

ENFORCEMENT SERVICE

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

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

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. POWER STEERING INSTALLATION

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

SUBCHAPTER 5. MANUAL DOOR EQUIPMENT

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

SUBCHAPTER 6. MUFFLER DEVICES

- 13:20-6.1 Prohibitory muffler devices

SUBCHAPTER 7. VEHICLE INSPECTION

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

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

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

SUBCHAPTER 9. HANDICAPPED PARKING PRIVILEGES

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

- 13:20-9.6 Temporary certificates
- 13:20-9.7 Display of placards and temporary placards

SUBCHAPTER 10. AUTOMATIC VEHICLE IDENTIFICATION SYSTEMS

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

SUBCHAPTER 11. (RESERVED)

SUBCHAPTER 12. DRIVER REEXAMINATION

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

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. PARKING ON STATE PROPERTY

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

SUBCHAPTER 15. STUD TIRES

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

SUBCHAPTER 16. (RESERVED)

SUBCHAPTER 17. DRIVER IMPROVEMENT SCHOOLS

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

SUBCHAPTERS 18 THROUGH 21. (RESERVED)

SUBCHAPTER 22. BRAKE LININGS

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

SUBCHAPTER 23. (RESERVED)

SUBCHAPTER 24. MOTORCYCLES

- 13:20-24.1 Approval of goggles
- 13:20-24.2 Goggles test procedure
- 13:20-24.3 Goggle approval requirements
- 13:20-24.4 Mark on goggles
- 13:20-24.5 Test procedure for face shields
- 13:20-24.6 Face shield approval requirements
- 13:20-24.7 Identification mark on face shield
- 13:20-24.8 Windscreen approval requirements
- 13:20-24.9 Mark on windscreen
- 13:20-24.10 Adoption and incorporation of Federal Motor Vehicle Safety Standard for motorcycle helmets
- 13:20-24.11 Reflectorized surface on helmets
- 13:20-24.12 Helmets approved by the Chief Administrator

- 13:20-24.13 (Reserved)
- 13:20-24.14 (Reserved)
- 13:20-24.15 Test reports
- 13:20-24.16 Samples
- 13:20-24.17 Notice of approval
- 13:20-24.18 Temporary approval
- 13:20-24.19 Withdrawal of approval
- 13:20-24.20 Inspection of motorcycles
- 13:20-24.21 Motorcycle license plates and tabs

**SUBCHAPTER 25. SAFETY GLAZING MATERIAL;
OTHER EQUIPMENT**

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

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

- 13:20-26.1 Applicability
- 13:20-26.2 Definitions
- 13:20-26.3 Inspection and maintenance
- 13:20-26.4 Unsafe operations
- 13:20-26.5 Inspection of motor vehicles
- 13:20-26.6 Motor vehicles declared "out-of-service"
- 13:20-26.7 Notice to owner or lessee
- 13:20-26.8 Inspection of damaged vehicles
- 13:20-26.9 Vehicle condition report
- 13:20-26.10 Recommended forms
- 13:20-26.11 Required inspection and maintenance
- 13:20-26.12 Standards of inspection
- 13:20-26.13 Certification
- 13:20-26.14 Additional inspection
- 13:20-26.15 Penalties
- 13:20-26.16 Biennial inspection at an official inspection facility or a private inspection facility
- 13:20-26.17 Compliance with diesel emission standards, equipment requirements, and test procedures; periodic inspection program for diesel emissions; self-inspection; exempt vehicles

**SUBCHAPTER 27. INSPECTION OF NEW HEAVY-DUTY
DIESEL TRUCKS**

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

**SUBCHAPTER 28. INSPECTION OF NEW MOTOR
VEHICLES**

- 13:20-28.1 Purpose
- 13:20-28.2 Applicability
- 13:20-28.3 Definitions
- 13:20-28.4 Manufacturers' new motor vehicle inspection procedure
- 13:20-28.5 Motor vehicle equipment standards

