

(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
 CN 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. (RESERVED)

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:

“Certificate of approval” means an inspection sticker issued by the Division certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, this subchapter, and N.J.A.C. 7:27 and 7:27B regarding the inspection of motor vehicles.

“Certificate of waiver” means an inspection sticker evidencing that a 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 2,000 miles per year, and is covered by limited use motor vehicle insurance.

“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 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 of these devices or systems.

“EPA” means the United States Environmental Protection Agency.

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

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

“Fleet” means 10 or more motor vehicles.

“Gasoline-fueled” means powered by a hydrocarbon fuel other than diesel fuel, including, but not limited to, gasoline, natural gas, liquified petroleum gas, and propane, and also powered by alcohol fuels and hydrocarbon-alcohol fuel blends.

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

“Inspector” means an individual who is licensed by the Division to perform motor vehicle emission inspections.

“Light-duty gasoline-fueled truck” means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, a vehicle curb weight of 6,000 pounds or less, and a basic frontal area of 45 square feet or less, and that is:

1. Designed primarily for the transportation of property or more than 12 passengers; or
2. Available with special features enabling off-street or off-highway operation and use.

“Light-duty gasoline-fueled vehicle” means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, is designed primarily for use as a passenger car or is a passenger car derivative and is capable of seating 12 or fewer passengers.

“Loaded-mode (dynamometer-based) emission test” means the ASM 5015 emission test.

“Low mileage vehicle” means a vehicle that is driven less than 10,000 miles during the biennial inspection period.

“Model year” means, with respect to a motor vehicle, the year in which the motor vehicle is considered to have been manufactured. If the manufacturer establishes an annual production period, designation of the year shall be based on the annual production period during which the manufacturer begins production of the motor vehicle. When such annual production period falls within one calendar year, the model year attributed to the motor vehicle shall be that calendar year. When such annual production period continues from one calendar year into the next, the model year attributed to the motor vehicle shall be the latter calendar year (for example, a motor vehicle produced in an annual production period that continues from 1994 to 1995 shall be considered as being produced in the 1995 model year). If the manufacturer establishes no annual production period, a motor vehicle’s model year shall be the calendar year in which the manufacturer begins production of that motor vehicle. If a motor vehicle is manufactured in two or more stages, the model year of such motor vehicle shall be based on the date of completion of the chassis. In case of any dispute, the Director shall have sole discretion to determine the model year of a vehicle for purposes of this subchapter. For purposes of this subchapter, the Director may, in his or her discretion, determine that “model year” means the model year designated for the motor vehicle as contained in the vehicle identification number for such vehicle.

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

“Motor vehicle emission repair facility” means any person, partnership or corporation registered by the Division to engage in the business of performing emission-related repairs on motor vehicles that have failed an emission inspection required by this subchapter and which repairs may qualify for consideration in determining whether a certificate of waiver may be granted.

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

“Omnibus” means all motor vehicles used for the transportation of passengers for hire, except commuter vans and vehicles used in ridesharing arrangements and school buses,

if the same are not otherwise used in the transportation of passengers for hire.

“Primary emission control component” means the air pump, oxygen sensor, catalytic converter, positive crankcase ventilation (PCV) valve and exhaust gas recirculation (EGR) valve.

“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 this subchapter.

“Remote sensing device” means an apparatus which remotely monitors motor vehicle emissions from an on-road, roadside, or other location.

“State” means a state of the United States or the District of Columbia.

“Working order” (Reserved).

13:20-43.2 Inspection requirements for motor vehicles; exempt motor vehicles; designation of collector motor vehicles

(a) Except as otherwise provided in (b) below, all motor vehicles, regardless of model year or fuel type, which are registered or required to be registered in New Jersey and all fleet motor vehicles which are primarily operated in New Jersey shall be inspected in accordance with this subchapter and the applicable emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B. It shall be the responsibility of the owner or lessee of any motor vehicle primarily operated in New Jersey but which is registered in another jurisdiction to have such vehicle inspected in the state or jurisdiction of registration or in this State.

