repairs shall be contained on the stamp. Each motor vehicle emission repair facility shall purchase the above stamp from a commercial source.

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

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

Added (m).

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

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

Rewrote (m).

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 emission 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-26C 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-related or OBD-related 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.

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

In (b)1, changed N.J.A.C. reference.

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

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

In (a)2, inserted "emission" preceding "repair facility".

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

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

In (b)4, inserted "-related or OBD-related" following "emission".

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) The registrant or someone in his or her employment shall be certified as a repair technician.

(b) No emission-related or OBD-related repairs to "gasoline-fueled" or "bi-fueled" motor vehicles as defined in N.J.A.C. 13:20-43.1 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 and OBD-related repairs on motor vehicles that fail an emission test or OBD inspection.

(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 OBD, loaded-mode and idle tests and the fuel cap leak test;
3. Utilization of diagnostic information on systematic or repeated failures observed in the OBD, loaded-mode and idle tests and the fuel cap leak test; 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.

Amended by R.1997 d.392, effective September 15, 1997.

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

In (b), inserted "to 'gasoline-fueled' vehicles as defined in N.J.A.C. 13:20-43.1".

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

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

In (a), deleted "On or after July 1, 1998" at the beginning; and in (b), deleted "On or after July 1, 1998" at the beginning, and inserted a reference to bi-fueled motor vehicles.

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

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

Rewrote the section.

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(l), subpoenas shall be served in the same manner, and 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.

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

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

In (c), amended N.J.A.C. reference.

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.

SUBCHAPTER 46. DIESEL EMISSION INSPECTION AND MAINTENANCE PROGRAM

13:20-46.1 Definitions

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

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c.13 (N.J.S.A. 39:2A-4) as the successor agency to the Division of Motor Vehicles.

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

"Diesel bus" means any diesel-powered autobus or motor-bus of any size or configuration, whether registered in this State or elsewhere, that is designed or used for intrastate or interstate transportation of passengers for hire or otherwise on a public road, street or highway or any public or quasi-public property in this State, including, but not limited to, autobuses under the jurisdiction of the Department of

Transportation pursuant to Titles 27 or 48 of the Revised Statutes; autobuses of the New Jersey Transit Corporation and its contract carriers that are under the inspection jurisdiction of the Department of Transportation; autobuses that are subject to Federal motor carrier safety regulations; autobuses under the authority of the Interstate Commerce Commission or its successor agency; school buses, as defined pursuant to N.J.S.A. 39:1-1; and hotel, casino, charter, and special buses.

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

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

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

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

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

"Periodic inspection program" or "periodic inspection" means a program in which diesel buses and heavy-duty diesel trucks registered in this State are periodically inspected in accordance with the provisions of P.L. 1995, c.157 (N.J.S.A. 39:8-59 et seq.).

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

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

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

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

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

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

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

Amended by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

Added "Chief Administrator", "Commission" and "Periodic inspection program" or "periodic inspection".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The Commission shall conduct a roadside diesel emission inspection on those heavy-duty diesel trucks directed to the inspection area by the New Jersey State Police or other proper authority, except that in the case of any vehicle directed to the inspection area that bears a valid new heavy-duty diesel truck inspection decal issued by a licensed New Jersey new motor vehicle dealer or motor vehicle leasing company pursuant to N.J.A.C. 13:20-27.6 or that bears a valid diesel emission inspection certificate of approval issued by a diesel emission inspection center pursuant to N.J.A.C. 13:20-47.14, the vehicle shall be waived from further emission inspection and permitted to return to the road, except where the vehicle is emitting visible black smoke; is exhibiting any other audible or visible emission or safety defect or other irregularity that in the opinion of the roadside inspector or State Police officer, as the case may be, warrants further inspection or examination; is required to be inspected for auditing purposes; or is required to be inspected as part of the Commission's training program for roadside inspectors.

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

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

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

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

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

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

Amended by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

Rewrote (d).

13:20-46.4 Certification of test

(a) The Chief Administrator shall prescribe a uniform report upon which diesel emission inspection test results and the certification thereof shall be recorded by the roadside inspector. The uniform report shall contain a statement or statements establishing the following:

1. The type of test performed;
2. The result achieved;
3. That the person completing the form is the person who performed the test;
4. That the tester has been certified by the Chief Administrator as having adequate training and competence to perform the test;
5. That the tester is an employee or agent of the State and was acting in an official capacity when the tester performed the test; a certification subscribed by the person performing the test and certifying that that person did perform the test in a proper manner and believes the test results to be valid and accurate; and
6. Any other information that the Chief Administrator may require.

Amended by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

Rewrote the section.

13:20-46.5 Violation information

Information pertaining to penalties for violation of N.J.S.A. 39:8-62, the repairs that may effect a reduction of penalty, and the certification necessary to substantiate those repairs and compliance with emission standards shall be served with the complaint and summons alleging a violation of N.J.S.A. 39:8-62.

Amended by R.2004 d.133, effective April 5, 2004.
 See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).
 Deleted the second sentence.

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

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

(b) A second or subsequent violation is one which occurs within one year of the occurrence of a previous violation of N.J.S.A. 39:8-62 committed with respect to the same heavy-duty diesel truck or diesel bus. This one year period shall be determined without regard to the date of the hearing that adjudicated the violation and without regard to the identity of the defendant against whom it was adjudicated.

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

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

1. The repair order indicating the emission-related repairs performed on the vehicle, identifying the vehicle by vehicle identification number and license plate number, and signed by the person who performed the emission-related repairs;

2. Invoices documenting the purchase of parts, if any, that were installed on the vehicle to effect the emission-related repairs; and

3. If a diesel emission inspection has been performed by a licensed diesel emission inspection center on the heavy-duty diesel truck or diesel bus subsequent to the emission-related repairs performed on the vehicle, the diesel vehicle inspection report issued by the licensed diesel emission inspection center identifying the vehicle by vehicle identification number and license plate number, and confirming that the vehicle has been brought into compliance with the diesel emission standards set forth in N.J.A.C. 7:27-14.6.

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

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

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

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

(i) The owner and the lessee, if any, of a heavy-duty diesel truck or diesel bus subject to periodic inspection who fails to submit such vehicle for periodic inspection or who fails to effect repairs on a vehicle that has failed periodic inspection shall be liable for a civil penalty of \$500.00. The New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(j) The owner and the lessee, if any, of a heavy-duty diesel truck or diesel bus who disconnects, detaches, deactivates, or in any way renders inoperable or less effective an element of design or the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, except temporarily for the purpose of diagnosis, repair, replacement, or maintenance, shall be liable for a civil penalty of \$500.00. The New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

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

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

Deleted references to diesel-powered motor vehicles throughout section.

Amended by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

Rewrote (d); added (i) and (j).

13:20-46.7 Out-of-service orders

The Division of State Police may order out-of-service any vehicle that is registered or present in this State if the civil penalty imposed pursuant to P.L. 1995, c.157 and this subchapter remains unpaid after the date on which it became due and owing. A vehicle placed out-of-service pursuant to this section shall not be operated until all civil penalties that are due and owing are paid to the Division of Motor Vehicles, or the owner or lessee has made an arrangement, approved by the Director, for payment in accordance with a payment schedule. When a vehicle is placed out-of-service, an administrative out-of-service order shall be prepared on a form or forms specified by the Director and a copy served upon the operator of the vehicle or upon the owner or lessee of the vehicle. The operator of a vehicle served with an out-of-service order pursuant to this section shall report the issuance of the out-of-service order to the owner and the lessee, if any, of the vehicle within 24 hours. When a vehicle is placed out-of-service pursuant to this section it shall be the responsibility of the owner or lessee of that vehicle to arrange for the prompt removal of that vehicle, by means other than operating the vehicle, and to pay all costs associated therewith. The vehicle shall be removed to a secure storage place where the Division of State Police can readily confirm its non-operation. If the owner or lessee fails to comply, or is otherwise incapable of complying with this section, the Division of State Police shall make such arrangements for the removal of the vehicle to a secure storage place where the Division of State Police can readily confirm its non-operation, with all attendant charges and expenses to be paid by the owner, lessee, or bailee. Upon payment by cashier's check or money order, or an agreement approved by the Director to pay in accordance with a payment schedule, or in such other form as may be determined by the Director, subject to law or the Rules Governing the Courts of the State of New Jersey, of all unpaid civil penalties and attendant storage charges and expenses for a vehicle that has been placed out-of-service, the Director shall remove the out-of-service order. Any person who operates, and any owner or lessee who causes or allows to be operated, a vehicle in violation of an out-of-service order prepared and served in accordance with the provisions of this section shall be liable for a civil penalty of \$1,500, and, if the vehicle is registered in this State, the Director may suspend the registration privileges of the vehicle.

13:20-46.8 Roadside inspector training certification

(a) No person shall conduct a roadside emission inspection specified by this subchapter unless certified by the Director as having adequate training and competence to perform the test. In order to receive such certification, a

roadside inspector shall complete a course of training consisting of classroom training as specified in (b) below, and field training as specified in (c) below.

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

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

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

APPENDIX A

(RESERVED)

Repealed by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

SUBCHAPTER 47. DIESEL EMISSION INSPECTION CENTER LICENSING

13:20-47.1 Purpose

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

1. Establish a system for the licensing of diesel emission inspection centers which perform inspections and certifications on heavy-duty diesel trucks and diesel buses and issue certifications for heavy-duty diesel trucks and diesel buses, including emission control apparatus and emission control system inspections; and
2. Establish standards and procedures necessary to protect the public from incompetent, dishonest, deceptive and fraudulent practices in the inspection and certification of heavy-duty diesel trucks and diesel buses, including emission control apparatus and emission control systems, and to eliminate or exclude from licensing those persons who engage in such practices or who otherwise demonstrate unfitness.

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

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

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

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

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

13:20-47.2 Definitions

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

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

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

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c.13 (N.J.S.A. 39:2A-4) as the successor agency to the Division of Motor Vehicles.

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

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

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

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

"Diesel emission inspection center license" means a license issued to a diesel emission inspection center which evidences the Director's authorization for the center to engage in the inspection and certification of heavy-duty diesel trucks or diesel buses, including diesel vehicle emission control apparatus and emission control systems.

"Diesel vehicle emission testing equipment" means equipment in accordance with specifications contained in N.J.A.C. 7:27B-4.6. The equipment shall include all devices used for performing a diesel vehicle smoke opacity emission inspection.

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

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

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

"Engaged in the business" means:

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

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

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

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

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

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

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

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

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

Administrative change.

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

Amended by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

Added "Chief Administrator" and "Commission"; in "Diesel vehicle emission testing equipment", amended the N.J.A.C. reference.

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

(a) This subchapter shall apply to every person engaged in the business of a diesel emission inspection center which

performs inspections and certifications of heavy-duty diesel trucks and diesel buses, including emission control systems.

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

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

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

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

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

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

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

1. Class I licenses shall be issued to diesel emission inspection centers to engage in the inspection and certification of heavy-duty diesel trucks and diesel buses.
2. Class II licenses shall be issued to owners or lessees of fleets of 20 or more heavy-duty diesel trucks and diesel buses.

(h) Class I diesel emission inspection centers which perform inspections and certifications exclusively at the business location of owners or lessees of heavy-duty diesel trucks or diesel buses shall contract with such owners or lessees to perform periodic inspections of such vehicles in accordance with N.J.A.C. 13:20-26 and certifications of such vehicles pursuant to this subchapter. Copies of such con-

tracts shall be maintained by each such diesel emission inspection center at its place of business. Such contracts shall provide that authorized representatives of the Department of Transportation, the Division, the Department of Environmental Protection, the Division of State Police or the Division of Consumer Affairs shall be granted access to the vehicle owner's or lessee's business premises during regular business hours.

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

(j) Class I and Class II diesel emission inspection centers that perform inspections at locations other than their places of business in accordance with (h) and (i) above shall notify the Commission's Heavy-Duty Diesel Audit Unit at least one week in advance of such offsite inspections. Such notice shall include the date, time, and location that such inspections shall be performed. Such notice shall also include a list of the heavy-duty diesel trucks scheduled to be inspected, identifying such trucks by the last four numbers of the vehicle identification number and the complete license plate number. Only those heavy-duty diesel trucks that are listed on the notice provided to the Commission's Heavy-Duty Diesel Audit Unit shall be inspected. Such notice shall be provided to the Commission by either mail, telephone, or facsimile. The mailing address is: Motor Vehicle Commission, Heavy-Duty Diesel Audit Unit, 225 East State Street, PO Box 177, Trenton, New Jersey 08666-0177. The telephone number is: (609) 292-5330. The facsimile number is: (609) 341-3314. Such notice may be amended following its

submission to the Commission provided that the amended notice is transmitted by facsimile to the Commission's Heavy-Duty Diesel Audit Unit at the facsimile number set forth in this subsection not less than two business days prior to the date of the scheduled offsite inspections. Class I and Class II diesel emission inspection centers that perform inspections at a location other than their place of business in accordance with (h) and (i) above shall prominently display the outdoor sign specified in N.J.A.C. 13:20-47.12(a) at the offsite inspection location. Records required to be maintained by a licensed diesel emission inspection center pursuant to N.J.A.C. 13:20-47.12 and 47.13, including diesel vehicle inspection reports, ledger records, repair orders and invoices, and analyzer printouts, shall be presented to the Commission's Heavy-Duty Diesel Audit Unit at the time of the scheduled offsite inspection. The records presented for Commission audit shall pertain to all inspections performed by the licensed diesel emission inspection center from the date of the prior audit of the center's records by the Commission's Heavy-Duty Diesel Audit Unit to the date of the scheduled offsite inspection. If a licensed diesel emission inspection center charges a fee to travel to and from the location of the offsite inspection, such fee shall be separately stated on the invoice issued to the customer.

(k) Class I and Class II licensed diesel emission inspection centers shall perform diesel emission inspections only within the State of New Jersey.

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

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

In (a) through (f), deleted references to diesel-powered motor vehicles; in (g), deleted references to diesel-powered motor vehicles and substituted "20" for "25" preceding "or more" in 2; added a new (h); and recodified former (h) and (i) as (i) and (j).
Amended by R.2001 d.20, effective January 16, 2001.
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

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

Amended by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

Added a new (j); added (k); recodified former (j) as (l).

13:20-47.4 Initial application for a license

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

Motor Vehicle Commission
Business License Compliance
Diesel Emission Inspection Center Licensing Unit
225 East State Street
PO Box 168
Trenton, New Jersey 08666-0168

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

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

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

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

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

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

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

6. Whether the applicant has ever been denied, or had suspended or revoked, a license or registration to engage in any business, profession or occupation licensed or registered under the laws of any state; and

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

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

1. The New Jersey Sales Tax Identification Number;
2. The New Jersey Unemployment Registration Number;
3. The Federal Employer Identification Number;
4. The corporation code, if one has been issued by the Division;
5. Proof in such form as the Director may require that the applicant meets the requirements of N.J.A.C. 13:20-47.9; and
6. Proof of valid permits or other authorization from the appropriate Federal, State or other governmental agencies authorizing operation of the business or any equipment, service or process on the premises. These permits shall include, but are not limited to, proof of registration with the New Jersey Division of Taxation and the Department of Environmental Protection.

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

1. The applicable nonrefundable fee as set forth at N.J.A.C. 13:59-1.3 payable to the Division of State Police—State Bureau of Identification shall be submitted for each natural person required to be fingerprinted. The payment of this fee shall be in the form of a cashier's check, certified check, money order, or ordinary business check as required by N.J.A.C. 13:59-1.3(g).

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

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

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

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

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

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

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

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

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

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

Amended by R.1998 d.314, effective June 15, 1998.
See: 30 N.J.R. 1372(a), 30 N.J.R. 2262(a).

In (i), substituted "September 15, 1997" for "the effective date of this subchapter" and changed "June 30, 1998" to "June 30, 1999".
Amended by R.2004 d.133, effective April 5, 2004.
See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

In (a), substituted "Chief Administrator" for "Director" and substituted "Commission" for "Division", and amended the address; in (d), amended the N.J.A.C. reference in 1.

13:20-47.5 Applicant qualifications

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

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

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

13:20-47.6 License fee

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

13:20-47.7 License renewals

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

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

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

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

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

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

13:20-47.8 Surrender of license

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

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

13:20-47.9 Facilities and equipment

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

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

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

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

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

13:20-47.10 Diesel emission inspection certificates of approval

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

(b) Diesel emission inspection certificates of approval shall be purchased by a licensee, by mail or in person, from the Diesel Emission Inspection Center Licensing Unit of the Commission at the address specified in N.J.A.C. 13:20-47.4(a).

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

(d) A diesel emission inspection certificate of approval shall be issued for heavy-duty diesel trucks and diesel buses that meet emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14. The diesel emission inspection certificate of approval shall be affixed to the lower right corner of the windshield inside the passenger compartment of the diesel vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the right side of the windshield, but in every case, the diesel emission inspection certificate of approval shall be completely visible from the front of the diesel vehicle. The diesel emission inspection certificate of approval shall be affixed in an upright position. A diesel emission inspection certificate of approval shall be affixed to a diesel vehicle immediately upon inspection approval. The diesel emission inspection certificate of approval shall be valid for one year.

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

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

(g) When defects detected at an inspection conducted at a roadside diesel emission inspection or at a diesel emission inspection center have been repaired or adjusted by the

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

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

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

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

(k) A licensee shall retain defective or voided diesel emission inspection certificates of approval and diesel vehicle inspection reports and shall surrender them to a Division representative at the time of a periodic audit conducted by the Division.

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

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

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

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

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

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

Amended by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

Rewrote (b) and (d).

13:20-47.11 Responsibility of licensees

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

(b) In the case of a partnership or corporation, each partner, or corporate officer and/or director, or any person or entity possessing a controlling interest, as the case may be, shall be held individually responsible to the Director for the conduct of the business of the center and for all actions performed by its employees in connection with the business of the center concerning violations of P.L. 1995, c.157 or this subchapter.

13:20-47.12 Notice and recordkeeping requirements

(a) Each licensee, except a diesel emission inspection center performing inspections exclusively for fleets, shall display an outdoor sign which shall read: "Licensed: State of New Jersey Diesel Emission Inspection Center." The sign shall include the license number of the diesel emission inspection center. The sign must contain letters at least two inches high with a stroke of approximately one-half inch, be visible from the road and be located in a conspicuous location for the general public to see. If zoning ordinances prohibit the posting of such sign or such posting is otherwise impractical, the licensee shall prominently display such sign on the exterior of the diesel emission inspection center.

(b) Every license issued in accordance with this subchapter shall be prominently displayed in the office, waiting area or other conspicuous location which is accessible to the public at the diesel emission inspection center.

(c) Every licensed diesel emission inspection center shall maintain copies of all diesel vehicle inspection reports, ledger records, repair orders, analyzer printouts, and other documents prepared by that center for inspections, certifications and repair work performed by that center.

1. Such copies shall be kept for at least two years and shall be available for inspection by the Commissioner of Transportation, the Director, the Attorney General, the Commissioner of the Department of Environmental Protection, the Director of the Division of Consumer Affairs, the Superintendent of the Division of State Police, or any person designated by them, during normal business hours.

2. A licensee's failure to permit such inspection shall subject the licensee to administrative action pursuant to this subchapter.

(d) Every diesel emission inspection center shall, upon request of the Director or any person designated by him or her, provide the Director or his or her designee with a list of its employees in such form and detail as may be required by the Director or his or her designee. Failure to provide such list when requested shall subject the licensee to administrative action pursuant to this subchapter.

(e) The licensee shall notify the Director in writing within 10 days whenever any person acquires ownership or control of 10 percent or more of the stock of a diesel emission inspection center, or whenever a person becomes a partner or limited partner in a diesel emission inspection center.

(f) The licensee shall notify the Director in writing within 10 days of any change in address of the diesel emission inspection center or of any change in address of persons or entities required to be listed on the application by N.J.A.C. 13:20-47.4.

(g) The licensee shall notify the Director in writing within 10 days whenever any person or entity required to be listed on the application by N.J.A.C. 13:20-47.4 is no longer associated with the diesel emission inspection center.

(h) All written notifications required by this subchapter, unless otherwise specified, shall be made by either personal delivery or sent by certified mail to the Diesel Emission Inspection Center Licensing Unit of the Commission at the address specified in N.J.A.C. 13:20-47.4(a).

(i) An amended application shall be filed by the licensee with the Director when there is a substitution and/or addition of persons or entities required to be listed on the application by N.J.A.C. 13:20-47.4. The licensee shall also comply with the requirements of N.J.A.C. 13:20-47.6 and 47.4(d).

(j) Any process issued to a licensee pursuant to the statutory authority of the Director including, but not limited to, subpoenas, orders, and orders to show cause, may be served upon a licensee or counsel of record, by sending said process by certified or ordinary mail, to the business address of the diesel emission inspection center or to counsel's address on record with the Division.

Amended by R.2004 d.133, effective April 5, 2004.
See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

In (h), inserted ", unless otherwise specified," following "by this subchapter" and substituted "Commission" for "Division" preceding "at the address specified".

13:20-47.13 Records; inspection reports

(a) A licensee shall maintain copies of diesel vehicle inspection reports in order corresponding to the date on which the diesel emission inspection certificate of approval was issued.

(b) A licensee shall maintain repair orders and invoices (bills for parts and labor), when required, in the form required by N.J.A.C. 13:45A-26C.

(c) A licensee shall record the repair order and invoice number or numbers on the diesel vehicle inspection report.

(d) Records required to be maintained by a licensee pursuant to this section shall remain on file at the licensee's place of business for a period of two years from the date of issuance of the diesel emission inspection certificate of approval.

(e) Records required to be maintained by a licensee pursuant to this section shall be made available by the licensee for examination by authorized representatives of

the Department of Transportation, the Division, the Department of Environmental Protection or the Division of Consumer Affairs at any time during regular business hours. Investigators and other authorized representatives of the Department of Transportation, the Division, the Department of Environmental Protection or the Division of Consumer Affairs shall be granted access to the licensee's business premises during regular business hours.

(f) A licensee's failure to permit investigators and other personnel of the Department of Transportation, the Commission, the Department of Environmental Protection, or the Division of Consumer Affairs on the premises of the licensee during regular business hours for purposes of conducting investigations shall be cause for suspension or revocation of the diesel emission inspection center license. Such investigations may include, but shall not be limited to, discussions with customers, examination of diesel emission testing equipment specified in N.J.A.C. 13:20-47.9, questioning of employees and the employment of such other investigatory techniques as may be necessary for the enforcement of this subchapter and the provisions of Title 39, Title 26 and Title 56 of the Revised Statutes and the rules adopted thereunder by the Commission at N.J.A.C. 13:20-46 and 48, the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4 and the Division of Consumer Affairs at N.J.A.C. 13:45A-26C.

Amended by R.2001 d.20, effective January 16, 2001.
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (b), substituted "when" for "where" following "(bills for parts and labor)" and amended the N.J.A.C. reference; in (e), substituted "or" for "and" preceding "the Division of Consumer Affairs" throughout; in (f), substituted "or" for "and" preceding "the Division of Consumer Affairs" and substituted "N.J.A.C. 13:45A-26C" for "N.J.A.C. 13:45A-7".

Amended by R.2004 d.133, effective April 5, 2004.
See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

Rewrote (b); in (f), substituted "Commission" for "Division" throughout, substituted "N.J.A.C. 13:20-46 and 48" for "N.J.A.C. 13:20-46" and substituted "N.J.A.C. 7:27-14 and 7:27B-4" for "N.J.A.C. 7:27 and 7:27B".

13:20-47.14 Certification of inspection; inspection fee

(a) Each licensed diesel emission inspection center shall have the authority to perform inspections in all heavy-duty diesel truck and diesel bus inspection categories established by the Division and to certify that specific items for which a diesel vehicle was rejected at inspection have been corrected so that the vehicle is in working order and that it conforms to the emission standards adopted by the Division at N.J.A.C. 13:20-46 and the Department of Environmental Protection at N.J.A.C. 7:27-14.

(b) No licensee shall certify that items for which a vehicle was rejected at inspection have been corrected unless the licensee or an employee or agent of the licensee has inspected the vehicle and has determined that all defects detected at the inspection have been corrected so that the vehicle is in working order and that it conforms to the emission standards adopted by the Division at N.J.A.C. 13:20-46 and

the Department of Environmental Protection at N.J.A.C. 7:27-14.

(c) Certification shall be evidenced by the affixation of a diesel emission inspection certificate of approval on the vehicle as specified in N.J.A.C. 13:20-47.10. The fee that a licensee may charge the consumer for affixing a certificate of approval shall not exceed \$1.50.

(d) Certification of approval of a heavy-duty diesel truck or diesel bus by a licensee or an employee shall constitute the licensee's representation that the licensee or an employee or agent of the licensee has inspected the vehicle and has determined that the vehicle is in working order and conforms to the emission standards adopted by the Division at N.J.A.C. 13:20-46 and the Department of Environmental Protection at N.J.A.C. 7:27-14.

(e) The fee which a licensed diesel emission inspection center may charge for an initial inspection of a heavy-duty diesel truck or diesel bus shall not exceed the diesel emission inspection center's hourly labor charge and shall be limited to a charge for one hour of labor. The maximum fee for an initial inspection shall be conspicuously displayed at the licensee's place of business.

(f) The fee which a licensed diesel emission inspection center may charge for a reinspection of items rejected after inspection and which have been repaired by the diesel vehicle owner or lessee or someone not under the direction of the licensed diesel emission inspection center shall not exceed that portion of the licensee's established hourly labor charge as specified in N.J.A.C. 13:20-48 Appendix, which is incorporated herein by reference, to be the average time required to reinspect a particular rejected item. The consumer shall be notified in advance that the licensee's charge for such reinspection shall not exceed that portion of the hourly labor rate. The maximum fee for a reinspection shall be conspicuously displayed at the licensee's place of business.

Amended by R.1998 d.310, effective June 15, 1998.
See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

In (a) and (d), deleted references to diesel-powered motor vehicles; rewrote (e); and added a new (f).

Amended by R.2004 d.133, effective April 5, 2004.
See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

In (c), added the second sentence.

13:20-47.15 Diesel emission inspector; inspector training

(a) The licensee or someone in his or her employment shall be trained as a diesel emission inspector.

