

CHAPTER 20

ENFORCEMENT SERVICE

Authority

N.J.S.A. 39:2-3, 39:3-10, 39:3-11, 39:3-27.14, 39:3-27.39, 39:3-27.44, 39:3-33.3, 39:3-33.7, 39:3-33.9, 39:3-43, 39:3-63, 39:3-75, 39:3-76.6-10, 39:3-77, 39:3-81, 39:3-84a(10), 39:4-208, 39:5-30, 39:8-1, 39:8-2, 39:8-4, 39:8-4.1, 39:8-23, 39:10-4, P.L. 1991, c.264 and P.L. 1995, c.112.

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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

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

1971 Revisions: Subchapter 27 was adopted as new rules by R.1971 d.86, effective June 1, 1971. See: 3 N.J.R. 84(a), 3 N.J.R. 136(d). Subchapter 28, Inspection of New Motor Vehicles, was adopted as new rules by R.1971 d.144, effective October 1, 1971. See: 3 N.J.R. 112(a), 3 N.J.R. 181(a). Amendments to Subchapter 28 became effective December 10, 1971 as R.1971 d.222. See: 3 N.J.R. 226(a), 4 N.J.R. 10(a).

1972 Revisions: Subchapter 29, Mobile Inspection Unit, was adopted as new rules by R.1972 d.106, effective June 1, 1972. See: 4 N.J.R. 105(b), 4 N.J.R. 165(b). Subchapter 13 was amended by R.1972 d.107, effective July 1, 1972. See: 4 N.J.R. 105(a), 4 N.J.R. 165(c). Subchapter 30, Supplemental Inspection of School Buses, was adopted as new rules by R.1972 d.154, effective August 7, 1972. See: 4 N.J.R. 163(a), 4 N.J.R. 223(b). Subchapter 31, Alcohol-Countermeasures Regulations, was adopted as new rules by R.1972 d.255, effective December 15, 1972. See: 4 N.J.R. 273(a), 5 N.J.R. 18(c).

1975 Revisions: Amendments to Subchapter 28 became effective July 1, 1975 as R.1975 d.174. See: 7 N.J.R. 233(c), 7 N.J.R. 343(b). Subchapter 32, Motor Vehicle Reinspection Centers, was adopted as new rules by R.1975 d.333, effective November 3, 1975. See: 7 N.J.R. 433(b), 7 N.J.R. 570(c). Subchapter 33, Enforcement Service: Standards and Procedures To Be Used By Licensed Reinspection Centers, was adopted as new rules by R.1975 d.334, effective November 3, 1975. See: 7 N.J.R. 469(d), 7 N.J.R. 570(d).

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

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

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

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

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

1981 Revisions: Subchapter 25, Safety Glazing Material; Other Equipment, was amended by R.1981 d.15, effective January 16, 1981. See: 12 N.J.R. 606(b), 13 N.J.R. 143(d). Subchapter 36, Special National Guard Plates, was adopted as new rules by R.1981 d.31, effective January 28, 1981. See: 12 N.J.R. 427(a), 13 N.J.R. 150(e).

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

1984 Revisions: Pursuant to Executive Order No. 66(1978), Subchapter 31, Alcohol-Countermeasures Regulations, was readopted as R.1984 d.7, effective January 4, 1984, with amendments effective February 6, 1984. See: 15 N.J.R. 1923(a), 16 N.J.R. 247(b). Pursuant to Executive Order No. 66(1978), Subchapter 33, Enforcement Service: Standards and Procedures To Be Used By Licensed Reinspection Centers, was readopted as R.1984 d.173, effective April 25, 1984. See: 16 N.J.R. 503(a), 16 N.J.R. 1280(d). Subchapter 36 was amended by R.1984 d.319, effective August 6, 1984. See: 16 N.J.R. 1188(a), 16 N.J.R. 2142(a). Subchapter 12, Accident Prevention Clinic, was adopted as new rules by R.1984 d.492, effective October 16, 1984. See: 16 N.J.R. 2347(a), 16 N.J.R. 3054(b). Subchapter 28 was amended by R.1984 d.622, effective January 21, 1985 (operative July 1, 1985). See: 16 N.J.R. 2500(a), 17 N.J.R. 203(a).

