

CHAPTER 20

ENFORCEMENT SERVICE

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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SUBCHAPTERS 1 THROUGH 3. (RESERVED)

SUBCHAPTER 4. POWER STEERING INSTALLATION

13:20-4.1 Permitted power steering device

Any power steering device installed in a motor vehicle, offered for sale, sold or registered in the State of New

Jersey, shall be of a type which will permit the continued use of the power steering mechanism under manual control in the event of the failure of the power unit.

13:20-4.2 Equipment approval

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

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

SUBCHAPTER 5. MANUAL DOOR EQUIPMENT

13:20-5.1 Purpose

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

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

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

1. Present such motor vehicle for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate if the registrant does not wish to retain the collector motor vehicle designation. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation; or
2. Present such motor vehicle to the Director or his or her designee within 14 days of the date of issuance of the temporary authorization certificate and make application for designation as a collector motor vehicle in accordance with N.J.A.C. 13:20-43.2(c) through (h), inclusive.

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

Section was "Inspection period of passenger vehicles".

13:20-7.5 Adjustments, corrections, or repairs

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

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

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

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

13:20-7.6 Immediate repairs

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

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

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

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

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

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

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

13:20-7.7 (Reserved)

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

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

Section was "Initial passenger vehicle inspection procedure".

13:20-7.8 (Reserved)

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

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

Section was "Initial inspection certification data".

13:20-7.9 (Reserved)

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

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

Section was "Definitions".

13:20-7.10 (Reserved)

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

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

Section was "Inspection procedure".

13:20-7.11 (Reserved)

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

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

Section was "New vehicle purchaser procedure".

13:20-7.12 (Reserved)

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

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

Section was "Motor vehicle tires".

13:20-7.13 (Reserved)

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

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

Section was "Expired inspection certificates".

SUBCHAPTER 8. (RESERVED)

SUBCHAPTER 9. SPECIAL VEHICLE IDENTIFICATION CARD

13:20-9.1 Identification card requirements

(a) Whenever a request is received for a Special Vehicle Identification Card pursuant to the provisions of N.J.S.A. 39:23, the following regulations will apply:

1. Applications will be accepted only if submitted on the form approved by the Director.

2. The Director may require the applicant to submit to a re-examination on those portions of the driver's examination which are determined to be necessary based on the applicant's physical disability.

3. The Director may require the applicant to be examined by a New Jersey registered physician appointed by the State for the purpose of determining that the applicant's stated disability qualifies him under the definition of "amputee" as it appears in N.J.S.A. 39:4-204. The cost of such examination will be absorbed by the applicant.

4. Upon receipt of an application for renewal, the Director may, in his discretion, require the applicant to submit a statement from a New Jersey registered physician recertifying qualification for the Special Vehicle Identification Card.

5. Failure to comply with the regulations as set forth in this Subchapter will result in the denial of the Special Vehicle Identification Card.

13:20-9.2 Medical evidence by amputees

A Special Vehicle Identification Certificate may be issued to qualified amputees, as defined under N.J.S.A. 39:4-204 when such amputee has submitted medical evidence, satisfactory to the Director, on the form provided by the Director.

13:20-9.3 State driver's license or registration qualification

A Special Vehicle Identification Certificate will be issued only to qualified applicants who hold a New Jersey driver license and/or a New Jersey vehicle registration except as otherwise provided in this Subchapter.

13:20-9.4 Limitation on number of certificates

Two Special Vehicle Identification Certificates may be issued to a qualified amputee if such amputee is the registered owner of two vehicles, but in no event shall the number of Special Vehicle Identification Certificates issued to any one person exceed two.

13:20-9.5 Passenger vehicles

Special Vehicle Identification Certificates shall be issued for use on passenger vehicles only and in no event shall a certificate be issued for or used on a vehicle which is used for commercial purposes.

13:20-9.6 Temporary certificates

A Special Vehicle Identification Certificate may be issued on a temporary basis for a specified period when, in the opinion of the Director, a person is temporarily disabled to a degree which would qualify him under the provisions of N.J.S.A. 39:4-204.

13:20-9.7 Immediate family members

A Special Vehicle Identification Certificate may be issued to the registered owner of the motor vehicle when it is determined that a member of the immediate family of the registered owner is disabled to a degree which would qualify him under the provisions of N.J.S.A. 39:4-204 and that such person cannot qualify for a Special Vehicle Identification Certificate in his name only by virtue of the fact that he is not a licensed motor vehicle operator or the owner of a registered vehicle.

SUBCHAPTER 10. AUTOMATIC VEHICLE IDENTIFICATION SYSTEMS**13:20-10.1 Definitions**

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

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

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

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

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

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

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

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

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

13:20-10.2 Application

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

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

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

13:20-10.3 Placement

(a) Each owner or operator of a motor vehicle registered in this State who participates in a testing program of an automatic vehicle identification system operated by a toll authority or agency organized under the laws of this State or any other State shall have a transponder attached to inside the motor vehicle on the left most side of the windshield as viewed from inside the motor vehicle or at such other location on the motor vehicle as the Director deems appropriate. The transponder shall not cover the inspection decal and shall be located in a position on the windshield

that will not unduly restrict the vision of the driver. No more than one transponder shall be attached to the windshield of a motor vehicle pursuant to this subchapter.

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

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

SUBCHAPTER 11. (RESERVED)

SUBCHAPTER 12. DRIVER REEXAMINATION

13:20-12.1 Definitions

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

“Moving traffic violation” means a violation of the provisions of N.J.S.A. 39 where actual operation and movement of a vehicle is an element of the statutory violation.

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

13:20-12.2 Reexamination; categories

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

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

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

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

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

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

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

Case Notes

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

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

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

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

13:20-12.3 Vision examination

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

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

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

Case Notes

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

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. PARKING ON STATE PROPERTY

13:20-14.1 Vehicle registration and parking permit

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

13:20-14.2 Application

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

13:20-14.3 Affixing permit

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

13:20-14.4 Infringement on reserved spaces

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

13:20-14.5 Duration of parking privilege

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

13:20-14.6 Suspension

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

13:20-14.7 Penalty

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

SUBCHAPTER 15. STUD TIRES

13:20-15.1 Definitions

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

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

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

"Psi" means pressure in pounds per square inch.

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

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

13:20-15.2 Federal requirements

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

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

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

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

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

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

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

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

13:20-15.3 Application for product approval

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

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

13:20-15.4 Provisional certificate

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

1. The manufacturer applies therefor, certifying that his product conforms with the requirements of this Subchapter.
2. Three matched pairs of sample tires of the type for which approval is requested are submitted to the Director in such size or sizes as he may designate. The Director reserves the right to deny a certificate of approval for any type of stud tire he has reason to believe does not conform with requirements herein.

SUBCHAPTER 16. (RESERVED)

SUBCHAPTER 17. DRIVER IMPROVEMENT SCHOOLS

13:20-17.1 Purpose

(a) The Director of the Division of Motor Vehicles of the Department of Transportation recognizing his or her responsibility to control the driving of persons to whom he or she issues driver licenses and further recognizing his or her

responsibility in the field of highway safety hereby promulgates this regulation establishing Division Driver Improvement Schools.

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

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

13:20-17.2 Attendance

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

13:20-17.3 Amount of fee

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

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

13:20-17.4 Manner of payment

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

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

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

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

13:20-17.5 Penalty

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

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

SUBCHAPTERS 18 THROUGH 21. (RESERVED)

13:20-22.6 Withdrawal of approval

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

SUBCHAPTER 22. BRAKE LININGS

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

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

13:20-22.1 Standards and specifications

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

13:20-22.2 Approval

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

SUBCHAPTER 23. (RESERVED)

SUBCHAPTER 24. MOTORCYCLES

13:20-24.1 Approval of goggles

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

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

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

13:20-24.2 Goggles test procedure

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

1. Goggles, eye cup (except welders' and cutters' models);
2. Spectacles, metal or plastic frame;
3. Goggles, flexible fitting;
4. Spectacles, plastic eye shield.

(b) The following modifications shall be applicable:

13:20-22.3 Requirements for product approval

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

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

13:20-22.4 Procedure for securing approval

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

(b) The manufacturer or vendor shall submit to the Director a test report certified as required in Section 22.3(b) (Requirements for product approval) of this Chapter, with two properly identified samples of the brake lining for which approval is being requested.

13:20-22.5 Notice of approval

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

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

13:20-24.3 Goggle approval requirements

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

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

13:20-24.4 Mark on goggles

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

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

13:20-24.5 Test procedure for face shields

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

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

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

13:20-24.6 Face shield approval requirements

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

1. It meets the requirements established in the USA Standard Specifications for Head, Eye and Respiratory

Protection Z2.1-1959 established for the test procedures required in Section 24.5 (Test procedure for face shields) of this Chapter;

2. The edge of the face shield is smooth, and if the edge is bevelled, it must be dull finished;

3. It meets the window support and marking requirements established in the USA Standard Specifications for Head, Eye and Respiratory Protection Z2.1-1959;

4. It meets the identification requirements of Section 24.7 (Identification mark on face shield) of this Chapter.

13:20-24.7 Identification mark on face shield

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

13:20-24.8 Windscreen approval requirements

(a) No windscreen shall be approved unless:

1. The visual material meets the provisions appearing in USA Standard Specifications for Safety Glazing Materials for Glazing Motor Vehicles Operated on Land Highways Z26.1-1966 for Motorcycle Use. For rigid plastic material, Item 4 of Table 1 shall be used; for flexible plastics, Item 6 of Table 1 shall be used;

2. The metal support shall be of a material which shall bend rather than fragment under impact;

3. Covering material, other than visual material, shall be beaded at the edges to prevent fraying; and if cloth shall be tested for flammability according to the procedures of 5902 of specifications of the American Society of Testing Methods;

4. It meets the identification requirements of Section 24.9 (Mark on windscreen) of this Chapter.

13:20-24.9 Mark on windscreen

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

13:20-24.10 Approval of helmets

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

(b) Letters requesting approval of protective helmets shall be sent to the Director, Division of Motor Vehicles.

13:20-24.11 Helmet approval specifications

Applications for approval of safety helmets shall be accompanied by a copy of the Certificate of Approval from the American Association of Motor Vehicle Administrators, showing that the helmet meets the specifications of Standard Z90.1-1966 of the USA Standards Institute, unless the AAMVA has sent a Confirmation Certificate of Approval directly to the New Jersey Division of Motor Vehicles.

13:20-24.12 Reflectorized surface on helmets

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

13:20-24.13 Identification label on helmets

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

13:20-24.14 Helmet straps

Each approved helmet must be equipped with either a neck or chin strap.

13:20-24.15 Test reports

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

13:20-24.16 Samples

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

13:20-24.17 Notice of approval

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

13:20-24.18 Temporary approval

Any goggles, face shield or windscreen, in retail stock on or before March 31, 1968, and sold to a consumer on or before June 30, 1968, may receive temporary approval; provided, however, the manufacturer submits to the Director of the New Jersey Division of Motor Vehicles a notarized statement, signed by a responsible officer of the company, certifying that such device meets the requirements of this Subchapter, and supplies a label which can be permanently affixed to the device showing the manufacturer's trade name and number, which shall be the same trade name and number of the device which has been certified to meet the requirements of this Subchapter.

13:20-24.19 Withdrawal of approval

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

13:20-24.20 Inspection of motorcycles

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

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

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

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

Rewrote (a).

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

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

Rewrote the section.

13:20-24.21 Motorcycle license plates and tabs

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

SUBCHAPTER 25. SAFETY GLAZING MATERIAL; OTHER EQUIPMENT
13:20-25.1 Letter requesting approval

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

13:20-25.2 Application for approval; report

Applications for approval shall be accompanied by a report from a recognized independent testing laboratory and such report shall reveal that the device, safety glazing material or other equipment for which approval is request-

ed, meets or exceeds the specifications and standards established by the Society of Automotive Engineers or the American Standards Association, or specifications and standards adopted by the Director or the American Association of Motor Vehicle Administrators.

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

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

Added: American Association of Motor Vehicle Administrators.

13:20-25.3 Samples

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

13:20-25.4 Determination of approval

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

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

13:20-25.5 Safety glazing material approval procedure

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

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

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

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

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

(a) substantially amended.

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

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

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

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

Subchapter Historical Note

The name of Subchapter 26, Self-Inspection of Certain Classes of Motor Vehicles, was changed to Subchapter 26, Compliance with Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles, by R.1997 d.392, effective September 15, 1997. See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).

13:20-26.1 Applicability

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

13:20-26.2 Definitions

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

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

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

13:20-26.3 Inspection and maintenance

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

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

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

13:20-26.4 Unsafe operations

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

13:20-26.5 Inspection of motor vehicles

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

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

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

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

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

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

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

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

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

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

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

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

13:20-26.7 Notice to owner or lessee

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

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

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

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

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

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

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

13:20-26.8 Damaged vehicles inspection

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

13:20-26.9 Vehicle condition report

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

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

13:20–26.10 Recommended forms

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

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

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

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

13:20–26.11 Required inspection and maintenance

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

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

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

13:20–26.12 Standards of inspection

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

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

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

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

13:20–26.13 Certification

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

13:20–26.14 Additional inspection

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

13:20–26.15 Penalties

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

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

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

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

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

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

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

Rewrote the section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

“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.

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

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

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

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 pursuant to this subchapter must be licensed as a Class III private inspection facility pursuant to N.J.A.C. 13:20-44.

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

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

Rewrote (c).

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.

(b) In the event of any inconsistency or conflict between the manufacturer’s specifications and any standard or rule adopted by the U.S. Department of Transportation or by statute or by regulation of the Director, the standard or rule adopted by the U.S. Department of Transportation or by statute or by regulation of the Director shall take precedence.

13:20-28.6 Decal; period of validity

(a) Every new motor vehicle dealer shall, after satisfactory completion of inspection, affix a decal or other indication of successful inspection as the Director may prescribe, upon such vehicle.

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

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

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

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

13:20-28.7 Compliance

No new motor vehicle dealer may deliver a vehicle to an ultimate purchaser until such vehicle has been found to be in safe operating condition as determined by compliance with the inspection standards established by the provisions of this subchapter.

13:20-28.8 Evidence of compliance

(a) Completion by a new motor vehicle dealer of a manufacturer’s pre-delivery check list or report shall be evidence of compliance with the provisions of this subchapter.

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

13:20-28.9 Recommended practices and forms

The pre-delivery check list used by a new motor vehicle dealer shall indicate the place and date of inspection, the person or persons performing such inspection, and compliance with the standards of safety established by this subchapter.

13:20-28.10 Additional inspection

Nothing in this subchapter shall be construed to limit or deny the Director to require any additional inspection, including an inspection to assure the proper functioning of emission control devices or systems of new motor vehicles, nor shall this subchapter be construed 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" or the New Jersey "Federal Clean Air Mandate Compliance Act" (P.L. 1995, c.112).

Amended by R.1996 d.28, effective January 16, 1996.
See: 27 N.J.R. 4140(a), 28 N.J.R. 257(a).

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

13:20-28.11 Determination of compliance by Director

The Director or any of his designees may enter upon the premises of any new motor vehicle dealer to determine compliance with any section of this subchapter.

13:20-28.12 Violation

Any new motor vehicle dealer, who violates any provision of this subchapter shall be subject, after notice and hearing, to the suspension or revocation of his New Jersey dealer license.

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

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

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

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

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

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

Case Notes

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

13:20-29.2 Procedures

(a) Motor vehicles inspected pursuant to N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14 which are found to be in proper operating condition shall retain the existing inspection certificate of approval or certificate of waiver issued therefor.

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

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

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

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

Rewrote the section.

Case Notes

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

13:20-29.3 Penalty

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

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

Rewrote the section.