(b) No person shall conduct an emission inspection specified by this subchapter unless he or she has completed a course of instruction designated by the Department of Environmental Protection. The course of instruction shall consist of classroom training in the following subjects:

1. Theory of diesel engine operation;

2. Operating principles and proper use of the smoke opacity meter; and

3. Test methods and equipment operational procedures.

(c) No person shall conduct an emission inspection specified by this subchapter unless he or she demonstrates a proficiency in performing the snap acceleration test and the rolling acceleration test in accordance with N.J.A.C. 7:27-14 and 7:27B-4 and knowledge of the procedures for performing the stall test in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

Amended by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

Added (c).

13:20-47.16 Advertising

(a) Any advertising used by the diesel emission inspection center in any printed or published material shall contain and prominently display the license number of the center.

(b) Any advertising used by the diesel emission inspection center in any radio broadcast shall disclose that the center is licensed by the State of New Jersey.

(c) Any advertising used by the diesel emission inspection center in any television broadcast shall prominently display the license number of the center at the end of such broadcast.

13:20-47.17 Storage rates

Every diesel emission inspection center which charges a per diem fee to store a heavy-duty diesel truck or diesel bus on its premises shall disclose in writing, prior to initiating inspection certification services, the amount of such storage charge to the customer.

Amended by R.1998 d.310, effective June 15, 1998.

See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

Deleted reference to diesel-powered motor vehicles.

13:20-47.18 Additional violations

(a) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Director may refuse to issue a license or a renewal thereof, or suspend or revoke the existing license of any diesel emission inspection center if he or she determines that the applicant or licensee:

1. Has made a false statement or concealed a fact in connection with the application for a license or a renewal thereof;

2. Is not the owner of, or possessor of a controlling interest in, the diesel emission inspection center;

3. Has been found to have tampered with fuel control system or emission control apparatus, in violation of N.J.A.C. 7:27-14.3(c);

4. Has been found to have violated or conducted fraudulent or deceptive practices concerning the inspection and certification of heavy-duty diesel trucks or diesel buses in violation of P.L. 1995, c.157, or of the inspection, reinspection, certification and/or repair of motor vehicles in violation of N.J.S.A. 39:8-1 et seq., 56:8-1 et seq., or N.J.A.C. 13:45A-26C;

5. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which would be:

i. Any of the following offenses under the "New Jersey Code of Criminal Justice," P.L. 1978, c.95 (Title 2C of the New Jersey Statutes) as amended and supplemented:

(1) All crimes of the first degree;

(2) N.J.S.A. 2C:5-1 (attempt to commit an offense which is listed in this subparagraph (a)5i);

(3) N.J.S.A. 2C:5-2 (conspiracy to commit an offense which is listed in this subparagraph (a)5i);

(4) N.J.S.A. 2C:11-4b (manslaughter);

(5) N.J.S.A. 2C:11-5 (vehicular homicide);

(6) N.J.S.A. 2C:12-1b (aggravated assault);

(7) N.J.S.A. 2C:13-1 (kidnapping);

(8) N.J.S.A. 2C:14-1 et seq. (sexual offenses);

(9) N.J.S.A. 2C:15-1 (robberies);

(10) N.J.S.A. 2C:17-1a and b (crimes involving arson and related offenses);

(11) N.J.S.A. 2C:17-2a and b (causing or risking widespread injury or damage);

(12) N.J.S.A. 2C:18-2 (burglary);

(13) N.J.S.A. 2C:20-1 et seq. (theft and related offenses);

(14) N.J.S.A. 2C:21-4a (falsifying or tampering with records);

(15) N.J.S.A. 2C:27-1 et seq. (bribery and corrupt influence);

(16) N.J.S.A. 2C:28-1 et seq. (perjury and other falsification in official matters);

(17) N.J.S.A. 2C:30-2 and 2C:30-3 (misconduct in office and abuse of office);

(18) N.J.S.A. 2C:35-5 (manufacturing, distributing or dispensing a controlled dangerous substance or a controlled dangerous substance analog);

(19) N.J.S.A. 2C:35-6 (employing a juvenile in a drug distribution scheme);

(20) N.J.S.A. 2C:35-7 (distributing, dispensing, or possessing a controlled dangerous substance or controlled substance analog on or within 1,000 feet of school property or bus);

(21) N.J.S.A. 2C:35-10 (possession, use or being under the influence of a controlled dangerous substance or a controlled substance analog, or failure to make lawful disposition of same);

(22) N.J.S.A. 2C:35-11 (distribution, possession or manufacture of imitation controlled dangerous substances); and

(23) N.J.S.A. 2C:35-13 (acquisition of controlled dangerous substances by fraud); or

ii. Any other offense under New Jersey or Federal law which indicates that licensure of the applicant or continued licensure of the licensee would be inimical to the licensing standards set forth in P.L. 1995, c.157 and this subchapter;

6. Demonstrates a pattern of conduct whereby inspections, reinspections, certifications and/or repairs made by the diesel emission inspection center were not made in the prescribed manner;

7. Issues a check in payment of any fees required by this subchapter which is subsequently dishonored;

8. Has failed to comply with any of the provisions of this subchapter;

9. Fails to maintain an approved place of business in accordance with this subchapter;

10. Fails to pay any fee required by law or regulation;

11. Does not have valid permits, as provided for in N.J.A.C. 13:20-47.4(c)6, or other authorization from the appropriate Federal, State or other governmental agency authorizing operation of the business or operation of any equipment, service or process on the premises;

12. Fails to notify the Director in writing as required by N.J.A.C. 13:20-47.12(e), (f) and (g);

13. 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; or

14. For other good cause.

Amended by R.1998 d.310, effective June 15, 1998.
See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

In (a)4, deleted reference to diesel-powered motor vehicles.
Amended by R.2001 d.20, effective January 16, 2001.
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (a)4 and (a)11, amended the N.J.A.C. references.

13:20-47.19 Additional penalties; schedule of penalties

(a) 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 grant or renew the license of a diesel emission inspection center, the Director shall also have the authority to impose, as an alternative or in addition to such suspension, revocation or refusal to grant or renew, an official warning.

(b) The following penalty schedule shall apply to diesel emission inspection centers that violate P.L. 1995, c.157 or this subchapter.

1. For improperly passing a diesel vehicle for any required portion of the diesel emission test in violation of rules or procedural requirements:

i. First violation: six month license suspension, plus \$1,500 civil penalty;

ii. Second violation: two year license suspension, plus \$1,500 civil penalty;

iii. Third violation: lifetime license revocation, plus \$1,500 civil penalty.

2. For misrepresentation on application (fraud or misrepresentation in securing the license): three-year license denial, plus \$1,500 civil penalty.

3. For fraudulently affixing diesel emission inspection certificate of approval:

i. First violation: immediate two-year license suspension, plus \$1,500 civil penalty;

ii. Second violation: immediate four-year license suspension, plus \$1,500 civil penalty;

iii. Third violation: lifetime license revocation, plus \$1,500 civil penalty.

4. For fraud or misrepresentation in the conduct of the licensed activity:

i. First violation: immediate two-year license suspension, plus \$1,500 civil penalty;

ii. Second violation: immediate four-year license suspension, plus \$1,500 civil penalty;

iii. Third violation: lifetime license revocation, plus \$1,500 civil penalty.

5. For issuance or possession of altered, forged, stolen, or counterfeit diesel emission inspection certificate of approval:

i. First violation: two-year license suspension, plus \$1,500 civil penalty;

ii. Second violation: four-year license suspension, plus \$1,500 civil penalty;

- iii. Third violation: lifetime license revocation, plus \$1,500 civil penalty.
- 6. For furnishing, lending, giving or selling a diesel emission inspection certificate of approval without performing the required inspection or reinspection:
 - i. First violation: two-year license suspension, plus \$1,500 civil penalty;
 - ii. Second violation: four-year license suspension, plus \$1,500 civil penalty;
 - iii. Third violation: lifetime license revocation, plus \$1,500 civil penalty.
- 7. For failing to produce inspection records: immediate license suspension until compliance plus \$500.00 civil penalty.
- 8. For fraudulent recordkeeping:
 - i. First violation: immediate two-year license suspension, plus \$500.00 civil penalty;
 - ii. Second violation: immediate four-year license suspension, plus \$500.00 civil penalty;
 - iii. Third violation: lifetime license revocation, plus \$500.00 civil penalty.
- 9. For improper recordkeeping:
 - i. First violation: one-month license suspension, plus \$500.00 civil penalty;
 - ii. Second violation: two-month license suspension, plus \$500.00 civil penalty;
 - iii. Third and subsequent violations: six-month license suspension, plus \$500.00 civil penalty.
- 10. For improper security of diesel emission inspection certificates of approval:
 - i. First violation: written warning, plus \$500.00 civil penalty;
 - ii. Second violation: two-month license suspension, plus \$500.00 civil penalty;
 - iii. Third and subsequent violations: six-month license suspension, plus \$500.00 civil penalty.
- 11. For lost or stolen diesel emission inspection certificates of approval for which the licensee does not properly account. A licensee can "properly account" for such documents by demonstrating, to the satisfaction of the Director, that they were lost or stolen under circumstances beyond the reasonable control of the licensee:
 - i. First violation: one-month license suspension, plus \$500.00 civil penalty per certificate;
 - ii. Second violation: two-month license suspension, plus \$500.00 civil penalty per certificate;

- iii. Third and subsequent violations: one-year license suspension, plus \$500.00 civil penalty per certificate.
- 12. For failing to maintain insurance coverage: minimum 15-day license suspension and until compliance plus \$500.00 civil penalty.
- 13. For failure to provide vehicle inspection report and/or work order to the customer:
 - i. First violation: 30-day license suspension, plus \$500.00 civil penalty;
 - ii. Second violation: 60-day license suspension, plus \$500.00 civil penalty;
 - iii. Third and subsequent violations: one-year license suspension, plus \$500.00 civil penalty.
- 14. For failure to post license:
 - i. First violation: written warning, plus \$500.00 civil penalty;
 - ii. Second violation: 20-day license suspension, plus \$500.00 civil penalty;
 - iii. Third and subsequent violations: two-month license suspension, plus \$500.00 civil penalty.
- 15. For failure to post outdoor sign:
 - i. First violation: written warning, plus \$500.00 civil penalty;
 - ii. Second violation: 20-day license suspension, plus \$500.00 civil penalty;
 - iii. Third and subsequent violations: two-month license suspension, plus \$500.00 civil penalty.
- 16. For failure to pay fee(s): license suspension until compliance.
- 17. For criminal conviction which is disqualifying: indefinite license denial/suspension license issuance/restoration predicated on standards set forth in the Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.).

13:20-47.20 Investigations

- (a) The Director, or any person designated by him or her, shall have the power to investigate and gather evidence of violations of P.L. 1995, c.157, or of any regulation adopted thereunder, by a diesel emission inspection center.
- (b) The Director, or any person designated by him or her, shall have the power to conduct investigations, administer oaths, interrogate licensees, issue subpoenas, summonses and/or complaints and compel witnesses to appear at any hearing.
- (c) Except as set forth in N.J.A.C. 13:20-47.12(j), 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 these rules or to testify with respect to any matter concerning which he or she may be lawfully interrogated, the Superior Court, on application of the Director, may be requested to issue an order requiring the attendance of such person and the giving of testimony or production of evidence. Any person failing to obey the order of the court may be punished by the court for contempt.

(e) In addition to the authority set forth in (a) above, Department of Transportation investigators, New Jersey State Police officers, Department of Environmental Protection investigators and Division of Consumer Affairs investigators are hereby authorized to enforce the provisions of this subchapter.

13:20-47.21 Written notice of suspension or revocation or refusal to grant or renew license

(a) The Director shall notify the applicant, in writing by certified mail, of any refusal to grant or renew a diesel emission inspection center license to the applicant and the grounds thereof. Written notice shall be mailed to the applicant at the address listed on the application or to the place of business on record with the Division.

(b) The Director shall notify the licensee, in writing by certified mail, of any proposed suspension or revocation of the diesel emission inspection center license and the grounds thereof. Written notice shall be mailed to the place of business on record with the Division. Unless the licensee files with the Director a written request for a hearing in accordance with N.J.A.C. 13:20-47.22, the diesel emission inspection center license shall be suspended or revoked on the date specified in such notice.

13:20-47.22 Request for hearing

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-47.21(a) that the Director refuses to grant or renew a diesel emission inspection center license to him or her, the applicant shall be entitled to an administrative hearing concerning such refusal provided that the applicant has filed and the Director has received a written request for a hearing within 15 days. The 15-day period shall commence on the date such notice was mailed to the applicant by the Division in accordance with N.J.A.C. 13:20-47.21(a).

(b) If a licensee has been notified in accordance with N.J.A.C. 13:20-47.21(b) of a proposed suspension or revocation of his or her diesel emission inspection center license, the licensee shall be entitled to an administrative hearing concerning such proposed suspension or revocation provided that the licensee has filed and the Director has received a written request for a hearing within 15 days. The 15-day period shall commence on the date such notice was mailed to the licensee by the Division in accordance with N.J.A.C. 13:20-47.21(b).

(c) Any written request for a hearing by an applicant or licensee shall be sent to the Diesel Emission Inspection Center Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-47.4(a). The hearing request shall contain the following information:

1. The name, license number, place of business and telephone number of the diesel emission inspection center;
2. A concise statement of facts constituting each ground of defense;
3. A specific admission, denial or explanation of each fact alleged by the Division in its notice or order to show cause, or if without knowledge thereof, a statement to that effect; any allegation in the Division's notice or order to show cause which is not answered in accordance with this paragraph shall be deemed to have been admitted; and
4. A statement requesting a hearing.

(d) If the applicant or licensee does not file a written request for a hearing in accordance with (a), (b), or (c) above, the suspension, revocation or refusal to grant or renew the diesel emission inspection center license shall be effective on the date specified in such notice. The diesel emission inspection center shall cease all activities of the business of a diesel emission inspection center effective on the date specified in such notice.

13:20-47.23 Hearing procedures

Any hearing concerning the suspension, revocation or refusal to grant or renew a diesel emission inspection center license shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

13:20-47.24 Limitations on issuance of license after suspension, revocation or refusal to grant or renew

(a) No person whose application for a diesel emission inspection center license is refused shall be entitled to apply for a license under this subchapter for a period of one year from the effective date of such refusal.

(b) No person whose license is suspended or revoked shall be entitled to apply for a license under this subchapter during the period of suspension or revocation.

13:20-47.25 License restoration

(a) A fee of \$100.00 shall be payable to the Commission for the restoration of a diesel emission inspection center license that is suspended or revoked pursuant to P.L. 1995, c.157 or this subchapter. Such license restoration fee shall be paid to the Commission before the license may be restored.

(b) Each suspension or revocation of any diesel emission inspection center license, pursuant to P.L. 1995, c.157 or any regulation adopted thereunder, shall continue in force and effect until such license is restored by the Director.

(c) In the case of every suspension or revocation of a diesel emission inspection center license for a fixed period of time, the licensee, as a condition precedent to restoration, shall make application to the Director, in such form as the Director may determine, and pay the license restoration fee specified in (a) above. The Director may, upon notice and an opportunity to be heard, deny any application for restoration of a diesel emission inspection center license for good cause.

Amended by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

In (a), substituted "\$ 100.00" for "\$ 50.00", substituted "that" for "which" following "diesel emission inspection center license", and substituted "Commission" for "Division" throughout.

SUBCHAPTER 48. INSPECTION STANDARDS AND TEST PROCEDURES TO BE USED BY LICENSED DIESEL EMISSION INSPECTION CENTERS

13:20-48.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Diesel bus" means any diesel-powered autobus or motorbus of any size or configuration, whether registered in this State or elsewhere, that is designed or used for intrastate or interstate transportation of passengers for hire or otherwise on a public road, street or highway or any public or quasi-public property in this State, including, but not limited to, autobuses under the jurisdiction of the Department of Transportation pursuant to Titles 27 or 48 of the Revised Statutes; autobuses of the New Jersey Transit Corporation and its contract carriers that are under the inspection jurisdiction of the Department of Transportation; autobuses that are subject to Federal motor carrier safety regulations; autobuses under the authority of the Interstate Commerce Commission or its successor agency; school buses, as defined pursuant to N.J.S.A. 39:1-1; and hotel, casino, charter, and special buses.

"Diesel emission inspection center" means any person who for compensation engages in the business of inspecting and certifying heavy-duty diesel trucks or diesel buses, including emission control apparatus and emission control systems. For purposes of this subchapter, an employee of a diesel emission inspection center who engages in the business of inspecting and certifying diesel motor vehicles, including emission control apparatus and emission control systems, solely by reason of his or her employment is not deemed to be a diesel emission inspection center and is not required to be licensed as such.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Division" means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of a single or combination (articulated) vehicle. The GVWR of a combination (articulated) vehicle, commonly referred to as the "gross combination weight rating" or "GCWR," is the GVWR of the power unit plus the GVWR of the towed unit or units.

"Heavy-duty diesel truck" means any diesel-powered motor vehicle, whether registered in this State or elsewhere, with a GVWR of 18,000 or more pounds that is designed or used for the transporting of property on any public road, street or highway or any public or quasi-public property in this State. For the purposes of these rules, heavy-duty diesel truck shall not mean a heavy-duty diesel truck owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization and used for first aid, emergency, ambulance, rescue, or fire-fighting purposes.

13:20-48.2 General provisions; Class I and II licensees

(a) This subchapter contains the standards and procedures to be used by Class I and II licensed diesel emission inspection centers when inspecting heavy-duty diesel trucks and diesel buses for compliance with diesel emission inspection standards.

(b) A diesel emission inspection center license authorizes the placement of a diesel emission inspection certificate of approval on a heavy-duty diesel truck or diesel bus upon:

1. Initial inspection as certification of compliance with diesel emission inspection requirements; and
2. Reinspection as certification that emission-related defects for which the vehicle was initially rejected have been repaired, adjusted or corrected to bring the vehicle into compliance with diesel emission inspection requirements.

(c) A diesel emission inspection center licensee shall perform a reinspection and certification of a vehicle when the repairs, adjustments or corrections have been made or caused to be made by the owner or lessee elsewhere than the diesel emission inspection center conducting the inspection. In such cases, the diesel emission inspection center shall physically inspect the rejected emission-related defects to determine whether such defects have been repaired, adjusted or corrected to conform to the inspection standards set forth in this subchapter. If such emission-related defects have been brought into compliance with the inspection standards, a certificate of approval may be affixed to the vehicle. The diesel emission inspection center may charge a fee for the reinspection service based on the center's established hourly labor charge but only for that portion of an hour which the Division has established to be the average time for the reinspection of specific rejected items as set forth in the subchapter Appendix, which is incorporated herein by reference.

(d) If the emission-related repairs are made at a diesel emission inspection center, each mechanic who repaired a specific rejected item shall sign his or her name on the center's Repair Invoice/Certification of Diesel Emissions next to the applicable rejection category. If the repairs were made or caused to be made elsewhere by the vehicle owner or lessee, or by another repair facility upon request by the diesel emission inspection center, each mechanic who reinspected the rejected item(s) shall sign his or her name on the center's Repair Invoice/Certification of Diesel Emissions.

(e) When a certificate of approval is affixed to a vehicle, the diesel emission inspection center shall cause to be imprinted on the Repair Invoice a stamp with the following:

NEW JERSEY
DIVISION OF MOTOR VEHICLES
DIESEL EMISSION INSPECTION CENTER
LICENSE NO.
STICKER NO.
DATE:

(f) The diesel emission inspection center license number, the certificate of approval number and the date of inspection shall be contained on the stamp. The size of the stamp shall be approximately 1½ inches high and approximately 2½ inches wide. Each diesel emission inspection center shall purchase the above stamp from a commercial source.

(g) If the emission-related defects have been repaired, adjusted or corrected so as to conform to the applicable diesel emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14, the vehicle shall be certified by affixing a certificate of approval to the vehicle. The certificate of approval shall be affixed to the vehicle in accordance with N.J.A.C. 13:20-47.10(d).

(h) The owner or lessee of a heavy-duty diesel truck or diesel bus rejected at a diesel emission inspection center for failing to meet the Department of Environmental Protection diesel emission standards set forth in N.J.A.C. 7:27-14 is required to have the vehicle repaired, adjusted or corrected within 45 days in order to legally operate it in New Jersey.

(i) A fee which a licensed diesel emission inspection center may charge for an initial inspection shall not exceed the center's hourly labor charge. The maximum fee for an initial inspection shall be posted in a prominent place on the business premises. A copy of the diesel emission inspection center's fee schedule shall be provided to the Division at the address specified in N.J.A.C. 13:20-47.4(a).

(j) Charges for initial inspections, reinspections, and repairs shall be listed separately on the Repair Invoice.

(k) A diesel emission inspection center shall not require, as a condition of performing the initial inspection, that any repairs, adjustments or corrections be performed at the diesel emission inspection center performing the inspection.

(l) Repairs, adjustments or corrections shall not be performed on a vehicle at the licensed diesel emission inspection center where the vehicle was inspected unless the customer signs a written acknowledgment and waiver that he or she understands his or her right to have the repairs, adjustments or corrections performed elsewhere and expressly waives his or her rights. The acknowledgment/waiver shall contain at least the following information:

I understand my right to have inspection repairs, adjustments and corrections performed elsewhere, and hereby choose to have such repairs, adjustments and corrections performed at this facility.

Customer's Signature _____ Date _____

(m) A heavy-duty diesel truck or diesel bus presented for initial inspection shall undergo a complete inspection. Once the inspection has commenced it shall not be terminated unless the motor vehicle is either certified or rejected. An inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection.

(n) The diesel emission inspection center shall maintain certificates of approval for the applicable inspection cycle(s).

(o) A heavy-duty diesel truck or diesel bus for which the current diesel emission inspection certificate of approval has been lost, stolen, destroyed, or defaced, or any heavy-duty diesel truck or diesel bus that has had its windshield replaced, may be presented at a diesel emission inspection center for the issuance of a replacement diesel emission inspection certificate of approval. Such a replacement inspection certificate of approval shall be affixed to the heavy-duty diesel truck or diesel bus provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated; a valid motor vehicle registration certificate; International Registration Plan (IRP) documentation, if any; a valid insurance identification card for the vehicle, if applicable; a printout of the diesel emission inspection bearing the stamp of the licensed diesel emission inspection center that performed the inspection, or a Repair Invoice/Certification of Diesel Emissions bearing the stamp of the licensed diesel emission inspection center that performed the reinspection, whichever is applicable, confirming that the diesel vehicle passed a diesel emission inspection; the diesel emission inspection certificate of approval, if available; and further provided that there are no obvious emission-related defects.

(p) The fee that a licensed diesel emission inspection center may charge for the issuance of a replacement diesel emission inspection certificate of approval in accordance with (o) above shall not exceed .2 of the center's hourly labor charge. A licensed diesel emission inspection center that issues a replacement diesel emission inspection certificate of approval in accordance with (o) above may also charge the fee specified in N.J.A.C. 13:20-47.14(c) for affixing a diesel emission inspection certificate of approval to a diesel vehicle.

Amended by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

In (f), added the second sentence; added a new (m) and recodified former (m) as (n); added (o) and (p).

13:20-48.3 Credentials; Class I and II licensees

The driver shall present a valid driver's license, a valid motor vehicle registration certificate, International Registration Plan (IRP) documentation, if any, and a valid insurance identification card for the vehicle, if applicable. Photocopies of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

13:20-48.4 Exhaust system; Class I and II licensees

(a) The following shall not be certified:

1. A heavy-duty diesel truck or diesel bus if there is evidence of exhaust gas leakage at any point in the exhaust system;

2. An exhaust system which has loose or worn components or has been patched; provided, however, that an exhaust system which has been properly welded and is in good condition may be certified;

3. An exhaust system in which all parts are not properly mounted. The entire exhaust system must be in such condition that it cannot burn or cause injury to any person. Exposed exhaust pipes, stacks or other parts of the exhaust system which might burn a person or cause injury must be protected in some manner; or

4. A heavy-duty diesel truck or diesel bus with any part of the exhaust system passing through the passenger compartment. The exit point for the exhaust gas shall be located so that dangerous amounts of exhaust gas will not enter the passenger compartment under normal vehicle use even with the windows open or the outside air inlets to the heater or air conditioner open. A replacement exhaust system is acceptable provided it is specifically manufactured for the vehicle by a company which guarantees that the exhaust system has a safe exhaust gas exit location.

(b) Notwithstanding (a) above, certification shall not be refused because a muffler has drain holes which were placed in it at the time of manufacture for drainage purposes.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (a)4, substituted "provided" for "providing" preceding "it is specifically manufactured".

13:20-48.5 Prescribed emission test procedures; Class I and II licensees; snap acceleration test

The snap acceleration test shall be conducted in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

13:20-48.6 Prescribed emission test procedures; Class I and II licensees; rolling acceleration test

The rolling acceleration test shall be conducted in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

13:20-48.7 Prescribed emission test procedures; Class I and II licensees; stall acceleration test

The stall acceleration test shall be conducted in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

13:20-48.8 Prescribed emission test procedures; Class I and II licensees; chassis dynamometer test (Reserved)

13:20-48.9 Equipment calibration; Class I and II licensees

The smoke opacimeter shall be calibrated and maintained in accordance with the manufacturer's requirements and the general instructions for all tests adopted by the Department of Environmental Protection at N.J.A.C. 7:27B-4.2.

APPENDIX

AVERAGE LENGTH OF TIME REQUIRED TO REINSPECT A SPECIFIC ITEM ON A HEAVY-DUTY DIESEL TRUCK OR DIESEL BUS

Item Reinspected	Time Required
Credentials	1 hour [†]
Emission Control Apparatus	2 hour
Governor	2 hour
Exhaust System	2 hour
Emission Control System	3 hour
Engine Emissions (Opacity)	3 hour

[†]Note: If this is the only item to be reinspected on a vehicle, the reinspection time shall be considered to be .2 hour.

SUBCHAPTER 49. STANDARDS FOR SCHOOL BUSES MANUFACTURED JULY 1985 THROUGH MAY 1993

13:20-49.1 Scope and purpose; school bus standards; incorporation by reference

(a) This subchapter shall be applicable to all motor vehicles registered in New Jersey originally designed by the manufacturer to carry 10 or more passengers, excluding the driver, operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education, school-connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. All such motor vehicles shall be registered as school buses in accordance with N.J.S.A. 39:3-19.2 and shall comply with the rules set forth in this subchapter and all applicable Federal standards. A motor vehicle shall not be used for the purposes set forth in this subsection unless it has been registered as a school bus in accordance with N.J.S.A. 39:3-19.2 and complies with the rules set forth in this subchapter and all applicable Federal standards.