1985 Revisions: Subchapter 38, Dimensional Standards for Automobile Transporters, was adopted as new rules by R.1985 d.23, effective February 4, 1985. See: 16 N.J.R. 3176(a), 17 N.J.R. 313(b). Subchapter 37, Standards for Motor Vehicles with Modified Chassis Height, was adopted as new rules by R.1985 d.100, effective March 4, 1985. See: 16 N.J.R. 2501(a), 17 N.J.R. 603(a). Pursuant to Executive Order No. 66(1978), Subchapter 28, Inspection of New Motor Vehicles, was adopted as new rules by R.1985 d.379, effective June 27, 1985. See: 17 N.J.R. 1059(a), 17 N.J.R. 1901(a). Pursuant to Executive Order No. 66(1978), Subchapter 36, Special National Guard Plates, was readopted as R.1985 d.678, effective December 18, 1985. See: 17 N.J.R. 2602(a), 18 N.J.R. 203(a).

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

1988 Revisions: Subchapter 39 was adopted as new rules by R.1988 d.537, effective November 7, 1988. See: 20 N.J.R. 2033(a), 20 N.J.R. 2788(a).

1989 Revisions: Pursuant to P.L. 1984, c.243 (N.J.S.A. 26:2B-9.1), the Bureau of Alcohol Countermeasures was transferred to the Department of Health and Subchapter 31, Alcohol-Countermeasures Regulations, was recodified to N.J.A.C. 8:66-1. See: 21 N.J.R. 70(a). Subchapter 1, Enforcement Officer, was repealed by R.1989 d.518, effective October 2, 1989. See: 21 N.J.R. 1500(b), 21 N.J.R. 3176(a). Subchapter 3, Identification Lights, was repealed and new rules on the same subject were adopted at N.J.A.C. 13:24-5, Blue Emergency Warning Lights, by R.1989 d.542, effective October 16, 1989. See: 21 N.J.R. 2460(a), 21 N.J.R. 3299(c).

1990 Revisions: Subchapter 40, Reflectorized Registration Plates, was adopted as new rules by R.1990 d.322, effective June 18, 1990. See: 22 N.J.R. 1230(b), 22 N.J.R. 1940(b). Pursuant to Executive Order No. 66(1978), Subchapter 10, Automatic Vehicle Identification Systems, was readopted as R.1990 d.491, effective October 1, 1990. See: 22 N.J.R. 2133(a), 22 N.J.R. 3151(b).

1991 Revisions: Pursuant to Executive Order No. 66(1978), Chapter 20, Enforcement Service, was readopted as R.1991 d.20, effective December 13, 1990. See: 22 N.J.R. 3307(a), 23 N.J.R. 207(b). Subchapter 31, Private Inspection Center Licensing, was adopted as new rules by R.1991 d.253, effective May 6, 1991. See: 23 N.J.R. 387(a), 23 N.J.R. 1417(b).

1992 Revisions: Subchapter 41, Persian Gulf War Commemorative License Plates, was adopted as new rules by R.1992 d.20, effective January 6, 1992. See: 23 N.J.R. 2916(a), 24 N.J.R. 108(a). Subchapter 42, Purple Heart Emblems on License Plates, was adopted as new rules by R.1992 d.168, effective April 6, 1992. See: 24 N.J.R. 219(a), 24 N.J.R. 1365(a).

1995 Revisions: Subchapter 43, Enhanced Motor Vehicle Inspection and Maintenance Program; Subchapter 44, Private Inspection Facility Licensing; and Subchapter 45, Motor Vehicle Emission Repair Facility Registration, were adopted as emergency new rules by R.1995 d.410, effective June 29, 1995 (expires August 28, 1995). See: 27 N.J.R. 2777(a). The concurrent proposal of Subchapters 43, 44 and 45 was adopted as R.1995 d.528, effective August 28, 1995. See: 27 N.J.R. 2777(a), 27 N.J.R. 3820(a). Subchapter 31, Private Inspection Center Licensing, was repealed by R.1995 d.664, effective December 18, 1995. See: 27 N.J.R. 3911(a), 27 N.J.R. 5033(a).