Case Notes

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

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

The provisions of this Subchapter shall be applicable to all school buses registered in this State, except buses which are also used for the transportation of passengers for hire and which are subject to inspection by the New Jersey Department of Public Utilities.

13:20-30.2 Definitions

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

13:20-30.12 Compliance with diesel emission standards, equipment requirements, and test procedures; periodic inspection

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

(b) Diesel-powered school buses registered in New Jersey shall be subject to periodic inspection in accordance with N.J.A.C. 13:20-30.5(a) at the premises or places of business of the owner or lessee of such vehicles to determine compliance with (a) above.

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

SUBCHAPTER 31. (RESERVED)

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

Authority

N.J.S.A. 39:3-33, 39:3-43, 39:8-2, 39:8-10, 39:8-45, 39:8-53 and 39:10-4.

Source and Effective Date

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

Subchapter Historical Note

Subchapter 32, Motor Vehicle Reinspection Centers, was repealed and Subchapter 32, Inspection Standards and Test Procedures to be Used by Official Inspection Facilities, was adopted as new rules by R.1999 d.422, effective December 6, 1999. See: Source and Effective Date.

13:20-32.1 Definitions

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

“Certificate of approval” means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, N.J.A.C. 13:20-43, this subchapter or N.J.A.C. 13:20-33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-4 regarding the inspection of motor vehicles.

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

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

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

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

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

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

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

13:20-32.2 General provisions; official inspection facilities

(a) This subchapter contains the inspection standards and test procedures to be used by official inspection facilities when inspecting and certifying automobiles, trucks, modified buses with a capacity of not more than 15 passengers which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division, and motorcycles for compliance with inspection standards.

(b) Official inspection facilities shall be authorized to engage in the inspection, reinspection and certification of automobiles, trucks, modified buses with a capacity of not more than 15 passengers which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division, and motorcycles; provided, however, official inspection facilities shall not inspect modified buses with a capacity of more than 15 passengers, school buses, buses which are subject to inspection by the Division’s Commercial Bus Inspection and Investigation Unit, jitneys as defined in N.J.A.C. 13:20-44.2, or motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

(c) An official inspection facility shall be authorized to affix an inspection certificate of approval on a motor vehicle upon:

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

(d) An official inspection facility shall be authorized to affix a certificate of waiver on a motor vehicle which satisfies all of the requirements of N.J.A.C. 13:20-43.13.

(e) If an automobile, truck, or modified bus with a capacity of not more than 15 passengers registered in New Jersey conforms to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, the motor vehicle shall be certified by an official inspection facility by removing the previous inspection certificate of approval, certificate of waiver, or inspection rejection sticker, if any, and replacing it with a current inspection certificate of approval. The inspection certificate of approval issued by an official inspection facility shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the inspection certificate of approval shall be completely visible from the front of the motor vehicle. The inspection certificate of approval shall be affixed in an upright position.

(f) If an automobile, truck, or modified bus with a capacity of not more than 15 passengers registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, an official inspection facility shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, and shall affix an inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle directly above the previous certificate of approval or certificate of waiver, if any, affixed to the windshield. If there is no previous certificate of approval or certificate of waiver affixed to the windshield, an official inspection facility shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. The inspection rejection sticker shall be an indication that adjustments, corrections, or repairs to the motor vehicle which has failed inspection must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(g) Notwithstanding (f) above, if an automobile, truck, or modified bus with a capacity of not more than 15 passengers registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4 and the nature of the defect(s) found is such as to constitute a hazard to the public safety so as to require immediate repairs to such motor vehicle, an official inspection facility shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, shall remove the previous inspection certificate of approval, certificate of waiver and/or inspection rejection sticker, if any, and shall affix a "48 hour" inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A defect which constitutes a hazard to the public safety so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the items specified in N.J.A.C. 13:20-7.6(b). The "48 hour" inspection rejection sticker shall be an indication that the defect(s) deemed to constitute a hazard to the public safety must be repaired and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.6(a).

(h) If a motor vehicle registered in New Jersey satisfies all of the requirements of N.J.A.C. 13:20-43.13 for the issuance of a certificate of waiver, an official inspection facility shall remove the previous inspection certificate of approval, certificate of waiver and/or inspection rejection sticker and shall replace it with a current certificate of waiver. The certificate of waiver issued by an official inspection facility shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the certificate of waiver shall be completely visible from the front of the motor vehicle. The certificate of waiver shall be affixed in an upright position.

(i) If a motorcycle registered in New Jersey conforms to the inspection standards set forth in this subchapter, the motorcycle shall be certified by an official inspection facility by affixing a current inspection certificate of approval to the right side of the rear license plate, equally centered between the upper right and lower right corners of the license plate, in such a position as to be easily visible for enforcement purposes. The inspection certificate of approval shall be affixed in an upright position. If there is a previous certificate of approval affixed to the rear license plate at the location specified in this subsection, the new certificate of approval shall be affixed so as to cover the previous certificate of approval. If there is a previous certificate of approval affixed to the rear license plate at a location other than that specified in this subsection, the new certificate of approval shall be affixed at the location specified in this subsection.

13:20-32.67 Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with front and rear brakes adequate to control the movement of and stop the motorcycle within a safe distance; or, for 1973 and earlier model year motorcycles, the motorcycle is not equipped with at least one brake adequate to control the movement of and stop the motorcycle within a safe distance;
2. Levers (foot and hand) do not have at least one-third of their average travel distance as reserve after the brakes are fully applied;
3. Any leak in a hydraulic brake system; or
4. Any defect in mechanical components.

(b) A three-wheeled motorcycle shall be equipped with a parking brake in proper operating condition.

(c) The parking brake shall be able to hold the motorcycle stationary on any up or down grade upon which it can be operated, whether the motorcycle is empty or loaded.

(d) The parking brake shall be equipped with an automatic locking device which will hold the brake in the applied position.

(e) When the parking brake is applied, there shall be a minimum of one-third of the total average travel (as per the motorcycle manufacturer's specifications) remaining.

(f) The service brakes on a three-wheeled motorcycle shall be properly equalized.

13:20-32.68 Helmets; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. There is not an approved type of safety helmet in the possession of the motorcycle operator. An approved type of safety helmet is marked to meet Standard Z90.1 of the American National Standards Institute or Federal Motor Vehicle Safety Standard 218, along with the manufacturer's or distributor's trademark;
2. The safety helmet is not equipped with either a neck or chin strap; or
3. The safety helmet is not reflectorized over an area of at least four square inches on each side of the helmet. Red, white, or amber reflectorized safety tape shall be used and shall be securely affixed to the helmet in a permanent waterproof manner. Helmets manufactured

with built-in reflectorization shall also have affixed there-to the reflectorized tape.

13:20-32.69 Goggles or face shields; motorcycles; official inspection facilities

(a) A motorcycle operator is not required to have goggles or a face shield in his or her possession if the motorcycle is equipped with an approved type of windscreen in accordance with N.J.A.C. 13:20-32.53. If the motorcycle is not equipped with an approved type of windscreen, it shall not be certified unless the operator has in his or her possession either an approved type of goggles or an approved type of face shield.

(b) Approved type goggles and approved type face shields are marked to meet Standard Z2.1 or Standard Z87.1 of the American National Standards Institute or Regulation V-8. The letters and numbers Z2.1 or Z87.1 or V-8 appear on such goggles and face shields, along with the trademark of the manufacturer or distributor.

13:20-32.70 Seats; motorcycles; official inspection facilities

(a) Motorcycles designed for occupancy by two people shall have either one permanent seat designed for two persons, or a separate passenger seat located to the rear or side of the seat for the operator.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The seats are not equivalent in quality and safety to the original manufacturer's equipment;
2. Each seat is not securely mounted; or
3. The seats are not of sufficient strength or are mounted in such a manner that the operator and passenger cannot ride without crowding or interfering with the operation of the motorcycle.

13:20-32.71 Foot rests; motorcycles; official inspection facilities

(a) Motorcycles designed to carry more than one person shall be equipped with adequate foot rests for each passenger.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The foot rests are not equivalent in quality and performance to the original manufacturer's equipment;
2. The foot rests are not securely mounted;
3. The foot rests are not capable of supporting the full weight of the user; or
4. The foot rests for passengers are mounted in such a manner as to interfere with the operation of the motorcycle.

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

Authority

N.J.S.A. 39:3-33, 39:3-43, 39:8-2, 39:8-10,
39:8-45, 39:8-53 and 39:10-4.

Source and Effective Date

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

Subchapter Historical Note

Subchapter 33, Enforcement Service: Standards and Procedures to be Used by Licensed Reinspection Centers, was repealed and Subchapter 33, Inspection Standards and Test Procedures to be Used by Licensed Private Inspection Facilities, was adopted as new rules by R.1999 d.422, effective December 6, 1999. See: Source and Effective Date.

13:20-33.1 Definitions

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

“Certificate of approval” means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, N.J.A.C. 13:20-43, N.J.A.C. 13:20-32 or this subchapter, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-4 regarding the inspection of motor vehicles.

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

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

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

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

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

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

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

13:20-33.2 General provisions; Class I, II, and III licensees

(a) This subchapter contains the inspection standards and test procedures to be used by licensed private inspection facilities, including Class I and Class II licensed private inspection facilities when inspecting and certifying automobiles, trucks, buses (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), and jitneys as defined in N.J.A.C. 13:20-44.2 for compliance with inspection standards, and Class III licensed private inspection facilities when inspecting and certifying motorcycles for compliance with inspection standards.

(b) A private inspection facility license authorizes the placement of an inspection certificate of approval on a motor vehicle upon:

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

(c) An emission inspection or reinspection shall be performed by a motor vehicle emission inspector licensed in accordance with N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-43.17. The motor vehicle emission inspector shall sign his or her name on the motor vehicle inspection report upon completion of the inspection or reinspection of a motor vehicle. A safety inspection or reinspection shall be performed by a mechanic possessing the qualifications set forth at N.J.A.C. 13:20-44.19. The mechanic shall sign his or her name on the motor vehicle inspection report or motorcycle inspection invoice upon completion of the inspection or reinspection of a motor vehicle or motorcycle.

(d) The fee which may be charged by a Class I licensed private inspection facility for an initial inspection shall not exceed the schedule of inspection charges displayed at the facility’s place of business and on file with the Division of Motor Vehicles’ Private Inspection Facility Licensing Unit. The schedule of inspection charges shall specifically set forth the inspection charge for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less and the inspection charge for the initial inspection of motor vehicles having a GVWR greater than 8,500 pounds.

(b) Certification of a motorcycle shall not be refused because a headlight switch is not present provided the headlight is illuminated when the ignition switch is turned on.

(c) Certification of a motorcycle shall not be refused if replacement switches are present which perform the same function as original switches, provided the safe operation of the motorcycle is not adversely affected.

(d) Certification of a motorcycle shall not be refused if replacement switches are present which perform the same function as the original switches but are not located in the original switch position(s), provided the safe operation of the motorcycle is not adversely affected.

13:20-33.65 Headlight beam indicator light; Class III licensees

(a) Certification of a motorcycle shall not be refused because the headlight beam indicator light is inoperative or does not operate properly; however, the motorcyclist shall be advised to have the defect corrected.

(b) A headlight beam indicator light is not required on motorcycles equipped with single beam headlights.

13:20-33.66 Miscellaneous items; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. Fuel leakage at any point in the motorcycle fuel system;
2. The fuel tank and piping are not securely mounted or are not in proper condition;
3. The fuel tank is not properly capped;
4. The chainguard does not provide sufficient protection; or
5. The speed recording instrument (speedometer) or the mileage recording instrument (odometer) is inoperative or does not operate properly.

(b) The rear fenders of three-wheeled motorcycles shall extend downward to the rear at least three-quarters of the distance from the top of the tire to the horizontal centerline of the tire. Fender flaps may be attached to the rear fenders to provide the required length.

13:20-33.67 Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with front and rear brakes adequate to control the movement of and stop the

motorcycle within a safe distance; or, for 1973 and earlier model year motorcycles, the motorcycle is not equipped with at least one brake adequate to control the movement of and stop the motorcycle within a safe distance;

2. Levers (foot and hand) do not have at least one-third of their average travel distance as reserve after the brakes are fully applied;

3. Any leak in a hydraulic brake system; or

4. Any defect in mechanical components.

(b) A three-wheeled motorcycle shall be equipped with a parking brake in proper operating condition.

(c) The parking brake shall be able to hold the motorcycle stationary on any up or down grade upon which it can be operated, whether the motorcycle is empty or loaded.

(d) The parking brake shall be equipped with an automatic locking device which will hold the brake in the applied position.

(e) When the parking brake is applied, there shall be a minimum of one-third of the total average travel (as per the motorcycle manufacturer's specifications) remaining.

(f) The service brakes on a three-wheeled motorcycle shall be properly equalized.

13:20-33.68 Helmets; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. There is not an approved type of safety helmet in the possession of the motorcycle operator. An approved type of safety helmet is marked to meet Standard Z90.1 of the American National Standards Institute or Federal Motor Vehicle Safety Standard 218, along with the manufacturer's or distributor's trademark;

2. The safety helmet is not equipped with either a neck or chin strap; or

3. The safety helmet is not reflectorized over an area of at least four square inches on each side of the helmet. Red, white, or amber reflectorized safety tape shall be used and shall be securely affixed to the helmet in a permanent waterproof manner. Helmets manufactured with built-in reflectorization shall also have affixed there-to the reflectorized tape.

13:20-33.69 Goggles or face shields; Class III licensees

(a) A motorcycle operator is not required to have goggles or a face shield in his or her possession if the motorcycle is equipped with an approved type of windscreen in accordance with N.J.A.C. 13:20-33.53. If the motorcycle is not equipped with an approved type of windscreen, it shall not be certified unless the operator has in his or her possession

either an approved type of goggles or an approved type of face shield.

(b) Approved type goggles and approved type face shields are marked to meet Standard Z2.1 or Standard Z87.1 of the American National Standards Institute or Regulation V-8. The letters and numbers Z2.1 or Z87.1 or V-8 appear on such goggles and face shields, along with the trademark of the manufacturer or distributor.

13:20-33.70 Seats; Class III licensees

(a) Motorcycles designed for occupancy by two people shall have either one permanent seat designed for two persons, or a separate passenger seat located to the rear or side of the seat for the operator.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The seats are not equivalent in quality and safety to the original manufacturer's equipment;
2. Each seat is not securely mounted; or
3. The seats are not of sufficient strength or are mounted in such a manner that the operator and passenger cannot ride without crowding or interfering with the operation of the motorcycle.

13:20-33.71 Foot rests; Class III licensees

(a) Motorcycles designed to carry more than one person shall be equipped with adequate foot rests for each passenger.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The foot rests are not equivalent in quality and performance to the original manufacturer's equipment;
2. The foot rests are not securely mounted;
3. The foot rests are not capable of supporting the full weight of the user; or
4. The foot rests for passengers are mounted in such a manner as to interfere with the operation of the motorcycle.