(b) The Division of Motor Vehicles authorizes the use of Standards for School Buses and Operations, National Minimum Standards for School Buses, 1985 Revised Edition, which are issued as recommendations of the Tenth National Conference on School Transportation. These standards are divided into sections covering definitions, chassis standards and body standards. The purpose is to define school buses, minimum chassis and body standards and assign responsibility for providing the defined equipment. The 1985 revised edition of Standards for School Buses and Operations covering definitions and school bus chassis and body standards, are incorporated by reference and hereby adopted as a rule and supplemented by standards established by N.J.A.C. 13:20-49.2, 49.3 and 49.4. These standards apply to vehicles with a chassis manufacture date of July, 1985 through May, 1993.

1. This document is available for review at the Division of Motor Vehicles, 225 East State Street, PO Box 162, Trenton, New Jersey 08625-0162, or at the Office of Administrative Law, PO Box 049, Trenton, New Jersey 08625-0049.

2. This document may be purchased from the National Safety Council, 444 North Michigan Avenue, Chicago, Illinois 60611.

(c) Each school bus shall be inspected twice each year by the Motor Vehicle Commission's School Bus Inspection Unit to ensure that such vehicle is in safe and proper operating condition. The time and location of the inspections shall be established by the Chief Administrator or his or her designee.

(d) An autobus subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit that is used for the transportation of children to or from school shall display a certificate of inspection issued by the Commission indicating school use. An autobus is exempt from displaying a certificate for school use issued by the Motor Vehicle Commission when being used on a preset franchised route and schedule or chartered for school-connected activities.

(e) A parent or legal guardian under contract with a district board of education to transport only his or her own child or children shall not be required to possess a commercial driver license or to use a motor vehicle registered as a school bus.

(f) All equipment and components required by this subchapter shall be maintained in proper operating condition at all times.

Amended by R.2005 d.24, effective January 18, 2005.
See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

Added a new (a); recodified former (a) as (b) and added new (c) through (f).

13:20-49.2 Chassis standards supplement to the 1985 National Minimum Standards

(a) The parking brake shall hold the vehicle stationary, or to a limit of traction of the braked wheels, on a 20 percent grade under any condition of legal loading and on a surface free from snow, ice and loose material.

(b) When applied, the parking brake shall remain in an applied position with the capability set forth in (a) above, despite exhaustion of the source of energy used for the application or leakage of any kind.

(c) A parking brake lever shall be mounted to the right of the driver on Types C and D buses and in a position that is easily accessible. On Types A and B buses, the parking brake lever may be mounted to the left of the driver.

(d) The parking brake shall be equipped with an on or off warning device.

(e) The hood may be painted National School Bus Yellow low luster yellow or flat black. The wheels may be black, gray, silver or white. The grille shall be chrome or National School Bus Yellow.

(f) An exhaust system shall not exit under any operating window of a bus.

(g) Type A school bus fuel tank(s) shall be according to the manufacturers' standard.

(h) Buses shall be equipped with dual horns of standard make. Each horn shall be capable of producing a complex sound in a band of audio frequencies between approximately 250 and 2,000 cycles per second and each having a total sound level of 110 decibels within these frequency limits. Sound shall be measured at a point on the axis of the horn, three feet from the exit of the horn.

(i) All gauges and instruments must be appropriately identified.

(j) A telltale light, plainly visible to the driver, shall be installed to give a positive indication of the operation of the stop lights.

(k) A transmission shifting control pattern shall be affixed to a point convenient to the driver.

(l) There shall be a detent on the automatic transmission shift level to insure that the transmission cannot accidentally move from neutral to a drive gear without driver effort.

(m) School buses not equipped with a park position on the shift control selector for automatic or semi-automatic transmissions shall be equipped with a heavy duty parking brake.

13:20-49.3 Bus body standards supplement to the 1985 National Minimum Standards

(a) Except for Type A vehicles, the minimum clearance of all aisles shall be 12 inches.

(b) When a bus is equipped with air doors or other air operated assemblies, excluding windshield wipers, an additional air tank is needed for the operation of those assemblies.

(c) The emergency door shall be designed to be opened from the inside and outside of the bus and shall be equipped with a fastening device which may be quickly released, but is designed to offer protection against accidental release. Control of the fastening device from the driver's seat shall not be permitted.

(d) The emergency door fastening device shall be equipped with a suitable electric plunger-type switch connected with a buzzer located in the driver's compartment. The switch shall be enclosed in a metal case, and wires leading from the switch shall be concealed in the bus body. The switch shall be installed so that the plunger contacts the farthest edge of the slide bar in such a manner so that any movement of the slide bar will immediately close the circuit on the switch and activate the buzzer.

(e) The emergency door may be equipped with a locking system which incorporates an interlocking electrical circuit that prevents the bus from being started while the emergency door is locked.

(f) The words "Emergency Door" shall be applied to the emergency door, both inside and outside, and shall be in red letters at least two inches high.

(g) The hot water heater system in a Type A vehicle shall be according to the manufacturers' standard.

(h) The owning or operating organization name shall be conspicuously identified in letters at least three inches high, located on each longitudinal side of the exterior of the bus. Such identification shall be completely horizontal and below the window line.

(i) No advertisement of any kind shall be exhibited either on the interior or exterior of the school bus, with the exception that the manufacturer's and vendor's trade name(s) shall be permitted to be exhibited on the bus.

(j) Types A and B buses shall install incandescent signal lamps.

(k) Types C and D buses shall use either the incandescent or strobe lamps.

(l) Interior lamps shall be provided which adequately illuminate the aisle and step-well.

(m) All lamps and their installation shall be of a type approved by the Director of the Division of Motor Vehicles.

(n) If strobe lamps are utilized, the front and rear signal lamps on each school bus shall be equipped with eight electronic strobe lamps, four red and four amber, working in an automatic integrated system. The warning lamps shall be of a type approved by the Director of the Division of Motor Vehicles.

1. Eight Par 46 sealed beam type strobe lamps shall be utilized.

2. The solid-state strobe power supply shall provide the electrical power to energize the sealed beam flash tubes. The power supply shall energize the lamps at a combined alternating flash rate of 120-128 flashes per minute. The power supply shall be fully enclosed in a metal environment container with a minimum metal wall thickness of 0.060 inch.

3. The power supply shall be fully enclosed within the bulkhead.

(o) Types B, C and D school buses shall have two exterior convex type mirrors mounted forward, one to the left side and one to the right of the driver. Each mirror shall be a minimum of six by six inches overall, rectangular in shape and shall have a minimum 21 inch to a maximum 30 inch radius of curvature on the convex. Each mirror shall be firmly supported and adjustable to give the driver a clear view of the left rear wheels and the immediate adjacent area, and the right rear wheels and the immediate adjacent area.

1. Type A school buses shall have two exterior clear view rearview mirrors mounted forward, below eye level, one to the left and one to the right of the driver and each mirror shall be firmly supported and adjustable to give the driver a clear view past the left rear and right rear of the vehicle. Outside rearview mirrors, as a minimum, shall be four inches wide by six inches high.

(p) Mirror mounting brackets shall be affixed to the bus so as to be securely fastened to the structural frame members of the bus body, or shall be affixed to the existing exterior rearview mirror mounting brackets.

(q) The convex type mirrors shall not be a part of or attached to the exterior rearview mirrors.

(r) The convex type mirror head and the rearview mirror head shall be mounted so as to have a minimum of two inches distance between the two mirrors.

(s) Cross over mirrors shall have a minimum measurement of six and one-half inches at the base.

(t) The size of the interior mirror on Type A school buses shall be according to manufacturers' standard.

(u) The floor covering in Type A school buses shall be either one-half exterior plywood securely fastened to the floor of the school bus in the passenger compartment, tapered to the forward level, or 14 gauge smooth steel floor.

(v) Rub rails shall be attached at each body post, sedan doors and all other upright structural members.

(w) All seats shall be forward facing.

(x) The tailpipe shall terminate up to a maximum of two inches beyond the rear bumper.

(y) Glass in all side and rear windows shall be of AS-2 or better grade. Equivalent plastic AS-4 or better, may only be used in side windows of the bus.

(z) The windshield shall have a horizontal gradient band starting slightly above the line of a driver's vision and gradually decreasing in light transmission to 20 percent or less at the top of the windshield. Glass in the windshield shall be of AS-1 grade.

(aa) The wheelhousing shall be attached to floor sheets in such a manner to prevent any dust, water, or fumes from

entering the body. The wheelhousing shall be constructed of 16-gauge steel.

13:20-49.4 Standards supplement to the 1985 National Minimum Standards for buses used to transport special needs students

(a) If a ramp device is installed, it shall have a non-skid surface and be securely stored and protected from the elements when not in use.

1. The ramp must have at least three feet of length for each foot of incline.

(b) Seat belts or other suitable restraints shall be installed for each passenger including those seated in wheelchairs.

(c) Each door shall be equipped with a device that will actuate a visual or audible signal located in the driver's compartment when the door is not securely closed and the ignition is in the "on" position.

(d) Any aisle leading from a wheelchair position to the emergency or exit door shall be a minimum width of 30 inches.

APPENDIX

SUGGESTED METHOD FOR ESTIMATING
GENERATOR OR ALTERNATOR
CAPACITY

Constant Load

Equipment	Number of Units	Current Draw (Amperes)	
Ignition	1	2.50	(average)
Head lamps (Type 2 dual lower beam)	2	8.40	
Tail lights	2	1.18	
Clearance lights	4	2.36	
Cluster lights	6	3.54	
Body instrument panel	1	0.80	
Primary front heater motors	2	24.00	
Primary defroster motor	1	12.00	
Supplementary front heater motor	1	12.00	
Supplementary defroster motor	1	12.00	

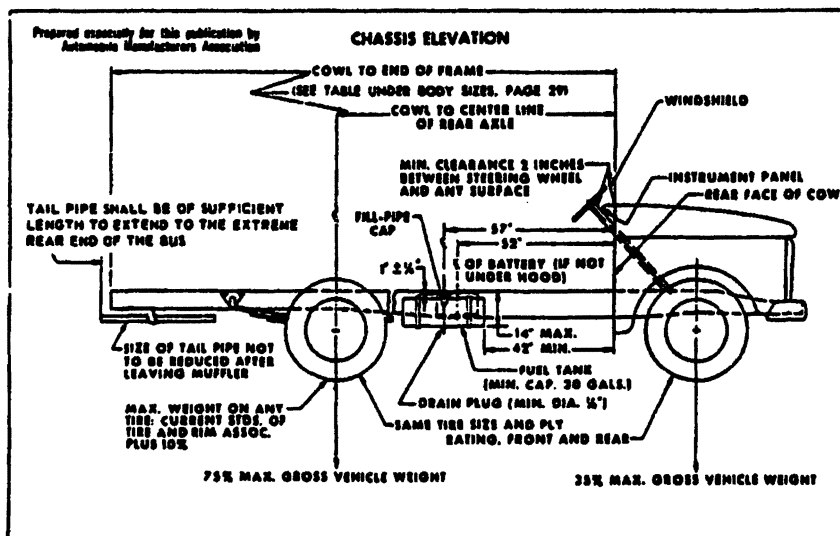
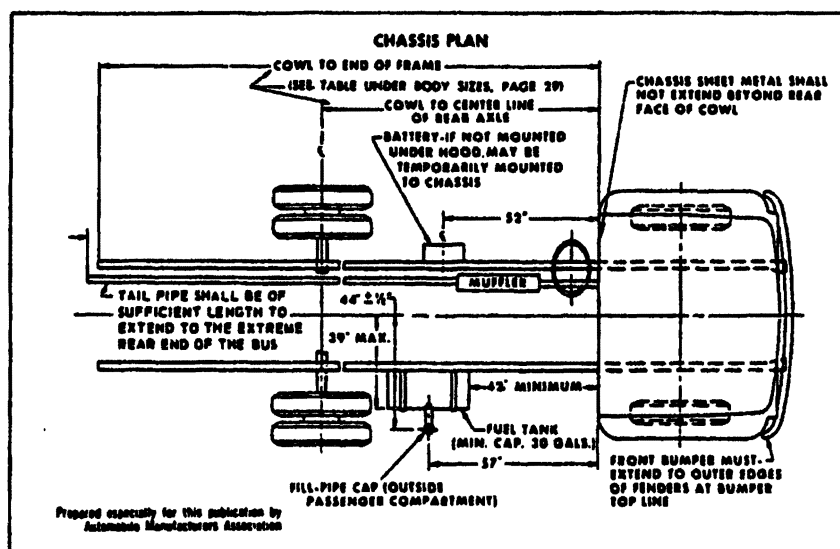
Equipment	Number of Units	Current Draw (Amperes)
Underseat heater motors	2	10.50
Underseat heater motor	1	8.50
Defroster fan motor	1	3.50
Windshield wipers	1	14.00
Fuel pump	1	3.00
Emergency door buzzer	1	1.00

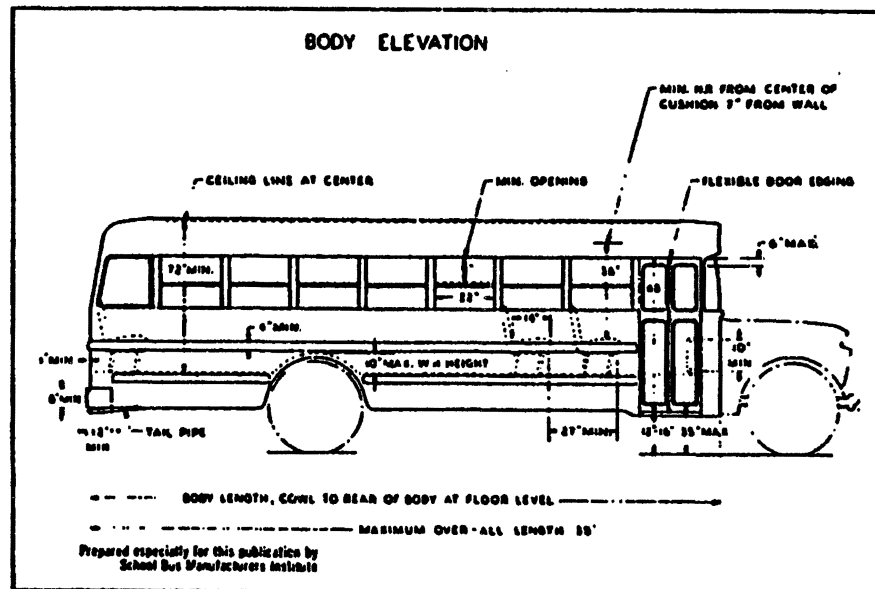
Intermittent Load

Flasher motor	1	2.90
Alternately flashing signal lamps	2	11.60
Stop-well and 6 interior dome lights	1	5.64
Individual additional dome lights	1	0.94
Stop (brake) lights	4	6.60
Turn signals	2	2.36

To determine the electrical load (in amperes) for a typical school bus, the following formula is recommended:

$$\text{Constant Load} + 35\% \text{ of intermittent load} = \text{total load}$$





**SUBCHAPTER 49A. STANDARDS FOR BUSES
USED FOR PUPIL TRANSPORTATION
MANUFACTURED JUNE 1993 THROUGH
DECEMBER 2005**

13:20-49A.1 Scope and purpose

(a) This subchapter shall be applicable to all motor vehicles registered in New Jersey originally designed by the manufacturer to carry 10 or more passengers, excluding the driver, operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education, school-connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. All such motor vehicles shall be registered as school buses in accordance with N.J.S.A. 39:3-19.2 and shall comply with the rules set forth in this subchapter and in N.J.A.C. 13:20-49B, 49C and 49D, and all applicable Federal standards. A motor vehicle shall not be used for the purposes set forth in this subsection unless it has been registered as a school bus in accordance with N.J.S.A. 39:3-19.2 and complies with the rules set forth in this subchapter and in N.J.A.C. 13:20-49B, 49C and 49D, and all applicable Federal standards.

(b) Each school bus shall be inspected twice each year by the Motor Vehicle Commission's School Bus Inspection Unit to ensure that such vehicle is in safe and proper operating condition. The time and location of the inspections shall be established by the Chief Administrator or his or her designee.

(c) The rules set forth in this subchapter and in N.J.A.C. 13:20-49B, 49C and 49D shall not apply to autobuses approved for school use and subject to inspection by the

Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit unless otherwise provided.

(d) An autobus subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit that is used for the transportation of children to or from school shall display a certificate of inspection issued by the Commission indicating school use. An autobus is exempt from displaying a certificate for school use issued by the Motor Vehicle Commission when being used on a preset franchised route and schedule or chartered for school-connected activities.

(e) A parent or legal guardian under contract with a district board of education to transport only his or her own child or children shall not be required to possess a commercial driver license or to use a motor vehicle registered as a school bus.

(f) The rules set forth in this subchapter and in N.J.A.C. 13:20-49B, 49C and 49D shall apply to school buses with a June 1993 through December 2005 chassis manufacture date unless otherwise provided. School buses manufactured prior to June 1993 shall comply with the standards in effect when the school bus was manufactured or converted.

(g) All equipment and components required by this subchapter and by N.J.A.C. 13:20-49B, 49C and 49D shall be maintained in proper operating condition at all times.

Amended by R.1994 d.404, effective August 1, 1994.
See: 26 N.J.R. 1997(a), 26 N.J.R. 3164(a).
Amended by R.2005 d.24, effective January 18, 2005.
See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).
Rewrote the section.

13:20-49A.2 Words and phrases defined

The following words and phrases, when used in N.J.A.C. 13:20-49A through 49D, shall have the following meanings unless the context clearly indicates otherwise. Any refer-

ence to direction is relative to the driver in a seated position.

"Completed vehicle" means a vehicle that requires no further manufacturing operation to perform its intended function.

"Curb weight" means the weight of a school bus or vehicle including a maximum capacity of all fluids.

"Driver" means the authorized licensed operator of the vehicle.

"Emergency brake" means the mechanism designed to stop a school bus or vehicle in case of service brake failure.

"FMVSS" means Federal Motor Vehicle Safety Standards.

"FMCSR" means Federal Motor Carrier Safety Regulations.

"GVW" means Gross Vehicle Weight. GVW is the total weight of a single vehicle plus its load.

"GVWR" means Gross Vehicle Weight Rating. GVWR is the value specified by the manufacturer as the maximum loaded weight of a single vehicle.

"Kph" mean kilometers per hour.

"Mph" means miles per hour.

"NSFSB" means National Standards for School Buses.

"Parking brake" means a mechanism designed to prevent the movement of a stationary vehicle.

"Passenger" means any person riding in a school bus or vehicle other than the driver.

"Passenger seat" means a seat other than the driver's seat.

"SAE" means Society of Automotive Engineers, Inc.

"SBMI" means School Bus Manufacturers Institute.

"School bus" or "bus" when used in this subchapter shall refer to Types A, B, C and D buses and shall be classified in the following manner:

1. A Type "A" school bus is a conversion or body constructed upon a van-type compact truck or a front-section vehicle, with a GVWR of 10,000 pounds or less, designed for carrying 10 to 16 passengers;

2. A Type "B" school bus is a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a GVWR of more than 10,000 pounds, designed for carrying 10 to 25 passengers. Part of the engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels;

3. A Type "C" school bus is a body installed upon a flat back cowl chassis with a GVWR of more than 10,000 pounds, designed for carrying 10 to 54 passengers. The engine is in front of the windshield, or part of the engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels;

4. A Type "D" school bus is a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a GVWR of more than 10,000 pounds, designed for carrying 10 to 54 passengers. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus, behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels;

5. A Type "I" school bus is any vehicle with a seating capacity of 17 or more passengers used for the transportation of students to and from school or school related activities. This identification regulates the type of vehicle registration required by the New Jersey Division of Motor Vehicles; and

6. A Type "II" school bus is any vehicle with a seating capacity of 16 passengers or less used for the transportation of students to and from school or school related activities. This identification regulates the type of vehicle registration required by the New Jersey Division of Motor Vehicles.

"School bus warning lamps" are eight alternately flashing red or amber lamps mounted horizontally both front and rear, intended to identify a vehicle as a school bus and to inform other users of the highway that the vehicle is stopped or about to stop.

"Service brake" means the primary mechanism designed to stop a motor vehicle.

"Strobe school bus warning lamps" means a school bus warning lamp system utilizing eight electronic sealed beam flash tubes.

"Webbed belt" means a narrow fabric belt woven with continuous filling yarns and finished selvages.

13:20-49A.3 Certification

(a) The chassis and/or body manufacturer and any manufacturer of school bus equipment required by this subchapter shall, upon request, provide evidence and/or certify to the Division of Motor Vehicles and the user that their product meets the minimum standards of this subchapter and all applicable FMVSS.

(b) Any person who alters, converts, or modifies a certified "completed vehicle" used to transport students shall certify to the Division of Motor Vehicles and the user that all modifications conform to applicable design, construction, testing, and performance standards contained in this chapter.

(c) School bus vendors who sell or lease buses for student transportation shall issue a "Vendor Certification Statement", to the buyer or lessee, signed by an authorized agent or officer of the company certifying that the bus meets all State and Federal requirements.

SUBCHAPTER 49B. CHASSIS STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION MANUFACTURED JUNE 1993 THROUGH DECEMBER 2005

13:20-49B.1 Air cleaner

(a) The engine intake air cleaner system shall be furnished and properly installed by the chassis manufacturer to meet engine manufacturer's specifications.

(b) The intake air system for diesel engines may have an air cleaner restriction indicator properly installed by the chassis manufacturer to meet engine specifications.

13:20-49B.2 Axles

The front axle and rear differential, including suspension assemblies, shall have a gross axle weight rating at ground at least equal to that portion of the load as would be imposed by the chassis manufacturer's maximum gross vehicle weight rating.

13:20-49B.3 Brakes

(a) A braking system, including service brake and parking brake, shall be provided.

(b) Buses using air or vacuum in the operation of the brake system shall be equipped with warning signals, readily audible and visible to the driver, that will give a continuous warning when the air pressure available in the system for braking is 60 pounds per square inch or less or the vacuum in the system available for braking is eight inches of mercury or less. The audible warning signal shall be capable of alerting the driver while the bus is being operated in traffic. An illuminated gauge shall be provided that will indicate to the driver the air pressure in pounds per square inch or the inches of mercury vacuum available.

1. Vacuum-assist brake systems shall have a reservoir used exclusively for brakes that shall be adequate to ensure loss in vacuum at full stroke application of not more than 30 percent when the engine is not running. The brake system on gas-powered engines shall include

suitable and convenient connections for the installation of a separate vacuum reservoir.

2. The brake system dry reservoir shall be safeguarded by a check valve or equivalent device, that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored dry air or vacuum shall not be depleted by the leakage or failure.

(c) Buses using a hydraulic assist-brake system shall be equipped with warning signals, readily audible and visible to the driver, that will provide continuous warning in the event of a loss of fluid flow from the primary source or loss of the electric source powering the backup system.

(d) The brake lines and booster assist lines shall be protected from excessive heat and vibration and shall be installed to prevent chafing.

(e) The brake system shall be designed to permit visual inspection of brake lining wear without removal of any chassis components.

(f) The parking brake shall hold the vehicle stationary, or to a limit of traction of the braked wheels, on a 20 percent grade under any condition of legal loading and on a surface free from snow, ice and loose material.

(g) When applied, the parking brake shall remain in an applied position with the capacity set forth in (f) above despite exhaustion of the source of energy used for the application or leakage of any kind.

(h) A parking brake lever shall be mounted to the right of the driver in a position that is easily accessible.

1. On Types A and B buses, the parking brake lever may be mounted in accordance with the chassis manufacturer's standards.

(i) The parking brake shall be equipped with a warning device visible to the driver which will indicate that the parking brake is on.

13:20-49B.4 Bumper, front

(a) The front bumper shall be furnished by the chassis manufacturer as part of the chassis.

1. The Type D bus front bumper may be furnished by the body or chassis manufacturer.

(b) The front bumper shall be of pressed steel channel or equivalent material at least $\frac{3}{16}$ inch thick and not less than eight inches high and shall extend beyond the forward-most part of the body, grille, hood, and fenders and shall extend to outer edges of the fenders at the bumper top line.

(c) The front bumper, except breakaway bumper ends, shall be of sufficient strength to permit pushing a vehicle of

equal gross vehicle weight without permanent distortion to bumper, chassis, or body.

(d) An energy absorbing front bumper, which conforms to current FMVSS test requirements, may be used. Its design shall incorporate a self-restoring energy absorbing system of sufficient strength to:

1. Push another vehicle of similar GVW without permanent distortion to the bumper, chassis, or body; and
2. Withstand repeated impacts without damage to the bumper, chassis or body according to current NSFBS.

(e) Tow eyes or hooks shall be furnished and attached so as not to project beyond the front bumper. Tow eyes or hooks attached to the chassis frame, shall be furnished by the chassis manufacturer. This installation shall be in accordance with the chassis manufacturer's standards.

13:20-49B.5 Clutch

The clutch torque capacity shall be equal to or greater than the engine torque output.

13:20-49B.6 Color

The chassis, including front bumper, shall be black. The cowl, fenders and hood shall be National School Bus Yellow. The hood may be painted non-reflective National School Bus Yellow. Wheels and rims shall be black, gray, white, or silver. The grille shall be chrome, silver, gray, or National School Bus Yellow.

13:20-49B.7 Drive shaft

Each segment of the drive shaft shall be equipped with a metal guard or guards around its circumference to prevent the drive shaft from whipping through the floor or dropping to the ground if broken.

13:20-49B.8 Electrical system

(a) Buses shall be equipped with a battery or batteries as specified by the manufacturer.

1. The storage battery shall have a minimum cold cranking capacity rating equal to the cranking current required for 30 seconds at 0 degrees Fahrenheit (-17.8°C) and a minimum reserve capacity rating of 120 minutes at 25 amps. Higher capacities may be required depending upon optional equipment and local environmental conditions.

2. When a battery or batteries are to be mounted by the body manufacturer on a sliding tray rather than the standard installation provided by the chassis manufacturer, the battery(ies) shall be temporarily mounted on the chassis frame by the chassis manufacturer. In this case, the final location of the battery(ies) and the appropriate cable lengths shall be according to current SBMI design objectives.

(b) Buses shall be equipped with an alternator.

1. A Type A bus shall have a minimum 60 ampere per hour alternator.

2. A Type B bus shall have a minimum 80 ampere per hour alternator.

3. Types C and D buses shall have an alternator with a minimum output rating of at least 100 amperes capable of producing a minimum of 50 percent of its maximum rated output at manufacturer's recommended engine idle speed.