(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 inspection requirements of this subchapter:

1. Historic motor vehicles registered pursuant to N.J.S.A. 39:3-27.4;
2. Collector motor vehicles;
3. Motorcycles;
4. Motorized bicycles;
5. Farm tractors and traction equipment registered pursuant to N.J.S.A. 39:3-24;
6. Farm machinery and implements registered pursuant to N.J.S.A. 39:3-24;
7. Fire trucks having a GVWR of more than 8,500 pounds;

8. In-transit construction equipment registered pursuant to N.J.S.A. 39:4-30;

9. Diesel-fueled motor vehicles, other than omnibuses and school buses, having a GVWR of more than 8,500 pounds that are required to be inspected by the owner of the vehicle;

10. Omnibuses having a seating capacity of 16 passengers or more and which are subject to inspection by the New Jersey Department of Transportation; and

11. Tactical military vehicles operated on Federal installations within this State.

(c) To qualify for designation as a "collector motor vehicle" the owner or lessee of a vehicle shall submit an application in the form specified by the Division which provides evidence of the following:

1. The vehicle is not currently qualified for designation as an "historic motor vehicle," as provided at N.J.S.A. 39:3-27.3 et seq., and any rules promulgated pursuant thereto, or as a "street rod," as provided at N.J.S.A. 39:3-27.27, and any rules promulgated pursuant thereto;

2. The vehicle is driven fewer than 2,000 miles per year, including during the immediate past inspection cycle for the vehicle; and

3. The vehicle currently qualifies for, and is covered by, motor vehicle insurance coverage of a kind intended for limited use collector motor vehicles; and either,

i. Proof that the vehicle was originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner or lessee to the Division, as may be accepted by the Director in his or her discretion, so as to establish the vehicle as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns; or

ii. Proof that at the time of qualification for designation as a "collector motor vehicle" that the make and model of such vehicles exist in such limited numbers, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner or lessee to the Division, as may be accepted by the Director in his or her discretion, so as to establish the vehicle as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns.

(d) The Director or his or her designee shall verify the odometer reading of a "collector motor vehicle" and may require that such vehicle be equipped with an odometer lock.

(e) The owner of any motor vehicle qualifying as a "collector motor vehicle" shall be eligible to purchase from the Division a distinctive windshield sticker, of a design and dimensions to be approved by the Director, said sticker to be affixed in lieu of a certificate of approval, by an authorized representative of the Division, indicating that said vehicle is a "collector motor vehicle" that is exempt from the inspection requirements of N.J.S.A. 39:8-1. The windshield sticker shall be valid for the inspection test cycle.

(f) The owner or lessee of a "collector motor vehicle" shall make application to the Division for the renewal of the windshield sticker prior to expiration of the inspection test cycle. The renewal application shall at a minimum be accompanied by proof that the vehicle is covered by motor vehicle insurance coverage of a kind intended for limited use collector motor vehicles.

(g) The cost of said sticker shall be \$25.00 for the initial inspection test cycle and \$10.00 for the renewal of said sticker for inspection test cycles thereafter.

13:20-43.3 Inspection facilities

A motor vehicle subject to inspection shall have the inspection performed at an official inspection facility operated by, or under contract with, the Division or at a private inspection facility licensed by the Division, except that an initial emission inspection of a motor vehicle which is more than four years old shall not be performed by a private inspection facility unless it has a GVWR of more than 8,500 pounds. A motor vehicle having a GVWR of 8,500 pounds or less which fails an initial emission inspection over two consecutive test cycles shall be reinspected at an official inspection facility following the second initial emission test failure.

13:20-43.4 Federal motor vehicles

(a) Motor vehicles that are operated on Federal installations located within New Jersey and motor vehicles operated by Federal government agencies in this State shall be inspected in accordance with this subchapter and the emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B. Each Federal installation and each Federal government agency shall provide to the Division a report of motor vehicles operated on the Federal installation or maintained as part of the Federal fleet in this State. The report shall include:

1. The vehicle identification number (VIN), including VIN prefix, for the motor vehicle;
2. The vehicle model year, make, color, body type and weight class;
3. The GVWR for the motor vehicle;
4. The license plate number issued by the Federal government agency for the motor vehicle;

5. The name and address of the Federal government agency supplying the report; and

6. The name, business address, and telephone number of the person preparing the report.

(b) The reports in (a) above shall be provided to the Division in such format and at such times as the Division shall determine. A per vehicle inspection fee of \$35.00 shall be paid to the Division for the inspection of Federal motor vehicles under this section. Payment of the inspection fee shall be made and shall accompany the reports submitted to the Division under this section.

(c) The Division shall provide to the operator of a Federally-plated or numbered motor vehicle which is presented for inspection in this State a report of inspection conducted under (a) above which shall include:

1. The VIN for the motor vehicle;
2. The license plate number issued by the Federal government agency for the motor vehicle;
3. HC results;
4. O results;
5. CO₂ results;
6. NO_x results;
7. O₂ results;
8. Pressure test results;
9. Purge test results; and
10. Safety inspection results.