1996 Revisions: Pursuant to Executive Order No. 66(1978), Chapter 20 was readopted as R.1996 d.28, effective December 13, 1995. As part of R.1996 d.28, Subchapter 2, Vehicle Construction; Subchapter 8, Motor Vehicles Transporting Flammable Liquids; Subchapter 11, School Bus Warning Lamps; Subchapter 16, Concrete Ready-Mix Transit Vehicles; Subchapter 18, Flashing Warning Signals; Subchapter 19, Seat Belts; Subchapter 20, New Tires; Subchapter 21, Retread Tires; Subchapter 23, Fastening Loads on Commercial Flat Bed Vehicles; and Subchapter 41, Persian Gulf War Commemorative License Plates, were repealed effective January 16, 1996. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTERS 1 THROUGH 3. (RESERVED)

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

SUBCHAPTER 7. VEHICLE INSPECTION

13:20-7.1 Adjustments, corrections or repairs

If inspections as required by N.J.S.A. 39:8-1 disclose the necessity of adjustments, corrections or repairs, it shall be incumbent upon the owner or lessee of such vehicle to have such adjustments, corrections or repairs made and to present the vehicle for reinspection no later than the last day of the calendar month following the calendar month in which the vehicle was due for inspection, except as otherwise provided at N.J.A.C. 13:20-7.2. 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 vehicle to have such adjustments, corrections or repairs made and to present the vehicle for reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.2.

As amended, R.1974 d.28, eff. February 1, 1974.

See: 6 N.J.R. 119(b).

As amended, R.1975 d.335, eff. November 3, 1975.

See: 7 N.J.R. 470(a), 7 N.J.R. 571(a)

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

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

13:20-7.2 Immediate repairs

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

13:20-7.3 (Reserved)

13:20-7.4 Inspection period of passenger vehicles

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

As amended, R.1982 d.364, eff. October 1, 1982.

See: 14 N.J.R. 918(a), 14 N.J.R. 1162(e).

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

As amended, R.1983 d.294, eff. July 7, 1983.

See: 15 N.J.R. 1261(a).

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

As amended, R.1984 d.83, eff. April 12, 1984.

See: 15 N.J.R. 1261(a), 16 N.J.R. 738(a).

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

13:20-7.5 Temporary authorization certificate; form

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

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

(c) It will read as follows:

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

INSPECTION
NOTICE

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

THIS VEHICLE MUST BE INSPECTED WITHIN 14 DAYS OF

DISPLAY THIS NOTICE IN LOWER RIGHT HAND CORNER OF WINDSHIELD

APS-647788-0

By _____ Agent

13:20-7.6 Inspection period

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

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

(c) Upon reporting for inspection, the validation certificate will be collected by the examiner at the inspection

station and the proper sticker will be affixed to the windshield of the vehicle; provided, however, that the vehicle passes all New Jersey inspection requirements.

13:20-7.7 Initial passenger vehicle inspection procedure

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

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

13:20-26.10 Recommended forms

(a) The following practices and forms are recommended to motor carriers for consideration as one means of establishing the inspection and maintenance practices which are required by Sections 26.3 through 26.9 of this Chapter.

1. As a convenient means of providing for the report required by Section 26.9 (Vehicle condition report) of this Chapter, the "Driver's Vehicle Condition Report" is suggested. The items are arranged in a logical order of inspection. While the provisions do not require a written inspection report prior to operating, the form may be adapted for such a report by duplicating the text of the form and using an appropriate heading. Changes may be made to suit the particular carrier's operations, such as by providing for the recording of more than one inspection on a single form.

2. As a convenient means for providing the systematic inspection and maintenance records required by Section 26.3 (Inspection and maintenance) of this Chapter, the inspection and Maintenance Reports I and II are suggested, but the provisions do not require any particular type or form of records. Other systems recommended by the vehicle manufacturers are suggested as alternative methods.

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

13:20-26.11 Required inspection and maintenance

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

1. All brake lines and lining;
2. Drive lines;
3. Coupling devices;
4. Tires, wheels, and flaps;
5. Springs;

6. Emergency equipment;
7. Fuel system;
8. Cooling system;
9. Lighting devices, horns, and mirrors;
10. Transmission system;
11. Steering equipment;
12. Axles and the tie-rod assemblies;
13. Clutch;
14. Exhaust system and exhaust emissions; and
15. Glazing and wipers.

13:20-26.12 Standards of inspection

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

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

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

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

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

13:20-26.13 Certification

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

13:20-26.14 Additional inspection

None of the prior Sections of this Subchapter shall be construed to limit or deny the Director of the Division of Motor Vehicles the authority to require additional inspection to determine levels of air contaminants from vehicles, nor should any prior Section be construed to abridge any code, rule or regulation now or hereafter promulgated pursuant to Title 26, Chapter 2C of the New Jersey Statutes Annotated, Air Pollution Control Act of 1954.