4. Buses equipped with an electrical power lift, shall have a minimum 100 amps per hour alternator.

5. A direct-drive alternator is permissible in lieu of belt drive. Belt drive shall be capable of handling the rated capacity of the alternator with no detrimental effect on the other driven components.

6. Estimating the required alternator capacity shall be according to current SBMI design objectives.

(c) Wiring shall use a standard color and number coding and conform to current SAE standards.

1. The chassis shall be delivered to the user with a wiring diagram that coincides with the wiring of the chassis.

2. The chassis manufacturer shall install a readily accessible terminal strip or plug on the body side of the cowl, or at an accessible location in the engine compartment of buses designed without a cowl, that shall contain the following terminals for the body connections:

- i. Main 100 amps. body circuit;
- ii. Tail lamps;
- iii. Right turn signal;
- iv. Left turn signal;
- v. Stop lamps;
- vi. Back up lamps; and
- vii. Instrument panel lights which are rheostat controlled by the headlamp switch.

13:20-49B.9 Engine fire extinguishers

Buses may be equipped with a fire extinguisher system for the engine compartment.

Amended by R.1994 d.404, effective August 1, 1994.
See: 26 N.J.R. 1997(a), 26 N.J.R. 3164(a).

13:20-49B.10 Exhaust system

(a) The exhaust pipe, muffler, and tailpipe shall be outside the bus body compartment and attached to the chassis.

(b) The exhaust system components shall not be located where their location would likely result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the bus.

1. The exhaust system on a gas-powered chassis shall be properly insulated from fuel tank connections by a securely attached metal shield at any point where it is 12 inches or less from fuel tank or tank connections.

i. When a metal shield is required, the metal shield shall provide a minimum of two inches clearance between the exhaust system components, the fuel system, and/or combustible components.

(c) The tailpipe diameter from muffler to the end shall comply with the chassis manufacturer's standard and shall be constructed of a corrosion resistant tubing material at least equal in strength and durability to 16-gauge steel tubing.

1. The exhaust system tailpipe shall terminate to the rear of all doors and windows designed to be opened for ventilation.

2. The exhaust system shall not discharge to the atmosphere immediately below an emergency exit, fuel tank or fuel tank fill pipe.

3. The exhaust system tailpipe of a bus powered by a gasoline engine shall extend to the rear bumper or to the left or right perimeter sides of the bus body and discharge to the atmosphere either:

i. At or within six inches forward of the rearmost part of the bus on either side; or

ii. Beyond the rear bus bumper up to a maximum of two inches.

4. The exhaust system tailpipe of a bus using fuel other than gasoline shall extend to the rear bumper or to the perimeter of the sides of the bus body and discharge to the atmosphere either:

i. At or within 15 inches forward of the rearmost part of the bus on the sides; or

ii. Beyond the rear bus bumper up to a maximum of two inches.

(d) The muffler shall be constructed of corrosion-resistant material.

13:20-49B.11 Fenders, front, Type C buses

(a) The total spread of the outer edges of the front fenders, measured at the fender line, shall exceed the total spread of front tires when front wheels are in straight-ahead position.

(b) Front fenders shall be properly braced and free from any body attachments.

13:20-49B.12 Frame

(a) The frame or its equivalent shall be of such design and strength characteristics to correspond with the standard practice for trucks of the same general load characteristics.

(b) Any frame modification shall not be for the purpose of extending the wheelbase.

(c) Holes in the top or bottom flanges, or side units of the frame, shall not be permitted except as provided in the original chassis frame. Welding to the frame shall be by the chassis manufacturer or as approved by the chassis manufacturer.

(d) Frame lengths shall be provided in accordance with current SBMI design objectives.

13:20-49B.13 Fuel tank

(a) The fuel tank or tanks of minimum 30 gallon capacity shall have a 25 gallon actual draw. If a fuel tank size, larger than 30 gallons is supplied, the actual draw shall be 83 percent of the tank capacity. The fuel tank(s) shall be filled and vented to the outside of the body, the location of which shall ensure that accidental fuel spillage will not drip or drain on any part of the exhaust system.

(b) No portion of the fuel system which is located to the rear of the engine compartment, except the filler tube, shall extend above the top of the chassis frame rail. Fuel lines shall be mounted to obtain maximum possible protection from the chassis frame.

(c) A fuel filter with replaceable element shall be installed between the fuel tank and the engine.

(d) The fuel tank installation shall be in accordance with current SBMI design objectives.

(e) An auxiliary tank may be added in accordance with current SBMI design objectives.

(f) A bus constructed with a power lift unit may have the fuel tank mounted on the left chassis frame rail or behind the rear wheels.

13:20-49B.14 Governor

(a) An engine governor may be installed.

(b) When an engine is mounted in the midship or rear of a bus, a governor shall be installed to limit engine speed to the maximum revolutions per minute recommended by the engine manufacturer, or a tachometer shall be installed so the engine speed may be known to the driver.

(c) A road-speed governor may be installed to limit road speed.

13:20-49B.15 Heating system

The chassis engine shall have plugged openings for the purpose of supplying hot water for the bus heating system. The opening shall be suitable for attaching a $\frac{3}{4}$ inch pipe thread/hose connector. The engine shall be capable of supplying water having a temperature of at least 170 degrees Fahrenheit at a flow rate of 50 pounds per minute at the return end of 30 feet of one inch inside diameter automotive hot water heater hose.

13:20-49B.16 Horn

Buses shall be equipped with dual horns of a standard make. Each horn shall be capable of producing a complex sound in a band of audio frequencies between 250 and 2,000 cycles per second.

13:20-49B.17 Instruments and instrument panel

(a) The chassis shall be equipped with the following instruments and gauges. Lights in lieu of gauges are not acceptable except as noted:

1. Speedometer;
2. Odometer which will give accrued mileage to seven digits including tenths of miles;
3. Voltmeter;
 - i. An ammeter with graduated charge and discharge with ammeter and its wiring compatible with generating capacities is permitted in lieu of a voltmeter;
4. Oil-pressure gauge;
5. Water temperature gauge;
6. Fuel gauge;
7. Upper beam headlight indicator;
8. Vacuum or air brake indicator gauge;
 - i. A light indicator in lieu of a gauge is permitted on buses equipped with a hydraulic-over-hydraulic brake system;
9. Turn signal indicator; and
10. Glow-plug indicator light, where appropriate.

(b) All instruments shall be easily accessible for maintenance and repair.

(c) Above instruments and gauges shall be mounted on an instrument panel in such a manner that each is clearly visible to the driver while in normal seated-belted position in accordance with current SBMI design objectives.

(d) The instrument panel shall have lamps of sufficient candlepower to illuminate all instruments, gauges and the shift selector indicator for an automatic transmission.

(e) All gauges and instruments must be appropriately identified.

13:20-49B.18 Oil filter

An oil filter with replaceable element shall be provided and shall be connected by flexible oil lines if it is not of built-in or engine mounted design. The oil filter shall have a minimum capacity of one quart.

13:20-49B.19 Openings

All openings in the floorboard or firewall between chassis and passenger compartment, such as for gearshift selector/lever and parking brake lever, shall be sealed.

13:20-49B.20 Passenger load

(a) The gross vehicle weight (GVW) is the sum of the chassis weight, plus the body weight, plus the driver's weight, plus total seated pupil weight.

1. For purposes of calculation:

- i. The driver's weight is 150 pounds; and
- ii. The pupil weight is 120 pounds per pupil.

(b) The GVW shall not exceed the chassis manufacturer's GVWR for the chassis.

(c) Buses with a GVWR in excess of 26,001 pounds shall display the GVWR on the sides of the bus as required by the Division of Motor Vehicles.

13:20-49B.21 Power and gradeability

The GVW shall not exceed 185 pounds per published net horsepower of the engine at the manufacturer's recommended maximum number of revolutions per minute.

13:20-49B.22 Retarder system

A retarder system may be used which shall maintain the speed of the fully loaded school bus at 19.0 mph or 30 kph on a seven percent grade for 3.6 miles or six km.

13:20-49B.23 Shock absorbers

Buses shall be equipped with front and rear double-action shock absorbers compatible with manufacturer's rated axle capacity at each wheel location.

13:20-49B.24 Springs

(a) The capacity of the springs or suspension assemblies shall be commensurate with the chassis manufacturer's GVWR.

(b) If leaf type rear springs are used, they shall be of a progressive type.

13:20-49B.25 Steering gear

(a) The steering gear shall be approved by the chassis manufacturer and designed to assure safe and accurate performance when a vehicle is operated with maximum load and at maximum speed.

(b) The steering mechanism shall be accessible for external adjustment.

(c) No changes shall be made in the steering apparatus which are not approved by the chassis manufacturer.

(d) There shall be a clearance of at least two inches between the steering wheel and the cowl, instrument panel, windshield, or any other surface.

(e) Power steering is required and shall be of the integral type with integral valves.

(f) The steering system shall be designed to provide a means of lubrication for all wear points, if wear points are not permanently lubricated.

13:20-49B.26 Tires and rims

(a) Tires and rims of proper size and tires with load rating commensurate with chassis manufacturer's GVWR shall be provided.

(b) Tubeless tires mounted on one-piece drop center rims may be used.

(c) All tires shall be of the same size, construction and load rating. The load rating shall meet or exceed the GAWR in accordance with current applicable FMVSS.

1. Tires on Types C and D buses may be of more than one type construction provided all tires on the same axle are the same type of construction.

(d) If a bus is equipped with a spare tire and rim assembly, it shall be of the same size as those mounted on the bus.

(e) If a bus is equipped with a tire carrier, it shall be suitably mounted in an accessible location outside the passenger compartment.

(f) The tire tread depth shall at no time be less than 4/32 of an inch on the front tires and 2/32 of an inch on the rear tires as measured on two adjacent treads by a Dill gauge or its equivalent.

(g) Regrooved or recapped tires shall not be used on the front wheels of a bus.

(h) Dual rear tires shall be provided on Types B, C, and D buses.

(i) Tire chains, snow tires or all weather tires shall be used for the drive wheels to enhance the safe operation of the bus in areas of snow and ice.

13:20-49B.27 Transmission

(a) When an automatic transmission is used, it shall provide for not less than three forward speeds and one reverse speed.

(b) When a manual transmission is used, second gear and higher shall be synchronized except when incompatible with engine power. A minimum of three forward speeds and one reverse speed shall be provided.

(c) A diagram of the shifting control pattern shall be located in a position easily visible to the driver.

(d) There shall be a detent on the automatic transmission shift lever to insure that the transmission cannot accidentally move from neutral to a drive gear without driver effort.

(e) Buses which are not equipped with a park position on the shift control selector for automatic transmissions shall be equipped with a heavy duty parking brake.

(f) The transmission shift control lever/mechanism shall be mounted to the right of the steering column.

13:20-49B.28 Turning radius

(a) A chassis with a wheel base of 264 inches or less shall have a right and left turning radius of not more than 42½ feet, curb to curb measurement.

(b) A chassis with a wheelbase of 265 inches or more shall have a right and left turning radius of not more than 44½ feet, curb to curb measurement.

13:20-49B.29 Undercoating

The undersides of steel or metallic-constructed front fenders shall be coated with rust-proofing compound.

13:20-49B.30 Weight distribution

The weight distribution of a fully loaded bus on a level surface shall not exceed the manufacturer's front and rear GAWR.

SUBCHAPTER 49C. BODY STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION MANUFACTURED JUNE 1993 THROUGH DECEMBER 2005

13:20-49C.1 Aisle

(a) The minimum clearance of all aisles shall be 12 inches.

1. The aisle leading to an exit door or a rear emergency exit shall be a minimum width of 12 inches.

2. The aisle leading from the center aisle to a side emergency door shall be a minimum width of 24 inches.

3. The aisle leading to an emergency or lift door from a wheelchair position shall be a minimum width of 30 inches.

(b) Aisles shall be unobstructed at all times by any type barrier, seat, or other object.

(c) The seat backs shall be slanted sufficiently to give aisle clearance of 15 inches at the tops of seat backs.

(d) This rule also applies to buses under the jurisdiction of the Department of Transportation, approved for school use, contracted by a local board of education for transportation to and from school.

13:20-49C.2 Back-up warning alarm

An automatic audible alarm shall be installed behind the rear axle of the bus and shall comply with current applicable SAE standards for rubber tired vehicles.

13:20-49C.3 Battery

(a) A battery is to be furnished by the chassis manufacturer.

(b) When the battery is mounted as described in the chassis standards of N.J.A.C. 13:20-49B.8(a), the body manufacturer shall securely attach battery on a slide-out or swing-out tray in a closed, vented compartment in the body skirt, so that the battery may be exposed to the outside for convenient servicing. The battery compartment door or cover shall be hinged at the front or top and secured by an adequate and conveniently operated fastening device.

13:20-49C.4 Bumpers

(a) The front bumper shall be provided by the chassis manufacturer.

1. The bumper on a Type D bus may be furnished by the body or chassis manufacturer.

2. A front safety shield attached directly under the bus front bumper may be used. It shall be constructed of rigid plastic, fiberglass, steel or equivalent material designed to withstand abnormal vibration, severe atmosphere conditions and removable to permit towing. The shield's overall width shall not exceed maximum front tire width, when bus wheels are in a straight ahead position and shall terminate 12 to 14 inches above the road surface. Front surface may be either solid, perforated or louvered and shall be black.

(b) A rear bumper shall be provided which is constructed of pressed steel channel or equivalent material at least 3/16 inch thick.

1. The bumper on a Type A bus shall be a minimum of eight inches high.

2. The bumper on Types B, C, and D buses shall be a minimum of 9½ inches high.

(c) The bumpers shall be of sufficient strength to permit pushing by another vehicle without permanent distortion.

(d) The rear bumper shall be wrapped around the back corners of the bus. It shall extend forward at least 12 inches, measured from the rear-most point of the body at the floor line.

(e) The rear bumper shall be attached to the chassis frame in such a manner that it may be easily removed. It shall be braced to withstand rear or side impact, and shall be attached to discourage hitching of rides.

(f) The rear bumper shall extend at least one inch beyond the rear-most part of the body surface measured at the floor line.

1. A Type A bus may conform to chassis manufacturer's specifications.

(g) Energy-absorbing bumpers which conform to current applicable FMVSS test requirements may be used. Its design shall incorporate a self-restoring energy absorbing bumper system so attached to discourage the hitching of rides and of sufficient strength to:

1. Permit pushing by another vehicle without permanent distortion to the bumper, chassis, or body; and

2. Withstand repeated impacts without damage to the bumper, chassis, or body according to current NSFSB.

13:20-49C.5 Capacity

(a) The number of pupils assigned to a seat may not exceed the gross seating length in inches divided by 15. Application of the foregoing formula shall not result in the approval of a school vehicle with a seating capacity in excess of 54.

1. Vehicles manufactured as 58 passenger elementary school vehicles owned by a district board of education or contractor prior to December 18, 1989, may be utilized until retirement.

(b) There shall be no standees.

(c) This section shall not apply to a bus while being used as a common carrier on a preset franchised route and schedule.

Repeal and New Rule, R.1989 d.610, effective December 18, 1989.
See: 21 N.J.R. 2724(a), 21 N.J.R. 3939(a).
Amended by R.1994 d.404, effective August 1, 1994.
See: 26 N.J.R. 1997(a), 26 N.J.R. 3164(a).

13:20-49C.6 Color

(a) The school bus body shall be painted National School Bus Yellow.

(b) The body exterior paint trim, bumper, lamp hoods, emergency door arrow, exterior mirror assembly and support brackets shall be black.

1. The words "EMERGENCY DOOR" shall be applied both inside and outside the door in red lettering at least two inches high and at least 3/16 inch wide.

(c) Reflective material may be applied to the bus. The material used shall be automotive engineering grade or better, meeting initial reflectance values as specified by NSFSB and retaining at least 50 percent of those values for a minimum of six years. Reflective materials and markings, if used, may include any or all of the following:

1. The bumpers may be marked diagonally 45 degrees down to the centerline of the pavement with stripes evenly spaced of National School Bus Yellow or non-contrasting reflective material two inches wide.

2. The rear of bus body may be marked with a strip of reflective National School Bus Yellow material no greater than two inches in width to be applied to the back of the bus, extending from the left lower corner of the "SCHOOL BUS" lettering, across to left side of the bus, then vertically down to the top of the bumper, across the bus on a line immediately above the bumper to the right side, then vertically up to a point even with the strip placement on the left side, and concluding with a horizontal strip terminating at the right lower corner of the "SCHOOL BUS" lettering.

3. The sides of the bus body may be marked with reflective National School Bus Yellow material at least six inches but not more than 12 inches in width, extending the length of the bus body and located (vertically) as close as practicable to the beltline.

4. The "SCHOOL BUS" signs may be marked with reflective National School Bus Yellow material comprising background for lettering of the front and/or rear "SCHOOL BUS" signs.

13:20-49C.7 Communications

(a) School buses may be equipped with an electronic voice communication system, preferably not citizen band equipment.

(b) A public address sound system with interior speakers and exterior horn may be installed.

13:20-49C.8 Construction

(a) The bus construction shall be of prime commercial quality steel or other metal or material with strength at least equivalent to all-steel as certified by the body manufacturer.

(b) The construction shall provide a reasonably dustproof and water-tight unit and the exterior shall be designed to discourage the hitching of rides.

(c) The bus body joints shall conform to current applicable FMVSS. This does not include the body joints created when body components are attached to components furnished by the chassis manufacturer.

(d) Restraining barriers shall conform to current applicable FMVSS requirements for buses with a GVWR of more than 10,000 pounds.

(e) Buses may be equipped with steel side panel skirts between the front and rear axles of the bus and shall extend to the bottom-most evaluation of any chassis component located within the center section of a wheel base measurement apportioned into three equal sections. The side panel skirt shall terminate no less than 12 inches above a level road surface. Beyond the rear axle, the bottom of the side panel skirts shall taper upward to the bottom-most part of the rear bumper.

(f) Buses shall not be equipped with stanchions, an interior luggage rack, a roof luggage rack, or luggage access ladder.

1. This rule also applies to buses under the jurisdiction of the Department of Transportation, approved for school use, contracted by a local board of education for transportation to and from school.

13:20-49C.9 Defrosters

(a) Defrosting and defogging equipment shall direct a sufficient flow of heated air onto the windshield, the window to the left of the driver and the glass in the viewing area directly to the right of the driver to eliminate frost, fog and snow. The defroster unit shall have a separate blower motor in addition to the heater motors.

1. A Type A bus shall be equipped with defogging and defrosting equipment which will direct a sufficient flow of heated air onto the windshield to eliminate frost, fog, and snow.

(b) The defrosting system shall conform to SAE standards.

(c) The defroster and defogging system shall be capable of furnishing heated outside ambient air except that part of the system furnishing additional air to the windshield, entrance door, and step-well which may be of the recirculating air type.

(d) Auxiliary fans are not to be considered as a defrosting and defogging system.

- (e) Portable heaters shall not be used.

13:20-49C.10 Doors, entrance

(a) The entrance door shall be under control of driver, and designed to afford easy release and prevent accidental opening. When a hand lever is used, no part shall come together so as to shear or crush fingers.

(b) The entrance door shall be located on the right side of the bus opposite the driver and within direct view of the driver.

(c) The entrance door on Types B, C, and D buses shall have a minimum horizontal opening of 24 inches and a minimum vertical opening of 68 inches. The entrance door on a Type A bus shall have a minimum opening of 1,200 square inches.

(d) The entrance door shall be of split-type, sedan-type, or jack-knife type. A split-type door includes any sectioned door which divides and opens inward or outward. If one section of split-type door opens inward and the other opens outward, the front section shall open outward.

(e) Door panels shall be of approved safety glass. The bottom of each lower glass panel shall not be more than 10 inches from the top surface of the bottom step. The top of the upper glass panel shall not be more than six inches from top of door.

1. A Type A bus which is not equipped with a split-type door shall have an upper panel window of safety glass with an area of at least 350 square inches.

(f) The vertical closing edges on a split-type door shall be equipped with a flexible material to protect children's fingers.

1. A Type A bus which is not equipped with a split-type door may conform to the chassis manufacturer's specifications.

(g) There shall be no entrance door to the left of the driver on Types C and D buses. Type A and B buses may conform to chassis manufacturer's specifications.

(h) All doors shall be equipped with a padding at the top edge of each door opening. Pad shall be at least three inches wide and one inch thick and extend the full width of the door opening.

(i) When a bus is equipped with air doors or other air operated assemblies, excluding windshield wipers, an additional air tank is needed for the operation of those assemblies.

13:20-49C.11 Doors, emergency

(a) The emergency door shall be hinged on the right side if in rear end of the bus and on the front side if on either side of the bus. All emergency doors shall open outward and be equipped with a device to hold the door open during emergencies and school bus evacuation drills.

1. A Type A bus equipped with double emergency doors shall be hinged on the outside edge and have a three point fastening device.

(b) The emergency door shall be labeled inside and outside to indicate how it is to be opened.

(c) The upper portion of emergency door shall be equipped with approved safety glazing, exposed area of which shall be not less than 400 square inches.

1. A rear view wide angle lens may be attached to one rear bus window. The lens shall not cover more than one third of the glass area.

(d) The lower portion of the rear emergency door on Types B, C, and D buses shall be equipped with a minimum of 350 square inches of approved safety glazing.

(e) There shall be no steps leading to emergency door.

(f) The words "EMERGENCY DOOR" shall be applied to the emergency door both inside and outside in red letters at least two inches high and 3/16 inch wide, shall be placed at top of or directly above the emergency door or on the door in the metal panel above the top glass.

(g) The emergency door shall be designed to be opened from the inside and outside of the bus and shall be equipped with a quick release fastening device designed to prevent accidental release. Control of the fastening device from the driver's seat shall not be permitted.

(h) The emergency door and the rear emergency window fastening device shall be equipped with a buzzer located in the driver's compartment which will indicate to the driver that the slide bar has moved and the emergency door is about to open. The switch which operates the buzzer shall be enclosed in a metal case and the wires leading from the switch shall be concealed in the bus body.

(i) The emergency door may be equipped with a locking system which incorporates an interlocking electrical circuit that will prevent the bus from being started while the emergency door is locked.

(j) The emergency door windows shall not be covered by any metal bars or screening.

(k) The emergency door shall be equipped with padding at least three inches wide and one inch thick, at top edge of each door opening, which shall extend the full width of the door opening.

(l) There shall be no obstruction higher than ¼ inch high across the bottom of any emergency door opening.

13:20-49C.12 Emergency exits

(a) Buses shall be equipped with emergency push-out split sash side windows which are vertically hinged on the forward side of the bus and roof safety hatches as follows:

1. One emergency push-out exit window per side.

i. Push-out windows shall not be placed directly opposite each other.

ii. Each emergency push-out side exit window shall be equipped with a warning buzzer, located in the driver's compartment to alert the driver when the latch for the emergency push-out window is released.

2. A roof safety hatch shall be installed in the forward half of the bus roof.

i. The roof safety hatch shall be constructed of metal, fiberglass or equivalent and equipped with an interior and exterior latch release. Each roof safety hatch shall provide a minimum opening of 20 inches by 20 inches.

ii. Each roof safety hatch shall be equipped with a warning buzzer, located in the driver's compartment to alert the driver when the latch for the roof safety hatch is released.

(b) Additional push-out windows may be used.

(c) Buses shall be equipped with emergency exits in accordance with P.L. 1992, c.93.

13:20-49C.13 Emergency equipment

(a) A pry bar at least 24 inches in length shall be securely mounted in the bus in a location readily accessible to the driver.

(b) Each school bus shall contain at least three reflectorized triangle road warning devices in compliance with FMVSS and be mounted in an accessible place in the driver's compartment.

1. The mounting location in a Type A bus is optional.

(c) Buses may be equipped with an identified body fluid clean-up kit that is removable, moisture proof and mounted in an accessible place in driver's compartment.

13:20-49C.14 Fire extinguishers

(a) The bus shall be equipped with at least one pressurized, dry chemical type fire extinguisher, complete with hose, mounted in a bracket located in the driver's compartment and readily accessible to the driver and passengers. A pressure gauge shall be mounted on the extinguisher which can be easily read without removing the extinguisher from its mounted position.

(b) The fire extinguisher shall be approved by the Underwriters Laboratories, Inc. with a total rating of 2 A-10 BC

or greater. The operating mechanism shall be sealed with a type of seal which will not interfere with the use of the fire extinguisher.

13:20-49C.15 First aid kit

(a) A removable first aid kit shall be provided. It should be moisture and dust proof and be mounted in an accessible place within the driver's compartment. When the first aid kit is stored in a storage compartment, the location of the kit shall be identified by the words "First Aid" in red letters two inches high and $\frac{3}{16}$ inch wide.

(b) The kit shall contain, but is not limited to, the following items:

1. Two, one inch x $2\frac{1}{2}$ yards adhesive tape rolls;
2. Twenty-four sterile gauze pads three inches x three inches;
3. One hundred $\frac{3}{4}$ inch x three inches adhesive bandages;
4. Eight, two inch bandage compresses;
5. Ten, three inch bandage compresses;
6. Two, two inch x six yards sterile gauze roller bandages;
7. Two nonsterile triangular bandages approximately 40 inches x 54 inches with two safety pins;
8. Three sterile gauze pads 36 inches x 36 inches;
9. Three sterile eye pads;
10. One pair latex gloves;
11. One pair rounded end scissors;
12. One mouth-to-mouth airway;
13. One sharpened pencil; and
14. One small writing pad.

13:20-49C.16 Floor

(a) The floor in the underseat area, including tops of the wheelhousing, drivers compartment, and the toe board, shall be covered with rubber floor covering or equivalent having minimum overall thickness of .125 inch.

1. The toe board floor covering on Types A and B buses may be the chassis manufacturer's standard.

(b) The floor covering in the aisle shall be rubber or equivalent, wear-resistant, and ribbed. Minimum overall thickness shall be .187 inch measured from the tops of the ribs.

(c) The floor covering must be permanently bonded to the floor and shall not crack when subjected to sudden changes in temperature. The bonding or adhesive material shall be waterproof and shall be the type recommended by the manufacturer of floor covering material. All seams must be sealed with waterproof sealer.

(d) A secured insulated screw-down plate to access the fuel tank sending unit shall be provided.

13:20-49C.17 Heaters

(a) Heaters shall be of hot water type and/or combustion type.