(d) All motor vehicles owned, leased or operated by civilian or military personnel on Federal installations in New Jersey, whether such vehicles are registered in this State or in another jurisdiction, shall be inspected in accordance with this subchapter and the emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B. This inspection requirement shall not apply to visiting agency, employee or military personnel vehicles so long as such visits do not exceed 60 calendar days per year.

13:20-43.5 Motor vehicles registered in other states

(a) Owners, lessees or operators of motor vehicles registered in other jurisdictions may present their motor vehicles for inspection in this State. The inspection shall be in accordance with this subchapter and the emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B.

(b) Owners, lessees or operators of the motor vehicles specified in N.J.A.C. 13:20-43.4(d) and (a) above that are not registered in New Jersey, or those motor vehicles specified in N.J.A.C. 13:20-43.4(a) that are not listed on the report required to be submitted by that subsection, shall make application for inspection at such locations as are specified by the Division and shall pay to the Division a per vehicle inspection fee of \$35.00 prior to presenting the vehicle for inspection. The inspection application shall contain the following:

1. The VIN, including VIN prefix, for the motor vehicle;

2. The vehicle model year, make, color, body type and weight class;

3. The GVWR for the motor vehicle;

4. The license plate number for the motor vehicle;

5. The name of the state in which the vehicle is registered; and

6. The name and address of the owner of the motor vehicle.

(c) The Division shall provide to the operator of a motor vehicle which is presented for inspection in this State a report of inspection conducted under N.J.A.C. 13:20-43.4(d) or (a) above.

(d) The owner or lessee of a motor vehicle shall transmit a report of inspections conducted under N.J.A.C. 13:20-43.4(d) or (a) above to the state of registration which shall include:

1. The VIN for the motor vehicle;

2. The license plate number issued for the motor vehicle;

3. The name of the state in which the vehicle is registered;

4. HC results;

5. CO results;

6. CO₂ results;

7. O₂ results;

8. NO_x results;

9. Pressure test results;

10. Purge test results; and

11. Safety inspection results.

13:20-43.6 Fleet motor vehicles

All fleet motor vehicles, including those that are available for lease or rent, which are registered in this State, or are registered in another state and primarily operated in New Jersey, shall be inspected in accordance with this subchapter and the emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B. A fleet vehicle shall be inspected at an official inspection facility or by a licensed private inspection facility, except that a licensed private inspection facility shall not perform an initial emission inspection of a vehicle that is more than four years old. The owner or lessee of fleet motor vehicles may apply for and be licensed by the Division as a private inspection facility in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-44. A motor vehicle having a GVWR of 8,500 pounds or less which fails an initial emission inspection over two consecutive test cycles shall be reinspected at an official inspection facility following the second initial emission test failure.

13:20-43.7 Test frequency

Motor vehicles subject to inspection pursuant to this subchapter shall be inspected on a biennial basis, except as otherwise provided by law or regulation. Whenever a vehicle previously registered in a foreign jurisdiction is registered in this State, the vehicle shall be presented for inspection within 30 days from the date of issuance of a certificate of registration for the vehicle. Following completion of the inspection of a vehicle which was previously registered in a foreign jurisdiction, the vehicle shall be inspected on a biennial basis, except as otherwise provided by law or regulation.

13:20-43.8 Tests for emissions

(a) A loaded-mode (dynamometer-based) test shall be conducted in accordance with N.J.A.C. 7:27-15.5 on all gasoline-fueled motor vehicles with model years 1968 and later having a GVWR of 8,500 pounds or less; provided, however, no such test shall be required for any full-time four-wheel drive vehicle regardless of weight class, for a low mileage vehicle, for a motor vehicle which is operated by a handicapped person and which has been modified so that such vehicle is fully controlled by specially designed mechanical devices for the handicapped, or for any other vehicle having a particular design characteristic which makes its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director. In such exceptional cases an idle emission test, conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.5(b), shall be administered. All motor vehicles which are subject to a loaded-mode (dynamometer-based) test shall not exceed the emission levels established at N.J.A.C. 7:27 for such vehicles by the Department of Environmental Protection for hydrocarbons (HC), carbon monoxide (CO), or oxides of nitrogen (NO_x).