APPENDIX A

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

<u>Item Reinspected</u>	<u>Time Required</u>
Credentials .....	.1 hour*
License Plates .....	.1 hour*
Steering and Suspension .....	.5 hour
Front Parking Lights .....	.1 hour*
Glazing .....	.2 hour

<u>Item Reinspected</u>	<u>Time Required</u>
Obstruction to Driver's Vision .....	.1 hour*
Horn .....	.1 hour*
Windshield Wipers .....	.2 hour
Turn Signals and/or Hazard Warning Signals .....	.2 hour
Clearance Lights, Reflectors, Identification Lights and/or Side-Marker Lights .....	.2 hour
Taillights and/or License Plate Light .....	.1 hour*
Stoplights .....	.1 hour*
Wheels and/or Tires .....	.2 hour
Exhaust System .....	.2 hour
Engine Emissions (CO, HC, NO _x and/or Smoke) .....	.5 hour
Gas Cap Test .....	.2 hour
Pressure Test .....	.3 hour
On Board Diagnostic (OBD) Test .....	.3 hour
Catalytic Converter .....	.2 hour
Headlights .....	.3 hour
Rear View Mirrors .....	.1 hour*
Miscellaneous Lights .....	.2 hour
Wiring and/or Switching .....	.2 hour
Miscellaneous Items .....	.3 hour
Service Brakes .....	.5 hour
Parking Brake and Reserve .....	.2 hour
Service Brake Equalization .....	.5 hour
Service Brake Pedal Reserve .....	.2 hour

*Note: If this is the only item to be reinspected on a motor vehicle, the reinspection time shall be considered to be .2 hour.

APPENDIX B

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

<u>Item Reinspected</u>	<u>Time Required</u>
Credentials .....	.1 hour*
License Plates .....	.1 hour*
Steering and Suspension .....	.7 hour
Front Parking Lights .....	.1 hour*
Glazing .....	.2 hour
Obstruction to Driver's Vision .....	.1 hour*
Horn .....	.1 hour*
Windshield Wipers .....	.2 hour
Turn Signals and/or Hazard Warning Signals .....	.2 hour
Clearance Lights, Reflectors, Identification Lights and/or Side Marker Lights .....	.2 hour
Taillights and/or License Plate Light .....	.1 hour*
Stoplights .....	.1 hour*
Wheels and/or Tires .....	.2 hour
Exhaust System .....	.4 hour
Engine Emissions (CO, HC and/or Smoke) .....	.5 hour
Gas Cap Test .....	.2 hour
Catalytic Converter .....	.2 hour
Headlights .....	.3 hour
Rear View Mirrors .....	.1 hour*
Miscellaneous Lights .....	.2 hour
Wiring and/or Switching .....	.2 hour
Miscellaneous Items .....	.3 hour
Service Brakes .....	.7 hour
Parking Brake and Reserve .....	.4 hour
Service Brake Equalization .....	.7 hour
Service Brake Pedal Reserve .....	.4 hour

*Note: If this is the only item to be reinspected on a motor vehicle, the reinspection time shall be considered to be .2 hour.

APPENDIX C

**AVERAGE LENGTH OF TIME REQUIRED
TO REINSPECT A SPECIFIC ITEM ON
A MOTORCYCLE**

<u>Item Reinspected</u>	<u>Time Required</u>
Credentials .....	.1 hour*
License Plate .....	.1 hour*
Frame, Wheels, Steering, Handlebars and/or Suspension .....	.2 hour
Parking Lights .....	.1 hour*
Windscreen and/or Glazing .....	.2 hour
Obstruction to Driver's Vision .....	.1 hour*
Horn .....	.1 hour*
Windshield Wipers .....	.2 hour
Turn Signals and/or Hazard Warning Sig- nals .....	.2 hour
Clearance Lights, Reflectors, Identification Lights and/or Side-Marker Lights .....	.2 hour
Taillights and/or License Plate Light .....	.1 hour*
Stoplights .....	.1 hour*
Tires .....	.2 hour
Exhaust System (Including Smoke) .....	.2 hour
Headlights .....	.2 hour
Rear View Mirrors .....	.1 hour*
Miscellaneous Lights .....	.2 hour
Wiring, Switching and/or Electrical Equip- ment .....	.2 hour
Miscellaneous Items .....	.2 hour
Service Brakes .....	.2 hour
Parking Brake and Reserve .....	.2 hour

<u>Item Reinspected</u>	<u>Time Required</u>
Service Brake Equalization .....	.2 hour
Service Brake Pedal Reserve .....	.2 hour
Helmets .....	.1 hour*
Goggles and/or Face Shields .....	.1 hour*
Seats and/or Foot Rests .....	.1 hour*

*Note: If this is the only item to be reinspected on a motorcycle, the reinspection time shall be considered to be .2 hour.

SUBCHAPTER 34. IDENTIFYING MARKS

13:20-34.1 Definitions

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

“Courtesy marks” means particular identifying marks having inscribed thereon motor vehicle registration numbers comprised of three alphabetic characters and any number from 1 through 20, except those combinations hereinafter reserved.

“Legislature courtesy marks” mean courtesy marks hereinafter reserved for members of the Senate and General Assembly of the State of New Jersey.

“Particular identifying mark or marks” mean motor vehicle license plates having inscribed thereon motor vehicle registration numbers comprised of combinations of letters or numbers, or both, requested by the registrants.

“Personalized marks” mean particular identifying marks having inscribed thereon motor vehicle registration numbers comprised of any combination of alphabetic characters or numbers, or both, except combinations defined as courtesy marks.

13:20-34.2 Registration numbers reserved

(a) The following registration numbers are reserved as specified:

1. Registration numbers comprised of two alphabetic characters only and registration numbers comprised of one alphabetic character and a single digit for vehicles owned or leased by members of the Senate of the State of New Jersey; SP for a vehicle owned by, or leased by or for, the President of the Senate of the State of New Jersey;

2. Registration numbers comprised of two alphabetic characters and one digit for vehicles owned or leased by members of the General Assembly of the State of New Jersey; SPKR for a vehicle owned by, or leased by or for, the Speaker of the General Assembly of the State of New Jersey;

3. U.S.S. 1 and U.S.S. 2 for vehicles owned or leased by United States Senators representing the State of New Jersey;

4. U.S. 1 through U.S. 20 for vehicles owned or leased by members of Congress representing districts in the State of New Jersey;

5. MD A 1 through MD Z 999, 1 MD A through 99 MD Z, MD 1000 through MD 9999, 1000 MD through 9999 MD, and MD 1 A through MD 99 Z for vehicles owned or leased by persons licensed to practice medicine and surgery in New Jersey or neighboring states;

6. NJP 1 through NJP 999 and 1 NJP through 999 NJP for vehicles owned or leased by persons accredited as members of the “Press” in New Jersey.

7. NYP 1 through NYP 9999 and 1 NYP through 9999 NYP for vehicles owned or leased by persons accredited as members of the “Press” in the City of New York, New York;

8. PBA, PBA 1 through PBA 999 and 1 PBA through 999 PBA for incumbent officers of the State Patrolmen’s Benevolent Association, Inc.;

9. QQA 1 through QQZ 999, 1 QQA through 999 QQZ, QQ1 A through QQ999 Z, 100 AQQ through 999 ZQQ, and QQ 1000 through QQ 99999 for “historic” vehicles registered pursuant to N.J.S.A. 39:3-27.3 et seq.; Q1 through Q9999 for “historic” motorcycles;

10. DAV 1 through DAV 999, 1 DAV through 999 DAV, DV 1 through DV 9999 and 1 DV through 9999 DV for vehicles owned by members of “Disabled American Veterans” of New Jersey;

11. VFW 1 through VFW 999 and 1 VFW through 999 VFW for vehicles owned or leased by members of “Veterans of Foreign Wars of the United States, State of New Jersey”;

12. DAA 1 through DZZ 99 and 1 DAA through 99 DZZ for issuance to licensed motor vehicle dealers pursuant to N.J.S.A. 39:3-18;

13. A11A through Z99Z and 1AA1 through 9ZZ9 for vehicles owned by any bona fide firefighter (paid, partially paid, or volunteer);

14. F 1000 through F 999 and 1000 F through 9999 F for vehicles owned by any bona fide members of first aid or rescue squads;

15. P 1000 through P 9999 and 1000 P through 9999 P for vehicles owned by any person who served in the armed forces of the United States and who was held as a prisoner of war by an enemy of the United States during any armed conflict;

16. R 1000 through R 9999 and 1000 R through 9999 R for vehicles manufactured before 1949 and registered with a New Jersey street rod club affiliated with the National Street Rod Association, Inc.;

17. H 1000 through H 9999, 1000 H through 9999 H, HA 1000 through HZ 9999 and 1000 HA through 9999 HZ for vehicles that qualify under New Jersey Motor Vehicle Law 39:4-204 through 207;

18. NGA 1 through NGZ 999 and 1 NGA through 999 NGZ and any combination beginning with NG for vehicles owned by active members of or former active members who have been honorably separated from members of the New Jersey Air National Guard or Army National Guard;

19. A 1 AA through Z 9 ZZ, except for those combinations beginning with the letters A, K, N or W which are reserved for amateur radio call letter registrations, for vehicles owned or leased by a County Office of New Jersey. The first letter will designate the county code. Freeholder, Surrogate, County Clerk, and Sheriff will be assigned numbers one through three. All other plates will bear the title County Officer with assigned numbers four through nine;

20. DDS 001 through DDS 999 and 001 DDS through 999 DDS and DMD 001 through DMD 999 and 001 DMD through 999 DMD and any combination of one to three letters with DDS or DMD owned by New Jersey residents licensed to practice dentistry in New Jersey or neighboring states;

21. DPM 100 through DPM 999 and 100 DPM through 999 DPM and any combination of one to three letters with DPM owned by New Jersey residents licensed to practice podiatry in New Jersey or neighboring states;

22. 1 DC 1 through 1 DC 999 owned by New Jersey residents licensed to practice chiropractic medicine in New Jersey or neighboring states;

23. DO 1000 through DO 9999 and 1000 DO through 9999 DO for vehicles owned or leased by osteopathic physicians licensed to practice medicine and surgery in New Jersey or neighboring states;

24. AA1AA through ZZ9ZZ for vehicles owned or leased by the mayor or chief executive of a municipality in this State;

25. USS NJ, USS NJ 1 through 9 to be set aside for the members of the USS New Jersey Battleship Commission;

26. SA 1000 through SA 9999 and SA 100A through SZ 999Z, except that the letters I, O and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Coastal Protection license plates issued by the Division pursuant to N.J.S.A. 39:3-27.48;

27. IM 1000 through IM 9999 and IM 100A through IM 999Z, except that the letters O and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Animal Welfare license plates issued by the Division pursuant to N.J.S.A. 39:3-27.55;

28. CW 1000 through CW 9999, 1000 CW through 9999 CW, CW 100A through CW 999Z, and CW 10AA through CW 99ZZ, except that the letters I, O and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Wildlife Conservation license plates issued by the Division pursuant to N.J.S.A. 39:3-33.10;

29. AA 100A through AZ 999Z are reserved for future use;

30. Three alphabetic characters plus 1 through 20 and 1 through 20 plus three alphabetic characters designated as "courtesy plates" approved by county senators.

(b) Notwithstanding the above reservations, the Director in his discretion may issue marks reserved for members of the United States Senate and House of Representatives, and the Senate and General Assembly of New Jersey to vehicles owned by spouses of said members or to vehicles owned by firms or corporations of which said members are owners, partners or employees.

Amended by R.1985 d.101, effective March 4, 1985.
See: 16 N.J.R. 2743(a), 17 N.J.R. 601(a).

Substantially amended.

Amended by R.1992 d.264, effective June 15, 1992.
See: 24 N.J.R. 1467(b), 24 N.J.R. 2283(b).

Revised text.

Amended by R.1994 d.314, effective June 20, 1994.
See: 26 N.J.R. 1487(a), 26 N.J.R. 2587(b).
Amended by R.1996 d.28, effective January 16, 1996.
See: 27 N.J.R. 4140(a), 28 N.J.R. 272(a).

13:20-34.3 Registration numbers excluded

(a) The following registration numbers shall be excluded from issuance as "particular identifying marks" and, where so indicated, shall be used for the purpose specified:

1. Any combination except those hereinbefore reserved having the following arrangements: three alphabetic followed by three numeric characters (for example ABC 123); three numeric followed by three alphabetic characters (for example 123 ABC); three alphabetic followed by two numeric and one alphabetic character (for example, ABC 12D); two alphabetic followed by three numeric and one alphabetic character (for example, BA 123C), except that the letters I, O and Q shall not be utilized in this type of six character non-personalized plate combination; three alphabetic followed by four numeric characters (for example, ABC 1234), except that the letters I, O and Q shall not be utilized in such seven character non-personalized plate combinations. Any combination herein excluded and not in a series designated for special classes of vehicles may be reissued as "personalized marks" if the registrant to whom the marks were previously issued has surrendered said marks and corresponding registration certificate. Designated for general issue;

2. "1" through "30" except "22 and 25". Designated for State vehicles assigned to cabinet officers;

3. "100 through 19000". Designated for "constructor" registrations;

4. Except as otherwise provided by N.J.A.C. 13:20-34.2(a)1 and 13:20-34.2(a)9, any combination consisting of less than three characters or more than seven characters;

5. Any combination consisting of one alphabetic followed by two numeric characters (for example, A 12). Designated for "contractor equipment in transit registration";

6. "AA 10" through "YZ 99", except for QQ 1 to QQ 99. Designated for "contractor equipment in transit registration". "ZA 10" through "ZZ 99". Designated for "empty contractor equipment in transit registration";

7. Any combination having two alphabetic followed by three numeric characters (for example, AB 123) or three numeric followed by two alphabetic characters (for example, 123 AB). Designated for general motorcycle registrations (A100A through Z999Z and A1000 through Z1000 new series);

8. F 10000 through F 99999, FA 10000 through FA 99999, and FA 10A through FZ 99Z. Designated for "farm use registrations" issued pursuant to N.J.S.A. 39:3-24(b);