- 13:20-28.6 Decal; period of validity
- 13:20-28.7 Compliance
- 13:20-28.8 Evidence of compliance
- 13:20-28.9 Pre-delivery checklist form; required information
- 13:20-28.10 Additional inspection
- 13:20-28.11 Determination of compliance by Chief Administrator
- 13:20-28.12 Violations; suspension or revocation of motor vehicle dealer license; suspension or revocation of privilege of performing inspections of new motor vehicles

SUBCHAPTER 29. MOBILE INSPECTION UNIT

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

SUBCHAPTER 30. INSPECTION OF SCHOOL BUSES

- 13:20-30.1 Scope
- 13:20-30.2 Definitions
- 13:20-30.3 Inspection and maintenance
- 13:20-30.4 Unsafe operation prohibited
- 13:20-30.5 Inspection of school buses in operation
- 13:20-30.6 Inspection of damaged school buses
- 13:20-30.7 Daily school bus condition report by driver
- 13:20-30.8 Required practices
- 13:20-30.9 Standards
- 13:20-30.10 Certification
- 13:20-30.11 Penalties
- 13:20-30.12 Compliance with diesel emission standards, equipment requirements, and test procedures; periodic inspection
- 13:20-30.13 Compliance with gasoline emission standards, equipment requirements, and test procedures; periodic inspection
- 13:20-30.14 Driver qualification; criminal history record information; driver qualification employment records
- 13:20-30.15 In-terminal inspection of school buses; inspection of retired school buses
- 13:20-30.16 Inspection fees
- 13:20-30.17 Schedule of fines
- 13:20-30.18 Collection of fines

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

- 13:20-31.1 Scope
- 13:20-31.2 Brake system
- 13:20-31.3 Drive shaft
- 13:20-31.4 Exhaust system
- 13:20-31.5 Frame; tire and wheel clearance; bumpers
- 13:20-31.6 Fuel system
- 13:20-31.7 Headlights, back-up lamps, back-up alarm, red signal warning lamps, amber signal warning lamps, tail lamps, stop lamps, and turn signals
- 13:20-31.8 Instruments and instrument panel
- 13:20-31.9 Power steering belt
- 13:20-31.10 Steering system
- 13:20-31.11 Suspension
- 13:20-31.12 Tires
- 13:20-31.13 Wheels and rims
- 13:20-31.14 Back-up warning alarm
- 13:20-31.15 Battery
- 13:20-31.16 Doors, emergency
- 13:20-31.17 Doors, service
- 13:20-31.18 Emergency exits
- 13:20-31.19 Fire extinguishers
- 13:20-31.20 Heater hoses and lines
- 13:20-31.21 Mirrors
- 13:20-31.22 Seat belts for driver and passengers
- 13:20-31.23 Seats and crash barriers
- 13:20-31.24 Steps
- 13:20-31.25 Stop signal arm
- 13:20-31.26 Crossing control arm
- 13:20-31.27 Windshield wipers

ENFORCEMENT SERVICE

- 13:20-39.8 Plate design
- 13:20-39.9 Fees; plate ordering; authenticity of membership
- 13:20-39.10 Denial, suspension or revocation

SUBCHAPTER 40. (RESERVED)