(b) An idle emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.5(b) on all gasoline-fueled motor vehicles with model years 1967 and earlier, all gasoline-fueled motor vehicles having a GVWR greater than 8,500 pounds, all low mileage vehicles with model years 1980 and earlier and all such motor vehicles as set forth in (a) above that are specifically exempted from the requirement of a loaded-mode (dynamometer-based) test. A 2,500 RPM idle emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.5(b) on all low mileage vehicles with model years 1981 and later, and on all motor vehicles that are operated by handicapped persons and have been modified so that such vehicles are fully controlled by specially designed mechanical devices for the handicapped. All motor vehicles which are subject to an idle test shall not exceed the emission levels established at N.J.A.C. 7:27 for such vehicles by the Department of Environmental Protection for hydrocarbons (HC) and carbon monoxide (CO).

(c) An evaporative system purge test shall be conducted on all post-1974 model year light-duty gasoline-fueled motor vehicles and light-duty gasoline-fueled trucks that were originally equipped with an evaporative emission control system when manufactured provided such vehicles are subject to a loaded-mode (dynamometer-based) test, unless a particular design characteristic of the vehicle makes it impractical to administer such test. All motor vehicles which are subject to the purge test shall meet the standards for such test established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. The evaporative system purge test shall not be conducted on full-time four-wheel drive vehicles or a vehicle which has a particular design characteristic which makes its operation on a dynamometer either impractical or hazardous.

(d) An evaporative system integrity (pressure) test shall be conducted on all post-1974 model year light-duty gasoline-fueled motor vehicles and light-duty gasoline-fueled trucks that were originally equipped with an evaporative emission control system when manufactured, unless a particular design characteristic of the vehicle makes it impractical to administer such test. Vehicles subject to the pressure test shall meet the standards for such test established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4.

(e) An inspection conducted by a licensed private inspection facility shall include an inspection for the presence of the catalytic converter on all light-duty gasoline-fueled vehicles and light-duty gasoline-fueled trucks which were manufactured with a catalytic converter as original equipment. The inspection shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.8. Motor vehicles shall fail inspection if the catalytic converter was a part of the original certified configuration for the motor vehicle and the catalytic converter is missing or disconnected. If it is found that the catalytic converter is modified or improperly connected, the vehicle shall fail inspection.

(f) A motor vehicle safety equipment inspection shall be conducted on all motor vehicles subject to inspection. The following safety equipment shall be subject to inspection:

1. Steering and suspension;
2. Glazing and vision obstruction;
3. Headlights;
4. Red rear lights;
5. Stop lights;
6. Turn signals;
7. Reflectors;
8. Horn;
9. Windshield wipers;
10. Wheels and tires;

11. Exhaust system;
12. Mirrors;
13. Service brake (operation and pedal reserve);
14. Parking brake;
15. Brake equalization;
16. Seat belts; and
17. Such other equipment, as an inspection discloses will affect the safe operation of the vehicle or present an imminent safety hazard to its occupants or the public.

(g) Each motor vehicle inspection conducted pursuant to this subchapter shall include an examination of the driver's license, motor vehicle registration certificate and insurance identification card.

13:20-43.9 Inspection reports; emission-related repair forms

(a) The operator of each motor vehicle shall be provided with a motor vehicle inspection report and inspection report supplement, if issued, upon completion of an inspection. The motor vehicle inspection report and inspection report supplement, if issued, shall include:

1. The inspection facility number;
2. The type of test(s) performed;
3. The date of the inspection;
4. The inspection serial number;
5. The inspection certificate number;
6. The vehicle model year, make, and body type;
7. The vehicle license plate number;
8. The fuel type;
9. The gross vehicle weight rating;
10. The vehicle identification number;
11. The vehicle odometer reading to the nearest 1,000 miles;
12. The category of inspection (that is, initial inspection, first reinspection, second reinspection, etc.);
13. The pass/fail result of applicable visual inspections;
14. Results of the evaporative system functional tests;
15. The type of vehicle preconditioning performed, if applicable;
16. Results of the safety inspection;
17. Emission inspection results and standards for the vehicle;

18. Instructions indicating that the report is to be returned to an official inspection facility or licensed private inspection facility upon reinspection;

19. A statement indicating the availability of warranty coverage as required in section 207 of the Federal Clean Air Act;

20. Instructions indicating that the motor vehicle must be repaired and returned to an official inspection facility or licensed private inspection facility and reinspected;

21. Instructions for waiver applicants;

22. Such advisory diagnostic information as may be made available;

23. Space to indicate repair by a registered motor vehicle emission repair facility;

24. Space to indicate the name, address, and registration number of the motor vehicle emission repair facility which performed the emission-related repair(s);

25. Space to indicate the cost of parts and labor for emission-related repair(s);

26. Space to indicate the emission-related repair(s) performed;

27. Space to indicate technician recommended repair(s) that were not performed; and

28. Other information as the Division may require to enable it to determine compliance with this subchapter.

(b) A registered motor vehicle emission repair facility shall provide all of the information on the motor vehicle inspection report and inspection report supplement, if issued, relating to emission-related repairs required by (a) above and shall present the completed motor vehicle inspection report and inspection report supplement, if issued, to the owner or lessee upon delivery of the repaired vehicle to such owner or lessee.