9. "G" followed by three numeric characters (for example G 123) and three numerics followed by "G" (for example, 123 G). Designated for motorcycles owned by governmental agencies;
10. "H" followed by three numeric characters (for example, H 123) and three numerics followed by "H" (for example, 123 H). Designated for motorcycles owned by governmental agencies;
11. "J" followed by three numeric characters (for example J 123) and three numerics followed by "J" (for example, 123 J). Designated for motorcycles owned by governmental agencies;
12. "MV 1" through "MV 10" and "1 MV" through "10 MV". Designated for State vehicles assigned to Division of Motor Vehicles personnel;
13. S1 100A through S1 999Z and 100A S1 through 999Z S1 for School Vehicle Type I; S2 100A through S2 999Z and 100A S2 through 999Z S2 for School Vehicle Type II;
14. TA 100 through TZ 9999, TAA 100 through TZZ 9999, TA100A through TZ999Z, 100 TAA through 999 TZZ, and T100AA through T999ZZ for commercial trailers and semitrailers; provided, however, that the letters I, O and Q shall not be utilized in seven character combinations issued for commercial trailers and semitrailers;
15. XA 100 through XZ 9999, XAA 100 through XZZ 9999, XA1000 through XZ9999, X10000 through X99999, X1A100 through X9Z999, XAA10A through XXZ99Z, XX10AA through XX99ZZ, and X100AA through X999ZZ for commercial motor vehicles; provided, however, that the letters I, O and Q shall not be utilized in seven character combinations issued for commercial motor vehicles;
16. SGA 1 through SGZ999, 1 SGA through 999 SGZ, SG 1000 through SG 99999, and 1000 SG through 9999 SG for State-owned vehicles; CGA 1 through CGZ 999, 1 CGA through 999 CGZ, CG 100A through CG 999Z, CG 1000 through CG 99999, and 1000 CG through 9999 CG for county-owned vehicles; MGA 1 through MGZ 999, 1 MGA through 999 MGZ, MG 10AA through MG 99ZZ, MG 1000 through MG 99999, and 1000 MG through 9999 MG for municipal-owned vehicles; TD 1000 through TD 9999 and 100 TD through 9999 TD for State-owned vehicles assigned to the Department of Transportation;
17. ACE 21 through ACE 99 and 21 ACE through 99 ACE for vehicles owned or leased by the New Jersey Expressway Authority; HAA 1 through HAZ 999 and 1 HAA through 999 HAZ for vehicles owned or leased by the New Jersey Highway Authority; TPA 1 through TPA 999, 1 TPA through 999 TPA, and TPA 10A through TPA 99Z for vehicles owned or leased by the New Jersey Turnpike Authority.
18. OXV 100 through OZZ 9999 for vehicles utilized as buses for hire;
19. XYA 10A through XZD 99Z and XY 10AA through XZ99ZZ for vehicles utilized as farmer trucks;
20. CV 1000 through CV 9999 and 1000 CV through 9999 CV for vehicles utilized as commuter vans for hire;
21. TR 1000 through TR 9999, TRA 100 through TRM 999, TSA 100 through TSF 999 and 1000 TA through 9999 TZ for tractors utilized on farms;
22. OL 4000 through OL 9999 and 4000 OL through 9999 OL for vehicles utilized as taxis for hire;
23. SPA 100 through SPA 999, 100 SPA through 999 SPA, SPB 100 through SPB 999, 100 SPB through 999 SPB, SP 1000 through SP 9999, and 1000 SP through 9999 SP, used for State Police designated vehicles;
24. OL 1000 through OL 3999 and 1000 OL through 3999 OL for vehicles utilized as limousines or taxis for hire with PUC approval;
25. Any combination except those hereinbefore reserved having the following arrangements: AAA 100 through ZZZ 9999, 100 AAA through 999 ZZZ and AAA 10A through ZZZ 99Z for vehicles utilized as pleasure vehicles; provided, however, that the letters I, O and Q shall not be utilized in seven character non-personalized plate combinations issued for vehicles utilized as pleasure vehicles; BA 100A through ZZ 999Z for vehicles utilized as pleasure vehicles, except that the letters I, O and Q shall not be utilized in this type of six character non-personalized plate combination issued for vehicles utilized as pleasure vehicles;
26. 1A1A1 through 9Y9Y9 for motorized bicycles;
27. Any combination of alphabetic and numeric characters that constitutes amateur radio call letters as issued by the Federal Communications Commission;
28. Three letters followed by CMH. Designated for vehicles owned or leased by New Jersey residents who have been awarded the Congressional Medal of Honor;
29. 1000 SS through 9999 SS for vehicles owned or leased by persons who have been awarded the Silver Star medal;
30. CI 1000 through CI 9999 and 1000 CI through 9999 CI for vehicles owned or leased by persons who are holders of the Combat Infantryman Badge;
31. AR 1000 through AR 9999, NR 1000 through NR 9999, CR 1000 through CR 9999, AF 1000 through AF 9999 and MR 1000 through MR 9999 for vehicles owned by persons serving in military reserve units;
32. NFA 100 through NFZ 999 and NF 10000 through NF 99999 for vehicles that qualify for registration at no fee pursuant to N.J.S.A. 39:3-27 and which are not

assigned specific combinations by any other provision of this subchapter;

33. EM 1000 through EM 9999 and 1000 EM through 9999 EM for vehicles owned or leased by emergency medical technician-ambulance.

34. Except as otherwise provided by this subchapter, any combination consisting of two alphabetic followed by four numeric characters (for example, AB 1234) or four numeric followed by two alphabetic characters (for example, 1234 AB). Designated for use on special organization vehicle registration plates issued by the Division pursuant to N.J.S.A. 39:3-27.35 et seq. and N.J.A.C. 13:20-39;

35. Any combination of alphabetic characters or numbers, or both, that may carry connotations offensive to good taste and decency.

Amended by R.1985 d.101, effective March 4, 1985.
See: 16 N.J.R. 2743(a), 17 N.J.R. 601(a).

Substantially amended.

Amended by R.1992 d.264, effective June 15, 1992.
See: 24 N.J.R. 1467(b), 24 N.J.R. 2283(b).

Revised text.

Amended by R.1994 d.314, effective June 20, 1994.
See: 26 N.J.R. 1487(a), 26 N.J.R. 2587(b).
Amended by R.1996 d.28, effective January 16, 1996.
See: 27 N.J.R. 4140(a), 28 N.J.R. 272(a).

13:20-34.4 Denials, suspension or revocation

(a) "Particular identifying marks" shall not be issued to any person who:

1. Has been convicted of a violation of N.J.S.A. 2C:11-5;
2. Has been convicted of a violation of either N.J.S.A. 39:4-50, or N.J.S.A. 39:4-96;
3. Has had a suspension or revocation of driving privileges in effect at any time within the two-year period next preceding the date of application for such marks.

(b) Any cause for which issuance of particular identifying marks may be denied which arises subsequent to the issuance of such plates shall also be cause for the suspension or revocation of particular identifying marks;

(c) A material misstatement of fact on an application therefor shall be cause for suspension or revocation of particular identifying marks.

(d) Any person to whom particular identifying marks have been issued which identify that person as a United States Senator or Congressman, State Senator or Assemblyman, member of the "Press" accredited in New Jersey or New York City, Officer of the New Jersey State Patrolmen's Benevolent Association, Inc., first aid or squad member, firefighter member, or county officer shall surrender said plates to the Division together with the corresponding motor vehicle registration certificate immediately upon the termination of said office or accreditation unless otherwise provided by law. The failure to so surrender said plates shall be cause for the revocation of the particular identifying marks.

Amended by R.1985 d.101, effective March 4, 1985.

See: 16 N.J.R. 2743(a), 17 N.J.R. 601(a).

(a) added: "2C:11-5" and deleted "misdemeanor in"; (d) added: "first aid or squad member, fire-fighter member, or county officer".

13:20-34.5 Fees

(a) Fees for particular identifying marks, which shall be paid with the application therefor, shall be as follows unless otherwise provided by law:

1. "Courtesy marks": \$30.00;
2. "Personalized marks": \$50.00;
3. Replacement of lost, stolen or obliterated "particular identifying marks": \$11.00.

(b) Except as otherwise provided by (a)3 above, a fee of \$6.00 shall be paid for replacement of lost, stolen or obliterated license plates.

Amended by R.1985 d.101, effective March 4, 1985.

See: 16 N.J.R. 2743(a), fees changed from \$5.00 to \$10.00.

Amended by R.1992 d.264, effective June 15, 1992.

See: 24 N.J.R. 1467(b), 24 N.J.R. 2283(b).

Added (b).

Amended by R.1995 d.365, effective July 3, 1995.

See: 27 N.J.R. 1521(b), 27 N.J.R. 2592(b).

Increased the fees.

Amended by R.1998 d.333, effective July 6, 1998.

See: 30 N.J.R. 1518(a), 30 N.J.R. 2511(a).

In (a)2, decreased the fee from \$100 to \$50.

13:20-34.6 Transfers to survivor

(a) The surviving spouse, child or children of a deceased registered owner of any motor vehicle in whom title thereto shall vest by virtue of the terms of the will of such deceased owner, or otherwise, shall upon application to the director and upon payment of the transfer fee of \$4.50 specified in N.J.S.A. 39:3-30 be entitled to have the particular identifying mark issued for said vehicle transferred to his or her name provided that said survivor meets the qualifications therefor specified by law and these rules.

Amended by R.1985 d.101, effective March 4, 1985.

See: 16 N.J.R. 2743(a), 17 N.J.R. 601(a).

Transfer fee changed from "\$3.00" to "\$4.50".

13:20-34.7 Reissue

In the event a registrant fails to renew the registration for a particular identifying mark for two years from the date of expiration or surrenders said mark and corresponding registration certificate to the Division, said marks shall be available for reissuance to any applicant therefor upon payment to the Division of the applicable fee specified in N.J.A.C. 13:20-34.5(a) for said marks.

Amended by R.1984 d.157, effective May 7, 1984.

See: 16 N.J.R. 347(b), 16 N.J.R. 1095(c).

"Two consecutive registration years" deleted; "60 days from date of expiration" substituted.

Amended by R.1992 d.264, effective June 15, 1992.

See: 24 N.J.R. 1467(b), 24 N.J.R. 2283(b).

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

13:20-35.1 Application of subchapter

This subchapter shall apply to motor vehicles owned by the State of New Jersey which are subject to the control of the central motor pool in the Department of the Treasury for service, maintenance and release to government employees for use in the performance of governmental functions.

13:20-35.2 Inspection by the central motor pool

Motor vehicles within the purview of this subchapter shall be examined and inspected in accordance with the provisions of chapter 8 of the motor vehicle laws by the central motor pool in the Department of the Treasury.

13:20-35.3 Inspection standards and frequency

Motor vehicles or motor vehicle equipment inspected in accordance with this subchapter shall comply with any laws and regulations providing vehicle equipment standards and/or specifying frequency of inspections.

13:20-35.4 Inspection decal

Whenever a motor vehicle inspected in accordance with this subchapter is determined to comply satisfactorily with vehicle equipment standards provided by law and regulation, the central motor pool shall affix upon the windshield of such vehicle the decal prescribed by the Director of Motor Vehicles as indicative of compliance with the inspection laws.

13:20-35.5 Facilities

Facilities used by the central motor pool in performing inspections of motor vehicles hereunder shall be equipped with the machinery necessary for inspecting all vehicle equipment standards provided by law and regulation.

13:20-35.6 Instruction of mechanics

The central motor pool shall instruct mechanics who are to perform inspections under this subchapter of vehicle equipment standards provided by law and regulation.

13:20-35.7 Certification

A mechanic performing an inspection under this subchapter shall certify to the director that he has inspected the motor vehicle in accordance with the vehicle equipment standards established by law and regulation.

SUBCHAPTER 36. SPECIAL NATIONAL GUARD PLATES

13:20-36.1 Application; certification; fees

(a) Application for special National Guard plates may be made by any person who is an active member of the New

Jersey National Guard or former active member who has been honorably separated under normal conditions from the New Jersey National Guard.

(b) An application for special National Guard plates must be obtained from the Commander of the National Guard Unit of which the applicant is an active member, or retired members may obtain an application from the New Jersey Department of Defense.

1. The Commander shall certify that the applicant is an active or separated member of the New Jersey National Guard.

2. The Commander shall forward the completed application together with the fee established in this section to the Division's Special Plate Unit.

3. The Special Plate Unit shall notify the Department of Defense when the special National Guard plates are issued to an applicant.

(c) A fee of \$15.00 for each set of plates shall be paid at the time of application for special National Guard plates. A fee of \$11.00 shall be paid for replacement of lost, stolen or obliterated special National Guard plates.

As amended, R.1984 d.319, eff. August 6, 1984.

See: 16 N.J.R. 1188(a), 16 N.J.R. 2142(a).

Section substantially amended.

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

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

In (a) eliminated limitation of two sets of plates per Guard member, and in (c) increased the fee for replacement plates.

13:20-36.2 Surrender of special plates

(a) Whenever the holder of special National Guard plates ceases to be an active member of the New Jersey National Guard for reasons other than honorable separation or for honorable separation under abnormal conditions, he shall obtain replacement plates from the Division of Motor Vehicles, within five days of his separation from the New Jersey National Guard and he shall then surrender the National Guard plates to the Department of Defense.

1. The Department of Defense shall forward the surrendered plates to the Division of Motor Vehicles.

2. If the special National Guard plates are not surrendered to the Department of Defense within five days from the date the holder of special plates ceases to be an active member of the New Jersey National Guard, the Department of Defense shall notify the Division of Motor Vehicles of the holder's failure to surrender the special plates.

As amended, R.1984 d.319, eff. August 6, 1984.

See: 16 N.J.R. 1188(a), 16 N.J.R. 2142(a).

(a) added: "for reasons other . . . abnormal conditions".

SUBCHAPTER 37. STANDARDS FOR MOTOR VEHICLES WITH ELEVATED CHASSIS HEIGHT

13:20-37.1 Definitions

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

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

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

“Frame” means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.

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

“Lift” means any modification or alteration, other than load, of the chassis, suspension, body, rims, or tire size which elevates the height of a motor vehicle.

“Original manufacturer” means any company engaged in the manufacture or assemblage of motor vehicle which comply with all applicable United States Department of Transportation regulations for delivery to the first purchaser.

“Original vehicle height” or “OVH” means the highest distance inclusive of the largest tires and highest suspension available as standard or optional equipment for the particular vehicle from the original manufacturer. The distance shall be measured from the lowest edge of the centerline of the operator’s door with the door closed, or from the lowest point where the door would meet the body on vehicles without doors, or from the lowest point on the floor panel directly below the operator’s position on vehicles designed without doors, to the level surface on which the unladen vehicle rests.

“Wheel track” means the shortest distance between the centers of the tire treads on the same axle. The widest distance shall be calculated on vehicles having dissimilar track widths.

New Rule, R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

Former N.J.A.C. 13:20-37.1, Modifications of height of motor vehicle restricted; approval of the director, recodified to N.J.A.C. 13:20-37.2.

13:20-37.2 Elevation of original vehicle height of motor vehicle restricted; elevated vehicle approval certificate; special windshield decal; inspection

(a) No person shall operate on any highway of this State any motor vehicle registered in this State whose original vehicle height has been elevated by modifying the tire or rim size from the manufacturer’s specifications or by elevating the chassis, suspension or body from the manufacturer’s specifications by use of “shackle lift kits” for leaf springs or by use of lift kits for coil springs or by use of blocks or by any other device or means without an elevated vehicle approval certificate issued by the Director, except that an elevation of the original vehicle height resulting exclusively from an increase in tire diameter that does not exceed four inches or, for motor vehicles which have been modified for snowplowing purposes, an elevation of the front suspension from the manufacturer’s specifications that does not exceed two inches, shall not be subject to the requirements of this subchapter.

(b) In order to receive an elevated vehicle approval certificate and a special windshield decal from the Director, the owner or lessee of a motor vehicle whose original vehicle height has been increased by elevating the chassis, suspension, body, rims or tire size from the manufacturer’s specifications shall comply with the requirements of this subchapter, and such elevated vehicle shall successfully pass inspection to verify that it complies with the requirements of this subchapter and does not possess any modifications or alterations that would affect the safe operation of the vehicle.

(c) In order to receive an elevated vehicle approval certificate and a special windshield decal from the Director, an inspection of the vehicle to determine compliance with this subchapter shall be conducted by the Division of Motor Vehicles. Such inspection shall occur within 30 days after the elevation of the vehicle or registration or renewal thereof, whichever occurs first. All inspections required by this subchapter shall be performed at a site or sites specifically authorized by the Director to perform the type of inspection and tests required by this subchapter. Any test or inspection conducted at any other location shall be null and void.

(d) In addition to determining whether a vehicle complies with the specific requirements of this subchapter, an elevated vehicle shall fail inspection if any of the modifications affect the safe operation of the vehicle; are improperly installed; degrade the structural integrity of the vehicle or any of its component parts; modify the geometric angles on critical components from original manufacturer specifications likely to result in component failure; create the danger of leaks, cracks, or chafing of brake lines; cause brake lines to be of insufficient length, size, or durability; or cause any component that affects the safe operation of the vehicle to be less effective or more likely to fail in the performance of its designed function.

(e) Vehicles subject to inspection pursuant to this subchapter shall comply with all other applicable safety and emissions inspection requirements imposed by law or regulation in addition to complying with the inspection requirements imposed by this subchapter.

Recodified from N.J.A.C. 13:20-37.1 and amended by R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

Rewrote (a); and added (b) through (e). Former N.J.A.C. 13:20-37.2, Requirements for motor vehicle approval, recodified to N.J.A.C. 13:20-37.3.

13:20-37.3 Requirements for elevated vehicle approval certificate

(a) To be approved pursuant to this subchapter, a motor vehicle shall meet the following standards:

1. The suspension system shall consist of the basic elements originally provided by the manufacturer and be geometrically arranged in accordance with the manufacturer's specifications. No suspension system component shall be replaced unless the replacement component meets or exceeds the quality and performance standards established by the vehicle manufacturer. The vehicle shall have a suspension system that allows movement between the unsprung axles and wheels and the chassis body and shall be equipped with a shock-absorbing device at each wheel location. The suspension system shall be capable of providing a minimum relative motion of plus and minus two inches. When any corner of the vehicle is depressed and released, the damping device shall stop vertical body motion within two cycles. The use of spacer blocks between the front axle and leaf springs is prohibited.