13:20-26.15 Penalties

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

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

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

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

New Rule, R.1985 d.174, effective April 15, 1985 (operative July 1, 1985).
See: 17 N.J.R. 270(a), 17 N.J.R. 971(a).

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

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

(b) On or after January 1, 1998, the owner or lessee of a heavy-duty diesel truck or diesel-powered motor vehicle, as defined in P.L. 1995, c.157 and registered in this State, shall submit proof to the Division that the vehicle has, within 30 days prior to the date of registration or renewal thereof, complied with the requirements for periodic inspection. Compliance with the requirements for periodic inspection shall mean that the vehicle has been tested for opacity at a diesel emission inspection center licensed pursuant to N.J.A.C. 13:20-47 and that the vehicle has successfully passed a test procedure for opacity as set forth in N.J.A.C. 7:27B-4.

(c) Certification of self-inspection pursuant to N.J.A.C. 13:20-26.11 and 26.13 is a representation by the owner or lessee for any heavy-duty diesel truck or diesel-powered motor vehicle 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 January 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 that are registered as contractor equipment in-transit vehicles pursuant to N.J.S.A. 39:4-30;

2. Diesel-powered motor vehicles that have a gross vehicle weight greater than 8,500 pounds and 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).

SUBCHAPTER 27. (RESERVED)

SUBCHAPTER 28. INSPECTION OF NEW MOTOR VEHICLES

13:20-28.1 Purpose

(a) The purpose of this subchapter is to effect increased equipment and vehicular safety by requiring new motor vehicle dealers to inspect new motor vehicles prior to delivery to an ultimate purchaser in New Jersey.

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

13:20-28.2 Applicability

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

13:20-28.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise. (Note: Any other term used in this subchapter and not defined within this section shall have the meaning as defined in N.J.S.A. 39:1-1 et seq.)

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

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

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

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

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

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

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

13:20-28.4 Manufacturers’ new vehicle inspection procedure

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

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

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

13:20-28.5 United States Transportation Department standards

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

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.

Source and Effective Date

R.1997 d.392, effective September 15, 1997.
See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).

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.

13:20-46.1 Definitions

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

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

“Diesel bus” means any diesel-powered autobus or 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.

“Diesel-powered motor vehicle” means a vehicle, whether registered in this State or elsewhere, that is self-propelled by a compression ignition type of internal combustion engine and that:

1. Is designed or used for transporting persons or property on any public road, street or highway or any public or quasi-public property in this State;
2. Has a gross vehicle weight exceeding 8,500 pounds;
3. Is not a diesel bus or heavy-duty diesel truck; and

SUBCHAPTER 46. DIESEL EMISSION INSPECTION AND MAINTENANCE PROGRAM

Authority

P.L. 1995, c.157, N.J.S.A. 39:8-10 and 39:8-53.

4. Is not a heavy-duty diesel truck or other diesel-powered motor vehicle 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.

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

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

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

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

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

“Roadside enforcement program” or “roadside inspection” means a roadside examination program conducted pursuant to P.L. 1995, c.157 (N.J.S.A. 39:8-59 et seq.) and this subchapter for the inspection of exhaust emissions, emission control apparatus and such other items as the Department of Environmental Protection, in consultation with the Director of the Division of Motor Vehicles and the Commissioner of Transportation, prescribes, of diesel buses, heavy-duty diesel trucks, and other diesel-powered motor vehicles 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.

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, diesel buses and diesel-powered motor vehicles (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 that are registered as contractor equipment in-transit vehicles pursuant to N.J.S.A. 39:4-30;
2. Diesel-powered motor vehicles that have a gross vehicle weight greater than 8,500 pounds and 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 this subchapter) 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.

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

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

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

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

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

(e) If a heavy-duty diesel truck, diesel bus or diesel-powered motor vehicle 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, if any, shall be removed from the windshield of the vehicle.

(f) 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.