SUBCHAPTER 41. SILVER STAR INSIGNIAS ON LICENSE PLATES

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

SUBCHAPTER 42. PURPLE HEART EMBLEMS ON LICENSE PLATES

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

SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

- 13:20-43.1 Definitions
- 13:20-43.2 Inspection requirements for motor vehicles; exempt vehicles; designation of collector motor vehicles; designation of low utilization modified performance vehicles; designation of low mileage vehicles
- 13:20-43.3 Inspection facilities
- 13:20-43.4 Federal motor vehicles
- 13:20-43.5 Motor vehicles registered in other states
- 13:20-43.6 Fleet motor vehicles
- 13:20-43.7 Test frequency
- 13:20-43.8 On-board diagnostics inspection; tests for emissions
- 13:20-43.9 Inspection reports; emission-related repair forms
- 13:20-43.10 Reinspections
- 13:20-43.11 Inspection certificates of approval; inspection rejection stickers
- 13:20-43.12 Inspection extensions
- 13:20-43.13 Waivers; criteria for issuance; denial of warranty form; repair receipt form; waiver valid for inspection cycle; waiver issuance
- 13:20-43.14 On-road inspections; scope; inspection procedures; criteria for selecting vehicles; procedures upon inspection failure
- 13:20-43.15 Recall compliance procedures; purpose; applicability; notice to owner; recall compliance form; transfer of ownership; denial and suspension of registration
- 13:20-43.16 Registration denial; suspension of registration; motor vehicles not inspected by certificate of approval or certificate of waiver expiration date; motor vehicles which have failed inspection and have not been presented for reinspection; conditional registration restoration; reinstatement of registration suspension due to noncompliance; conditional registration; suspension of conditional registration due to noncompliance; penalties
- 13:20-43.17 Emission inspector training and licensing; training administration; testing; application process; license fee; renewal of license; refresher training and testing; conflicts of interest
- 13:20-43.18 Suspension or revocation of emission inspector license; retraining and retesting; suspension pending hearing; schedule of penalties
- 13:20-43.19 Quality assurance; auditor training
- 13:20-43.20 Surrender of emission inspector license
- 13:20-43.21 Emission inspector training programs administered by third parties; fee; approval process; auditing of programs
- 13:20-43.22 Records; third party emission inspector training programs
- 13:20-43.23 Change of address of principal place of business; change of instructors; third party emission inspector training programs

- 13:20-43.24 Audits; third party emission inspector training programs
- 13:20-43.25 Additional violations; third party emission inspector training programs
- 13:20-43.26 Additional penalties; third party emission inspector training programs
- 13:20-43.27 Investigations; third party emission inspector training programs
- 13:20-43.28 Written notice of refusal to approve or withdrawal of approval; third party emission inspector training programs
- 13:20-43.29 Request for hearing; third party emission inspector training programs
- 13:20-43.30 Hearing procedures; third party emission inspector training programs

SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

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

SUBCHAPTER 45. MOTOR VEHICLE EMISSION REPAIR FACILITY REGISTRATION

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

- 13:20-45.22 Limitations on issuance of registration after suspension, revocation or refusal to renew
- 13:20-45.23 Registration restoration

SUBCHAPTER 46. DIESEL EMISSION INSPECTION AND MAINTENANCE PROGRAM

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

APPENDIX A

SUBCHAPTER 47. DIESEL EMISSION INSPECTION CENTER LICENSING

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

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

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

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

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

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

APPENDIX

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

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

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

- 13:20-49B.1 Air cleaner
- 13:20-49B.2 Axles
- 13:20-49B.3 Brakes
- 13:20-49B.4 Bumper, front
- 13:20-49B.5 Clutch
- 13:20-49B.6 Color
- 13:20-49B.7 Drive shaft
- 13:20-49B.8 Electrical system
- 13:20-49B.9 Engine fire extinguishers
- 13:20-49B.10 Exhaust system
- 13:20-49B.11 Fenders, front, Type C buses
- 13:20-49B.12 Frame
- 13:20-49B.13 Fuel tank
- 13:20-49B.14 Governor
- 13:20-49B.15 Heating system
- 13:20-49B.16 Horn
- 13:20-49B.17 Instruments and instrument panel
- 13:20-49B.18 Oil filter
- 13:20-49B.19 Openings
- 13:20-49B.20 Passenger load
- 13:20-49B.21 Power and gradeability
- 13:20-49B.22 Retarder system
- 13:20-49B.23 Shock absorbers
- 13:20-49B.24 Springs
- 13:20-49B.25 Steering gear
- 13:20-49B.26 Tires and rims
- 13:20-49B.27 Transmission
- 13:20-49B.28 Turning radius
- 13:20-49B.29 Undercoating
- 13:20-49B.30 Weight distribution