2. Steering gear ratios and the number of turns necessary to rotate the steering wheel from the left stop position to the right stop position shall be in accordance with the original manufacturer's specifications within a tolerance of one-half turn. The distance between the wheel stop and the front axle shall be the same on both sides. The number of turns of the steering wheel from a straight ahead front tire position to right stop shall be equal to the number of turns of the steering wheel from a straight ahead front tire position to left stop within a tolerance of one-twelfth turn on either side of centerline. No modification of the motor vehicle shall obstruct or limit the turning radius of the motor vehicle.

3. Headlights shall be not less than 22 inches nor more than 54 inches from the level surface upon which the vehicle stands to the center line of the lamp. Tail-lights shall be not less than 15 inches nor more than 72 inches from the level surface upon which the vehicle stands to the center of the lamp. All lighting equipment shall meet the standards of the Society of Automotive Engineers and auxiliary off-road lights shall be equipped with opaque covers which shall be used to completely block any light at all times when the vehicle is operated on public roads.

4. License plates shall be not less than 12 inches nor more than 48 inches from the ground.

5. Brake lines and hoses shall conform to 49 C.F.R. 571.106 and shall be protected from excessive heat and vibration and be installed so as to prevent chafing and undue wear, stress, or unintentional disconnection during operation of the motor vehicle.

6. Where the vehicle was originally equipped by the manufacturer with bumpers, all bumpers shall be securely mounted, extend across the full width of the vehicle and be horizontal load-bearing bumpers attached to the vehicle frame to effectively transfer impact when engaged. Bumpers shall not have sharp edges or dangerous configurations. Bumpers shall be mounted to be no lower than 16 inches from the ground to the bottom of the bumper.

7. The maximum tire diameter for vehicles with a GVWR of 10,000 pounds or under shall be 38 inches or six inches more than the maximum tire diameter available as standard or optional equipment for the particular vehicle from the original manufacturer, whichever is less. In determining compliance with this requirement, actual tire diameter shall be measured with the tires inflated to the manufacturer's specifications.

8. All tires on the same axle or on axles less than six feet apart shall be of the same tire size with respect to diameter and width. Each tire shall have a load carrying capacity specified by the tire manufacturer in excess of the intended maximum axle load divided by the number of tires on the axle. Each front tire shall measure a minimum of 60 percent of the tread width of the rear tires. Tires shall have a sufficient vertical and horizontal clearance so as not to rub on the chassis, body, suspension or other part of the vehicle while being operated. All tires shall be marked as approved for highway use as required by the United States Department of Transportation.

9. Fenders shall extend the full width of the tire tread and, in case the rear wheels are not covered by the fenders, body or other parts of the vehicle, the vehicle shall be equipped with suitable metal protectors or substantial flexible flaps so as to prevent the throwing of dirt, water or other debris on following vehicles. The metal protectors or flexible flaps shall be a standard type or design and installed in a manner which complies with the Society of Automotive Engineers Standard J682, incorporated herein by reference.

10. Fuel tanks which have become exposed as a result of elevating the vehicle shall be protected against damage from collision by some means of encasement. For vehicles equipped with a side-mounted fuel tank mounted outside the vehicle frame, a protective bar shall be installed to protect the fuel tank from being ruptured in case of collision.

11. All moving parts or exhaust system components which have become exposed as a result of elevating the

vehicle shall be shielded to prevent injury to persons making contact with these parts.

12. Any ballast material used for the purpose of adding weight to the vehicle shall be permanently attached to the vehicle structure. No liquid or loose ballast is permitted.

13. Release of the steering wheel while the vehicle is in a sharp turn at a speed of between five to 10 miles per hour shall result in a distinct tendency for the vehicle to increase its turning radius.

14. The weight distribution between the two sides of an empty vehicle on level ground shall not exceed 45 percent/55 percent.

15. Spacers shall not be used to increase wheel track:

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

In (a)3 increased the minimum height of headlights.
Recodified from N.J.A.C. 13:20-37.2 and amended by R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).
See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

Rewrote (a). Former N.J.A.C. 13:20-37.3, Standards for vehicles with modified height, recodified to N.J.A.C. 13:20-37.4.

13:20-37.4 Standards for vehicles with elevated height

(a) If a motor vehicle has been elevated more than four inches beyond the manufacturer's specifications, it must, in addition to complying with the standards set forth at N.J.A.C. 13:20-37.3, be tested to verify that it can withstand the lateral standard established by the Director of the Division of Motor Vehicles.

(b) For testing passenger or utility type vehicles the standard is 1.1 gravitational force or more.

(c) For testing pickup trucks the standard is 1.1 gravitational force or more.

(d) Vehicles that have not been elevated more than four inches may be approved provided they comply with the standards set forth at N.J.A.C. 13:20-37.3.

Recodified from N.J.A.C. 13:20-37.3 and amended by R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).
See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

In (a), inserted “, in addition to complying with the standards set forth at N.J.A.C. 13:20-37.3,” following “must”; and in (d), changed N.J.A.C. reference. Former N.J.A.C. 13:20-37.4, Testing, recodified to N.J.A.C. 13:20-37.5.

13:20-37.5 Testing

Tests shall be conducted by the Division of Motor Vehicles at sites to be designated by the Director using the procedures and equation set forth at N.J.A.C. 13:20-37.7.

Recodified from N.J.A.C. 13:20-37.4 and amended by R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).
See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

Changed N.J.A.C. reference. Former N.J.A.C. 13:20-37.5, Procedure for testing modified vehicles, recodified to N.J.A.C. 13:20-37.7.

13:20-37.6 Maximum lift

(a) No motor vehicle shall be elevated by any means, including, but not limited to, elevation of the chassis, suspension, body, rims, or tire size, to create a lift with the vehicle unladen in excess of the following amounts based on the gross vehicle weight rating of the vehicle:

GVWR	Maximum Lift
4,500 pounds or under	7 inches above OVH
4,501 to 7,500 pounds	9 inches above OVH
7,501 to 10,000 pounds	11 inches above OVH

(b) In determining compliance with this section, the distance shall be measured from the lowest edge of the centerline of the operator's door with the door closed, or from the lowest point where the door would meet the body on vehicles without doors, or from the lowest point on the floor panel directly below the operator's position on vehicles designed without doors, to the level surface on which the unladen vehicle rests.

(c) Any vehicle equipped with adjustable lifts, including, but not limited to, hydraulic or air adjustable lifts, shall comply with the requirements of this subchapter when tested and measured with the lift devices in both their lowest and highest height positions. Adjustable lifts shall be installed in such a manner to prevent height modifications or alterations while the vehicle is in motion.

New Rule, R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

Former N.J.A.C. 13:20-37.6, Certificate of approval, recodified to N.J.A.C. 13:20-37.9.

13:20-37.7 Procedure for testing elevated vehicles

(a) The track width of the front and rear axles shall be measured from the centers of the tread of the outermost tires on the same axle. The front track width shall be added to the rear track width and the sum shall be divided by two to give the average track width.

(b) The side to side weight distribution shall be calculated with the vehicle empty on level ground. The distribution shall not exceed 45 percent/55 percent as set forth in N.J.A.C. 13:20-37.3(a)14.

(c) One side of the vehicle should be raised to a static relative angle of 15 degrees plus or minus 1/2 degree from horizontal.

(d) The weight of the vehicle shall be measured on the unraised side.

(e) The maximum permissible weight on the unraised side is 62.4 percent of the total vehicle weight multiplied by twice the unraised side's weight percentage as determined in (b) above.

Recodified from N.J.A.C. 13:20-37.5 and amended by R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

In (b), changed N.J.A.C. reference. Former N.J.A.C. 13:20-37.7, Denied or revocation of approval, N.J.A.C. 13:20-37.10.

13:20-37.8 Method of measurement

Compliance with any distance or height limitation contained in this subchapter shall be determined by measuring the vehicle in an unloaded condition on a level surface with the tires inflated to the manufacturer's specifications.

New Rule, R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

13:20-37.9 Elevated vehicle approval certificate; special windshield decal; possession and exhibition of elevated vehicle approval certificate; compliance requirements

(a) Upon the motor vehicle's compliance with the requirements set forth in this subchapter and after successful completion of the inspection required by this subchapter, the Division shall issue an elevated vehicle approval certificate and a special windshield decal for the vehicle. The elevated vehicle approval certificate shall be in the possession of the vehicle operator while the vehicle is being operated on any highway of this State and shall be exhibited to any law enforcement officer or employee of the Division of Motor Vehicles upon request. The special windshield decal shall be affixed to the lower left corner of the windshield inside the passenger compartment of the elevated vehicle.

(b) Motor vehicles with elevated height that have been approved by the Director pursuant to this subchapter prior to October 1, 1998 shall comply with all of the requirements of this subchapter as amended by not later than February 1, 1999 except:

1. Such vehicles need not comply with the requirements contained in N.J.A.C. 13:20-37.6, Maximum lift; and
2. Such vehicles shall comply with the requirements contained in N.J.A.C. 13:20-37.3(a)7 (tire diameter limitations) by not later than October 1, 2000.

Recodified from N.J.A.C. 13:20-37.6 and amended by R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

Rewrote the section.

13:20-37.10 Denial or suspension of elevated vehicle approval certificate; suspension of vehicle registration

Any person who owns or leases a motor vehicle which is subject to the provisions of this subchapter, and who fails or refuses to have such motor vehicle inspected within the time period set forth at N.J.A.C. 13:20-37.2(c), or who fails or refuses to place such motor vehicle in proper condition after

having such motor vehicle inspected, or who alters such motor vehicle for which an elevated vehicle approval certificate and a special windshield decal have been issued in accordance with N.J.A.C. 13:20-37.9 with intent to defeat the purpose of an inspection under this subchapter, shall be subject, upon notice and an opportunity to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, to a denial or suspension of an elevated vehicle approval certificate and, in addition thereto, a suspension of said vehicle's registration. A denial or suspension of an elevated vehicle approval certificate and a suspension of registration imposed pursuant to this subchapter shall remain in effect until such time as the Director ascertains that the vehicle meets the requirements set forth in this subchapter.

Recodified from N.J.A.C. 13:20-37.7 and amended by R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

Rewrote the section.

13:20-37.11 Penalty for violation

A violation of any of the provisions of this subchapter constitutes a violation of N.J.S.A. 39:3-44 and will subject the operator of the vehicle to the penalty set forth in N.J.S.A. 39:3-79.

New Rule, R.1998 d.268, effective June 1, 1998 (operative October 1, 1998).

See: 29 N.J.R. 1671(a), 30 N.J.R. 2059(a).

SUBCHAPTER 38. DIMENSIONAL STANDARDS FOR AUTOMOBILE TRANSPORTERS

13:20-38.1 Purpose

The purpose of this subchapter is to conform the rules of this State to the national policy governing truck size as set forth in the Federal "Surface Transportation Assistance Act of 1982," Pub.L. 97-424 (49 App. U.S.C. § 2311), as amended, and the regulations promulgated pursuant to that Federal law by establishing dimensional standards for automobile transporters that are in compliance with Federal standards contained in 23 C.F.R. § 658.13, revised as of February 1, 1991. The purpose of this subchapter is also to facilitate interstate commerce on the National Network of highways that can safely and efficiently accommodate the automobile transporters authorized by the "Surface Transportation Assistance Act of 1982."

Repeal and New Rule, R.1993 d.380, effective August 2, 1993.

See: 25 N.J.R. 1342(a), 25 N.J.R. 3504(a).

Section was "Vehicle combination lengths."

13:20-38.2 Definitions

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

“Automobile transporter” means any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles.

“Fullmount” means a smaller vehicle mounted completely on the frame of either the first or last vehicle in a saddle-mount combination.

“Saddlemount combination” means a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a double saddlemount combination. When three vehicles are towed in this manner, the combination is called a triple saddlemount combination.

“Stinger-steered combination” means an automobile transporter consisting of a truck tractor semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

“Traditional automobile transporter” means an automobile transporter wherein the fifth wheel is located on the frame of the truck tractor over the rear axle(s) of said truck tractor.

Repeal and New Rule, R.1993 d.380, effective August 2, 1993.
See: 25 N.J.R. 1342(a), 25 N.J.R. 3504(a).

Section was “Load overhang automobile transporters.”

13:20-38.3 Vehicle combination lengths; traditional automobile transporters; stinger-steered combination

(a) A traditional automobile transporter when operated on the highways of this State shall not exceed 65 feet in overall length, excluding the load.

(b) An automobile transporter consisting of a stinger-steered combination when operated on the highways of this State shall not exceed 75 feet in overall length, excluding the load.

Repeal and New Rule, R.1993 d.380, effective August 2, 1993.
See: 25 N.J.R. 1342(a), 25 N.J.R. 3504(a).

Section was “Number of vehicles; overall length.”

13:20-38.4 Automobile transporter; load overhang

(a) Automobile transporters when operated on the highways of this State may have a load overhang of no more than three feet to the front and/or no more than four feet to the rear.

(b) Automobile transporters shall be exempt from the overhang standards set forth at N.J.A.C. 13:18-8.1.

New Rule, R.1993 d.380, effective August 2, 1993.
See: 25 N.J.R. 1342(a), 25 N.J.R. 3504(a).

13:20-38.5 Drive-away saddlemount vehicle transporter combinations; drive-away saddlemount with fullmount vehicle transporter combinations; overall length

(a) Drive-away saddlemount vehicle transporter combinations when operated on the highways of this State shall not exceed 75 feet in overall length.

(b) Drive-away saddlemount with fullmount vehicle transporter combinations when operated on the highways of this State shall not exceed 75 feet in overall length.

New Rule, R.1993 d.380, effective August 2, 1993.
See: 25 N.J.R. 1342(a), 25 N.J.R. 3504(a).

13:20-38.6 Application of Department of Transportation standards for 102-inch standard trucks to automobile transporters

Automobile transporters, drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount transporter combinations having an overall length of the combination of vehicles, including load, or contents or any part or portion thereof, which exceed 62 feet shall be subject to the provisions of N.J.A.C. 16:32-3.2 (General provisions), N.J.A.C. 16:32-3.3 (Through routes for 102-inch standard trucks), and N.J.A.C. 16:32-3.4 (Access from through routes), as amended, which have been adopted by the Commissioner of Transportation.

New Rule, R.1993 d.380, effective August 2, 1993.
See: 25 N.J.R. 1342(a), 25 N.J.R. 3504(a).

SUBCHAPTER 39. SPECIAL REGISTRATION PLATES FOR NON-PROFIT ORGANIZATIONS**13:20-39.1 Purpose**

(a) N.J.S.A. 39:3-27.35 et seq. provides for the issuance of special motor vehicle registration plates to members of non-profit community, alumni or service organizations in this State which have been approved by the Director. This subchapter establishes the following:

1. Standards and procedures by which an organization may request approval to have special motor vehicle registration plates prepared for its members who desire to apply for them;
2. Procedures regarding the certification of membership in good standing by an organization;

3. Standards and procedures by which an organization shall submit proof of its status as a non-profit organization to the Division;

4. Procedures by which an organization shall appoint an organization liaison who will act as a coordinator between the organization and the Division with regard to special motor vehicle registration plates;

5. Procedures by which an organization shall submit the organization's proposed special motor vehicle registration plate design to the Division for review and approval;

6. Standards and procedures which an approved organization must adhere to in order for its members in good standing to be able to apply for the organization's special motor vehicle registration plates;

7. Fees to be charged by the Division for special motor vehicle registration plates; and

8. Grounds upon which the Division may refuse to issue special motor vehicle registration plates to an individual, and the circumstances under which the Division may suspend or revoke such special plates.