(b) If only one heater is used, it shall be of fresh air or combination fresh air and recirculating type.

(c) If more than one heater is used, additional heaters may be of the recirculating air type.

(d) The heating system shall be capable of maintaining a temperature of not less than 40 degrees Fahrenheit throughout the bus at average minimum January temperature as established by the U.S. Department of Commerce, Weather Bureau, for the area in which the bus is to be operated.

(e) All heaters installed by the body manufacturers shall bear a name plate that indicates the heater rating is in accordance with SBMI standards. The plate shall be affixed by the heater manufacturer which will constitute certification that the heater performance is as shown on the plate.

(f) Heater hoses shall be adequately supported to guard against excessive wear due to vibration. The hoses shall not dangle or rub against the chassis or sharp edges and shall not interfere with or restrict the operation of any engine function. Heater hose shall conform to SAE standards. Heater lines on the interior of the bus shall be shielded to prevent scalding of the driver or passengers.

(g) Each hot water heater system installed by the body manufacturer shall include one shut-off valve in the pressure line and one shut-off valve in the return line with both valves at or near the engine in an accessible location. There shall also be a water flow regulating valve installed in the pressure line for convenient operation by the driver while seated.

1. The hot water heater system in a Type A bus may conform to the chassis manufacturer's standard.

(h) Combustion type heaters shall comply with current applicable FMCSR.

(i) Accessible bleeder valves shall be installed in an appropriate place in the return lines of body company-installed heaters to remove air from the heater lines.

(j) Access panels shall be provided to make heater motors, cores, and fans readily accessible for service. Outside access panel may be provided for the driver's heater.

(k) A rear engine bus shall be equipped with a hot water heater booster pump.

13:20-49C.18 Identification

(a) The words "SCHOOL BUS" shall be applied to the bus body in black letters at least eight inches high on both the front and rear of the bus between the warning lamp signals or on signs attached thereto. Lettering shall be placed as high as possible without impairment of its visibility. Lettering shall conform to Series "B" of standard alphabets for highway signs.

1. An illuminated front and rear destination sign with "SCHOOL BUS" in eight inch black letters on background of National School Bus Yellow may be used.

(b) When attached signs are used, they shall comply with the following:

1. The sign on the front of the bus shall have the words "SCHOOL BUS" printed in black letters not less than eight inches on a background of National School Bus Yellow;

2. The sign on the rear of the bus shall be at least 10 square feet in size and shall be painted National School Bus Yellow and have the words "SCHOOL BUS" printed in black letters not less than eight inches high; and

3. Attached signs shall be removed or covered whenever the bus is not being used for to and from school transportation.

(c) The standards in (a) and (b) above also apply to buses under the jurisdiction of the Department of Transportation, approved for school use, contracted by a local board of education for transportation to and from school.

(d) There shall be no lettering on the front or rear of the bus unless specified in this subchapter.

(e) Only signs and lettering limited to the name of owner or operator and any marking necessary for identification shall appear on the sides of the bus.

1. The owning or operating organization shall be conspicuously identified in letters at least three inches high, located on each longitudinal side of the exterior of the bus. The identification shall be below the window line, completely horizontal and shall be black or National School Bus Yellow.

2. Identification letters or numbers, up to a maximum height of six inches, shall be in prominent locations on the front and rear of the bus below the window line. The color of the letters or numbers shall be either white, black or National School Bus Yellow.

(f) No advertisement of any kind shall be exhibited either on the interior or exterior of the bus, except for the manufacturer's and vendor's trade names which may be exhibited on the bus.

13:20-49C.19 Inside height

(a) The inside body height shall be 72 inches or more, measured from the ceiling to the floor metal, at any point on longitudinal center line from front vertical bow to rear vertical bow.

1. A Type A bus shall have a minimum of 62 inches inside body height.

13:20-49C.20 Insulation

(a) The ceiling and walls shall be insulated with adequate material to deaden sound and to reduce vibration to a minimum. If thermal insulation is specified, it shall be of fire-resistant material approved by the Underwriters Laboratories, Inc.

(b) Floor insulation may be used and shall be either five ply 19/32 inch thick plywood, or a material of equal or greater strength with an insulation R value and shall be equal or exceed properties of exterior-type softwood plywood, C-D Grade as specified in standards issued by U.S. Department of Commerce. When plywood is used, all exposed edges shall be sealed.

1. Type A bus shall be insulated with a minimum of one-half inch exterior grade plywood securely fastened to the steel floor of the bus in the passenger compartment.

13:20-49C.21 Interior

(a) The interior of the bus shall be free of all unnecessary projections, such as luggage racks, which may cause injury. This standard requires inner lining on ceilings and walls. If ceiling is constructed with lapped joints, the forward panel shall be lapped by the rear panel and the exposed edges shall be beaded, hemmed, flanged, or otherwise treated to minimize sharp edges.

(b) The driver's area forward of the foremost padded barriers shall permit the mounting of required safety equipment and vehicle operation equipment.

(c) Every school bus shall be constructed so that the noise level taken at the ear of the occupant nearest to the primary vehicle noise source shall not exceed 85 dBA when tested according to NSFSB.

13:20-49C.22 Lamps and signals

(a) The lamps on the exterior of the bus shall conform to current applicable FMVSS.

1. Each clearance, marker, or identification lamp shall be of the two bulb design and shall automatically be

activated, whenever the headlights or parking lamps are activated, in a steady burning state.

2. Two parking lamps shall designate the front of the bus.

3. Two backup lamps shall be installed on the rear of Types B, C, and D buses. These lamps shall be illuminated when either the shift control lever for the transmission is placed into reverse gear or the rear emergency door is unlatched.

4. An armored marker-type amber lamp connected to the turn signals shall be installed on each side of the bus body immediately behind the entrance door on the right and symmetrically opposite on the left side of all Type C and D buses.

(b) Interior lamps shall be provided which adequately illuminate aisle and stepwell. Stepwell light shall be illuminated by the service door operated switch, which will illuminate only when headlights and clearance lights are on and the service door is open.

(c) Body instrument panel lights shall be controlled by an independent rheostat switch.

(d) A telltale light, plainly visible to the driver, shall be installed to give a positive indication of the operation of the stop lights.

(e) Alternately flashing signal lamps shall be provided as follows:

1. Red signal lamps are alternately flashing lamps mounted horizontally both front and rear, intended to identify a vehicle as a school bus and to inform other users of the highway that the bus is stopped to take on or discharge school children.

i. Buses shall be equipped with two front and two rear red lamps located approximately six inches below the top of the bus, as near the sides as is possible, and equidistant from the center.

2. Amber signal lamps are alternately flashing lamps mounted horizontally both front and rear, intended to identify a vehicle as a school bus and to inform other users of the highway that the bus is about to stop on the highway to take on or discharge school children.

i. In addition to the four red lamps described in (e)1 above, four amber lamps shall be installed with one amber lamp located near each red signal lamp, at same level, but closer to vertical centerline of bus.

ii. The amber lamps shall be activated, approximately 300 feet prior to each school bus stop, either by a hand button that is identified and easily accessible to the belted bus driver or by a foot switch located on the floor board directly in front of where a clutch pedal normally would be located.

3. The system of red and amber signal lamps shall be wired so that amber lamps are energized manually, and red lamps are automatically energized (with amber lamps being automatically de-energized) when stop signal arm is extended or when bus service door is opened.

4. All flashers for alternately flashing red and amber signal lamps shall be enclosed in the body in a readily accessible location.

5. Each school bus shall be equipped with a system which monitors the front and rear alternately flashing signal lamps and the monitor shall be mounted in full view of the driver. If the full circuit current passes through the monitor, each circuit shall be protected by a fuse or circuit breaker.

6. The area around the lens and extending outward approximately three inches from each alternately flashing signal lamp shall be black in color. In those installations where there is no flat vertical portion of the body immediately surrounding the entire lens of lamp, a circular or square band approximately three inches wide, immediately below and to both sides of the lens, shall be black in color on the body or roof area against which the signal lamp is seen from a distance of 500 feet along axis of vehicle.

7. Visors or hoods, black in color, with a minimum depth of four inches shall be provided.

8. If strobe alternately flashing signal lamps are utilized, the front and rear signal lamps shall be equipped with eight seven inch sealed beam electronic strobe lamps, four red and four amber, working in an automatic integrated system. The exterior surface of lens shall be smooth and meet SAE color requirements. Strobe alternately flashing signal lamps are only permitted on Type C and D buses.

i. The solid-state strobe power supply shall provide the electrical power to energize the sealed beam flash tubes. The power supply shall energize the lamps at a combined alternating flash rate of 120-128 flashes per minute. The power supply shall be fully enclosed in a metal container, with a minimum metal wall thickness of .060 inches, and mounted within the front or rear bulkheads.

(f) The requirements in (e) above also apply to buses under the jurisdiction of the Department of Transportation, approved for school use, contracted by a local board of education for transportation to and from school.

(g) The bus body shall be equipped with rear turn signal lamps that are at least seven inches in diameter or if a shape other than round, a minimum 38 square inches of illuminated area and meet SAE standards. These signals must be connected to the chassis hazard wiring switch to cause simultaneous flashing of turn signal lamps when needed as vehicular traffic hazard warning. Turn signal lamps are to be placed as wide apart as practical and their centerline shall be approximately eight inches below the rear window.

1. On Type A buses, the lamps must be at least 21 square inches in lens area.

(h) Buses shall be equipped with four combination red stop/tail lamps as follows:

1. Two combination lamps with a minimum diameter of seven inches, or if a shape other than round, a minimum 38 square inches of illuminated area shall be mounted on the rear of the bus just inside the turn signals.

2. Two combination lamps with a minimum diameter of four inches, or if a shape other than round, a minimum 12 square inches of illuminated area shall be placed on the rear of the body between the beltline and the floor line. Rear license plate lamp may be combined with one lower tail lamp. Stop lamps shall be activated by the service brakes and shall emit a steady light when illuminated.

3. Type A buses may conform to the chassis manufacturer's standard.

13:20-49C.23 Metal treatment

(a) All metal used in construction of bus body shall be zinc coated or aluminum coated or treated by equivalent process before bus is constructed. Included are such items as structural members, inside and outside panels, door panels, and floor sills; excluded are such items as door handles, grab handles, interior decorative parts, and other interior plated parts.

(b) All metal parts that will be painted shall be chemically cleaned, etched, zinc-phosphate coated, and zinc-chromate or epoxy primed or conditioned by equivalent process.

(c) In providing for these requirements, particular attention shall be given lapped surfaces, welded connections of structural members, cut edges, punched or drilled hole areas in sheet metal, closed or box sections, unvented or undrained areas, and surfaces subjected to abrasion during vehicle operation.

(d) As evidence that the above requirements have been met, samples of materials and sections used in the construction of the bus body shall not lose more than 10 percent of material by weight when subjected to 1,000 hour salt spray test as provided for in the NSFSB.

13:20-49C.24 Mirrors

(a) An interior mirror shall be provided which is either clear view laminated glass or clear view glass bonded to a backing which retains the glass in the event of breakage. Mirror shall be a minimum of six inches by 30 inches. The mirror shall have rounded corners and protected edges.

1. On a Type A bus, the mirror shall be a minimum of six inches by 16 inches.

(b) Buses shall be equipped with a system of exterior mirrors which conform to current applicable FMVSS as follows:

1. A rear vision mirror system which shall be capable of providing a view along the left and right sides of the vehicle which will provide the driver with a view of the rear tires at ground level, a minimum distance of 200 feet to the rear of the bus and at least 12 feet perpendicular to the side of the bus at the rear axle line; and

2. A crossview mirror system which shall provide the driver with indirect vision of an area at ground level from the front bumper forward and the entire width of the bus to a point where the driver can see by direct vision. The crossview system shall also provide the driver with indirect vision of the area at ground level around the left and right front corners of the bus to include the tires and entrance door on all types of buses to a point where it overlaps with the rear vision mirror system.

i. No portion of the crossview mirror assembly shall project more than six inches forward or laterally from the outer-most limits of the vehicle at point of installation.

ii. No portion of the crossview mirror assembly shall unduly obstruct the light emitted from any required lamp or the driver's view of vehicular traffic.

3. Stick-on convex mirrors shall not be attached to any mirror surface.

13:20-49C.25 Mounting

(a) The chassis frame shall support the rear body cross member. The bus body shall be attached to the chassis frame at each main floor sill, except where chassis components interfere, in such manner as to prevent shifting or separation of body from chassis under severe operation conditions.

1. The distance between the fasteners which secure the body to the chassis shall not exceed 42 inches.

2. The fasteners shall be located directly opposite each other along the longitudinal length of the chassis frame.

(b) Insulation material shall be placed at all contact points between the body and the chassis frame on body on chassis type buses, and shall be attached to the chassis frame or body so that it will not move under severe operating conditions.

13:20-49C.26 Overall length

Overall length of bus shall not exceed 40 feet.

13:20-49C.27 Overall width

Overall width of bus shall not exceed 96 inches excluding accessories.

13:20-49C.28 Reflectors

(a) Reflectors are required on buses which comply with current applicable FMVSS as follows:

1. On the rear: Two red reflectors, equally spaced as far from the center as practical and at the same height.
2. On each side: Two reflectors on each side, one amber, at or near the front and one red at or near the rear.
3. One amber reflector on each side of the bus body as near the center as practical shall be provided on buses 30 feet or more in length.

13:20-49C.29 Rub rails

(a) There shall be one rub rail located on each side of bus approximately at seat level which shall extend from rear side of entrance door completely around bus body (except emergency door) to point of curvature near outside cowl on left side.

(b) There shall be one rub rail located approximately at floor line which shall cover same longitudinal area as upper rub rail, except at wheelhousing, and shall extend only to radii of right and left rear corners.

(c) Each rub rail shall be attached at each body post, and all other upright structural members.

(d) Each rub rail, in their finished form, shall be four inches or more in width. They shall be of 16 gauge steel or suitable material of equivalent strength, and shall be constructed in corrugated or ribbed fashion.

(e) Both rub rails shall be applied outside body or outside body posts. Pressed-in or snap-on rub rails do not satisfy this requirement.

(f) On Type A and B buses with a chassis manufacturer's body, or Type C and D buses with a rear luggage or a rear engine compartment, rub rails are not required to extend around rear corners.

13:20-49C.30 Sanders and traction device

(a) When used, sanders shall:

1. Be of hopper cartridge-valve type;
2. Have a metal hopper with all interior surfaces treated to prevent condensation of moisture;
3. Be of at least 100 pound (grit) capacity;
4. Have a cover on the filler opening of the hopper, which screws into place, sealing unit airtight;
5. Have discharge tubes extending to front of each rear wheel under fender;
6. Have no-clogging discharge tubes with slush-proof, non-freezing rubber nozzles;

7. Be operated by an electric switch with a telltale pilot light mounted on the instrument panel;

8. Be exclusively driver-controlled; and

9. Have a gauge to indicate that hoppers need refilling when they are down to one-quarter full.

(b) Automatic traction chains may be used.

13:20-49C.31 Seat belt for driver and students

(a) A type 2 lap belt/shoulder seat belt shall be provided for the driver. The assembly shall be equipped with an emergency locking retractor for the continuous belt system. The lap portion of the belt shall be guided or anchored where practical to prevent the driver from sliding sideways under it.

(b) The seat belt shall have a button type latch and the floor anchored belt section shall be booted to keep the buckle within driver's reach.

(c) Buses with a chassis manufacturer date of October, 1992 or thereafter shall be equipped with seat belts and 28 inch high back seats in accordance with P.L. 1992, c.92.

(d) Buses equipped with seat belts shall also contain a belt cutter for use in an emergency. The belt cutter shall be designed to prevent injury during use and secured in a safe location.

Amended by R.1994 d.404, effective August 1, 1994.
See: 26 N.J.R. 1997(a), 26 N.J.R. 3164(a).

13:20-49C.32 Seats and crash barriers

(a) All seats shall have minimum depth of 15 inches.

(b) Seat backs shall be a minimum of 28 inches high and a minimum 24 inches above the seating reference point.

1. This requirement shall apply only to school buses and equipment for which a bid is submitted or an order for purchase placed on or after September 8, 1992.

(c) Seat, seat back cushion and crash barrier shall be covered with a material having 42-ounce finished weight, 54 inches width, and finished vinyl coating of 1.06 broken twill, or other material with equal tensile strength, tear strength, seam strength, adhesion strength, resistance to abrasion, resistance to cold, and flex separation, and meets the criteria contained in the NSFBS Fire Block Test for school bus seat upholstery.

1. Damaged or vandalized covers of seat cushions, seat backs, and crash barriers equipped with flame-retardant materials shall be repaired in a manner to maintain the original flame-retardant protection.

(d) All seats shall be forward facing.

(c) Glass in all side and rear windows shall be of AS-2 or better grade. Equivalent plastic AS-4 or better shall only be used in side windows of the bus behind the driver.

(d) The windshield shall have a horizontal gradient tinted band starting slightly above the line of a driver's vision and gradually decreasing in light transmission to 20 percent or less at the top of the windshield. Glass in the windshield shall be of AS-1 grade.

1. Glass in the windshield shall be heat-absorbent, laminated plate. The windshield shall be large enough to permit the driver to see the roadway clearly, shall be slanted to reduce glare, and shall be installed between the front corner posts that are so designed and placed as to afford minimum obstruction to the driver's view of the roadway.

(e) All glass in the windshield, windows and doors shall be approved safety glass, so mounted that a permanent mark is visible, and of sufficient quality to prevent distortion of the view in any direction.

(f) All exposed edges of glass shall be banded.

(g) The windows in the rear of the bus shall be stationary.

(h) Windows shall be free of window guards or bars both inside and outside.

13:20-49C.47 Windshield washers

A windshield washer system shall be provided.

13:20-49C.48 Windshield wipers

(a) A windshield wiping system, two-speed or more, shall be provided.

(b) The wipers shall be operated by one or more air or electric motors of sufficient power to operate wipers. If one motor is used, the wipers shall work in tandem to give full sweep of windshield.

13:20-49C.49 Wiring

(a) All wiring shall conform to current applicable SAE standards.

(b) Wiring shall be arranged in circuits as required with each circuit protected by a fuse or circuit breaker. One extra fuse for each size fuse which is used on the bus shall be conveniently located in the fuse area unless the bus is equipped with circuit breakers. A system of color and number coding shall be used.

1. The following body interconnecting circuits shall be color coded as follows:

Function	Color
Left Rear Directional Light	Yellow
Right Rear Directional Light	Dark Green
Stoplights	Red

Function	Color
Back-Up Lights	Blue
Taillights	Brown
Ground	White
Ignition Feed, Primary Feed	Black

2. The color of the cables shall correspond to current applicable SAE standards.

3. Wiring shall be arranged in at least six regular circuits, as follows:

- i. Head, tail, stop (brake), and instrument panel lamps;
- ii. Clearance and step-well lamps (step-well lamp shall be actuated when entrance door is opened);
- iii. Dome lamp;
- iv. Ignition and emergency door signal;
- v. Turn signal lamps; and
- vi. Alternately flashing signal lamps.

4. Any of above combination circuits may be subdivided into additional independent circuits.

5. Whenever heaters and defrosters are used, at least one additional circuit shall be installed.

6. Whenever possible, all other electrical functions (such as sanders and electric-type windshield wipers) shall be provided with independent and properly protected circuits.

7. Each body circuit shall be coded by number or letter on a diagram of circuits and shall be attached to the body in readily accessible location.

(c) The entire electrical system of the body shall be designed for the same voltage as the chassis on which the body is mounted.

(d) All wiring shall have an amperage capacity equal to or exceeding the designed load. All wiring splices shall be in an accessible location and noted as splices on the wiring diagram.

(e) An easily readable body wiring diagram shall be furnished with each bus body or affixed in an area convenient to the electrical accessory control panel.

(f) The main power supply to the body shall be attached to a terminal on the chassis.

(g) Wires passing through metal openings shall be protected by a grommet.

(h) Wires not enclosed within the body shall be fastened securely at intervals of not more than 18 inches. All joints shall be soldered or joined by equally effective connectors.

(i) A heavy duty solenoid switch shall be installed in main electric power supply line to body circuits on Types B, C and D buses. The solenoid switch shall be energized by the bus ignition switch. Hazard and directional signal lamp circuits shall operate independently of the ignition switch.

**SUBCHAPTER 49D. SPECIALLY EQUIPPED
SCHOOL BUS STANDARDS FOR BUSES
USED FOR PUPIL TRANSPORTATION
MANUFACTURED JUNE 1993 THROUGH
DECEMBER 2005**

13:20-49D.1 Scope

(a) The following standards address modifications to buses designed for transporting students with special transportation needs. These standards are supplementary to the chassis and body standards established in N.J.A.C. 13:20-49B and 49C.

(b) Specially equipped buses shall meet the body and chassis standards of N.J.A.C. 13:20-49B and 49C prior to any modifications made for mobile seating device positions or special equipment such as a power lift.

(c) A bus used for the transportation of children confined to a wheelchair or other mobile positioning device, or who require life support equipment which prohibits the use of the entrance door, shall be equipped with a power lift.

13:20-49D.2 Aisle

The aisle leading to emergency and power lift doors from a wheelchair position shall be a minimum width of 30 inches.

Amended by R.1994 d.404, effective August 1, 1994.
See: 26 N.J.R. 1997(a), 26 N.J.R. 3164(a).

13:20-49D.3 Communications

Buses shall be equipped with an electronic voice communication system, preferably not citizen band equipment.

13:20-49D.4 Doors

(a) Buses with a power lift shall be equipped with a special entrance door to accommodate the power lift.

1. The door shall be located on the right side of the bus and designed so as not to obstruct the regular entrance door.

2. The opening may extend below the floor through the bottom of the body skirt. If such an opening is used, reinforcements shall be installed at the front and rear of the floor opening to support the floor. This opening shall be the same strength as other floor openings.

3. A drip molding shall be installed above the door opening to divert water from the entrance.

4. The door posts and headers shall be reinforced to provide support and strength equivalent to the sides of the bus.

5. A single door or double doors may be used.

6. The doors shall have fastening devices to hold the doors open.

7. The doors shall be weather sealed.

8. When manually operated dual doors are provided, the rear door shall have at least a one point fastening device to the header. The forward mounted door shall have at least three point fastening devices; one to the header, one to the floor line of the body, and one into the rear door.

i. The door and hinge mechanism strength shall be equivalent or greater than the strength of the emergency exit door.

9. The door material, panels and structural strength shall be equivalent to the entrance and emergency doors. The rub rail extensions, lettering and other exterior features shall match adjacent sections of the body.

10. The door shall have windows set in rubber compatible within one inch of the lower line of the adjacent sash.

11. Doors shall be equipped with a device that will actuate an audible or flashing visible signal, located in the driver's compartment, when the doors are not securely closed and the ignition is in the "on" position.

12. A switch shall be installed so that the lifting mechanism will not operate when the lift platform door is closed.

13. Doors shall be equipped with padding at the top edge of the door opening. The padding shall be at least three inches wide and one inch thick. It shall extend the full width of the door opening.

13:20-49D.5 Glass

(a) Tinted safety glass or tinted plastic may be installed in side windows of the bus to the rear of the driver which complies with applicable Division of Motor Vehicle requirements.

(b) Tinted safety glass shall be AS-3 or better grade.

13:20-49D.6 Identification

(a) A bus equipped with a power lift shall display at least one universal handicapped symbol on the back of the bus and below the windowline.

1. The symbol shall not exceed 12 inches in size, be white on a blue background, and be of a high intensity reflectorized material as specified in NSFSB.

13:20-49D.7 Lights

Lights shall be placed inside the bus to sufficiently illuminate the lift door area.

13:20-49D.8 Power Lift

(a) The power lift with a skid resistant platform shall be located on the right side of the bus body and confined within the bus body when not extended.

(b) The lifting mechanism and platform shall be capable of lifting a minimum weight of 800 pounds. The lift platform shall have a minimum of 30 inches clear width unobstructed by the required handrail. The minimum clear length of the platform between the outer edge barrier and inner edge shall be 40 inches.

(c) When the platform is stored, it shall be securely fastened.

(d) Controls shall be provided that enable the operator to activate the lift mechanism from either inside or outside of the bus.

(e) The lift platform shall be designed to prevent the platform from falling while in operation due to a power failure or a single component mechanical failure.

(f) The power lift shall be equipped with a manual back-up system for use in the event of a power failure.

(g) The lift shall be designed to allow the lift platform to rest securely on the ground.

(h) The outboard platform edge and sides shall be designed to restrain a wheelchair or other mobile seating device from slipping or rolling off the platform. The platform outer edge barrier shall be designed to be automatically or manually lowered when the platform is at ground level, but shall not be equipped with any type of latch which could result in a lowered barrier when the platform is above ground level.

(i) The platform shall be equipped with at least one handrail. The handrail shall be approximately 25 to 34 inches in height and a minimum of 18 inches in length and designed to fold when it is in a stored position.

(j) A self-adjusting, skid resistant plate shall be installed on the outer edge of the platform to minimize the incline from the lift platform to the ground level. This plate, if so designed, may also serve as the restraining device described in (h) above.

(k) A circuit breaker shall be installed between the power source and lift motor if electrical power is used.

(l) The lift design shall prevent excessive pressure that could damage the lift system when the platform is fully lowered or raised.

(m) The lift mechanism shall be designed to prevent the lift platform from being folded or stored when occupied.

(n) An interlock shall be provided to prevent the operation of the bus while the lift or ramp is not in its fully stored and locked position.

13:20-49D.9 Ramp

(a) When a power lift system is not adequate to load and unload students with special needs, a ramp device may be used.

1. When a ramp is used, it shall be of sufficient strength and rigidity to support the mobile device, occupant, and attendant(s). It shall be equipped with a protective flange on each longitudinal side to keep the mobile device on the ramp.

2. The ramp floor shall be of non-skid construction.

3. The ramp shall be equipped with handles and of a weight and design that enables one person to lift or move the ramp.

4. The ramp shall have at least three feet of length for each foot of incline.

13:20-49D.10 Restraining devices

Seat frames may be equipped with attachments or devices to which belts, restraining harnesses or other devices may be attached. Attachment framework or anchorage devices, if installed, shall conform with FMVSS.

13:20-49D.11 Seating arrangements

Flexibility in seat spacing to accommodate special devices shall be permitted to meet passenger requirements. All seating shall be forward facing.