(c) The Division shall prescribe a Pre-inspection Repair Form for use by registered motor vehicle emission repair facilities for demonstrating that pre-inspection emission-related repairs have been performed by such facilities and shall contain all applicable information as set forth in (a)23 through 28 above. The Pre-inspection Repair Form may be used by a registered motor vehicle emission repair facility for demonstrating that post-inspection emission-related repairs have been performed by such facility only when the original motor vehicle inspection report or inspection report supplement, if issued, has been lost by the owner or lessee and has not been presented to the facility. The Pre-inspection Repair Form shall be completed and presented to the owner or lessee upon delivery of the repaired vehicle to such owner or lessee. No such Pre-inspection Repair Form shall be presented in blank to such owner or lessee or any other person; nor shall such form be furnished to such owner or lessee unless the vehicle identification number of the repaired vehicle is clearly printed or written in ink on the face of said form. The form prescribed by the Division pursuant to this subsection may be reprinted as needed by registered motor vehicle emission repair facilities. The forms, as reprinted by a registered repair facility, shall contain the registration number of such facility and each form shall contain a unique control number which corresponds to the sequential order in which such forms were reprinted, and any other information that the Director may require.

13:20-43.10 Reinspections

Motor vehicles that fail inspection shall be reinspected after the vehicle has been repaired or adjusted. The operator of a motor vehicle that exceeded the exhaust emission standards during the vehicle's inspection shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, or pre-inspection repair form (if applicable), which has been completed by a registered motor vehicle emission repair facility or by an owner possessing a nationally recognized certification who performed the emission-related repairs. All motor vehicles subject to a reinspection or that fail an on-road inspection under N.J.A.C. 13:20-43.14 for emission standards shall be subject to the separable portions of the inspection procedure for emissions for the vehicle model year (that is, functional testing and exhaust testing where applicable). Portions of the emission testing procedure shall be considered separable for purposes of this section if a failure on one portion does not affect the likelihood of passage or failure on any other portion of the testing procedure. If the motor vehicle passes the reinspection, the Division, or an authorized inspector, shall issue a certificate of approval for the motor vehicle indicating compliance. If the motor vehicle fails to pass the reinspection, the Division, or an authorized inspector, shall issue a motor vehicle inspection report indicating non-compliance. If the motor vehicle fails the reinspection for an emission-related problem and the owner or lessee requests a waiver of compliance, the Division or its authorized representatives shall review the request and shall approve or deny the request in accordance with N.J.A.C. 13:20-43.13. Requests for waiver shall be presented at such locations as are designated by the Director and approved or denied only by such persons as designated by the Director.

13:20-43.11 Inspection certificates of approval; inspection rejection stickers

(a) A certificate of approval shall be issued for motor vehicles which meet safety and emission standards. The certificate of approval shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

(b) An inspection rejection sticker shall be issued for motor vehicles which fail to meet safety and/or emission standards. The inspection rejection sticker shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. The owner or lessee of a motor vehicle which has failed inspection shall have the necessary repairs made and shall present the vehicle for reinspection no later than the last day of the calendar month following the calendar month in which the vehicle was due for inspection, except as otherwise provided at N.J.A.C. 13:20-7.2.

13:20-43.12 Inspection extensions

(a) A motor vehicle which is registered in New Jersey that cannot be presented for inspection in this State prior to the expiration of the certificate of approval or certificate of waiver issued for the vehicle shall be deemed to be in compliance with the inspection requirements of this State if the vehicle is presented for an inspection in the state in which it is temporarily located, provided that such inspection is performed in an enhanced I/M program. In order to avoid sanctions for failure to comply with the inspection requirements of this State, it shall be the responsibility of the owner or lessee of the vehicle to transmit to the Division proof that the vehicle has been inspected by another state's enhanced I/M program. Such proof shall consist of a report issued by the enhanced I/M program of such other state containing the license plate number or vehicle identification number of the vehicle inspected, the date and location of inspection, and the results of such inspection. If such proof has been submitted and a current registration has been issued for the vehicle, the Director or his or her designee may, for good cause shown, issue a letter extending the time period in which to have the vehicle inspected. The inspection extension shall be valid from its effective date to 30 days from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid for more than two years from its effective date.