Amended by R.1994 d.175, effective April 4, 1994.
See: 26 N.J.R. 331(a), 26 N.J.R. 1516(a).

13:20-39.2 Definitions

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

“Alumni organization” means a non-profit organization which requires its members to be either graduates, former students or benefactors of a specific post-secondary educational institution.

“Approved organization” means an organization in this State which has received a letter of approval from the Director indicating that its members are eligible to apply for special motor vehicle registration plates pursuant to this subchapter.

“Community organization” means a non-profit organization, other than an alumni or service organization as defined in this subchapter, which performs some type of philanthropic community service and which, in the Director’s discretion, qualifies for the issuance of special motor vehicle registration plates to its members in good standing who apply for same pursuant to this subchapter.

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

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

“Member” means any person who is a member in good standing of a non-profit community, alumni or service organization.

“Non-profit organization” means any community, alumni or service organization in this State that has been issued an approval letter by the United States Internal Revenue Service confirming its non-profit status.

“Organization” means any non-profit association, group or organization with a membership in good standing of at least 500 persons or, in the case of a service organization, with a membership in good standing of at least 175 persons, which qualifies as a non-profit organization.

“Organization liaison” means the representative appointed by an organization who will act as the organization’s sole contact with the Division regarding special motor vehicle registration plates pursuant to this subchapter.

“Service organization” means a non-profit organization which the Director determines to have as its primary purpose the advancement of United States military veterans’ causes and interests and/or the honoring of all or some veterans of any branch of the United States military service.

Amended by R.1994 d.175, effective April 4, 1994.
See: 26 N.J.R. 331(a), 26 N.J.R. 1516(a).
Amended by R.1996 d.28, effective January 16, 1996.
See: 27 N.J.R. 4140(a), 28 N.J.R. 272(a).

13:20-39.3 Qualifications for organization approval; final decision; right to suspend approval

(a) An organization seeking approval from the Division pursuant to this subchapter to have special motor vehicle

registration plates prepared for its members in good standing who wish to apply for them shall:

1. Submit a written request to the Division seeking approval to have special plates prepared for its members who wish to apply for same;
2. Be composed of an active membership in good standing of at least 500 persons or, in the case of a service organization, an active membership in good standing of at least 175 persons;
3. Be a non-profit organization; and
4. Receive written approval from the Director as qualifying for special motor vehicle registration plates for its members in good standing who apply for same.

(b) The Director shall render the final decision as to whether or not an organization is approved for the issuance of special motor vehicle registration plates for its members pursuant to this subchapter in accordance with N.J.S.A. 39:3-27.37.

(c) The Director, in his or her discretion, may suspend approval of any organization which had previously been granted permission to obtain special motor vehicle registration plates on behalf of its members pursuant to this subchapter in accordance with N.J.S.A. 39:3-27.38.

Amended by R.1994 d.175, effective April 4, 1994.
See: 26 N.J.R. 331(a), 26 N.J.R. 1516(a).

13:20-39.4 Appointment of organization liaison

(a) Each organization shall appoint an organization liaison to represent that organization in any and all communications with the Division regarding special motor vehicle registration plates.

(b) The position of organization liaison shall be established at the highest administrative level within the organization.

(c) The organization shall submit to the Director, at the time of requesting approval to have special motor vehicle registration plates prepared for its members who wish to apply for same, the name, title and address of the organization liaison.

13:20-39.5 Certification of membership

(a) Upon seeking approval to have special plates prepared for its members who wish to apply for same pursuant to this subchapter, an organization shall submit to the Division a list of the legal names, addresses and current New Jersey registration plate numbers of its 500 or more members in good standing or, in the case of a service organization, of its 175 or more members in good standing, in alphabetical order by surname, who will be requesting the special motor vehicle registration plates if the Division approves the issuance of such plates.

(b) The certification of membership required pursuant to this section shall be provided at the organization's expense, shall be compiled and submitted on the organization's official letterhead, and shall be signed by the organization liaison.

(c) Certifications of membership submitted to the Division pursuant to this section are not public records and are not accessible for public examination pursuant to the "Right to Know Law" (N.J.S.A. 47:1A-1 et seq.).

Amended by R.1994 d.175, effective April 4, 1994.
See: 26 N.J.R. 331(a), 26 N.J.R. 1516(a).

13:20-39.6 Non-profit status

(a) Upon seeking approval to have special plates prepared for its members who wish to apply for same pursuant to this subchapter, an organization shall submit to the Division proof that it is a non-profit organization and such other information as the Division may require.

(b) To prove its non-profit status, an organization shall submit to the Division a photocopy of the approval letter issued to the organization by the United States Internal Revenue Service which confirms the organization's status as non-profit, and shall certify by affidavit that the photocopy is of the authentic document issued by the United States Internal Revenue Service to that organization.

(c) An organization shall provide a copy of its charter to the Division upon seeking approval to have special plates prepared for its members who wish to apply for same. The charter shall indicate the organization's lawful purpose.

13:20-39.7 Notification of organization approval

The Director will notify each organization by letter as to whether or not it has been approved for the issuance of special motor vehicle registration plates to its members in good standing who wish to apply for same pursuant to this subchapter.

13:20-39.8 Plate design

(a) An organization, through its designated organization liaison, shall submit to the Division a special motor vehicle registration plate prototype design which indicates the name or initials that the organization wishes to appear at the bottom of the special motor vehicle registration plate and the logotype, if any, that the organization wishes to appear on the special motor vehicle registration plate.

(b) The Director shall make the final determination pursuant to this subchapter as to:

1. The use, arrangement and size of an approved organization's name on the special motor vehicle registration plates;
2. Any initials that are to appear at the bottom of the special motor vehicle registration plates; and

3. The use, arrangement and size of an approved organization's desired logotype on the special motor vehicle registration plates.

(c) An approved organization will be notified whether its plate design has been approved through a letter from the Director to the organization liaison.

13:20-39.9 Fees; plate ordering; authenticity of membership

(a) Fees for special motor vehicle registration plates pursuant to this subchapter shall be as follows:

1. For members of an approved non-profit community organization, \$25.00 per each set of plates;
2. For members of an approved non-profit alumni organization, \$50.00 per each set of plates; and
3. For members of an approved non-profit service organization, \$15.00 per each set of plates.

(b) The initial order for special motor vehicle registration plates submitted to the Division by an approved organization on behalf of its members applying for such plates pursuant to this subchapter shall be for no less than 500 members of the organization in good standing or, in the case of a service organization, for no less than 175 members of the organization in good standing. The initial order shall be accompanied by a non-refundable fee representing the total cost of the initial order, which shall be determined by multiplying the number of sets of plates being ordered by the applicable fee for each set of such plates set forth in (a) above.

(c) Once an approved organization has an approved plate design, each organization member who wishes to apply for special motor vehicle registration plates shall be furnished an application by the organization liaison. The applicant shall complete the application in its entirety, and submit it, together with the applicable fee set forth in (a) above, to the organization liaison.

(d) The organization liaison shall authenticate each member's application for that organization's special motor vehicle registration plates by certifying on the application that the applicant is a member in good standing of the organization.

(e) The organization liaison shall thereafter submit the special plate applications to the Division together with the applicable fee for each set of such plates set forth in (a) above. The initial order of special motor vehicle registration plates pursuant to this subchapter shall be in accordance with (b) above.

(f) The Division, upon approval of an individual member's application, will mail the special motor vehicle registration plates and replacement certificate of registration bearing the new registration plate number to the applicable member.

(g) Upon receipt of the special motor vehicle registration plates and replacement certificate of registration by an organization member, that member must surrender his or her replaced license plates within 10 days to the Division at any motor vehicle agency or State operated motor vehicle inspection station or by mail to:

Division of Motor Vehicles
PO Box 403
Trenton, New Jersey 08666-0403

Amended by R.1994 d.175, effective April 4, 1994.
See: 26 N.J.R. 331(a), 26 N.J.R. 1516(a).

13:20-39.10 Denial, suspension or revocation

(a) Special motor vehicle registration plates shall not be issued pursuant to this subchapter to any person who:

1. Has been convicted of a violation of either N.J.S.A. 39:4-50 or N.J.S.A. 39:4-96;
2. Has been convicted of a violation of N.J.S.A. 2C:11-5;
3. Has had a suspension or revocation of driving privileges in effect in this State at any time within the two year period next preceding the date of application for such plates.

(b) Special motor vehicle registration plates shall not be issued pursuant to this subchapter for any motorcycle or commercially registered vehicle, nor for any vehicle which is not registered in the State of New Jersey.

(c) Any cause for which issuance of special motor vehicle registration plates pursuant to this subchapter may be denied which arises subsequent to the issuance of such plates shall also be cause for the suspension or revocation of such plates.

(d) A material misstatement of fact on an application for special motor vehicle registration plates submitted pursuant to this subchapter shall be cause for suspension or revocation of such plates.

(e) Any person who has been issued special motor vehicle registration plates pursuant to this subchapter which identify that person as a member of an approved organization shall surrender such plates to the Division together with the corresponding registration certificate within 30 days of that person's resignation, removal or termination from membership in such organization. The failure to so surrender such plates shall be cause for the suspension or revocation of such plates.

(f) The organization liaison shall notify the Division of Motor Vehicles in writing of any person who has been issued special motor vehicle registration plates pursuant to this subchapter and who subsequently resigns or is removed or terminated from membership in the approved organization. The notification required by this subsection shall be supplied to the Division within 30 days of the former organization member's resignation, removal or termination of membership in the approved organization, and shall specify the date of the former member's resignation, removal or termination.

SUBCHAPTER 40. REFLECTORIZED REGISTRATION PLATES

13:20-40.1 Additional annual fee

For purposes of P.L. 1989, c.202, § 2, in addition to an annual motor vehicle registration fee, the Division of Motor Vehicles shall charge an additional annual fee of \$0.40.

SUBCHAPTER 41. SILVER STAR INSIGNIAS ON LICENSE PLATES

Authority

P.L. 1999, c.127, § 1.

Source and Effective Date

R.2000 d.72, effective February 22, 2000.
See: 31 N.J.R. 4223(b), 32 N.J.R. 711(b).

13:20-41.1 Use

A person who has been issued Silver Star license plates in accordance with N.J.S.A. 39:3-27.45 may, pursuant to P.L. 1999, c.127 and this subchapter, affix a Silver Star insignia to such license plates. Such an insignia may only be affixed to New Jersey Silver Star license plates.

13:20-41.2 Design

The Silver Star insignia to be affixed to a Silver Star license plate as set forth in N.J.A.C. 13:20-41.1 shall be of a design similar to that set forth in 32 CFR § 578.7(b), and shall be no larger in size than the replica of the Silver Star which is on the Silver Star license plate.

13:20-41.3 Materials

The Silver Star insignia to be affixed to a Silver Star license plate as set forth in N.J.A.C. 13:20-41.1 shall be made of reflectORIZED material.

13:20-41.4 Placement

The Silver Star insignia to be affixed to a Silver Star license plate as set forth in N.J.A.C. 13:20-41.1 shall be placed upon the replica of the Silver Star which is on the license plate, and shall not obscure or cover any portion of the letters or numbers which appear on the license plate.

**SUBCHAPTER 42. PURPLE HEART EMBLEMS
ON LICENSE PLATES**
13:20-42.1 Use

A person who is an active member of the Military Order of the Purple Heart may, pursuant to P.L. 1991, c.232 and this subchapter, affix a purple heart emblem to a New Jersey purple heart license plate issued in accordance with N.J.S.A. 39:3-27.35 et seq. for a motor vehicle owned or leased by that member. Such an emblem may only be affixed to a New Jersey purple heart license plate.

13:20-42.2 Design

The purple heart emblem to be affixed to a purple heart license plate as set forth in N.J.A.C. 13:20-42.1 shall be of a design similar to that set forth in 32 CFR § 578.14(b), and shall be no larger in size than the replica of the purple heart which is already embossed on the purple heart license plate.

13:20-42.3 Materials

The purple heart emblem to be affixed to a purple heart license plate as set forth in N.J.A.C. 13:20-42.1 shall be made of reflectorized material.

13:20-42.4 Placement

The purple heart emblem to be affixed to a purple heart license plate as set forth in N.J.A.C. 13:20-42.1 shall be placed upon the replica of the purple heart which is already embossed on the license plate, and shall not obscure or cover any portion of the letters or numbers which appear on the license plate.

**SUBCHAPTER 43. ENHANCED MOTOR
VEHICLE INSPECTION AND
MAINTENANCE PROGRAM**
13:20-43.1 Definitions

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

“Bi-fueled” means powered by gasoline and by an alternative fuel, but not on a mixture of the two fuels. Each fuel is stored in a separate tank. For example, a vehicle may operate on either propane or gasoline, but it cannot operate on both at the same time. Typically, these vehicles will consume the alternative fuel until the supply is exhausted, then switch over, often automatically, to use the traditional fuel. This term shall not include vehicles powered by electric motors.

“Certificate of approval” means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, this subchapter, N.J.A.C. 13:20-32 or 13:20-33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-4 regarding the inspection of motor vehicles.

“Certificate of waiver” means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with this subchapter and the rules adopted by the Department of Environmental Protection pertaining to emission inspection standards have been waived by the Division for the particular inspection cycle for which the waiver is granted.

“Certified configuration” means a vehicle-engine-chassis design for light-duty gasoline-fueled vehicles and light-duty gasoline-fueled trucks certified by either of the following agencies as meeting the applicable emission standards for motor vehicles manufactured in a given model year:

1. EPA for model year 1968 or for a more recent model year; or
2. California Air Resources Board for model year 1966 or for a more recent model year.

“Collector motor vehicle” means a motor vehicle, not otherwise qualified for designation as an “historic vehicle,” or “street rod,” which was either: originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity; or at the time of qualification for designation exists in such limited numbers; either one or the other or both of the above, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner to the Division, as may be accepted by the Director in his or her discretion, so as to establish it as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns, and, further, that is not driven in excess of the maximum mileage permitted by the terms of a valid limited use motor vehicle insurance policy issued for, and covering such vehicle, proof of which shall be supplied to the Division at the time of application for designation as a collector vehicle, which mileage shall in no event exceed 3,000 miles per year. This term shall not include motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

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

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

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

“Emission control system” means a device or equipment installed on a motor vehicle by the vehicle manufacturer and/or the engine manufacturer for the purpose of controlling air contaminants emitted from the motor vehicle or motor vehicle engine, including devices or equipment integral with, but not limited to, exhaust emission control systems, fuel evaporation control systems, crankcase emis-

sion control systems, and associated devices or systems which control or monitor the function and maintenance of these devices or systems.

“EPA” means the United States Environmental Protection Agency.

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

“Federal test procedure” means a chassis dynamometer test which employs varying speeds and loads, developed by the Federal Environmental Protection Agency for purposes of measuring motor vehicle exhaust emissions.

“Fleet” means 10 or more motor vehicles.

(c) An applicant for licensure as a motor vehicle emission inspector shall submit to the Division a license fee of \$50.00 and a certificate confirming that the applicant has successfully completed training and testing at a Division approved emission inspector training program. The applicant shall have attained a score of at least 80 percent of correct responses on a written examination covering all aspects of the training. In addition, a hands-on test shall have been administered in which the applicant demonstrated, without assistance, the ability to conduct a proper inspection, to properly utilize equipment and to follow other procedures adopted by the Division. Inability to properly conduct any emission test procedures shall constitute failure of the test.