13:20-49D.12 Securement system for mobile seating device and occupant

(a) The body shall be designed for positioning and securement of mobile seating devices and occupants in a forward facing position. Securement system hardware and attachment points for the forward facing system shall be provided.

(b) The mobile seating device securement system shall utilize four-point tie downs, with a minimum of two body floor attachment points located at the rear and a minimum of two body floor attachment points at the front of the space designated for the mobile seating device.

(c) A type 2 occupant securement system shall be provided for securement of the occupant's pelvic lap area and upper torso area.

(d) The mobile seating device and occupant securement system shall be designed to withstand a sled-test at a minimum impact speed/force of 30 mph/20 G's. The dy-

namic test shall be performed using system components and hardware (including attachment hardware) which are identical to the final installation in type, configuration, and positioning. The body structure at the attachment points may be simulated for the purpose of the sled test, but the simulated structure used to pass the sled test may not exceed the strength of the attachment structure to be used in the final body installation. The mobile seating device used for test purposes shall be a 150 pound powered wheelchair and the occupant shall be a 50th percentile male test dummy as specified in FMVSS. Measurements shall be made on the test dummy during the test for head acceleration, upper thorax acceleration, and upper leg compressive force. These measurements shall not exceed the upper limits established in applicable FMVSS. The test dummy shall be retained within the securement system throughout the test and forward excursion shall be such that no portion of the test dummy's head or knee pivot points passes through a vertical transverse plane intersecting the forward-most point of the floor space designed for the mobile seating device. All hardware shall remain positively attached throughout the test and there shall be no failure of any component. Each mobile seating device belt assembly including attachments, hardware and anchorages shall be capable of withstanding a force of not less than 2,500 pounds. This will provide equal mobile seating device securement when subjected to forces generated by forward, rear or side impact.

(e) The belt material at each space designated for the mobile seating device and the occupant restraint system shall be similar in size and fabric.

(f) The floor track or anchorage system shall be recessed into the floor with the top of the track or anchorage level with the floor surface or be surface mounted. If surface mounted, the maximum track or anchorage height above the floor surface shall not exceed $\frac{3}{4}$ inch and be ramped on all sides with a ramp run/rise ratio not less than three to one.

(g) The occupant securement belt assemblies and anchorages shall meet the requirements of applicable FMVSS.

(h) The occupant securement system shall be designed to be attached to the bus body either directly or in combination with the mobile seating device securement system, by a method which prohibits the transfer of weight or force from the mobile seating device to the occupant in the event of an impact.

(i) Securement system attachments or coupling hardware not permanently attached shall be designed to prohibit it from being accidentally disconnected.

1. The following fasteners shall not be used for any occupant restraint or equipment securement:

- i. T-bar or T-hook fasteners; or
- ii. Touch fasteners, vinyl lap and shoulder belts.

(j) All attachment or coupling systems shall be accessible and operable without the use of tools or other mechanical assistance.

(k) All securement system hardware and components shall be free of sharp or jagged areas and shall be of a non-corrosive material or treated to resist corrosion.

(l) The occupant securement system shall be made of materials which do not stain, soil, or damage an occupant's clothing.

(m) The mobile seating device or securement system hardware shall not block the access to the lift door.

(n) The following information shall be provided with each bus equipped with a securement system:

1. Detailed instructions regarding installation and use of the system, including a parts list; and
2. Detailed instructions, including a diagram, regarding the proper placement and positioning of the system, including correct belt angles.

13:20-49D.13 Steps

(a) The first step at the entrance door shall be not less than 10 inches and not more than 14 inches from the ground, based on standard chassis specifications.

1. The first step on a Type D bus at the entrance door shall be 12 to 16 inches from the ground.

(b) Step risers shall not exceed a height of 10 inches. When plywood is used on a steel floor or step, the riser height may be increased by the thickness of the plywood.

(c) On buses equipped with a power lift, the steps shall be the full width of the stepwell, excluding the thickness of the doors in an open position.

(d) The steps shall be enclosed to prevent the accumulation of ice and snow.

(e) The steps shall not protrude beyond the sides of the body line.

(f) Grab handles, not less than 20 inches in length, shall be provided inside the doorway on both sides in unobstructed locations.

13:20-49D.14 Support equipment and accessories

(a) Portable student support equipment or special accessory items (crutches, walkers, oxygen bottles, ventilators) shall be securely fastened at a mounting location able to withstand a pulling force of five times the weight of the item, or shall be retained in an enclosed, latched compartment.

1. The bus shall contain a belt cutter for use in emergencies, including evacuations. The belt cutter shall be designed to prevent injuries during use and secured in a safe location.

13:20-49D.15 Wheelchair and other mobile seating device requirements

(a) A wheelchair or other mobile seating device shall be equipped with an occupant restraint belt and hand brake which is furnished and maintained by the owner.

(b) An electric powered wheelchair shall be equipped with gel-cel (non-liquid electrolyte) battery. Batteries with liquid electrolyte are not permitted in the passenger compartment of the bus.

SUBCHAPTER 49E. AUTOBUSES APPROVED FOR PUPIL TRANSPORTATION BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION PRIOR TO MAY 21, 1993

13:20-49E.1 Scope of exceptions and exemptions

The exceptions and exemptions set forth in this subchapter shall apply to autobuses approved for school use by the New Jersey Department of Transportation prior to May 21, 1993.

Amended by R.1992 d.397, effective November 2, 1992.
See: 24 N.J.R. 2109(a), 24 N.J.R. 4069(a).

Added reference to Department of Transportation and effective date.
Amended by R.2005 d.24, effective January 18, 2005.
See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

13:20-49E.2 Exceptions and exemptions

(a) The prohibition against advertisements of any kind on either the interior or exterior of the vehicle shall not apply.

(b) The seat requirements imposed pursuant to N.J.A.C. 13:20-49.1 and 49.3(w) shall not apply to longitudinal seats seating not more than four pupils.

(c) The entrance door and the emergency door with aisles leading to each shall be deemed to be in compliance with the requirement for doors imposed pursuant to N.J.A.C. 13:20-49.1 and 49.3(d).

(d) The requirement imposed pursuant to N.J.A.C. 13:20-49.1 and 49.3(f) to have the words "Emergency Door" applied to the inside and outside of the emergency door shall not apply.

(e) In lieu of the lettering, Type I school vehicles that are operated by a privately or publicly owned local transit system and used for regular common carrier transit route service as well as special school route service shall meet the

requirements of N.J.A.C. 13:20-49.1 and 49.3(h), except as follows:

1. Such vehicles shall, while transporting children to and from school, be equipped with signs, located conspicuously on the front and back of the vehicle:

i. The sign on the front shall have the words "School Bus" printed in black letters not less than six inches high on a background of national school bus glossy yellow;

ii. The sign on the rear shall be at least ten square feet in size and shall be painted national school bus glossy yellow and have the words "School Bus" printed in black letters not less than eight inches high.

(f) The requirements for the main aisle and the aisle to the emergency door imposed pursuant to N.J.A.C. 13:20-49.1 and 49.3(a) shall not apply.

(g) The requirement pursuant to N.J.A.C. 13:20-49.1 for bumpers shall not apply.

(h) The window requirements imposed pursuant to N.J.A.C. 13:20-49.1 and 49.3(y) shall not apply.

(i) The color requirements imposed pursuant to N.J.A.C. 13:20-49.1 and 49.2(e) shall not apply.

Amended by R.1974 d.90, effective April 11, 1974.
See: 6 N.J.R. 99(a), 6 N.J.R. 172(c).

Amended by R.1992 d.397, effective November 2, 1992.
See: 24 N.J.R. 2109(a), 24 N.J.R. 4069(a).

Deleted cross reference to obsolete rules and added cross reference to current rules in N.J.A.C. 6:21-5.
Amended by R.2005 d.24, effective January 18, 2005.
See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

Rewrote the section. Amended N.J.A.C. references throughout.

13:20-49E.3 Certificate of inspection

(a) No autobus under jurisdiction of the Department of Transportation shall be used for school pupil transportation services, as defined in N.J.S.A. 18A:39-1 and under contract with a local board of education for transportation to and from school, unless such autobus is authorized on the certificate of inspection issued by the Department of Transportation.

(b) Owners or operators of buses approved by the Department of Transportation shall submit evidence of such approval to the county superintendent at such times as may be deemed necessary.

Amended by R.1992 d.397, effective November 2, 1992.
See: 24 N.J.R. 2109(a), 24 N.J.R. 4069(a).

Deleted obsolete reference to jurisdiction of the Board of Public Utilities and replaced with Department of Transportation.

13:20-49E.4 Inspection by county superintendent

(a) The county superintendent may inspect any bus approved by the Department of Transportation for any item not covered by the approval of that department and from which they are not specifically exempted by these rules.

(b) Whenever, in the opinion of the county superintendent, a bus chassis or body is outworn or in a dilapidated condition, it shall not be used for pupil transportation.

Amended by R.1992 d.397, effective November 2, 1992.

See: 24 N.J.R. 2109(a), 24 N.J.R. 4069(a).

Deleted obsolete reference to jurisdiction of the Board of Public Utilities and replaced with Department of Transportation.

SUBCHAPTER 49F. (RESERVED)**Subchapter Historical Note**

Subchapter 49F, Small Vehicle Standards, was repealed by R.2003 d.36, effective January 21, 2003. See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

SUBCHAPTER 49G. (RESERVED)**Subchapter Historical Note**

Subchapter 49G, Inspection, was repealed by R.2005 d.24, effective January 18, 2005. See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

SUBCHAPTER 49H. (RESERVED)**SUBCHAPTER 50. STANDARDS FOR SCHOOL BUSES MANUFACTURED JANUARY 2006 AND THEREAFTER****Authority**

N.J.S.A. 39:3B-5, 39:3B-10, 39:3B-24 and Reorganization Plan No. 005-1998.

Source and Effective Date

R.2005 d.24, effective January 18, 2005.
See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

13:20-50.1 Scope and purpose

(a) This subchapter shall be applicable to all motor vehicles registered in New Jersey originally designed by the manufacturer to carry 10 or more passengers, excluding the driver, operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education, school-connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. All such motor vehicles shall be registered as school buses in accordance with N.J.S.A. 39:3-19.2 and shall comply with the rules set forth in this subchapter and in N.J.A.C. 13:20-50A, 50B and 50C, and all applicable Federal standards. A motor vehicle shall not be used for the purposes set forth in this subsection unless it has been registered as a school bus in accordance with N.J.S.A. 39:3-19.2 and complies with the rules set forth in this subchapter and in N.J.A.C. 13:20-50A, 50B and 50C, and all applicable Federal standards.

(b) Each school bus shall be inspected twice each year by the Commission's School Bus Inspection Unit to ensure that such vehicle is in safe and proper operating condition. The time and location of the inspections shall be established by the Chief Administrator or his or her designee.

(c) The rules set forth in this subchapter and in N.J.A.C. 13:20-50A, 50B and 50C shall not apply to autobuses approved for school use and subject to inspection by the Commission's Commercial Bus Inspection and Investigation Unit unless otherwise provided.

(d) An autobus subject to inspection by the Commission's Commercial Bus Inspection and Investigation Unit that is used for the transportation of children to or from school shall display a certificate of inspection issued by the Commission indicating school use. An autobus is exempt from displaying a certificate for school use issued by the Commission when being used on a preset franchised route and schedule or chartered for school-connected activities.

(e) A parent or legal guardian under contract with a district board of education to transport only his or her own child or children shall not be required to possess a commercial driver license or to use a motor vehicle registered as a school bus.

(f) The rules set forth in this subchapter and in N.J.A.C. 13:20-50A, 50B and 50C shall apply to school buses with a January 2006 or later incomplete chassis manufacture date unless otherwise provided. School buses manufactured prior to January 2006 shall comply with the standards in effect when the school bus was manufactured or converted.

(g) All equipment and components required by this subchapter and by N.J.A.C. 13:20-50A, 50B and 50C shall be maintained in proper operating condition at all times.

13:20-50.2 Definitions

The following words and terms, when used in this subchapter and in N.J.A.C. 13:20-50A, 50B and 50C, shall have the following meanings unless the context clearly indicates otherwise.

“Capacity” means the maximum permitted number of seated passengers if the vehicle contains no wheelchair positions, or the maximum permitted number of wheelchair positions if the vehicle contains no seated passengers, as certified by the manufacturer on the vehicle manufacturer’s certification plate.

“Chief Administrator” means the Chief Administrator of the New Jersey Motor Vehicle Commission.

“Commission” means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c.13 (N.J.S.A. 39:2A-4).

“Completed vehicle” means a vehicle that requires no further manufacturing operation to perform its intended function.

“Driver” means the authorized licensed operator of a school bus.

“FMCSR” means the Federal Motor Carrier Safety Regulations as found in the Code of Federal Regulations (49 CFR Part 393). Copies of the Federal Motor Carrier Safety Regulations as found in the Code of Federal Regulations may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3238.

“FMVSS” means the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 CFR Part 571). Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3238.

“Gross axle weight rating” or “GAWR” means the value specified by the manufacturer as the load-carrying capacity of a single axle system, as measured at the tire-ground interfaces.

“Gross vehicle weight” or “GVW” means the total weight of a single vehicle plus its load.

“Gross vehicle weight rating” or “GVWR” means the value specified by the manufacturer as the maximum loaded weight of a single vehicle.

“Incomplete chassis” means an assemblage consisting, at a minimum, of frame and chassis structure, power train, steering system, suspension system and braking system, to the extent that those systems are to be part of the complet-

ed vehicle, that requires further manufacturing operation to become a completed vehicle.

“Incomplete chassis manufacture date” means the incomplete vehicle date established by the chassis manufacturer. This date governs the chassis and body manufacturing standards and inspection standards that are applicable to such vehicle.

“Manufacturer” means a person engaged in the business of manufacturing or assembling school buses.

“NSTSP” means the National School Transportation Specifications and Procedures, 2000 Revised Edition (May 2000), which have been issued by the 2000 National Conference on School Transportation. Copies of this publication may be obtained from the Missouri Safety Center, Central Missouri State University, Humphreys Suite 201, Warrensburg, MO 64093, (660) 543-4830.

“Operator” means the owner or person responsible for the day-to-day operation and maintenance of a school bus.

“Parking brake” means a mechanism designed to prevent the movement of a stationary vehicle.

“Passenger” means any person riding in a school bus other than the driver.

“Passenger seat” means a seat other than the driver’s seat.

“Person” means any natural person, business, company, firm, partnership, association, corporation, or any other entity.

“SAE” means the Society of Automotive Engineers, Inc. Copies of the Standards and Recommended Practices of the Society of Automotive Engineers may be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096, (724) 776-4841.

“School bus” or “bus” when used in N.J.A.C. 13:20-50A, 50B, 50C, and this subchapter shall refer to Type A, B, C, and D school buses, which shall be classified in the following manner:

1. A “Type A” school bus is a conversion or body constructed and installed upon a van-type compact truck or a front-section vehicle chassis, with a GVWR of 10,000 pounds or less, originally designed by the manufacturer for carrying 10 to 16 passengers;
2. A “Type B” school bus is constructed utilizing a stripped or cutaway chassis with a GVWR of more than 10,000 pounds, originally designed by the manufacturer for carrying 10 to 54 passengers. Part of the engine is beneath and/or behind the windshield and beside the driver’s seat. The service door is behind the front wheels;

3. A "Type C" school bus is a body installed upon a flat back cowl chassis with a GVWR of more than 10,000 pounds, originally designed by the manufacturer for carrying 10 to 54 passengers. The engine is in front of the windshield, or part of the engine is beneath and/or behind the windshield and beside the driver's seat. The service door is behind the front wheels; and

4. A "Type D" school bus is a body installed upon a chassis, with the engine mounted in the front, middle, or rear, with a GVWR of more than 10,000 pounds, originally designed by the manufacturer for carrying 10 to 54 passengers. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the school bus, behind the rear wheels; or it may be in the middle of the school bus between the front and rear axles. The service door is ahead of the front wheels.

"School bus signal warning lamps" means eight alternately flashing red or amber lamps, mounted horizontally both front and rear, intended to identify a vehicle as a school bus and to inform other users of the highway that the vehicle is stopped or about to stop.

"Seating capacity" means the manufacturer's original passenger capacity design as noted on the manufacturer's vehicle certification plate.

"Service brakes" means the primary mechanism designed to stop a motor vehicle.

"Track seating" means a system installed for the purpose of seating and wheelchair position flexibility.

"UL" means the Underwriters' Laboratories, Inc.

"Vehicle manufacturer's certification plate" means the plate issued by the school bus body manufacturer in accordance with N.J.A.C. 13:20-50.3.

"Vendor" means any person engaged in the business of buying, selling, leasing, or exchanging school buses.

13:20-50.3 Vehicle manufacturer's certification plate; chassis, body, and/or equipment manufacturer's certification; converter's certification; vendor's certification

(a) The manufacturer of a completed vehicle shall ensure that the vehicle manufacturer's certification plate contains at least the following information:

1. Vehicle identification number;
2. Incomplete chassis manufacture date and completed vehicle date;
3. The vehicle type (Type A, B, C, or D);
4. Gross vehicle weight and gross vehicle weight rating;

5. Maximum permitted seated passengers and maximum permitted wheelchair capacity;

6. Year, make, and model number;

7. Body and chassis manufacturer's name, address, and telephone number; and

8. A statement that the vehicle meets all applicable Federal standards.

(b) The maximum seated passenger and wheelchair positions as set forth on the vehicle manufacturer's certification plate shall specify the maximum possible seated passengers if there are no wheelchair positions and the maximum possible wheelchair positions if the vehicle contains no passenger seating. To determine capacity, 15 inches of seat space shall be allowed for each seated passenger and 30 inches by 48 inches of wheelchair space shall be allowed for each wheelchair position.

(c) The chassis and/or body manufacturer and any manufacturer of school bus equipment shall, upon request, provide evidence and/or certify to the Commission and the school bus operator that such chassis, body, and/or equipment meet the standards of this subchapter, N.J.A.C. 13:20-50A, 50B and 50C, and all applicable Federal standards.

(d) Any person who alters, converts, or modifies a certified "completed vehicle" shall certify to the Commission and the school bus operator that all alterations, conversions, and modifications conform to applicable Federal and State design, construction, testing, and performance standards, this subchapter, N.J.A.C. 13:20-50A, 50B and 50C, and all applicable Federal standards.

(e) A vendor who sells or leases a school bus for the transportation of children shall issue a "Vendor Certification Statement" to the buyer or lessee, signed by an authorized agent or officer of the company, certifying that the school bus meets all Federal and State standards. The "Vendor Certification Statement" shall identify the school bus by make, model, year, and vehicle identification number. The vendor shall also file a copy of the "Vendor Certification Statement" with the Commission's School Bus Inspection Unit.

SUBCHAPTER 50A. CHASSIS STANDARDS FOR SCHOOL BUSES MANUFACTURED JANUARY 2006 AND THEREAFTER

Authority

N.J.S.A. 39:3B-5, 39:3B-10, 39:3B-24 and
Reorganization Plan No. 005-1998.

Source and Effective Date

R.2005 d.24, effective January 18, 2005.
See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

13:20-50A.1 Air cleaner

(a) The engine air intake cleaner system, including all duct tubing, shall be properly installed by the chassis manufacturer to meet the engine manufacturer's specifications.

(b) The engine air intake system for diesel engines shall have an air cleaner restriction indicator properly installed by the chassis manufacturer to meet the engine manufacturer's specifications.

13:20-50A.2 Axles

The front axle and rear differential, including suspension systems, shall have a GAWR at least equal to that portion of the load that may be carried in accordance with the chassis manufacturer's maximum GVWR.

13:20-50A.3 Brakes

(a) A brake system, including service brakes and parking brake, shall be provided.

(b) School buses using air in the operation of the brake system shall be equipped with a warning signal, readily audible or visible to the driver, that will emit a continuous warning when the air pressure available in the brake system is 60 pounds per square inch or less. The warning signal shall be capable of alerting the driver while the school bus is being operated. An illuminated gauge that will indicate to the driver the air pressure in the brake system in pounds per square inch shall be provided.

1. The brake system dry reservoir shall be safeguarded by a check valve or equivalent device so that in the event of failure or leakage in its connection to the source of compressed air, the stored dry air shall not be depleted by the failure or leakage.

(c) Except as otherwise provided for Type B school buses constructed on a cutaway chassis, Type B, C, and D school buses using a hydraulic-assist brake system shall be equipped with a back-up pump system and warning signal, readily audible or visible to the driver, that will emit a continuous warning in the event of a loss of fluid flow from the primary source or a failure of the back-up pump system. Type A school buses and Type B school buses constructed on a cutaway chassis using a hydraulic-assist brake system may be equipped in accordance with the chassis manufacturer's specifications.

(d) The brake lines, booster-assist lines, and control cables shall be protected from excessive heat, vibration, and corrosion and shall be installed in a manner so as to prevent chafing.

(e) The brake system shall be designed to permit the visual inspection of brake lining wear without the removal of any chassis components.

(f) The parking brake shall hold the school bus stationary, or to a limit of traction of the braked wheels, on a 20 percent grade under any condition of legal loading on a surface free of snow, ice, or loose material.

(g) When applied, the parking brake shall remain in the applied position with the capacity set forth in (f) above despite the exhaustion of the source of the energy used for the application of the parking brake or leakage of any kind.

(h) On Type A, B, C, and D school buses, the parking brake control shall be mounted in accordance with the chassis manufacturer's specifications to the right or left of the driver in a position that is easily accessible to the driver.

(i) The parking brake shall be equipped with a warning device visible to the driver that will indicate that the parking brake is engaged.

13:20-50A.4 Bumper, front

(a) A school bus shall be equipped with a front bumper. The front bumper shall be provided by the chassis manufacturer.

(b) The front bumper shall contain no sharp edges and shall be designed so as to prevent snagging.

(c) The front bumper shall be constructed of pressed steel channel or equivalent material. The front bumper shall be not less than eight inches high. The front bumper shall be black and shall extend beyond the forward most part of the body, grille, hood, and fenders of the school bus. The top line of the front bumper shall extend laterally to the outer edges of the fenders. Bumper brackets shall be secured to the bumper. Notwithstanding the front bumper requirements set forth in this subsection, the front bumpers on Type A school buses and Type B school buses constructed on a cutaway chassis may be in accordance with the chassis manufacturer's specifications.

(d) The front bumper, except breakaway bumper ends, shall be of sufficient strength to permit pushing another vehicle of equal GVW without permanent distortion to the bumper, chassis, or body.

(e) Type B, C, and D school buses may be equipped with tow eyes or hooks in accordance with the chassis manufacturer's specifications. Tow eyes or hooks shall be attached in a manner so as not to project beyond the front bumper.

13:20-50A.5 Clutch

The clutch torque capacity shall be equal to or greater than the engine torque output.

13:20-50A.6 Color

(a) The chassis, including the front bumper, shall be black.

(b) The body cowl, hood, and fenders shall be National School Bus Yellow. The hood may be black or nonreflective National School Bus Yellow.

(c) Wheels and rims shall be black, gray, white, chrome, silver, stainless steel, or National School Bus Yellow.

(d) The grille shall be gray, chrome, silver, stainless steel, or National School Bus Yellow.

13:20-50A.7 Drive shaft

A school bus shall be protected by a metal guard or guards around the circumference of the front half of the drive shaft to prevent the drive shaft from entering the passenger compartment through the floor or dropping to the ground if broken. If the drive shaft is manufactured in sections, each section of the drive shaft shall be protected by a metal guard or guards around its circumference.

13:20-50A.8 Electrical system

(a) School buses shall be equipped with a battery or batteries as specified by the chassis manufacturer.

1. The storage battery shall have a minimum cold cranking capacity rating equal to the cranking current required for 30 seconds at 0 degrees Fahrenheit and a minimum reserve capacity rating of 120 minutes at 25 amperes.

2. Battery cables shall have sufficient length to allow some slack.

(b) School buses shall be equipped with an alternator.

1. A Type A school bus shall have an alternator with a minimum output rating of 100 amperes per hour. A Type A school bus equipped with an electrical power lift and a Type B school bus shall have an alternator with a minimum output rating of 130 amperes per hour.

2. A Type C and D school bus shall have an alternator with a minimum output rating of 160 amperes per hour capable of producing a minimum of 50 percent of its maximum rated output at the engine manufacturer's recommended engine idle speed.

3. A school bus may be equipped with a direct-drive alternator in lieu of a belt-drive alternator. A belt-drive alternator shall be capable of handling the rated output capacity of the alternator with no detrimental affect on any other electrically-powered components or accessories.

(c) All wiring shall be of a standard color and number coding and shall conform to SAE Recommended Practice J1292 (October 1981), incorporated herein by reference, as amended and supplemented. Multiplex wiring may be used.

1. The chassis shall be delivered to the school bus operator with a wiring diagram that coincides with the wiring of the chassis.

2. The chassis manufacturer shall install a readily accessible terminal strip or plug on the body side of the cowl, or in an accessible location in the engine compartment of school buses designed without a cowl. The terminal strip or plug shall contain the following terminals for the body connections:

- i. Main 100 amperes body circuit;
- ii. Taillamps;
- iii. Right turn signal;
- iv. Left turn signal;
- v. Stoplamps;
- vi. Back-up lamps; and
- vii. Instrument panel lights that are rheostat-controlled by the headlamp switch.

13:20-50A.9 Exhaust system

(a) The exhaust pipe, muffler, and tailpipe shall be outside the school bus body compartment and shall be attached to the chassis.

(b) The exhaust system components shall not be installed in a location that is likely to result in the burning, charring, or damaging of the electrical wiring, the fuel supply, or any combustible part of the school bus. The exhaust system on a gasoline-powered chassis shall be properly insulated from the fuel system, including the fuel tank and fuel tank connections, by a securely attached metal shield at any point where an exhaust system component is 12 inches or less from the fuel tank or fuel tank connections. When a metal shield is required, the metal shield shall provide a minimum clearance of two inches between the exhaust system components and the electrical wiring, fuel tank, fuel tank connections, and/or combustible components.

(c) The tailpipe shall be constructed of a corrosion-resistant tubing material at least equal in strength and durability to 16-gauge steel tubing of equal diameter.

1. The exhaust system tailpipe shall terminate to the rear of all doors and windows designed to be opened for ventilation.

2. The exhaust system shall not discharge to the atmosphere immediately below an emergency exit, fuel tank, or fuel tank fill pipe.

(c) Springs shall be aligned by a centering pin.

(d) U-bolts shall be secured by nuts.