(b) The owner or lessee of a motor vehicle registered in New Jersey which cannot be presented for inspection in this or another State prior to the expiration of the certificate of approval or certificate of waiver issued for the vehicle because it is temporarily located in a state or region that does not have an enhanced I/M program shall notify the Division of the date upon which the motor vehicle will be returned to New Jersey. If a current registration has been issued for the vehicle, the Director or his or her designee may, for good cause shown, issue a letter extending the time period in which to have the vehicle inspected. The inspection extension shall be valid from its effective date to 30 days from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid for more than two years from its effective date.

13:20-43.13 Waivers; criteria for issuance; denial of warranty form; repair receipt form; waiver valid for inspection cycle; waiver issuance

(a) A motor vehicle which fails to satisfy the applicable emission standards as set forth in the rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4 shall be eligible for a certificate of waiver if the following requirements are satisfied:

1. The vehicle has failed to pass a loaded-mode emission reinspection after all qualifying repairs have been completed;

2. The vehicle has passed an idle emission test conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.5(b);

3. The vehicle has passed a safety inspection conducted in accordance with this subchapter;

4. The owner or lessee has provided written proof to the satisfaction of the Director that all available warranty repairs have been made to the motor vehicle or a written denial of warranty coverage from the manufacturer or authorized dealer in a form prescribed for such purpose by the Director;

5. Repairs were appropriate to the cause of the test failure;

6. Repairs were performed by a registered motor vehicle emission repair facility or by the owner of the vehicle, provided he or she possesses a nationally recognized certification for emission-related diagnosis and repairs. Any owner or lessee of a motor vehicle may perform emission-related repairs of primary emission control components; provided, that only the cost of parts incurred by the owner or lessee during the course of the repair of such components shall be applied toward the applicable waiver amount in (a)8 below;

7. Original repair receipts are submitted to the Division verifying that qualifying repairs have been performed; and

8. Prior to January 1, 1998, the owner or lessee has expended no less than the applicable amount specified at 40 C.F.R. §51.360(a)(6) for emission-related repairs of the motor vehicle excluding any repairs made under warranty coverage. Beginning on January 1, 1998, the owner or lessee has expended no less than the amount specified at 40 C.F.R. §51.360(a)(7) for emission-related repairs of the motor vehicle excluding any repairs made under warranty coverage.

(b) A waiver shall not be issued to a motor vehicle for tampering-related repairs. The cost of tampering-related repairs shall not be counted towards the cost limits in (a)8 above.

(c) A waiver shall not be issued to a motor vehicle which fails an evaporative system purge test or an evaporative system integrity (pressure) test if the cause for such failure is safety-related.

(d) A waiver shall expire at the end of the specific inspection cycle for which it was granted, after which the vehicle shall either pass inspection or qualify for issuance of another waiver pursuant to this section.

(e) The Director, or his or her designee, shall issue a certificate of waiver for those motor vehicles satisfying all the requirements of this section. The certificate of waiver shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

13:20-43.14 On-road inspections; scope; inspection procedures; criteria for selecting vehicles; procedures upon inspection failure

(a) On-road motor vehicle safety and emission inspection is intended to complement the safety and emission inspection otherwise required in the State of New Jersey by law or regulation.

(b) On-road inspection shall consist of a safety inspection, a visible smoke test, a tailpipe emission inspection, an inspection for the presence and integrity of the motor vehicle's catalytic converter, including a tap test thereof, an examination of the driver's license, motor vehicle registration certificate and insurance identification card, and such other tests as may be determined by the Director.

(c) On-road emission inspection procedures shall utilize the BAR 90 analyzer or such other emission inspection equipment approved by the Director after consultation with the Department of Environmental Protection in accordance with N.J.A.C. 7:27-15.5(f).

(d) On-road emission inspection shall be conducted using the emission inspection standards set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4.

(e) The Division shall use the following criteria in determining which motor vehicles shall be subjected to on-road safety and emission inspection:

1. Motor vehicles with an observable defect(s);
2. Motor vehicles without a certificate of approval;
3. Motor vehicles with an expired certificate of approval;
4. Motor vehicles with an expired inspection rejection sticker;
5. Motor vehicles without a registration plate(s) and/or registration plate insert(s);
6. Motor vehicles which fail to meet minimum emission standards as determined by a remote sensing device; or
7. Motor vehicles which correspond to a predetermined numerical sequence established by Division supervisory personnel for subjecting motor vehicles to on-road safety and emission inspection (for example, every fifth motor vehicle, every tenth motor vehicle, etc.).