13:20-46.4 Certification of test

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

13:20-46.5 Violation information

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

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

(a) The owner and the lessee, if any, of a heavy-duty diesel truck, diesel bus or a diesel-powered motor vehicle 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, diesel bus or diesel-powered motor vehicle. 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, diesel bus or diesel-powered motor vehicle 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, diesel bus or a diesel-powered motor vehicle may be reduced to \$150.00 if the defendant provides a certification of the smoke opacity-related repairs to the vehicle that is satisfactory to the court and in compliance with emission standards. The penalty for a second or subsequent violation may be reduced to \$500.00 if the defendant provides a certification of the smoke opacity-related repairs to the vehicle that is satisfactory to the court and in compliance with emission standards. The form of the certification of repairs is set forth in Appendix A to this subchapter.

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

(f) A defendant who is charged with a violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck, diesel bus or diesel-powered motor vehicle 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, diesel bus or other diesel-powered motor vehicle 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.

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 setup and operations; and
5. Team responsibilities.

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

SUBCHAPTER 47. DIESEL EMISSION INSPECTION CENTER LICENSING

Authority

P.L. 1995, c.157, N.J.S.A. 39:8-10 and 39:8-53.

Source and Effective Date

R.1997 d.392, effective September 15, 1997.
See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).

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, diesel buses, and diesel-powered motor vehicles and issue certifications for heavy-duty diesel trucks, diesel buses, and diesel-powered motor vehicles, 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, diesel buses, and diesel-powered motor vehicles, 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 certified 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.

13:20-47.2 Definitions

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

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

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

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

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

“Diesel bus” means any diesel-powered autobus or 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 who for compensation engages in the business of inspecting and certifying heavy-duty diesel trucks, diesel buses or diesel-powered motor vehicles, 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, diesel buses or diesel-powered motor vehicles, including diesel vehicle emission control apparatus and emission control systems.

“Diesel-powered motor vehicle” means a vehicle, whether registered in this State or elsewhere, that is self-propelled by a compression ignition type of internal combustion engine and that:

1. Is designed or used for transporting persons or property on any public road, street or highway or any public or quasi-public property in this State;
2. Has a gross vehicle weight exceeding 8,500 pounds;
3. Is not a diesel bus or heavy-duty diesel truck; and
4. Is not a heavy-duty diesel truck or other diesel-powered motor vehicle 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.

“Diesel vehicle emission testing equipment” means equipment in accordance with specifications contained in N.J.A.C.

7:27B-4.15. 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, diesel buses or diesel-powered motor vehicles, 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.

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, diesel buses and diesel-powered motor vehicles, 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, diesel buses, and diesel-powered motor vehicles; 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, diesel bus and diesel-powered motor vehicle 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, diesel buses and diesel-powered motor vehicles.

2. Class II licenses shall be issued to owners or lessees of fleets of 25 or more heavy-duty diesel trucks, diesel buses and diesel-powered motor vehicles.

(h) Class II diesel emission inspection centers may contract with other owners or lessees of heavy-duty diesel trucks, diesel buses or diesel-powered motor vehicles 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, diesel buses or diesel-powered motor vehicles to perform such inspections and certifications.

(i) 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, diesel buses or diesel-powered 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.

13:20-47.4 Initial application for a license

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

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

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

1. The name, place of business and telephone number of the diesel emission inspection center, including, in the case of a diesel emission inspection center performing inspections exclusively for fleet operators, the name, place of business and telephone number of the center where a responsible officer or official of the center can be reached during normal business hours, and where all records

pertaining to the conduct of business of the center as required by this subchapter are maintained;

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

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

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

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

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

6. Whether the applicant has ever been denied, or had suspended or revoked, a license or registration to engage in any business, profession or occupation licensed or registered under the laws of any state; and

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

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

- 1. The New Jersey Sales Tax Identification Number;
- 2. The New Jersey Unemployment Registration Number;
- 3. The Federal Employer Identification Number;
- 4. The corporation code, if one has been issued by the Division;
- 5. Proof in such form as the Director may require that the applicant meets the requirements of N.J.A.C. 13:20-47.9; and
- 6. Proof of valid permits or other authorization from the appropriate Federal, State or other governmental agencies authorizing operation of the business or any equipment, service or process on the premises. These permits shall include, but are not limited to, proof of registration with the New Jersey Division of Taxation and the Department of Environmental Protection.