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

- 13:20-49C.1 Aisle
- 13:20-49C.2 Back-up warning alarm
- 13:20-49C.3 Battery
- 13:20-49C.4 Bumpers
- 13:20-49C.5 Capacity
- 13:20-49C.6 Color
- 13:20-49C.7 Communications
- 13:20-49C.8 Construction
- 13:20-49C.9 Defrosters
- 13:20-49C.10 Doors, entrance
- 13:20-49C.11 Doors, emergency

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

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

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

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

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

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

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

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

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

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

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Added definitions “Chief Administrator” and “Motor Vehicle Commission”; and deleted definitions “Director” and “Division”.

13:20-26.3 Inspection and maintenance

(a) Every owner or lessee of a motor vehicle registered in this State shall systematically inspect and maintain, or cause to be systematically inspected and maintained, all motor vehicles subject to its control, and the accessories, required by 49 CFR Part 393, to be mounted thereon, to insure that such motor vehicle and accessories are in safe and proper operating condition. An owner or lessee shall maintain a systematic inspection and maintenance record for each vehicle. The inspection and maintenance records shall include, at a minimum, the following:

1. An identification of the vehicle including the New Jersey registration plate number, make, model, vehicle identification number, and number of tires, tire size, and number of ply;
2. A record of inspection and repairs indicating the nature of the repairs and the date of completion;
3. A lubrication record;

4. A systematic means for indicating for each vehicle the nature and due date of the inspection and maintenance operations to be performed; and

5. If a vehicle is leased or otherwise contracted for, the inspection and maintenance records shall also include the name of the lessor or contractor furnishing the motor vehicle.

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

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

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

Rewrote the section.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

In (a), substituted “CFR” for “C.F.R.”; and in (b), substituted “Chief Administrator” for “Director”.

13:20-26.4 Unsafe operations

An owner or lessee shall not operate or permit or require a driver to operate any motor vehicle determined by the inspection or operation thereof to be in such condition that its operation would be hazardous or likely to result in the breakdown of the vehicle; nor shall any driver operate a motor vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown of the vehicle.

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

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

Rewrote the section.

13:20-26.5 Inspection of motor vehicles

(a) Every State Police officer, and every examiner of the Motor Vehicle Commission may enter upon and perform inspections of vehicles in operation upon the highways of this State or at the premises or places of business of the owner or lessee of such vehicles; provided, however, that such State Police officer or examiner has been authorized to inspect by the Chief Administrator and has been trained in the inspection standards and procedures now or hereafter established by the Motor Vehicle Commission.

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

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

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

Substituted “Division of Motor Vehicles” for “Bureau of Motor Carrier Safety”.

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

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

Rewrote the section.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted “Motor Vehicle Commission” for “Division” and “Chief Administrator” for “Director” throughout.

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

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

(b) Any motor vehicle that has been declared and marked "out-of-service" shall not be operated until all repairs have been satisfactorily completed. The term "operate" as used in this section shall include towing the vehicle; provided, however, that vehicles marked "out-of-service" may be towed by means of a vehicle using a crane or a hoist; and provided further, that the vehicle combination consisting of the emergency towing vehicle and the "out-of-service" vehicle meets the performance requirements of 49 CFR § 393.52.

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

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

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

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

As amended, R.1971 d.179, effective October 15, 1971.

See: 3 N.J.R. 180(d), 3 N.J.R. 227(a).

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

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

Rewrote the section.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Chief Administrator" for "Director" in (f).

13:20-26.7 Notice to owner or lessee

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

1. Deliver such notice to the owner or lessee operating the vehicle upon his or her arrival at the next terminal,

maintenance facility, or place of business of the owner or lessee, if such arrival occurs within 24 hours.