(f) If a motor vehicle subject to on-road inspection fails to meet minimum safety and/or emission standards, an inspection rejection sticker shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

(g) The owner or lessee of a motor vehicle which has failed an on-road inspection shall have the necessary repairs

made and present the vehicle for a complete reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.2.

13:20-43.15 Recall compliance procedures; purpose; applicability; notice to owner; recall compliance form; transfer of ownership; denial and suspension of registration

(a) Owners and lessees of motor vehicles which are included in either a "Voluntary Emissions Recall" as defined at 40 C.F.R. §85.1902(d), or in a remedial plan determination made pursuant to section 207(c) of the Federal Clean Air Act, shall present such vehicles to the manufacturer or authorized dealer for emission-related repairs and shall comply with the procedures set forth in this section.

(b) Recall compliance procedures set forth in this section shall apply to all motor vehicles for which owner recall notification occurs after January 1, 1995.

(c) The EPA or an entity approved by the EPA shall provide the Division with a list of vehicle identification numbers with unresolved recalls.

(d) The Division shall provide written notice to an owner or lessee of a motor vehicle which is contained on an EPA list of vehicle identification numbers with unresolved recalls. The notice shall inform the owner or lessee of the following:

1. That the vehicle is subject to a recall notification;
2. That the vehicle must be presented to the manufacturer or authorized dealer for emission-related repairs; and
3. That proof of compliance with the recall notice must be submitted to the Division as a precondition to the Division's issuance of a certificate of approval for the vehicle.

(e) The Division shall prescribe a Recall Compliance Form for use in demonstrating recall compliance in accordance with this section. The Recall Compliance Form shall be provided to an owner or lessee with the written notice required under (d) above. The owner or lessee shall submit the Recall Compliance Form to the manufacturer or authorized dealer when he or she presents the vehicle for emission-related recall repairs. The manufacturer or authorized dealer shall be responsible for providing the information required on the Recall Compliance Form. The manufacturer or authorized dealer shall provide the owner or lessee with the completed Recall Compliance Form. The owner or lessee of the vehicle shall submit the Recall Compliance Form to the Division. The manufacturer or authorized dealer shall maintain a copy of the Recall Compliance Form in its files for a period of five years from the date of completion of the emission-related repairs. The manufacturer or authorized dealer shall make available the completed Recall Compliance Form upon the request of the Director or his or her designee.

(f) The Recall Compliance Form shall include the following:

1. The VIN, make, and model year of the vehicle;
2. The recall campaign number;
3. The date emission-related repairs were completed;
4. The name, address and telephone number of the authorized dealer completing the emission-related repairs; and
5. The dealer license number, if the authorized dealer completing the emission-related repairs is located in New Jersey.

(g) Except as otherwise provided in this section, the Division shall deny the issuance or renewal of the registration of a motor vehicle and shall suspend the registration of a motor vehicle if the owner or lessee has not filed or caused to be filed with the Division proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer.

(h) The denial of the registration shall be effective on the first day following the expiration date of the vehicle's registration. The suspension of the registration shall be effective on the date specified by the Division in an order of suspension issued to the owner.

1. The Division shall not suspend a motor vehicle registration pursuant to this section if the owner has surrendered to the Division the registration certificate and registration plates issued thereto.

2. The Division shall not deny a motor vehicle registration pursuant to this section if the notice of unresolved recall required by (d) above is mailed or given to the owner or lessee of the vehicle in the six month period immediately preceding the expiration date of the motor vehicle's registration. If such notice is mailed or sent to the owner or lessee during the six month period and registration is issued or renewed by the Division, no further registration for that motor vehicle shall be issued or renewed unless proof of compliance with the recall notice is submitted to the Division.

13:20-43.16 Registration denial; suspension of registration; motor vehicles not inspected by registration expiration date; motor vehicles which have failed inspection and have not been presented for reinspection

(a) Except as otherwise provided in this section, the Division shall deny the issuance or renewal of the registration of a motor vehicle and shall suspend the registration of a motor vehicle if the owner or lessee has not presented the vehicle for inspection prior to the expiration of the certificate of approval or certificate of waiver issued for the vehicle. The Division shall not suspend a motor vehicle registration pursuant to this subsection if the owner or lessee complies with either of the following requirements:

(j) A licensee shall retain defective or voided base inspection stickers and motor vehicle inspection reports and shall surrender them to a Division representative at the time of a periodic audit conducted by the Division.

(k) A licensee shall notify the local law enforcement agency upon determining that a base inspection sticker(s) has been stolen and shall file a copy of such report with the Division.