(d) A motor vehicle emission inspector license shall be valid for two years. Refresher training and testing shall be required prior to renewal of the license, and each application for license renewal shall be accompanied by the applicable fee specified in (c) above. For purposes of this subsection, "refresher training and testing" shall mean either a training program as set forth in (a) above or an on-the-job evaluation of the licensee's inspection performance and knowledge of current inspection requirements by the Director or his or her designee.

(e) No person licensed as an inspector shall, while in the employment of an official inspection facility, own, operate or be employed by any motor vehicle repair or service facility, motor vehicle parts sales business, or any motor vehicle sales or leasing business. An inspector, other than an inspector employed at an official inspection facility, may be employed by a private inspection facility which is licensed by the Division in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-44.

(f) No person licensed as an inspector, while in the employment of an official inspection facility, shall refer motor vehicle owners, lessees or operators to particular providers of motor vehicle repair service except as may be permitted by Federal law.

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

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

Deleted a former (g).

13:20-43.18 Suspension or revocation of inspector license; retraining and retesting; suspension pending hearing; schedule of penalties

(a) A motor vehicle emission inspector license may be suspended or revoked for any of the following:

1. Fraudulently, willfully or negligently conducting an improper emission inspection of a motor vehicle;
2. Violation of any provision of this subchapter;
3. Violation of any procedure established by the Division or the Department of Environmental Protection for the conduct of emission inspections;

4. Fraudulently, willfully or negligently issuing an improper certificate of approval; or

5. Other good cause.

(b) An inspector who fraudulently or willfully conducts an improper emission inspection of a motor vehicle shall be subject to a suspension of his or her inspector license for a period of at least six months. An inspector whose license is suspended under this section shall successfully complete refresher training and testing in accordance with N.J.A.C. 13:20-43.17(d) before such license is restored under this subchapter.

(c) Any applicant who submits false information when applying for a motor vehicle emission inspector license may be disqualified from receiving the license. In addition, any licensee whose eligibility for a license was based on the submission of false information is subject to license suspension or revocation by the Division.

(d) A motor vehicle emission inspector license may be suspended immediately by the Director upon a charge of a violation that directly affects emission reduction benefits or compromises the integrity of the inspection system. If the Director determines that the public interest requires suspension of a license pursuant to this subchapter prior to hearing, the Director may do so, provided that notice containing the reasons for such suspension and the effective date of the suspension is provided to the licensee in person, or by certified or regular mail, prior thereto and the licensee is afforded the opportunity to request in writing a hearing within 10 days of the effective date of the suspension. When a licensee requests an administrative adjudication it shall be held as soon thereafter as practicable. If the Director determines it necessary to suspend a license prior to hearing and the licensee submits a request for a hearing within the time prescribed by this section, the Director may require that a preliminary hearing be held or may refer the matter to the Office of Administrative Law for a preliminary hearing to determine whether sufficient cause exists to continue such suspension until a plenary hearing can be conducted.

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

(f) The following penalty schedule shall apply to emission inspector licensees who violate P.L. 1995, c.112 or this subchapter.

1. For intentionally or willfully improperly passing or waiving a vehicle for any required portion of the emission test in violation of rules or procedural requirements:

- i. Six month license suspension; plus \$500.00 civil penalty; plus mandatory re-training and retesting first violation
- ii. Two year license suspension; plus \$1,000.00 civil penalty; plus mandatory retraining and retesting second violation
- iii. Lifetime license revocation; plus \$2,000.00 civil penalty third violation

2. For gross negligence in passing or waiving a vehicle for any required portion of the emission test in violation of rules or procedural requirements:

- i. Three month license suspension; plus \$500.00 civil penalty; plus mandatory re-training and retesting first violation
- ii. Six month license suspension; plus \$750.00 civil penalty; plus mandatory re-training and retesting second violation
- iii. Two year license suspension; plus \$1,000.00 civil penalty; plus mandatory retraining and retesting third violation
- iv. Lifetime license revocation; plus \$2,000.00 civil penalty fourth violation

3. For simple negligence in passing or waiving a vehicle for any required portion of the emission test in violation of rules or procedural requirements:

- i. Two week license suspension; plus \$500.00 civil penalty; plus mandatory re-training and retesting first violation
- ii. One month license suspension; plus \$500.00 civil penalty; plus mandatory re-training and retesting second violation
- iii. Three month license suspension; plus \$750.00 civil penalty; plus mandatory re-training and retesting third violation
- iv. Six month license suspension; plus \$750.00 civil penalty; plus mandatory re-training and retesting fourth violation
- v. Two year license suspension; plus \$1,000.00 civil penalty; plus mandatory retraining and retesting fifth and subsequent violations

4. For misrepresentation on application (fraud or misrepresentation in securing the license):

- i. Three-year license denial or suspension

5. For fraudulently affixing certificate of approval, certificate of waiver or rejection sticker:

- i. Immediate two-year license suspension; plus \$500.00 civil penalty first violation
- ii. Immediate four-year license suspension; plus \$1,000.00 civil penalty second violation
- iii. Lifetime license revocation; plus \$2,000.00 civil penalty third violation

6. For fraud or misrepresentation in the conduct of the licensed activity:

- i. Immediate two-year license suspension first violation
- ii. Immediate four-year license suspension second violation
- iii. Lifetime license revocation third violation

7. For issuance or possession of altered, forged, stolen, or counterfeit certificate of approval, certificate of waiver or rejection sticker:

- i. Two-year license suspension first violation
- ii. Four-year license suspension second violation
- iii. Lifetime license revocation third violation

8. For furnishing, lending, giving or selling a certificate of approval, certificate of waiver or rejection sticker without performing the required inspection or reinspection:

- i. Two-year license suspension first violation
- ii. Four-year license suspension second and subsequent violations

9. For fraudulent recordkeeping:

- i. Immediate two-year license suspension first violation
- ii. Immediate four-year license suspension second violation
- iii. Lifetime license revocation third violation

10. For failing to produce inspection records:

- i. Immediate license suspension until compliance

11. For improper recordkeeping:

- i. One-month license suspension first violation
- ii. Two-month license suspension second violation
- iii. Six-month license suspension third and subsequent violations

12. For improper security of certificates of approval, certificates of waiver and/or rejection stickers:

- i. Written warning first violation
- ii. Two-month license suspension second violation
- iii. Six-month license suspension third and subsequent violations

13. For lost or stolen certificates of approval, certificates of waiver, and/or rejection stickers for which the licensee does not properly account. A licensee can "properly account" for such documents by demonstrating, to the satisfaction of the Director, that they were lost or stolen under circumstances beyond the reasonable control of the licensee:

- i. One-month license suspension first violation
- ii. Two-month license suspension second violation
- iii. One-year license suspension third and subsequent violations

14. For overcharging on inspection/reinspection:

- i. Written warning first violation
- ii. 30-day license suspension second violation
- iii. 60-day license suspension third and subsequent violations

15. For failure to provide vehicle inspection report and/or work order to the customer:

- i. 30-day license suspension first violation
- ii. 60-day license suspension second violation
- iii. One-year license suspension third and subsequent violations

16. For criminal conviction which is disqualifying:

i. Indefinite denial/suspension

Issuance/restoration predicated on standards set forth in the Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.).

13:20-43.19 Quality assurance; auditor training

(a) Any person licensed or authorized by the Division to perform inspections required by this subchapter shall cooperate fully with the Division, the Department of Environmental Protection, or their authorized representatives, in the conduct of any audits or reviews authorized by the Division or the Department. All books, records, documents, papers, reports, or data relating to the performance of inspections required by this subchapter, in whatever form kept, shall be open to inspection by the Division or the Department of Environmental Protection at such times and at such locations as the Division or the Department may specify. The Division, the Department of Environmental Protection, or their authorized representatives, may conduct covert and overt audits of the performance of inspectors or inspection facilities and the equipment utilized by such persons at any times during which inspections are being performed or the facility is open for business. In conducting an audit or review, the Division, the Department of Environmental Protection, or their authorized representatives shall be given unfettered access to all areas of an inspection facility and to all equipment at such facility. The Division or the Department of Environmental Protection may conduct audits or reviews at such frequencies as they deem appropriate to assure the integrity and performance of the inspection system.

(b) Auditors shall be formally trained and knowledgeable in:

1. The use of analyzers;
2. Program rules and regulations;
3. The basics of air pollution control;
4. Basic principles of motor vehicle engine repair relating to emission performance;
5. Emission control systems;
6. Evidence gathering;
7. State administrative procedures laws;
8. Quality assurance practices; and
9. Covert audit procedures.

SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

13:20-44.1 Purpose

(a) P.L. 1995, c.112 provides for the licensing and regulation of private inspection facilities by the Director of the

Division of Motor Vehicles. The purposes of this subchapter are to:

1. Establish a system for the licensing of private inspection facilities which perform inspections and/or re-inspections on motor vehicles and issue certifications for motor vehicles, including emission control system inspections; and

2. Establish standards and procedures necessary to protect the public from incompetent, dishonest, deceptive and fraudulent practices in the inspection, reinspection and certification of motor vehicles, including emission control systems, and to eliminate or exclude from licensing those persons who engage in such practices or who otherwise demonstrate unfitness.

(b) The Division finds that in order to ensure that motor vehicles which are inspected, reinspected and certified by a private inspection facility are satisfactorily inspected, reinspected and certified and are in proper condition to be operated on the highways of this State and to ensure that inspections, re-inspections and certifications are performed in accordance with the standards established by the Division at N.J.A.C. 13:20-33 and 13:20-43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, a licensed private inspection facility must possess certain equipment used in the inspection, reinspection and certification of motor vehicles, including emission control systems.

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

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

In (b), changed N.J.A.C. references.

13:20-44.2 Definitions

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

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

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

“Bi-fueled” means powered by gasoline and by an alternative fuel, but not on a mixture of the two fuels. Each fuel is

stored in a separate tank. For example, a vehicle may operate on either propane or gasoline, but it cannot operate on both at the same time. Typically, these vehicles will consume the alternative fuel until the supply is exhausted, then switch over, often automatically, to use the traditional fuel. This term shall not include vehicles powered by electric motors.

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

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

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

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

“Emission control system” means a device or equipment installed on a motor vehicle by the vehicle manufacturer and/or the engine manufacturer for the purpose of controlling air contaminants emitted from the motor vehicle or motor vehicle engine, including devices or equipment integral with, but not limited to, exhaust emission control systems, fuel evaporation control systems, crankcase emission control systems, and associated devices or systems which control or monitor the function and maintenance of these devices or systems.

“Engaged in the business” means:

1. Any person who inspects, reinspects and certifies motor vehicles, including motor vehicle emission control systems; or
2. Any person who for compensation negotiates, in any manner, with any customer to inspect, reinspect and certify motor vehicles, including emission control systems.

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

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

“Heavy-duty gasoline-fueled vehicle” means a gasoline-fueled motor vehicle that has a GVWR of more than 8,500 pounds and that is designed primarily for transportation of persons or property.

“Jitney” means an autobus as defined in N.J.S.A. 48:16-23 with a carrying capacity of not more than 13 passengers, operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route.

“Light-duty gasoline-fueled truck” means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, a vehicle curb weight of 6,000 pounds or less, and a basic frontal area of 45 square feet or less, and that is:

1. Designed primarily for the transportation of property or more than 12 passengers; or
2. Available with special features enabling off-street or off-highway operation and use.

“Light-duty gasoline-fueled vehicle” means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, is designed primarily for use as a passenger car or is a passenger car derivative and is capable of seating 12 or fewer passengers.

“Model year” means, with respect to a motor vehicle, the year in which the motor vehicle is considered to have been manufactured. If the manufacturer establishes an annual production period, designation of the year shall be based on the annual production period during which the manufacturer begins production of the motor vehicle. When such annual production period falls within one calendar year, the model year attributed to the motor vehicle shall be that calendar year. When such annual production period continues from one calendar year into the next, the model year attributed to the motor vehicle shall be the latter calendar year (for example, a motor vehicle produced in an annual production period that continues from 1994 to 1995 shall be considered as being produced in the 1995 model year). If the manufacturer establishes no annual production period, a motor vehicle’s model year shall be the calendar year in which the manufacturer begins production of that motor vehicle. If a motor vehicle is manufactured in two or more stages, the model year of such a motor vehicle shall be based on the date of completion of the chassis. In case of any dispute, the Director shall have sole discretion to determine the model year of a vehicle for purposes of this subchapter. For purposes of this subchapter, the Director may, in his or her discretion, determine that “model year” means the model year designated for the motor vehicle as contained in the vehicle identification number for such vehicle.

ii. Any other offense under New Jersey or Federal law which indicates that licensure of the applicant or continued licensure of the licensee would be inimical to the licensing standards set forth in P.L. 1995, c.112 and this subchapter;

6. Demonstrates a pattern of conduct whereby inspections, reinspections, certifications and/or repairs made by the private inspection facility were not made in the prescribed manner;

7. Issues a check in payment of any fees required by this subchapter which is subsequently dishonored;

8. Has failed to comply with any of the provisions of this subchapter;

9. Fails to maintain an approved place of business in accordance with this subchapter;

10. Fails to pay any fee required by law or regulation;

11. Does not have valid permits, as provided in N.J.A.C. 13:20-44.4(c)6, or other authorization from the appropriate Federal, State or other governmental agency authorizing operation of the business or operation of any equipment, service or process on the premises;

12. Fails to notify the Director in writing as required by N.J.A.C. 13:20-44.12(e), (f) and (g);

13. Has in its possession any motor vehicle, major motor vehicle component part or component part as defined in N.J.S.A. 39:10B-1 or replacement parts on which the vehicle identification number or other identification affixed thereto in accordance with Federal theft prevention standards has been removed, altered, defaced, destroyed, or so covered as to be concealed; or

14. For other good cause.

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

In (a), changed N.J.A.C. references in 4 and 11, and substituted a reference to vehicular homicide for a reference to death by auto in 5i.

13:20-44.18 Emission inspector

A Class I or Class II licensed private inspection facility shall employ an emission inspector licensed in accordance with N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-43.17.

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

Rewrote the section.

13:20-44.19 Mechanic qualifications

(a) If the private inspection facility performs safety equipment repairs, the licensee or someone in his or her employment shall meet one of the following criteria:

1. One year experience as a paid automotive mechanic and successful completion of advanced courses in automotive mechanics specifically designed for professionals engaged in the trade; or

2. Three or more years paid experience in general automotive repair and service or at least one year paid experience and completion of an automotive repair course at a vocational school, provided the applicant has successfully passed the National Institute for Automotive Service Excellence Test for engine tuneup and at least one other test from the following areas:

- i. Brakes;
- ii. Front end; or
- iii. Automotive electrical systems.

13:20-44.20 Additional penalties; schedule of penalties

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

(b) The following penalty schedule shall apply to private inspection facilities that violate P.L. 1995, c.112 or this subchapter.