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

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

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

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

1. For injury to, or death of any one person in any one occurrence: \$100,000;

2. For injury to, or death of two or more persons in any one occurrence: \$300,000; and

3. For damage to property in any one occurrence: \$50,000.

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

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

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

(i) Upon preliminary approval of each initial license application, a license shall be issued to the diesel emission inspection center. Each initial license issued to a diesel emission inspection center on or after the effective date of this subchapter shall be effective on the date of issuance and shall continue in force and effect until June 30, 1998, 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.

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 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. 13:20-47.23. 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.

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(e), shall be owned or leased by a diesel emission inspection center and shall be located on the business premises of the center.

13:20-47.10 Diesel emission inspection certificates of approval

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

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

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

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

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

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

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

of the licensee, the licensee shall insure, prior to affixation of a diesel emission inspection certificate of approval on the vehicle, that the person or persons who inspected the vehicle have signed his or her name on the diesel vehicle inspection report.

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

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

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

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

13:20-47.11 Responsibility of licensees

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

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

13:20-47.12 Notice and recordkeeping requirements

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

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

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

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

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

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

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

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

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

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

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

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

13:20-47.13 Records; inspection reports

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

(b) A licensee shall maintain repair orders and invoices (bills for parts and labor), where required, in the form required by the deceptive automotive repair work and advertising practices rules (N.J.A.C. 13:45A-7).

(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 and 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 and the Division of Consumer Affairs shall be granted access to the licensee's business premises during regular business hours.

(f) A licensee's failure to permit investigators and other personnel of the Department of Transportation, the Division, the Department of Environmental Protection and 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 vehicle emission testing equipment specified in N.J.A.C. 13:20-47.9, questioning of employees and the employment of such other investigatory techniques as may be necessary for the enforcement of this subchapter and the provisions of Title 39, Title 26 and Title 56 of the Revised Statutes and the rules adopted thereunder by the Division at N.J.A.C. 13:20-46, the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B and the Division of Consumer Affairs at N.J.A.C. 13:45A-7.

13:20-47.14 Certification of inspection; inspection fee

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

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

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

(d) Certification of approval of a heavy-duty diesel truck, diesel bus or diesel-powered motor vehicle 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 inspection of a heavy-duty diesel truck, diesel bus or diesel-powered motor vehicle shall not

exceed one-half of the diesel emission inspection center's hourly labor charge. The maximum fee for an inspection shall be conspicuously displayed at the licensee's place of business.

13:20-47.15 Diesel emission inspector; inspector training

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

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

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

13:20-47.16 Advertising

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

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

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

13:20-47.17 Storage rates

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

13:20-47.18 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, diesel buses, or diesel-powered motor vehicles 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-7;

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)(5), 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.

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

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

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

APPENDIX A

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

STATE OF NEW JERSEY,
Plaintiff

v.

Defendant.

MUNICIPAL COURT OF _____

SUMMONS NO. SP _____

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

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

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

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

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

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

Dated: _____

PROOF OF SERVICE

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

INSTRUCTIONS

- If you have received a Complaint & Summons for a violation of N.J.S.A. 39:8-62, and "Court Appearance Required" has not been checked, you may complete this certification to plead guilty and request that the Court reduce the penalty from \$700 to \$150 for a first offense. This certification may be used to plead guilty by mail ONLY for a first offense. Any other violations require a court appearance. If you have any questions about a court appearance, you should contact the Court Administrator of the Municipal Court identified on the Complaint & Summons.

- Attach all documents (bills, invoices, parts receipts, etc.) that support your claim that the emissions repairs were actually made to the vehicle in question. If you have undertaken any optional emissions testing after repairs have been made, you may want to attach copies of the emissions test results to this certification.
- Be sure to keep copies of this certification and all attachments.
- Mail this certification, along with your check for \$_____ (including court costs) to the Municipal Court indicated on the back of the Complaint & Summons that was issued to the driver of the vehicle in question.
- If the Municipal Court does not accept this certification of repairs, you will be allowed an opportunity to withdraw this guilty plea and the Court will notify you of that fact.

CERTIFICATION OF REPAIR

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

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

Date	NAME AND ADDRESS OF LOCATION OF REPAIR FACILITY WHERE REPAIRS WERE MADE	REPAIRS MADE TO REDUCE DIESEL EMISSIONS FOR COMPLIANCE WITH DIESEL SMOKE OPACITY STANDARD
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

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

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

Dated: _____

(Signature)

(Print your name)