(l) A licensee shall return all unused base inspection stickers and inspection reports to a Division representative upon the licensee's discontinuation of inspection certification services.

(m) A licensee shall be solely responsible for base inspection stickers and inspection reports issued to it by the Division.

13:20-44.11 Responsibility of licensees

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

(b) In the case of a partnership or corporation, each partner, or corporate officer and/or director, or any person or entity possessing a controlling interest, as the case may be, shall be held individually responsible to the Director for the conduct of the business of the facility and for all actions performed by its employees in connection with the business of the facility concerning violations of P.L. 1995, c.112 or this subchapter.

13:20-44.12 Notice and recordkeeping requirements

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

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

(c) Every licensed private inspection facility shall maintain copies of all motor vehicle inspection reports and other documents prepared by that facility for inspections, re-inspections, certifications and repair work performed by that facility.

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

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

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

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

(f) The licensee shall notify the Director in writing within 10 days of any change in address of the private inspection facility or of any change in address of persons or entities required to be listed on the application by N.J.A.C. 13:20-44.4.

(g) The licensee shall notify the Director in writing within 10 days whenever any person or entity required to be listed on the application by N.J.A.C. 13:20-44.4 is no longer associated with the private inspection facility.

(h) All written notifications required by this subchapter shall be made by either personal delivery or sent by certified mail to the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a).

(i) An amended application shall be filed by the licensee with the Director when there is a substitution and/or addition of persons or entities required to be listed on the application by N.J.A.C. 13:20-44.4. The licensee shall also comply with the requirements of N.J.A.C. 13:20-44.6(a) and 13:20-44.4(d).

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

13:20-44.13 Records; inspection reports

(a) A licensee shall maintain copies of motor vehicle inspection reports in order corresponding to the date on which the base inspection sticker was issued.

(b) A licensee shall maintain repair orders and invoices (bills for parts and labor) 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 motor 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 four years from the date of issuance of the base inspection sticker.

(e) Records required to be maintained by a licensee pursuant to this section shall be made available by the licensee for examination by authorized representatives of the Division, the Department of Environmental Protection and the Division of Consumer Affairs at any time during regular business hours. Investigators and other authorized representatives of the Division, the Department of Environmental Protection 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 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 private inspection facility license. Such investigations may include, but shall not be limited to, discussions with customers, examination of motor vehicle emission testing equipment and other equipment specified in N.J.A.C. 13:20-44.9, questioning of employees and the employment of such other investigatory techniques as may be necessary for the enforcement of this subchapter and the provisions of Title 39, Title 26 and Title 56 of the Revised Statutes and the regulations adopted thereunder by the Division at N.J.A.C. 13:20-43, the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B and the Division of Consumer Affairs at N.J.A.C. 13:45A-7.

13:20-44.14 Certification of inspection

(a) Each licensed private inspection facility shall have the authority to perform inspections in all vehicle inspection categories established by the Division and to certify that specific items for which a 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. 13:20-43 and the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B. A licensed private inspection facility shall not perform an initial emission inspection on vehicles which are more than four years old. A licensed private inspection facility shall not perform an emission reinspection on vehicles that have failed an initial emission inspection in two consecutive test cycles.

(b) No licensee shall certify that items for which a vehicle was rejected at inspection have been corrected unless the licensee or a licensed emission inspector acting as an employee or agent of the licensee has inspected the vehicle and has determined that all defects detected 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. 13:20-43 and the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B.

(c) Certification shall be evidenced by the affixation of a certificate of approval on the vehicle as specified in N.J.A.C. 13:20-43.11(a).

(d) Certification of a vehicle by a licensee or an employee shall constitute the licensee's representation that the licensee or a licensed emission inspector 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. 13:20-43 and the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B.

(e) The fee which a licensee may charge the consumer for affixing a certificate of approval shall not exceed \$1.50.

(f) The fee which a licensee may charge for inspection of items rejected after inspection and which have been repaired by the vehicle owner or lessee or someone not under the direction of the licensee shall not exceed that portion of the licensee's established hourly labor charge for repair service as specified by the Director to be the average time required to inspect a particular item of equipment. A licensee shall inform the consumer in advance that the licensee's charge for such inspection shall not exceed that portion of the hourly labor rate.

(g) Every licensee who performs inspection certification services for the general public shall conspicuously display a schedule of inspection charges at his or her place of business and shall file a copy thereof with the Private Inspection Facility Licensing Unit. The posted schedule shall not be smaller than one square foot.

13:20-44.15 Advertising

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

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

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