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

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

(c) It shall be the sole responsibility of the owner or lessee to return such notice to the Motor Vehicle Commission in accordance with the terms prescribed therein and in (d) and (e) below.

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

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

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

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

Rewrote the section.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

In (c), substituted "Motor Vehicle Commission" for "Division"; and in (e), substituted "Commission" for "Division".

13:20-26.8 Inspection of damaged vehicles

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

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

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

Rewrote the section.

13:20-26.9 Vehicle condition report

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

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

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

13:20-26.10 Recommended forms

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

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

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

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

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

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

13:20-26.11 Required inspection and maintenance

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

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

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

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

13:20-26.12 Standards of inspection

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

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

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

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

Rewrote the section.
Amended by R.2006 d.249, effective July 3, 2006.
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division".

13:20-26.13 Certification

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

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

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

Amended by R.2006 d.249, effective July 3, 2006.
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Chief Administrator" for "Director".

13:20-26.14 Additional inspection

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

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

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

Rewrote the section.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Chief Administrator" for "Director".

13:20-26.15 Penalties

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

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

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

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

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

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

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

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

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

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

Rewrote the section.

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

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

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

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

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

7:27-14, and diesel test procedures set forth in N.J.A.C. 7:27B-4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rewrote (b).

SUBCHAPTER 27. INSPECTION OF NEW HEAVY-DUTY DIESEL TRUCKS

13:20-27.1 Purpose

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

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

13:20-27.2 Scope

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

13:20-27.3 Definitions

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

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

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

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

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

"Diesel engine" means a compression ignition type of internal combustion engine.

"Diesel-powered" means utilizing a diesel engine.

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

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

"EPA" means the United States Environmental Protection Agency.

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

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

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

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

“Pre-delivery checklist” means a list of items and procedures that a new motor vehicle dealer or motor vehicle leasing company is required or recommended by a manufacturer to check or follow prior to delivery of a new heavy-duty diesel truck to a purchaser or lessee.

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

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

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

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

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

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

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

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

(b) Notwithstanding (a) above, if a new heavy-duty diesel truck subject to inspection pursuant to this subchapter is

equipped with a 2005 or subsequent model year heavy-duty diesel engine, such engine shall be certified by the CARB.

13:20-27.6 Inspection decal; period of validity

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

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

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

13:20-27.7 Compliance

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

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

13:20-27.8 Evidence of compliance

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

1. The new motor vehicle dealer's or motor vehicle leasing company's completion of the manufacturer's pre-delivery checklist; and

2. The new motor vehicle dealer's or motor vehicle leasing company's certification that the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, has been inspected and conforms to the manufacturer's specifications.

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

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

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

13:20-27.10 Additional inspection

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

13:20-27.11 Determination of compliance by Chief Administrator

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

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

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

New Jersey motor vehicle dealer license and/or its privilege of performing inspections of new heavy-duty diesel trucks pursuant to this subchapter.

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

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

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

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

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

In (a), added the second sentence.

13:20-28.2 Applicability

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

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

Added the second sentence.

Amended by R.2006 d.249, effective July 3, 2006.
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "This" for "The provisions of this" two times, "Chief Administrator" for "Director" and "apply" for "be applicable".

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.

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

“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.

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

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

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

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

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

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

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

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

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

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

Rewrote the section.

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

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

Amended by R.2006 d.249, effective July 3, 2006.
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Added definitions “Chief Administrator” and “Motor Vehicle Commission”; deleted definitions “Director” and “Division”; and substituted “Motor Vehicle Commission’s” for “Division’s” in definition “New motor vehicle”.

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

(a) A new motor vehicle dealer shall, prior to delivery to an ultimate purchaser of a new motor vehicle, inspect the safety and emission control devices on such motor vehicle

and perform such services as may be necessary so that such motor vehicle conforms to specifications established by the manufacturer and contained in its pre-delivery checklist.