13:20-50A.24 Steering gear

(a) The steering gear shall conform to the chassis manufacturer's standard and shall be designed to ensure proper performance when the school bus is operated with maximum load and at maximum speed.

(b) The steering mechanism shall be accessible for external adjustment.

(c) No changes shall be made to the steering apparatus that are not approved by the chassis manufacturer.

(d) There shall be a clearance of at least two inches between the steering wheel and the cowl, instrument panel, windshield, or any other surface.

(e) Power steering is required and shall be of the integral-type with integral valves.

(f) The steering system shall be designed to provide a means of lubrication for all wear points, if wear points are not permanently lubricated.

13:20-50A.25 Tires and rims

(a) Tires and rims of proper size and tires with a load-rating commensurate with the chassis manufacturer's GVWR shall be provided.

(b) Tubeless tires mounted on one-piece drop center rims may be used.

(c) All tires shall be of the same size, type, construction, and load-rating. The load-rating shall meet or exceed the GVWR, as required by FMVSS No. 120 (49 CFR § 571.120), incorporated herein by reference, as amended and supplemented. Tires on Type B, C, and D school buses may be of more than one type of construction provided all tires on the same axle are the same type of construction.

(d) A school bus may be equipped with a spare tire and rim assembly of the same size as those mounted on the school bus. A spare tire shall not be stored inside the passenger compartment of the school bus.

(e) A school bus may be equipped with a spare tire carrier properly mounted under the floor in an area accessible to the driver.

(f) The tire tread depth shall at no time be less than $\frac{4}{32}$ of an inch on the front tires and $\frac{2}{32}$ of an inch on the rear tires as measured on two adjacent treads by a Dill gauge or its equivalent.

(g) regrooved or recapped tires shall not be used on the front axle of a school bus.

(h) Dual rear tires shall be provided on Type B, C, and D school buses.

(i) Tire chains, snow tires, all-weather tires, or tires marked with "M & S" shall be used for the drive wheels to enhance the safe operation of the school bus during adverse weather conditions. The "M & S" marking is not necessary if a rear tire has a retread that is a snow/mud-type tread and meets the minimum tire tread depth standards of (f) above.

(j) Spacers shall be as specified by the manufacturer and shall not be altered.

13:20-50A.26 Transmission

(a) When an automatic transmission is used, it shall provide at least three forward speeds and one reverse speed.

(b) When a manual transmission is used, second gear and higher shall be synchronized except when incompatible with engine power. A minimum of three forward speeds and one reverse speed shall be provided.

(c) A diagram of the shifting control pattern shall be located in a position easily visible to the driver.

(d) The automatic transmission shift lever shall be equipped with a detent mechanism to ensure that the transmission cannot accidentally move from "neutral" to a drive gear without driver effort.

(e) School buses that are not equipped with a "park" position on the shift control selector for automatic transmissions shall be equipped with a heavy-duty parking brake.

(f) The transmission shift control lever/mechanism shall be mounted to the right of the steering column.

(g) The shift indicator shall align with the corresponding gear.

13:20-50A.27 Turning radius

(a) A chassis with a wheelbase of 264 inches or less shall have a right and left turning radius of not more than $42\frac{1}{2}$ feet, curb-to-curb measurement.

(b) A chassis with a wheelbase of more than 264 inches shall have a right and left turning radius of not more than $44\frac{1}{2}$ feet, curb-to-curb measurement.

13:20-50A.28 Undercoating

The underside of steel or metallic-constructed front fenders shall be coated with a rustproofing compound meeting or exceeding Federal Standard Rustproofing of Commercial (Nontactical) Vehicles (FED-STD-297E), incorporated herein by reference, as amended and supplemented. Copies of the above Federal Standard, which is approved by the Commissioner, Federal Supply Service, United States General Services Administration, may be obtained from the General Services Administration, Federal Supply Service Bureau, Specification Section, Suite 8100, 470 East L'Enfant Plaza, S.W., Washington, DC 20407. The undercoating material shall be nonflammable, shall not peel, crack, chip, or melt, and shall be stable under both high and low temperatures.

13:20-50A.29 Weight distribution

The weight distribution of a fully-loaded school bus on a level surface shall not exceed the manufacturer's front and rear GAWR.

**SUBCHAPTER 50B. BODY STANDARDS FOR
SCHOOL BUSES MANUFACTURED
JANUARY 2006 AND THEREAFTER**

Authority

N.J.S.A. 39:3B-5, 39:3B-10, 39:3B-24 and
Reorganization Plan No. 005-1998.

Source and Effective Date

R.2005 d.24, effective January 18, 2005.
See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

13:20-50B.1 Air conditioning

(a) School buses may be equipped with an air conditioning system.

(b) Installation of an air conditioning unit shall not infringe on the inside body height requirements set forth in N.J.A.C. 13:20-50B.20. Installation of an air conditioning ducting system shall not infringe on the head protection zone as set forth in FMVSS No. 222 (49 CFR § 571.222), incorporated herein by reference, as amended and supplemented.

(c) An air conditioning unit shall not obstruct the rear emergency exit and shall be mounted in such a manner that it will not cause injury to persons entering or exiting the school bus.

(d) An air conditioning unit shall not be installed over a passenger seat or wheelchair position. An air conditioning ducting system that is mounted over a seat or wheelchair position shall not extend into the passenger compartment more than eight inches from the bulkhead nor more than 11 inches from the ceiling of the school bus. An air conditioning ducting system shall be designed and installed so as to be free of projections and sharp edges. Ducts shall be installed so that exposed edges face the front of the school bus and do not present sharp edges. The bottom and corners of ducts shall be padded with one-inch thick fire block material.

(e) Floor-mounted air conditioning units shall not be installed in a manner that allows passengers to stand or step onto the unit.

(f) An evaporator or air conditioning ducting system shall be designed and installed so as to be free of projections and sharp edges and shall be padded to prevent injury. Air

conditioning ducts that are mounted over a seated position shall not extend more than eight inches from the bulkhead nor more than 11 inches from the ceiling of the school bus. Ducts shall not infringe on the head protection zone as set forth in FMVSS No. 222 (49 CFR § 571.222), incorporated herein by reference, as amended and supplemented.

(g) Roof-mounted air conditioning units shall not restrict the operation of any roof safety hatch.

(h) An air conditioning unit shall meet the performance specifications for air conditioning set forth in the NSTSP, 2000 Revised Edition (May 2000) at pages 30-31, incorporated herein by reference, as amended and supplemented.

(i) Notwithstanding (b) above, an air conditioning unit may be installed over the engine or in the driver's compartment in a Type D school bus.

(j) Notwithstanding (b) above, an air conditioning unit may be installed in the driver's compartment in a Type B and C school bus.

13:20-50B.2 Aisle

(a) The minimum clearance of all aisles shall be 12 inches unless otherwise provided in this subchapter.

1. The aisle leading to a service door and a rear emergency door shall be a minimum width of 12 inches.

2. The aisle leading from the center aisle to a side emergency door shall be a minimum width of 24 inches.

3. The aisle leading to the emergency door and the power lift door from each wheelchair position shall be a minimum width of 30 inches.

4. On Type A school buses, the aisle opening at the rear emergency door shall be a minimum width of 22 inches, a minimum height of 45 inches, and a minimum depth of six inches.

5. On Type B, C, and D school buses, the aisle opening at the rear emergency door shall be a minimum width of 24 inches, a minimum height of 45 inches, and a minimum depth of 12 inches.

(b) Aisles shall not be obstructed at any time by any barrier, seat, wheelchair mounting, or other object.

(c) The seatbacks shall be slanted so as to provide a minimum aisle clearance of 15 inches as measured from the tops of the seatbacks.

13:20-50B.3 Back-up warning alarm

An automatic audible back-up warning alarm shall be installed in the area behind the rear axle of the school bus. The back-up warning alarm shall comply with SAE Standard J994 (August 1993), incorporated herein by reference, as amended and supplemented. The back-up warning alarm shall not be activated when the side or rear emergency doors are opened unless the school bus is in reverse.

13:20-50B.4 Battery

(a) A battery shall be furnished by the chassis manufacturer.

(b) Except for a battery mounted in the engine compartment, the body manufacturer shall securely attach the battery on a slide-out or swing-out tray in a closed, vented compartment in the body skirt, so that the battery is readily accessible for convenient servicing from the outside. The battery compartment door or cover shall be hinged at the front or top and secured by a conveniently-operated latch or other type of fastening device. The location of the battery compartment shall be identified by the designation "BATTERY" in black letters at least one inch high and at least one-eighth inch wide. The lettering shall be located either on or adjacent to such compartment.

(c) The battery shall be securely mounted in the space provided. The battery shall be equipped with battery caps. Battery posts and battery cable ends shall be secure and free of corrosion. Battery cables shall be in accordance with the manufacturer's specifications and shall be insulated and installed so as to prevent the shorting of the electrical system.

13:20-50B.5 Bumpers

(a) A school bus shall be equipped with a front and rear bumper.

(b) Bumpers shall contain no sharp edges and shall be designed so as to prevent snagging.

(c) A front safety shield may be attached directly under the school bus front bumper. The front safety shield shall be constructed of rigid plastic, fiberglass, steel, or equivalent material. The shield shall be designed to withstand abnormal vibration or severe atmospheric conditions. The front safety shield shall be removable to permit towing. The front safety shield's overall width shall not extend beyond the front tire width when the school bus wheels are in a straight-ahead position. The bottom edge of the shield shall terminate 12 to 14 inches above the road surface. The front surface of the front safety shield may be solid, perforated, or louvered, and shall be black.

(d) The rear bumper shall be provided by the body manufacturer. The rear bumper shall be constructed of pressed steel channel or equivalent material. The rear bumper shall be at least $\frac{3}{16}$ inch thick. The rear bumper on

Type A school buses shall be a minimum of eight inches high. The rear bumper on Type B, C, and D school buses shall be a minimum of $9\frac{1}{2}$ inches high.

(e) The bumpers shall be of sufficient strength to permit pushing by another vehicle without permanent distortion to the bumper, chassis, or body.

(f) The rear bumper shall wrap around the rear corners of the school bus and shall extend forward at least 12 inches, measured from the rearmost point of the school bus body at the floor line, and shall be flush-mounted to the body sides or protected by an end panel.

(g) The rear bumper shall be attached to the chassis frame in such a manner that it may be easily removed. The rear bumper shall be braced so as to withstand impact from the rear or side, and shall be attached in a manner so as to prevent to the greatest extent possible the hitching of rides.

(h) The rear bumper shall extend at least one inch beyond the rearmost part of the body surface measured at the floor line. The rear bumper shall not contain any holes other than the opening to accommodate the exhaust pipe, the manufacturer's drain holes, and the holes required to accommodate the mounting bolts. If there is an opening in the bumper to accommodate an exhaust pipe, the opening shall not be more than one-half inch larger than the exhaust pipe diameter. There shall be at least one and one-half inches of bumper material above and below the opening measured from the top edge and bottom edge of the bumper. The bumper may be reinforced around the opening for the exhaust pipe.

(i) A school bus shall not be equipped with a rear bumper designed in a manner so that it can be used as a step.

13:20-50B.6 Color

(a) The school bus body, including the fenders and doors, shall be National School Bus Yellow.

(b) The body exterior paint trim, bumpers, lamp hoods, emergency door arrow, rub rails, exterior mirror assembly and support brackets shall be black.

(c) The words "EMERGENCY DOOR" shall be applied on both the inside and outside of the emergency door in red letters at least two inches high with a brushstroke at least $\frac{3}{16}$ inch wide.

(d) National School Bus Yellow reflective material may be applied to the school bus. The material used shall be of an automotive engineering grade or better, shall meet initial reflectance values in accordance with performance specifications for reflective material set forth in the NSTSP, 2000 Revised Edition (May 2000) at page 36, incorporated herein by reference, as amended and supplemented, and at Appendix B (Retroreflective Sheeting Daytime Color Specifica-

tion) thereof at page 199, incorporated herein by reference, as amended and supplemented, and shall retain at least 50 percent of the initial reflectance values for a minimum of six years. Reflective materials and markings, if used, may include any or all of the following:

1. If reflective materials and markings are applied to the bumpers, the bumpers shall be marked with stripes of reflective National School Bus Yellow or non-contrasting reflective material. The stripes shall be two inches wide and shall be evenly spaced across the entire width of the bumper. The stripes shall run diagonally at 45 degree angles from the top of the bumper to the bottom of the bumper toward the centerline of the bumper.

2. If reflective materials and markings are applied on the rear, the rear of the school bus body shall be marked with a strip of reflective National School Bus Yellow material no greater than two inches in width to be applied to the back of the school bus, extending from the lower left corner of the "SCHOOL BUS" lettering, across to the left side of the school bus, then vertically down to the top of the bumper, across the school bus on a line immediately above the bumper to the right side, then vertically up to a point even with the strip placement on the left side, and concluding with a horizontal strip terminating at the lower right corner of the "SCHOOL BUS" lettering.

3. If reflective materials and markings are applied to the sides, the sides of the school bus body shall be marked with reflective National School Bus Yellow material at least two inches but not more than 12 inches in width, extending the length of the school bus body and located vertically as close as practicable to the belt line.

(e) The background of the front and/or rear "SCHOOL BUS" signs shall be marked with reflective National School Bus Yellow material.

(f) The roof of the school bus may be painted white provided that at least a six-inch National School Bus Yellow border is maintained above the top window line. The front and rear roof caps shall remain National School Bus Yellow.

13:20-50B.7 Communications

(a) School buses may be equipped with an electronic voice communication system.

(b) A public address sound system with an interior flush-mounted speaker(s) and an exterior speaker(s) may be installed.

13:20-50B.8 Construction

(a) The school bus shall be constructed of prime commercial quality steel or other metal or material with strength at least equivalent to all-steel as certified by the body manufacturer.

(b) The construction shall provide a dustproof and watertight unit and the exterior shall be designed to prevent to the greatest extent possible the hitching of rides.

(c) The school bus body joints, other than the body panel joints created when body components are attached to components furnished by the chassis manufacturer, shall conform to FMVSS No. 221 (49 CFR § 571.221), incorporated herein by reference, as amended and supplemented.

(d) A school bus may be equipped with steel side panel skirts between the front and rear axles of the school bus. The side panel skirts shall extend to the bottommost elevation of any chassis component located between the front and rear axles of the school bus. The side panel skirts shall terminate no less than 12 inches above the level road surface. A school bus may be equipped with steel side panel skirts behind the rear axles of the school bus. On Type D school buses, the bottom of the side panel skirts located behind the rear axle shall taper upward to the bottommost part of the rear bumper.

(e) School buses shall not be equipped with stanchions, interior luggage racks, roof luggage racks, luggage access ladders, or any other equipment that may obstruct the passenger compartment.

13:20-50B.9 Crossing control arm

(a) Every school bus shall be equipped with a crossing control arm.

(b) The construction and design of the crossing control arm shall offer safe and trouble-free operation.

(c) The crossing control unit shall be installed on the right side of the front bumper. The crossing control arm shall not obstruct the front license plate on the school bus.

(d) The open crossing control arm shall extend forward from the front bumper at least 70 inches. The crossing control arm shall be powered by either vacuum, air pressure, or electricity. Manual operation of the crossing control arm shall not be permitted.

(e) The crossing control arm shall be activated automatically to the fully-extended position when the red school bus signal warning lights are in operation. An override switch may be installed that prevents the automatic extension of the crossing control arm, provided the override switch is within the reach of the driver and has an audible warning buzzer to indicate that the crossing control arm has been deactivated.

13:20-50B.10 Defrosters

(a) Defrosting and defogging equipment shall direct a sufficient flow of heated air onto the windshield, the window to the left of the driver, and the glass in the viewing area directly to the right of the driver to eliminate frost, fog, or snow. A Type A school bus and a Type B school bus constructed on a cutaway chassis shall be equipped with defrosting and defogging equipment that will direct a sufficient flow of heated air onto the windshield to eliminate frost, fog, or snow in accordance with the manufacturer's specifications.

(d) Glass in the windshield shall be AS-1 grade. The windshield may have a horizontal gradient tinted band starting slightly above the line of the driver's vision and gradually decreasing in light transmission to 20 percent or less at the top of the windshield. Glass in the windshield shall be heat-absorbent, laminated plate glass. The windshield shall be large enough to permit the driver to see the highway clearly, shall be slanted to reduce glare, and shall be installed between the front corner posts that are so designed and placed as to afford minimum obstruction to the driver's view of the highway.

(e) All glass in the windshield, windows, and doors shall be approved safety glass, so mounted that a permanent mark is visible, and of sufficient quality to prevent distortion of the driver's view in any direction.

(f) All exposed edges of glass shall be finished to prevent injury.

(g) School buses shall be equipped with stationary windows to the upper right and upper left of the rear emergency door.

(h) Windows shall be free of window guards or bars both inside and outside.

13:20-50B.47 Windshield washers

A windshield washer system shall be provided. The windshield washer system shall have a pumping mechanism with fluid for washing the windshield.

13:20-50B.48 Windshield wipers

(a) A windshield wiping system, two-speed or more, shall be provided.

(b) The windshield wipers shall be operated by one or more air or electric motors of sufficient power to operate the wipers. If one motor is used, the windshield wipers shall work in tandem to provide a full sweep of the windshield.

13:20-50B.49 Wiring

(a) All wiring shall conform to SAE Recommended Practice J1292 (October 1981), incorporated herein by reference, as amended and supplemented. Multiplex wiring may be used.

(b) Wiring shall be arranged in circuits as required with each circuit protected by a fuse, circuit breaker, or field effect transistor. One extra fuse for each size fuse that is used on the school bus shall be conveniently located in the fuse area unless the school bus is equipped with circuit breakers or field effect transistors. A system of color and number coding shall be used.

1. The following body interconnecting circuits shall be color-coded as follows:

Function	Color
Left Rear Turn Signal Light	Yellow
Right Rear Turn Signal Light	Dark Green
Stoplights	Red
Back-Up Lights	Blue
Taillights	Brown
Ground	White
Ignition Feed, Primary Feed	Black

2. The color of the cables shall conform to SAE Standard J1128 (May 2000), incorporated herein by reference, as amended and supplemented.

3. Wiring shall be arranged in at least six regular circuits as follows:

- i. Head, tail, stop (brake), and instrument panel lamps;
- ii. Clearance and stepwell lamps (stepwell lamps shall be actuated when the service door is opened);
- iii. Dome lamp;
- iv. Ignition and emergency door signal;
- v. Turn signal lamps; and
- vi. Alternately flashing signal warning lamps.

4. Any of the above combination circuits may be subdivided into additional independent circuits.

5. Whenever heaters and defrosters are used, at least one additional circuit shall be installed.

6. Whenever the circuit panel permits, all other electrical functions (such as sanders and electric-type windshield wipers) shall be provided with independent and properly protected circuits.

7. Each body circuit shall be coded by number or letter on a diagram of circuits and shall be attached to the body in a readily accessible location.

(c) The entire electrical system of the school bus body shall be designed for the same voltage as the chassis on which the school bus body is mounted.

(d) All wiring shall have an amperage capacity exceeding the designed load by at least 25 percent. All wiring splices shall be in an accessible location and shall be noted as splices on the wiring diagram.

(e) An easily readable body wiring diagram shall be furnished with each school bus body or affixed in an area convenient to the electrical accessory control panel.

(f) The main power supply to the body shall be attached to a terminal on the chassis.

(g) Wires passing through metal openings shall be protected by a grommet.

(h) Wires not enclosed within the body shall be fastened securely at intervals of not more than 18 inches. All joints shall be soldered or joined by equally effective connectors so that no connectors are exposed.

(i) A heavy-duty solenoid switch or electronic control system shall be installed in the main electrical power supply line to the body circuits on each Type B, C, and D school bus. The solenoid switch shall be energized by the school bus ignition switch. Hazard and turn signal lamp circuits shall operate independently of the ignition switch.

SUBCHAPTER 50C. STANDARDS FOR SPECIALLY EQUIPPED SCHOOL BUSES MANUFACTURED JANUARY 2006 AND THEREAFTER

Authority

N.J.S.A. 39:3B-5, 39:3B-10, 39:3B-24 and
Reorganization Plan No. 005-1998.

Source and Effective Date

R.2005 d.24, effective January 18, 2005.
See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

13:20-50C.1 Scope

(a) The following standards address modifications to school buses designed for transporting students with special transportation needs. These standards are supplementary to the school bus chassis and body standards set forth in N.J.A.C. 13:20-50A and 50B.

(b) Specially equipped school buses shall continue to meet the school bus chassis and body standards set forth in N.J.A.C. 13:20-50A and 50B after modifications have been made.

13:20-50C.2 Aisle

The aisle leading to the emergency door and the power lift door from each wheelchair position shall be a minimum width of 30 inches.

13:20-50C.3 Communications

Every school bus shall be equipped with an electronic voice communication system.

13:20-50C.4 Construction modifications

(a) A power lift door that has been modified by removing the power lift in order to accommodate passenger seating shall:

1. Be sealed;

2. Be equipped with an operable window that conforms to the requirements of N.J.A.C. 13:20-50B.46(a);

3. Handles, both inside and outside, removed and all holes sealed;

4. Existing rub rails replaced with continuous full-length rub rails; and

5. All existing hardware for wheelchair or lift securement removed and all openings sealed.

13:20-50C.5 Doors

(a) A school bus with a power lift shall be equipped with a special service door to accommodate the power lift.

1. The door shall be located on the right side of the school bus and designed so as not to obstruct the regular service door.

2. The opening may extend below the floor through the bottom of the body skirt. If such an opening is used, reinforcements shall be installed at the front and rear of the floor opening to support the floor. This opening shall be certified as meeting the manufacturer's specifications for structural strength.

3. A drip molding shall be installed above the door opening to divert water from the entrance.

4. The door posts and headers shall be reinforced to provide support and strength equivalent to the sides of the school bus.

5. A single door or double doors shall be used.

6. The door(s) shall have a fastening device to hold it open. A fastening device(s) affixed to the outside shall not protrude more than $\frac{3}{4}$ inch from the school bus body or door(s), nor be of a type that may cause injury when it is not securing the door(s) in an open position.

7. The door(s) shall be weathersealed.

8. When manually-operated dual doors are provided, the rear-mounted door shall have at least a one-point fastening device to the header. The forward-mounted door shall have at least three one-point fastening devices: one to the header, one to the floor line of the body, and one into the rear-mounted door.

9. The door and hinge mechanism strength shall be in compliance with the manufacturer's specifications. Hinges shall support the door and maintain the door in proper alignment for closing and latching.

(e) The belt material at each space designated for the mobile seating device and the occupant restraint system shall be similar in size and fabric.

(f) If an anchorage unit is surface-mounted, the anchorage height above the floor surface shall not exceed $\frac{3}{4}$ inch and the anchorage unit shall be ramped on all sides.

(g) The wheelchair/mobile seating device securement system and occupant restraint system shall comply with all applicable requirements of FMVSS No. 222 (49 CFR § 571.222), incorporated herein by reference, as amended and supplemented.

(h) The occupant restraint system shall be designed to be attached to the school bus body, either directly or in combination with the wheelchair or mobile seating device securement system, by a method that prevents the transfer of weight or force from the wheelchair/mobile seating device to the occupant in the event of an impact.

(i) Securement system attachments or coupling hardware not permanently attached to the school bus body shall be designed to prevent such attachments or hardware from being accidentally disconnected.

1. The following fasteners shall not be used for any occupant restraint or equipment securement:

- i. T-bar or T-hook fasteners; or
- ii. Touch fasteners, vinyl lap or shoulder belts.

(j) All attachment or coupling devices shall be accessible and operable without the use of tools or other mechanical assistance.

(k) All securement and restraint system hardware and components shall be free of sharp or jagged areas and shall be of a noncorrosive material or shall be treated to resist corrosion in accordance with FMVSS No. 209 (49 CFR § 571.209), incorporated herein by reference, as amended and supplemented.

(l) The occupant restraint system shall be made of materials that do not stain, soil, or damage an occupant's clothing.

(m) The mobile seating device and all securement and restraint system hardware and components shall be located and installed such that when the mobile seating device is occupied and secured, access to the emergency door or the power lift door is not blocked.

(n) The school bus body floor and sidewall structures where the securement and restraint system anchorages are attached shall have equal or greater strength than the load requirements of the system(s) being installed.

(o) For each school bus equipped with a securement system, the following information shall be provided by the

securement system manufacturer to either the school bus body manufacturer or the school bus operator:

1. Detailed instructions regarding the installation and use of the system, including a parts list; and
2. Detailed instructions, including a diagram, regarding the proper placement and positioning of the system, including correct belt angles.

13:20-50C.14 Steps

(a) The first step at the service door shall be not less than 10 inches nor more than 14 inches from the ground, based on standard chassis specifications. The first step at the service door on a Type D school bus shall be not less than 12 inches nor more than 16 inches from the ground.

(b) Step risers shall not exceed a height of 10 inches. If plywood has been installed on top of the steel floor or step, the maximum riser height may be increased by the thickness of the plywood.

(c) On a school bus equipped with a power lift, the steps shall be the full width of the stepwell, excluding the thickness of the doors in an open position.

(d) The steps shall be enclosed to prevent the accumulation of ice or snow.

(e) The steps shall not protrude beyond the body line of the school bus.

(f) Grab handles, not less than 20 inches in length, shall be provided inside the doorway on both sides in unobstructed locations. Grab handles shall be designed so as to prevent snagging.

13:20-50C.15 Support equipment and accessories

(a) Portable student support equipment or special accessory items including, but not limited to, crutches, walkers, canes, other ambulating devices, oxygen bottles, and ventilators, shall be securely fastened at a mounting location able to withstand a pulling force of five times the weight of the item, or shall be stored in an enclosed, latched compartment. If the school bus is equipped with a storage compartment, it shall be capable of withstanding forces applied to its interior equal to five times the weight of its contents without failure of the compartment's integrity and securement to the school bus. The storage compartment shall be securely fastened to the floor of the school bus in either the driver's compartment in front of the restraining barrier or the rearmost part of the school bus. The storage compartment shall not block access to the school bus emergency door, any other emergency exit, the service door, or the power lift door. The storage compartment shall be equipped with a cover that can be securely fastened and with rounded corners that are padded so as to prevent injury.

(b) The school bus shall be equipped with an evacuation blanket that is fireproof or is made of flameproof material.

13:20-50C.16 Wheelchair or other mobile seating device requirements

(a) A wheelchair or other mobile seating device shall be equipped with an occupant restraint belt and hand brake that is furnished and maintained by the owner of such wheelchair or other mobile seating device.