1. For intentionally or willfully improperly passing a vehicle for any required portion of the emission test in violation of rules or procedural requirements:

- i. Six month license suspension; plus \$1,000.00 civil penalty first violation
- ii. Two year license suspension; plus \$5,000.00 civil penalty second violation
- iii. Lifetime license revocation; plus \$7,500.00 civil penalty third violation

2. For gross negligence in passing a vehicle for any required portion of the emission test in violation of rules or procedural requirements:

- i. Six month license suspension; plus \$500.00 civil penalty first violation
- ii. One year license suspension; plus \$1,000.00 civil penalty second violation
- iii. Two year license suspension; plus \$2,000.00 civil penalty third violation
- iv. Lifetime license revocation; plus \$5,000.00 civil penalty fourth violation

3. For simple negligence in passing a vehicle for any required portion of the emission test in violation of rules or procedural requirements:

- i. Six month license suspension; plus \$500.00 civil penalty first violation
- ii. Six month license suspension; plus \$500.00 civil penalty second violation
- iii. One year license suspension; plus \$750.00 civil penalty third violation
- iv. One year license suspension; plus \$750.00 civil penalty fourth violation
- v. Two year license suspension; plus \$1,000.00 civil penalty fifth and subsequent violations

4. For misrepresentation on application (fraud or misrepresentation in securing the license):

i. Three-year license denial

5. For fraudulently affixing certificate of approval or certificate of waiver:

- i. Immediate two-year license suspension; plus \$500.00 civil penalty first violation
- ii. Immediate four-year license suspension; plus \$1,000.00 civil penalty second violation
- iii. Lifetime license revocation; plus \$2,000.00 civil penalty third violation

6. For fraud or misrepresentation in the conduct of the licensed activity:

- i. Immediate two-year license suspension first violation
- ii. Immediate four-year license suspension second violation
- iii. Lifetime license revocation third violation

7. For issuance or possession of altered, forged, stolen, or counterfeit certificate of approval, certificate of waiver or rejection sticker:

- i. Two-year license suspension first violation
- ii. Four-year license suspension second violation
- iii. Lifetime license revocation third violation

8. For furnishing, lending, giving or selling a certificate of approval, certificate of waiver or rejection sticker without performing the required inspection or reinspection:

- i. Two-year license suspension first violation
- ii. Four-year license suspension second and subsequent violations

9. For failing to produce inspection records:

- i. Immediate license suspension until compliance

10. For unlicensed person performing emission inspection:

- i. Four-month license suspension first violation
- ii. Six-month license suspension second violation
- iii. One-year license suspension third and subsequent violations

11. For fraudulent recordkeeping:

- i. Immediate two-year license suspension first violation
- ii. Immediate four-year license suspension second violation
- iii. Lifetime license revocation third violation

12. For improper recordkeeping:

- i. One-month license suspension first violation
- ii. Two-month license suspension second violation
- iii. Six-month license suspension third and subsequent violations

13. For certifying a vehicle that does not meet State equipment safety standards:

- i. Six-month license suspension first violation
- ii. Six-month license suspension second violation
- iii. One-year license suspension third and subsequent violations

14. For improper security of certificates of approval, certificates of waiver and/or rejection stickers:

- i. Written warning first violation
- ii. Two-month license suspension second violation
- iii. Six-month license suspension third and subsequent violations

15. For lost or stolen certificates of approval, certificates of waiver and/or rejection stickers for which the licensee does not properly account. A licensee can "properly account" for such documents by demonstrating, to the satisfaction of the Director, that they were lost or stolen under circumstances beyond the reasonable control of the licensee:

- i. One-month license suspension; plus \$100.00 civil penalty per certificate first violation
- ii. Two-month license suspension plus \$250.00 civil penalty per certificate second violation
- iii. One-year license suspension plus \$500.00 civil penalty per certificate third and subsequent violations

16. For overcharging on inspection/reinspection:

- i. Written warning first violation
- ii. 30-day license suspension second violation
- iii. 60-day license suspension third and subsequent violations

17. For failing to maintain insurance coverage:

- i. Minimum 15-day license suspension and until compliance

18. For failure to provide vehicle inspection report and/or work order to the customer:

- i. 30-day license suspension first violation
- ii. 60-day license suspension second violation
- iii. One-year license suspension third and subsequent violations

19. For failure to post license:

- i. Written warning first violation
- ii. 20-day license suspension second violation
- iii. Two-month license suspension third and subsequent violations

20. For failure to post outdoor sign:

- i. Written warning first violation
- ii. 20-day license suspension second violation
- iii. Two-month license suspension third and subsequent violations

21. For failure to post hourly rate and/or inspection fees:

- i. Written warning first violation
- ii. 20-day license suspension second violation
- iii. Two-month license suspension third and subsequent violations

22. For failure to pay fee(s):

- i. License suspension until compliance

23. For criminal conviction which is disqualifying:

- i. Indefinite license denial/suspension

license issuance/restoration predicated on standards set forth in the Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.).

13:20-44.21 Investigations

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

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

(c) Except as set forth in N.J.A.C. 13:20-44.12(j), subpoenas shall be served in the same manner, and the witnesses

shall be entitled to the same fees, as in the case of subpoenas issued out of the Superior Court of New Jersey.

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

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

13:20-44.22 Written notice of suspension or revocation or refusal to grant or renew license

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

(b) The Director shall notify the licensee, in writing by certified mail, of any proposed suspension or revocation of the private inspection facility license and the grounds thereof. Written notice shall be mailed to the place of business on record with the Division. Unless the licensee files with the Director a written request for a hearing in accordance with N.J.A.C. 13:20-44.23, the private inspection facility license shall be suspended or revoked on the date specified in such notice.

13:20-44.23 Request for hearing

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-44.22(a) that the Director refuses to grant or renew a private inspection facility license to him or her, the applicant shall be entitled to an administrative hearing concerning such refusal provided that the applicant has filed and the Director has received a written request for a hearing within 15 days. The 15 day period shall commence on the date such notice was mailed to the applicant by the Division in accordance with N.J.A.C. 13:20-44.22(a).

(b) If a license has been notified in accordance with N.J.A.C. 13:20-44.22(b) of a proposed suspension or revocation of his or her private inspection facility license, the licensee shall be entitled to an administrative hearing concerning such proposed suspension or revocation provided that the licensee has filed and the Director has received a written request for a hearing within 15 days. The 15 day period shall commence on the date such notice was mailed to the licensee by the Division in accordance with N.J.A.C. 13:20-44.22(b).

(c) Any written request for a hearing by an applicant or licensee shall be sent to the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a). The hearing request shall contain the following information:

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

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

13:20-44.24 Hearing procedures

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

13:20-44.25 Limitations on issuance of license after suspension, revocation or refusal to grant or renew

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

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

13:20-44.26 License restoration

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

13:20-45.13 Storage rates

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

13:20-45.14 Additional violations

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

1. Has made a false statement or concealed a fact in connection with the application for a registration or a renewal thereof; or
2. Is not the owner of, or possessor of a controlling interest in, the motor vehicle repair facility.

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

1. Has been found to have violated or conducted fraudulent or deceptive practices concerning the repair of motor vehicles in violation of N.J.S.A. 56:8-1 et seq. or N.J.A.C. 13:45A-26C or this subchapter;
2. Has been found to have violated N.J.A.C. 7:27-15.7 pertaining to tampering with emission control apparatus;
3. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which indicates that registration of the applicant or continued registration of the registrant would be inimical to the registration standards set forth in P.L. 1995, c.112 and this subchapter;
4. Demonstrates a pattern of conduct whereby emission repairs made by the motor vehicle emission repair facility were not made in a workmanlike manner;
5. Issues a check in payment of any fees required by this subchapter which is subsequently dishonored;
6. Has failed to comply with any of the provisions of this subchapter;
7. Fails to maintain an approved place of business in accordance with N.J.A.C. 13:20-45.4(b)(1);
8. Fails to pay any fee required by law or regulation;
9. Fails to notify the Director in writing as required by N.J.A.C. 13:20-45.11(f), (g) and (h);
10. Has in its possession any motor vehicle, major motor vehicle component part or component part as defined in N.J.S.A. 39:10B-1 or replacement parts on

which the vehicle identification number or other identification affixed thereto in accordance with Federal theft prevention standards has been removed, altered, defaced, destroyed, or so covered as to be concealed;

11. Has been found to be in violation of the Federal Clean Air Act or the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder;

12. Has failed to properly secure Pre-inspection Emission Repair Forms;

13. Has failed to properly account for lost or stolen Pre-inspection Emission Repair Forms. A registrant can "properly account" for such documents by demonstrating, to the satisfaction of Director, that they were lost or stolen under circumstances beyond the reasonable control of the registrant; or

14. For other good cause.

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

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

In (b)1, changed N.J.A.C. reference.

13:20-45.15 Mechanic qualifications

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

13:20-45.16 Repair technician; certification

(a) The registrant or someone in his or her employment shall be certified as a repair technician.

(b) No emission repairs to "gasoline-fueled" or "bi-fueled" motor vehicles as defined in N.J.A.C. 13:20-43.1 may be performed for compensation of any kind by any person or facility unless the repairs are made by, or under the supervision of, a certified repair technician employed by the facility. For purposes of this subsection, "employed by" shall be construed to include any business relationship between the certified repair technician and the facility including actual or equitable ownership, in whole *or in part, of the* individual facility by the technician or a *partnership interest* in the facility.

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

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

1. Diagnosis and repair of malfunctions in computer controlled, close-loop vehicles;
2. The application of emission control theory and diagnostic data to the diagnosis and repair of failures on

loaded-mode and idle tests and the evaporative system functional tests;

3. Utilization of diagnostic information on systematic or repeated failures observed in the loaded-mode and idle tests and the evaporative system functional tests; and

4. General training in the various subsystems related to engine emission control.

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

Amended by, R.1997 d.392, effective September 15, 1997.

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

In (b), inserted "to 'gasoline-fueled' vehicles as defined in N.J.A.C. 13:20-43.1".

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

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

In (a), deleted "On or after July 1, 1998" at the beginning; and in (b), deleted "On or after July 1, 1998" at the beginning, and inserted a reference to bi-fueled motor vehicles.

13:20-45.17 Additional penalties

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

13:20-45.18 Investigations

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

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

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

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

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

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

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

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

13:20-45.20 Request for hearing

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

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

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

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

3. A specific admission, denial or explanation of each fact alleged by the Division in its notice or order to show cause, or if without knowledge thereof, a statement to that effect; any allegation in the Division's notice or

order to show cause which is not answered in accordance with this paragraph shall be deemed to have been admitted; and

4. A statement requesting a hearing.

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

13:20-45.21 Hearing procedures

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

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

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

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

13:20-45.23 Registration restoration

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

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

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

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.

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).

13:20-46.1 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13:20-46.4 Certification of test

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

13:20-46.5 Violation information

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

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

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

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

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

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

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

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

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

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

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

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

Deleted references to diesel-powered motor vehicles throughout section.

13:20-46.7 Out-of-service orders

The Division of State Police may order out-of-service any vehicle that is registered or present in this State if the civil penalty imposed pursuant to P.L. 1995, c.157 and this subchapter remains unpaid after the date on which it became due and owing. A vehicle placed out-of-service pursuant to this section shall not be operated until all civil penalties that are due and owing are paid to the Division of Motor Vehicles, or the owner or lessee has made an arrangement, approved by the Director, for payment in accordance with a payment schedule. When a vehicle is placed out-of-service, an administrative out-of-service order shall be prepared on a form or forms specified by the Director and a copy served upon the operator of the vehicle or upon the owner or lessee of the vehicle. The operator of a vehicle served with an out-of-service order pursuant to this section shall report the issuance of the out-of-service order to the owner and the lessee, if any, of the vehicle within 24 hours. When a vehicle is placed out-of-service pursuant to this section it shall be the responsibility of the owner or lessee of that vehicle to arrange for the prompt removal of that vehicle, by means other than operating the vehicle, and to pay all costs associated therewith. The vehicle shall be removed to a secure storage place where the Division of State Police can readily confirm its non-operation. If the owner or lessee fails to comply, or is otherwise incapable of complying with this section, the Division of State Police shall make such arrangements for the removal of the vehicle to a secure storage place where the Division of State Police can readily confirm its non-operation, with all attendant charges and expenses to be paid by the owner, lessee, or bailee. Upon payment by cashier's check or money order, or an agreement approved by the Director to pay in accordance with a payment schedule, or in such other form as may be determined by the Director, subject to law or the Rules Governing the Courts of the State of New Jersey, of all unpaid civil penalties and attendant storage charges and expenses for a vehicle that has been placed out-of-service, the Director shall remove the out-of-service order. Any person who operates, and any owner or lessee who causes or allows to be operated, a vehicle in violation of an out-of-service order prepared and served in accordance with the provisions of this section shall be liable for a civil penalty of \$1,500, and, if the vehicle is registered in this State, the Director may suspend the registration privileges of the vehicle.

13:20-46.8 Roadside inspector training certification

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

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

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

APPENDIX A

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

STATE OF NEW JERSEY,
Plaintiff

v.

)
)
)
)

MUNICIPAL COURT OF _____

SUMMONS NO. SP _____

Defendant.)
)
)

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

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

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

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

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

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

Dated: _____

PROOF OF SERVICE

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

INSTRUCTIONS

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

CERTIFICATION OF REPAIR

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

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

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

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

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

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

Dated: _____

(Signature)

(Print your name)

SUBCHAPTER 47. DIESEL EMISSION INSPECTION CENTER LICENSING

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

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

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

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

13:20-47.2 Definitions

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

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

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

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

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

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

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

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

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

“Diesel vehicle emission testing equipment” means equipment in accordance with specifications contained in N.J.A.C. 7:27B-4.15. 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 or diesel buses, including emission control systems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13:20-47.4 Initial application for a license

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amended by R.1998 d.310, effective June 15, 1998.
See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).
In (b), changed the N.J.A.C. reference.

13:20-47.10 Diesel emission inspection certificates of approval

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

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

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

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

passenger compartment of the diesel vehicle, and shall be valid for one year.

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

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

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

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

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

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

(k) A licensee shall retain defective or voided diesel emission inspection certificates of approval and diesel vehicle inspection reports and shall surrender them to a Division representative at the time of a periodic audit conducted by the Division.

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

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

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

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

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

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 licensed diesel emission inspection center shall have the authority to perform inspections in all heavy-duty diesel truck and diesel bus inspection categories established by the Division and to certify that specific items for which a diesel vehicle was rejected at inspection have been corrected so that the vehicle is in working order and that it conforms

to the emission standards adopted by the Division at N.J.A.C. 13:20-46 and the Department of Environmental Protection at N.J.A.C. 7:27-14.

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

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

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

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

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

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

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

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

13:20-47.15 Diesel emission inspector; inspector training

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

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

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

13:20-47.16 Advertising

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

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

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

13:20-47.17 Storage rates

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

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

Deleted reference to diesel-powered motor vehicles.

13:20-47.18 Additional violations

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

1. Has made a false statement or concealed a fact in connection with the application for a license or a renewal thereof;
2. Is not the owner of, or possessor of a controlling interest in, the diesel emission inspection center;
3. Has been found to have tampered with fuel control system or emission control apparatus, in violation of N.J.A.C. 7:27-14.3(c);

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

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

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

In (a)4, deleted reference to diesel-powered motor vehicles.

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 author-

ity 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.

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

Authority

N.J.S.A. 39:8-10 and 39:8-77.

Source and Effective Date

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

13:20-48.1 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW JERSEY
DIVISION OF MOTOR VEHICLES
DIESEL EMISSION INSPECTION CENTER

LICENSE NO.
STICKER NO.
DATE:

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

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

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

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

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

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

(l) Repairs, adjustments or corrections shall not be performed on a vehicle at the licensed diesel emission inspec-

tion center where the vehicle was inspected unless the customer signs a written acknowledgment and waiver that he or she understands his or her right to have the repairs, adjustments or corrections performed elsewhere and expressly waives his or her rights. The acknowledgment/waiver shall contain at least the following information:

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

Customer's Signature _____ Date _____

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

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

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

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

(a) The following shall not be certified:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) Types B, C and D school buses shall have two exterior or convex type mirrors mounted forward, one to the left side and one to the right of the driver. Each mirror shall be a minimum of six by six inches overall, rectangular in shape and shall have a minimum 21 inch to a maximum 30 inch radius of curvature on the convex. Each mirror shall be firmly supported and adjustable to give the driver a clear view of the left rear wheels and the immediate adjacent area, and the right rear wheels and the immediate adjacent area.

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

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

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

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

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

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

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

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

(w) All seats shall be forward facing.

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

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

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

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

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

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

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

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

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

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