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

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

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

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

Rewrote (c).

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

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

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

Rewrote section.

Amended by R.2006 d.249, effective July 3, 2006.
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted “Chief Administrator” for “Director” in (c).

13:20-28.5 Motor vehicle equipment standards

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

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

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

Rewrote section.

Amended by R.2006 d.249, effective July 3, 2006.
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted “Motor Vehicle Commission” for “Division” throughout.

investigation in progress, if the inspection, copying, or publication of the reports is not in the public interest.

(c) Any authorized State Police officer or Motor Vehicle Commission school bus inspector shall declare and mark "out-of-service" any school bus which by reason of its mechanical condition may cause a breakdown, accident, or unsafe condition for the occupants thereof.

(d) Any school bus that has been declared and marked "out-of-service" shall not be operated until all "out-of-service" repairs have been satisfactorily completed. The term "operate" as used in this section shall include towing the vehicle; provided, however, that vehicles marked "out-of-service" may be towed by means of a vehicle using a crane or hoist; and provided further, that the vehicle combination consisting of the emergency towing vehicle and the "out-of-service" vehicle meets the performance requirements of N.J.S.A. 39:3-68.

(e) No person shall remove any marking indicating that a school bus has been declared "out-of-service" prior to the completion of all "out-of-service" repairs.

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

(g) No persons may be transported in a school bus that has been declared "out-of-service" prior to the completion of all "out-of-service" repairs and the Motor Vehicle Commission's inspection and certification of all "out-of-service" repairs.

(h) The driver of any school bus who receives notice that the vehicle is "out-of-service" shall deliver such notice to the operator upon his or her arrival at the next terminal, maintenance facility, or place of business of the operator.

(i) Any and all defects and deficiencies noted on the "out-of-service" notice shall be corrected. The driver's failure to comply with (h) above shall not excuse the operator from taking appropriate action to correct defects and deficiencies which come to his or her attention by any means whatsoever.

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

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

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

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

Rewrote the section.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" and "Chief Administrator" for "Director" throughout; and in (g), substituted "Motor Vehicle Commission's" for "Division's".

13:20-30.6 Inspection of damaged school buses

(a) An operator shall not permit or require a driver to operate, nor shall any driver operate a school bus that has been damaged in an accident or by any other cause until an inspection has been performed by a person qualified to

ascertain the nature and extent of the damage and such person has determined that the school bus is in safe and proper operating condition.

(b) An operator shall notify the Motor Vehicle Commission's School Bus Inspection Unit within 72 hours of any accident involving a school bus that has resulted in mechanical damage to such school bus sufficient to require the school bus to be towed from the scene of the accident.

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

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

Rewrote the section.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission's" for "Division's" in (b).

13:20-30.7 Daily school bus condition report by driver

(a) Every operator shall require his or her drivers to report, and every driver shall prepare such a report in writing at the beginning of his or her workday or tour of duty, which report shall list any defects or deficiencies of the school bus discovered by said driver as would be likely to affect the safe operation of the school bus or result in its mechanical breakdown, or shall indicate that no such defects or deficiencies were discovered by him or her.

(b) The daily school bus condition report shall include, but not be limited to, the following:

1. The driver's name, date, school bus registration plate number, school bus number assigned by the operator, and mileage;
2. Mirror system, including the proper adjustment thereof;
3. Service brakes;
4. Parking brake;
5. Gauges and warning devices;
6. Steering mechanism;
7. Lights and reflectors;
8. Tires;
9. Wheels, rims, and lug nuts;
10. Glazing;
11. Windshield wipers and washer;
12. Fluid leaks;
13. Visible damage;
14. Horn;
15. Exhaust system;
16. Emergency equipment;
17. Emergency exits, windows, and roof hatches;

18. Seats, including seat belts, seat mounting, and the condition thereof; and

19. Special transportation equipment.

(c) An operator shall examine such reports and shall repair the defects or deficiencies noted therein. An operator shall certify on the report that the defects or the deficiencies have been repaired. The driver shall sign the report to acknowledge that he or she has reviewed the report and that there is a certification that the required repairs have been performed.