(b) An electric-powered wheelchair shall be equipped with a gel-cel (non-liquid electrolyte) battery. Liquid electrolyte batteries shall not be permitted in the passenger compartment of a school bus.

(c) The area designed for a wheelchair or other mobile seating device position shall be 30 inches by 48 inches.

SUBCHAPTER 51. STANDARDS FOR TYPE S SCHOOL BUSES

Authority

N.J.S.A. 39:3B-5, 39:3B-10, 39:3B-24, and
Reorganization Plan No. 005-1998.

Source and Effective Date

R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

13:20-51.1 Scope

(a) This subchapter shall apply to any Type S school bus including, but not limited to, vans and passenger automobiles, which is used for the transportation of children to or from school or school-connected activities.

(b) This subchapter shall also apply to all Type S school buses, including limousines, omnibuses, taxicabs, motor vehicles for which a handicapped placard or registration plates have been issued in accordance with N.J.S.A. 39:4-206, and motor vehicles for which no fee registration plates have been issued in accordance with N.J.S.A. 39:3-27 that are used for two or more modes of transportation, one of which is for the transportation of children to or from school or school-connected activities.

(c) A Type S school bus shall be inspected twice each year by the Division's School Bus Inspection Unit to ensure that such vehicle is in safe and proper operating condition. The time and location of the inspection shall be established by the Director or his or her designee.

(d) A motor vehicle with a GVWR of less than 3,000 pounds shall not be used for the transportation of children to or from school or school-connected activities.

(e) A motor vehicle with a manufacturer's statement of origin that identifies the vehicle as a truck shall not be used for the transportation of children to or from school or school-connected activities.

(f) Any modification to a Type S school bus for the purpose of transporting children with special needs shall comply with all applicable FMVSS and SAE standards governing the modifications.

13:20-51.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Division" means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Driver" means the authorized licensed operator of a Type S school bus.

"FMVSS" means the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 CFR Part 571). Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3238.

"Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle.

"Operator" means the owner or person responsible for the day-to-day operation and maintenance of a Type S school bus.

"Passenger" means any person riding in a Type S school bus other than the driver.

"SAE" means the Society of Automotive Engineers, Inc. Copies of the Standards and Recommended Practices of the Society of Automotive Engineers may be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096, (724) 776-4841.

"Type S school bus" means a motor vehicle with a GVWR of 3,000 pounds or more, originally designed by the manufacturer with a maximum seating capacity of nine passengers or less excluding the driver, operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education, school-connected activity, day camp, summer day camp, nursery school, child care center, preschool center, or other similar places of education.

"UL" means the Underwriters' Laboratories, Inc.

13:20-51.3 Capacity

(a) The maximum number of passengers who may be transported in each Type S school bus shall be determined by the seat measurement. Fifteen inches of seat length shall be provided for each passenger.

(b) There shall be no standees.

13:20-51.4 Chains or snow tires

The drive wheels of Type S school buses shall be equipped with tire chains, all-weather tires, or snow tires for safe operation in areas of snow and/or ice.

13:20-51.5 Emergency equipment

(a) Emergency equipment shall be provided consisting of at least the following:

1. A seat belt cutter;
2. A spare tire;
3. A jack;
4. A lug wrench; and
5. Three red reflectorized triangular warning devices.

13:20-51.6 Fire extinguisher

(a) A fully-charged dry chemical fire extinguisher with a pressure gauge approved by the UL with the minimum UL rating of B2, C2, $\frac{1}{2}$ BC, or 10BC shall be provided. The fire extinguisher shall be mounted in a bracket in a convenient location in the driver's compartment and display an inspection tag.

(b) A Type S school bus shall not be equipped with a fire extinguisher system that uses the chemical Halon as the fire suppression agent.

13:20-51.7 First aid kit

(a) A removable first aid kit shall be provided. The first aid kit shall be a moistureproof and dustproof container without a lock, with the words "FIRST AID" printed on the cover. The contents shall be maintained as follows:

1. Six single unit sterile gauze pads, three inches by three inches;
2. Two gauze bandages, one inch by 10 yards;
3. One roll of adhesive tape, one inch by 2½ yards;
4. Twelve bandaid plastic strips;
5. One triangular bandage, approximately 40 inches by 54 inches, with a safety pin; and
6. One pair rounded-end scissors.

(b) If the first aid kit is stored in a storage compartment, the location of the kit shall be identified by the words "FIRST AID" or marked with the Red Cross symbol.

13:20-51.8 Floor covering

A securely attached nonskid material floor covering shall be provided.

13:20-51.9 Heater capacity

The heater shall be capable of bringing the interior temperature of the Type S school bus up to and maintaining a minimum temperature of 50 degrees Fahrenheit.

13:20-51.10 Lettering

A Type S school bus may display lettering that indicates the name of the operator and the name of the municipality in which the operator has his or her principal place of business, wording to indicate that the vehicle stops at railroad crossings, and wording to indicate that the vehicle is carrying children. A Type S school bus shall not display any advertising.

13:20-51.11 Rear view mirrors

Approved rear view mirrors shall be mounted inside and outside of a Type S school bus. Outside mirrors shall be mounted on both sides of the Type S school bus.

13:20-51.12 Rear window

The rear window shall be non-ventilating.

13:20-51.13 Seats and backrests

(a) Securely fastened seats and backrests shall be provided. Seats shall be forward facing and shall be spring or foam rubber upholstered.

(b) A "jump-type" or folding seat shall not be permitted.

(c) Each seat exit shall be clear of obstructions.

(d) A vehicle shall not be used as a Type S school bus if the seat in front of the seat to be exited from must be folded in order for a passenger to exit the vehicle.

(e) A seat belt shall be provided for the driver and for each passenger.

(f) A child passenger restraint system or booster seat, as described in FMVSS No. 213 (49 CFR § 571.213), incorporated herein by reference, as amended and supplemented, shall be provided for each passenger under the age of eight years and weighing less than 80 pounds.

13:20-51.14 Sun visor

An adjustable sun visor shall be provided.

13:20-51.15 Windshield wipers

A windshield wiper(s) shall be provided so as to provide clear vision for the driver.

Source and Effective Date

R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

SUBCHAPTER 52. INSURANCE**Authority**

N.J.S.A. 39:3B-5, 39:3B-10, 39:3B-24, and
Reorganization Plan No. 005-1998.

Source and Effective Date

R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Subchapter Historical Note

Subchapter 52, Insurance, was recodified from Subchapter 49H, Insurance. See: Source and Effective Date.

13:20-52.1 General provisions

(a) Each contractor and district board of education shall furnish liability insurance for bodily injury and property damage in the amount of \$1,000,000 combined single limit per occurrence for all vehicles which are used for pupil transportation to and from school and school related activities.

(b) Insurance shall be obtained through a company authorized to insure in New Jersey and shall cover the district board of education as an additional named insured.

(c) Self-insured transportation contractors and district boards of education as provided in N.J.S.A. 48:4-12 and 13 shall file a certificate of self-insurance with the county superintendent of schools.

(d) Policies or certificates of insurance shall accompany all contracts or renewals when transportation contracts or renewals are submitted to the county superintendent of schools for approval.

(e) Policies or certificates of insurance shall be submitted to the county superintendent of schools for approval whenever policies are amended, revised or renewed.

(f) Transportation contractors and district boards of education shall comply with these regulations as of September 1, 1990.

**SUBCHAPTER 53. STANDARDS FOR
ALTERNATIVELY FUELED SCHOOL BUSES****Authority**

N.J.S.A. 39:3B-5, 39:3B-10, 39:3B-24, and
Reorganization Plan No. 005-1998.

13:20-53.1 Scope and purpose

(a) To ensure the safety of students, this subchapter shall apply to school buses originally designed by the manufacturer to carry 10 or more passengers used in the transportation of children to or from school pursuant to N.J.S.A. 39:1-1 and that operate in whole or in part on alternative fuels. Such school buses shall comply with N.J.A.C. 13:20-53A, 53B, or 53C, whichever is applicable, this subchapter including all applicable standards incorporated herein, and industry-recommended practices.

(b) This subchapter shall not apply to autobuses approved for school use and subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit unless otherwise provided.

13:20-53.2 Definitions

The following words and terms, when used in this subchapter and in N.J.A.C. 13:20-53A, 53B, and 53C, shall have the following meanings unless the context clearly indicates otherwise.

"Alteration" means any change in the construction, design, or installation of a fuel supply container or system that affects the strength or safety of the fuel system.

"Alternative fuel" means any fuel other than gasoline or diesel, excluding battery or fuel cell power systems, but including CNG, LNG, and LPG.

"ASME Code" means section VIII and IX of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, incorporated herein by reference, as amended and supplemented. Copies of the ASME Code may be obtained from the American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016, (800) THE-ASME.

"CNG" means compressed natural gas.

"Cradle" means a supporting and/or protective structure that surrounds a fuel system container, enclosing it as necessary to provide physical security and integrity, and that may support its weight in whole or in part.

"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.

"Dual fuel" means the simultaneous use of gasoline or diesel and an alternative fuel, but not a mixture thereof.

"FMCSR" means the Federal Motor Carrier Safety Regulations as found in the Code of Federal Regulations (49 CFR Part 393). Copies of the Federal Motor Carrier Safety Regulations as found in the Code of Federal Regulations may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3238.

"FMVSS" means the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 CFR Part 571). Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3238.

"Fuel supply container" or **"fuel cylinder"** means a container or cylinder installed on a vehicle to supply fuel for the propulsion system of the vehicle.

"Fuel system" means the fuel cylinder, supply lines, and all ancillary fuel equipment.

"LNG" means liquefied natural gas.

"LPG" means liquefied petroleum gas.

"Liquid fuel" means any fuel that is in a liquid state under normal ambient atmospheric conditions of temperature and pressure.

"NFPA" means the National Fire Protection Association. Copies of the National Fire Protection Association standards may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269, (617) 770-3000.

"Passenger seat" means a seat other than the driver's seat.

"SAE" means the Society of Automotive Engineers, Inc. Copies of the Standards and Recommended Practices of the Society of Automotive Engineers may be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096, (724) 776-4841.

"School bus" or **"bus"** when used in N.J.A.C. 13:20-53A, 53B, 53C, or this subchapter means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education, school-connected activity, day camp, summer day camp, nursery school, child-care center, preschool center or other similar places of education.

"Supply line" means the piping, tubing, or hose, including all related fittings, through which vapor or liquid passes between the first shut-off valve at the fuel supply container and the final stage regulator or vaporizer.

"UL" means the Underwriters' Laboratories, Inc.

"Vaporizer" means a device that converts liquefied natural gas and liquefied petroleum gas to the gaseous state by means of heat.

13:20-53.3 Installation requirements

(a) The installation of LPG, CNG, or LNG fuel systems on school buses equipped with gaseous fuel carburetors shall be in accordance with the following requirements:

1. Fuel supply containers on school buses shall not be located in or above the passenger compartment; and
2. Fuel supply containers shall be installed and fitted so that no gas from fueling and gauging operations or from relief valves can be released inside the driver, passenger, or luggage compartment.

13:20-53.4 Fuel supply container requirements

(a) Fuel supply containers shall meet all applicable requirements of the ASME Code, 49 CFR § 393.67, incorporated herein by reference, as amended and supplemented, and the following requirements:

1. Each container and cradle shall be mounted in a protected location to minimize damage from collision. All valves and gauges shall be protected by doors or other means.
2. To prevent damage from road hazards, slippage, loosening, or rotation, each container or cradle shall be secured to the school bus body, bed, or frame by either of the following means:
 - i. By attaching bolts not less than $\frac{7}{16}$ inch in diameter that meet SAE Standard J429 (January 1999), incorporated herein by reference, as amended and supplemented, for grade 5 threaded fasteners and self-locking nuts to at least four securement points and, where bolts pierce body metal but not frame, by reinforcing both sides of each securement point with metal plates at least $\frac{3}{8}$ inch thick and seven square inches in area; or
 - ii. By using other means that render the container or cradle capable of withstanding at a minimum in any direction a static force of eight times the weight of the fully-loaded container.
3. Each container shall be secured to its cradle by means capable of withstanding at a minimum in any direction a static force of eight times the weight of the fully-loaded container.
4. No portion of the container or container valve(s) in communication with the liquid or vapor shall be located behind the rear frame cross member of the school bus unless such container or container valve(s) is provided with protection equivalent to that provided by the rear frame cross member.

SUBCHAPTER 53A. STANDARDS FOR SCHOOL BUSES HAVING FUEL SYSTEMS USING LIQUEFIED PETROLEUM GAS

Authority

N.J.S.A. 39:3B-5, 39:3B-10, 39:3B-24, and
Reorganization Plan No. 005-1998.

Source and Effective Date

R.2003 d.3, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

13:20-53A.1 General provision

In addition to the NFPA Standard 58A "Liquefied Petroleum Gases Engine Fuel Systems," incorporated herein by reference, as amended and supplemented, in effect at the time of installation, fuel systems using LPG shall also meet the requirements of this subchapter.

13:20-53A.2 Fuel supply container

(a) Each LPG fuel supply container shall be constructed, inspected, and permanently marked in accordance with 49 CFR § 393.69, incorporated herein by reference, as amended and supplemented, or the ASME Code provision.

(b) Fuel supply containers constructed to the United States Department of Transportation specifications shall have a minimum service pressure of 240 pounds per square inch.

(c) Fuel supply containers constructed to the ASME Code specifications shall have a minimum working pressure of 250 pounds per square inch.

(d) Each fuel supply container shall be equipped with an outage valve or a fixed liquid level gauge to indicate when the container is 80 percent full. A float gauge shall not be used to meet this requirement.

(e) Each fuel supply container shall have a fill valve that limits the amount of fuel that may be pumped into such container to 80 percent of the container capacity.

13:20-53A.3 Back-flow check valve

When two or more fuel supply containers are used, a back-flow check valve with a pressure setting not higher than 500 pounds per square inch shall be installed between the back-flow check valves and the filling operation. A hydrostatic relief valve with a pressure setting not lower than 350 pounds per square inch shall be installed in each fuel line to prevent the passage of fuel between the fuel supply containers during gaseous fuel cutoff to the carburetor.

13:20-53A.4 Fuel supply container markings

(a) Each LPG fuel supply container constructed in accordance with ASME specifications shall be permanently marked with the following information:

1. The official ASME Code U symbol;
2. The manufacturer's name, initials, or trademark;
3. The maximum allowable working pressure in pounds per square inch at degrees Fahrenheit;
4. The serial number; and
5. The year built.

(b) Each LPG fuel supply container constructed in accordance with United States Department of Transportation specifications shall be permanently marked with the following information:

1. The letters "USDOT" or "ICC" (referring to the former Interstate Commerce Commission) with the applicable specifications and service pressure;
2. The manufacturer's name, initials, or trademark, as registered with the United States Department of Transportation;
3. The serial number; and
4. The year tested.

(c) All fuel supply container inlets and outlets, except those for relief valves and gauging devices, shall be permanently marked to indicate whether they connect to vapor or liquid space.

13:20-53A.5 Valves

Each valve shall be of a type that has been tested and listed by the UL or by any other nationally recognized testing laboratory as meeting the UL requirements for LPG. Each valve shall be securely mounted and shielded or installed in a protected location to prevent damage from excessive vibration or unsecured objects.

13:20-53A.6 Safety relief valves

(a) One or more spring-loaded internal safety relief valves shall be installed in each fuel supply container that is connected to vapor space.

(b) The fuel supply container shall be permanently marked to indicate the "set to discharge pressure" after the safety relief valves have been installed in the container.

(c) Safety relief valves for United States Department of Transportation fuel supply containers shall be approved by the Federal Bureau of Explosives and the valve setting shall be as required by that Bureau.

(d) The safety relief valve setting for ASME fuel supply containers shall be not less than 100 percent nor more than 110 percent of the maximum allowable service pressure of the container.

13:20-53A.7 Safety relief valve markings

(a) Permanent markings on safety relief valves in ASME fuel supply containers shall include:

1. The manufacturer's name, initials, or trademark;
2. The manufacturer's design or type number;
3. The discharge pressure in pounds per square inch;
4. The discharge capacity in cubic feet of air per minute at 60 degrees Fahrenheit and 14.7 pounds per square inch; and
5. The ASME or UL symbol.

(b) Permanent markings on safety relief valves in United States Department of Transportation fuel supply containers shall include:

1. The manufacturer's name, initials, or trademark;
2. The catalog number;
3. The discharge pressure in pounds per square inch; and
4. The discharge capacity in cubic feet of air per minute at 60 degrees Fahrenheit and 14.7 pounds per square inch.

13:20-53A.8 Excess flow valve

(a) An internal excess flow valve shall be provided that is designed to close when maximum volume escapes through the smallest connection in the supply line valve or gauging device outlets.

(b) The internal excess flow valve shall have a by-pass not to exceed a No. 60 drill size opening to allow for the equalization of pressure.

13:20-53A.9 Check valves

(a) The inlet connection in the fuel supply container shall be fitted with either an internal and external check valve or an internal check valve with an adjacent or remote manual shut-off valve.

(b) The inlet of the filling system shall be capped, except when filling, to withstand the maximum service pressure of the fuel supply container.

(c) Every fuel supply container shall have an internal and an external check valve connected to the container and shall be equipped for filling outside of the school bus passenger compartment.

13:20-53A.10 Vapor equalizing valve

A vapor equalizing valve may be installed in the fuel supply container. The valve shall be capped, except when filling, to withstand the maximum pressure of the container.

13:20-53A.11 Shut-off valve

A manually-operated shut-off valve shall be installed in the fuel supply container outlet connection serving the supply line and shall be marked "SHUT-OFF VALVE."

13:20-53A.12 Liquid volume gauge

(a) Every LPG fuel supply container shall be equipped with a liquid volume gauge, which shall be designed and installed as follows:

1. The gauging device shall be a type that has been listed by the UL or by any other nationally recognized testing laboratory as meeting the UL requirements for LPG;
2. The gauge shall be securely mounted and shielded or installed in a protected location to prevent damage from excessive vibration or unsecured objects; and
3. A gauge that requires the bleeding of the product shall be equipped with a bleeder valve and the product shall be bled to the outside of the school bus passenger compartment. A restricting orifice not larger than a No. 54 drill size shall be installed inside the fuel supply container.

13:20-53A.13 Pressure reducing regulator and vaporizer regulator

An automatic pressure reducing regulator or a vaporizer regulator designed to withstand a service pressure of at least 250 pounds per square inch shall be installed between the LPG fuel supply container and the carburetor. All regulators and vaporizers shall be of a type that has been tested and listed by the UL or by any other nationally recognized testing laboratory as meeting the UL requirements for LPG. The regulator or vaporizer shall be installed so that its weight is not placed on, or supported alone by, the attached tubing or flexible lines.

13:20-53A.14 Vents

Every compartment in which an LPG fuel supply container is installed shall be vented to the atmosphere unless all piping and connectors are outside of the compartment. The vent or vents shall be installed at the lowest practicable point of the compartment and shall have an open area totaling not less than three square inches.

13:20-53A.15 LPG hose for high pressure liquid or vapor use

(a) All LPG hose and hose assemblies shall have a working pressure of not less than 350 pounds per square inch and a burst pressure of not less than 1,750 pounds per square inch.

(b) Each LPG hose shall be reinforced with corrosion-resistant wire braid and shall be of a type that has been tested and listed by the UL or by any other nationally recognized testing laboratory as meeting the UL requirements for LPG.

(c) Each LPG hose shall have the following permanent identification markings in letters and numerals at least $\frac{3}{4}$ inch in height at intervals of 24 inches or less:

1. The manufacturer's name, initials, or trademark;
2. LPG or LP Gas; and
3. The working pressure.

SUBCHAPTER 53B. STANDARDS FOR SCHOOL BUSES HAVING FUEL SYSTEMS USING COMPRESSED NATURAL GAS

Authority

N.J.S.A. 39:3B-5, 39:3B-10, 39:3B-24, and
Reorganization Plan No. 005-1998.

Source and Effective Date

R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

13:20-53B.1 General provision

In addition to the NFPA Standard 52A "Compressed Natural Gas Vehicular Fuel Systems," incorporated herein by reference, as amended and supplemented, in effect at the time of installation, fuel systems using CNG shall also meet the requirements of this subchapter.

13:20-53B.2 Fuel supply container

(a) Each CNG fuel supply container shall be constructed and inspected in accordance with FMVSS No. 304 (49 CFR § 571.304), incorporated herein by reference, as amended and supplemented, and shall have a rated service pressure of not less than 2250 pounds per square inch at 70 degrees Fahrenheit.

(b) The working pressure shall be stamped on the CNG fuel supply container near the filler connection.

(c) The CNG fuel supply container shall not be filled beyond the working pressure stamped thereon corrected for the ambient temperature at the time of filling as prescribed by the United States Department of Transportation.

13:20-53B.3 Markings

(a) Each CNG fuel supply container shall have the following identification markings:

1. The letters "USDOT" with the applicable specification and working pressure;

2. The manufacturer's name, initials, or trademark;
3. The serial number; and
4. The year tested.

13:20-53B.4 Shut-off valve

(a) A manually-operated shut-off valve shall be in direct contact with the CNG fuel supply container and shall be marked "SHUT-OFF VALVE."

(b) A shut-off valve shall not be used for CNG unless it has been certified for that purpose by the manufacturer.

(c) The shut-off valve shall be securely mounted and shielded or installed in a protected location to prevent damage from excessive vibration or unsecured objects.

13:20-53B.5 Safety relief devices

(a) One or more safety relief devices shall be installed in the CNG fuel supply container in order to vent the fuel to the outside of the school bus passenger compartment.

(b) Safety relief devices shall be approved as to type, size, quantity, and location by the Federal Bureau of Explosives and shall be permanently marked as follows:

1. The manufacturer's name, initials, or trademark;
2. The flow capacity in cubic feet per minute; and
3. The yield temperature rating in degrees Fahrenheit.

13:20-53B.6 Gauges

(a) Gauges used in CNG systems shall be designed and installed as follows:

1. Gauging devices shall be designed for the most severe pressure and temperature conditions to which the devices may be subjected with a pressure safety factor of not less than four; and
2. Gauges shall be securely mounted and shielded or installed in protected locations to prevent damage from excessive vibration or unsecured objects.

13:20-53B.7 Automatic pressure reducing regulators

(a) An automatic pressure reducing regulator or regulators shall be installed in every CNG system to reduce fuel supply container pressure to a value consistent with the working pressure required by the carburetor. Means shall be provided to prevent regulator malfunction due to refrigeration effects.

(b) Every automatic pressure reducing regulator shall be installed so that its weight is not placed on, or supported alone by, the attaching line or lines.

(c) Every automatic pressure reducing regulator shall be designed to the CNG fuel supply container's maximum

working pressure and temperature with a pressure safety factor of not less than four.

13:20-53B.8 Vents

Every compartment in which a CNG fuel supply container is installed shall be vented to the atmosphere, unless all piping and connectors outside of the compartment are vapor-sealed and vented to the atmosphere. The vent or vents shall be installed at the highest practicable point of the compartment and shall have an open area totaling not less than three square inches.

SUBCHAPTER 53C. STANDARDS FOR SCHOOL BUSES HAVING FUEL SYSTEMS USING LIQUEFIED NATURAL GAS

Authority

N.J.S.A. 39:3B-5, 39:3B-10, 39:3B-24, and
Reorganization Plan No. 005-1998.

Source and Effective Date

R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

13:20-53C.1 General provision

In addition to the NFPA Standard 57 "Liquefied Natural Gas Vehicular Fuel Systems," incorporated herein by reference, as amended and supplemented, in effect at the time of installation, fuel systems using LNG shall also meet the requirements of this subchapter.

13:20-53C.2 Fuel supply container

(a) Each LNG fuel supply container shall be constructed and inspected in accordance with 49 CFR § 178.57 (Specification 4L welded insulated cylinders), incorporated herein by reference, as amended and supplemented, with the exception of subsections 178.57-13 and 178.57-20 and the reports to the Federal Bureau of Explosives in subsection 178.57-4(d). Each LNG container shall meet the following additional requirements:

1. The unrelieved fuel pressure inside the LNG fuel supply container shall not exceed 100 pounds per square inch within a total 72-hour period consisting of 48 hours at 60 degrees Fahrenheit, 12 hours at 70 degrees Fahrenheit, and 12 hours at 90 degrees Fahrenheit ambient temperatures when the container has been filled with LNG conditioned at one atmosphere;

2. The LNG fuel supply container shall be equipped with a liquid level gauging device and a dip tube to prevent filling beyond 90 percent by volume at atmospheric pressure; and

3. Each completed LNG fuel supply container, including its supporting structure and valves, enclosures, and lines normally attached thereto, shall have structural integrity to withstand damage from deceleration and acceleration forces resulting from a 30 miles per hour front-end or rear-end collision with the type of vehicle in which the container is installed. A test of other means as established by a national standards testing institute shall demonstrate that the LNG fuel supply container and its openings do not rupture in such collisions.

13:20-53C.3 Markings

(a) Each LNG fuel supply container shall be permanently marked as follows:

1. The service pressure;
2. The serial number;
3. The manufacturer's name, initials, or trademark;
4. The inspector's mark; and
5. The date tested.

(b) All inlets and outlets, except relief valves and gauging devices, shall be permanently marked to designate whether they make contact with vapor or liquid space.

13:20-53C.4 Valve certification

Valves shall be certified for LNG use by the manufacturer or certified for cryogenic service at temperatures down to and including minus 320 degrees Fahrenheit. All valves shall be securely mounted and shielded or installed in a protected location to prevent damage from excessive vibration or unsecured objects.

13:20-53C.5 Safety relief valves

(a) Each LNG fuel supply container shall be equipped with one or more safety relief valves.

(b) A safety relief valve(s) shall be installed in a line that is connected to the vapor space of the container. A safety relief valve shall be installed between two shut-off valves in a supply line to prevent a buildup of pressure between the valves in the "off" position.

(c) The discharge pressure of a safety relief valve shall not exceed 125 percent of the service pressure of the LNG fuel supply container.

(d) A safety relief valve shall have sufficient capacity to meet the requirements of the NFPA Standard 59 (A)—Appendix A, incorporated herein by reference, as amended and supplemented, and be capable of preventing explosion of the normally-charged cylinder when it is placed in a fire.

(e) A safety relief valve shall be permanently marked as follows:

1. The manufacturer's name, initials, or trademark;