Amended by R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Rewrote (a); added a new (b); recodified former (b) as (c) and rewrote the paragraph.

Amended by R.2005 d.24, effective January 18, 2005.
See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

In (c), deleted the last sentence.

13:20-30.8 Required practices

(a) The following items of equipment shall be inspected and maintained at least once every three months, or every 3,000 miles, or as set forth in the manufacturer's recommended maintenance schedule, whichever occurs first:

1. All brakelines, linings and components;
2. Drive lines;
3. Doors, aisles and seats;
4. Tires, wheels and flaps;
5. Springs;
6. Emergency equipment;
7. Fuel system;
8. Cooling system;
9. Lighting devices, horns and mirrors;
10. Transmission;
11. Steering equipment;
12. Axles and steering assemblies;
13. Clutch;
14. Exhaust system;
15. Glazing and wipers;
16. Mirror system adjustment, including the proper adjustment thereof in accordance with the school bus mirror test procedure set forth in FMVSS No. 111 (49 CFR § 571.111), incorporated herein by reference, as amended and supplemented; and

17. Safety equipment required by Federal law or rule, New Jersey statute, or Motor Vehicle Commission rule.

Amended by R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

In (a), rewrote the introductory paragraph, substituted "linings and components" for "lining" in 1, deleted "system" in 10, substituted "steering" for "the tie rod" in 12, added a new 16, recodified former 16 as 17 and rewrote the paragraph.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" in (a)17.

13:20-30.9 Standards

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

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

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

Rewrote the section.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division".

13:20-30.10 Certification

(a) Every operator shall certify to the Chief Administrator, on a form prescribed by the Chief Administrator, that he or she has inspected and maintained his or her school buses in conformity with this subchapter.

(b) Such certification shall be made once every 12 months.

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

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

In (a), substituted "operator shall" for "owner or lessee must" preceding "certify", "prescribed by the Director, that he or she has" for "prescribed that he has" preceding "inspected" and "his or her school buses in conformity with" for "his vehicles in conformity to".

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Chief Administrator" for "Director" two times in (a).

13:20-30.11 Penalties

Any operator who violates any provision of this subchapter may be subject to the suspension or revocation of his or her New Jersey school bus registration privileges.

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

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

Substituted "operator" for "owner or lessee" and "his or her New Jersey school bus registration privileges" for "his New Jersey registration and license privileges".

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

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

(b) Diesel-powered school buses registered in New Jersey shall be subject to an annual diesel emission inspection by the

Motor Vehicle Commission's School Bus Inspection Unit in accordance with N.J.A.C. 13:20-30.5(a) at the premises or places of business of the operator of such vehicles to determine compliance with (a) above.

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

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

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

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

Rewrote (b).

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission's" for "Division's" in (b).

13:20-30.13 Compliance with gasoline emission standards, equipment requirements, and test procedures; periodic inspection

(a) Gasoline-powered school buses registered in New Jersey shall be subject to applicable gasoline emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15, an examination of the muffler and emission control apparatus pursuant to N.J.A.C. 7:27-15, and either an idle emission test or a 2,500 RPM emission test, whichever is appropriate based on the GVWR of the school bus, conducted in accordance with N.J.A.C. 7:27-15.5 and either N.J.A.C. 7:27B-5.3(b) or 5.4.

(b) Gasoline-powered school buses registered in New Jersey shall be subject to a semiannual emission inspection by the Motor Vehicle Commission's School Bus Inspection Unit in accordance with N.J.A.C. 13:20-30.5(a) at the premises or places of business of the operator of such vehicles to determine compliance with (a) above.

New Rule, R.2003 d.36, effective January 21, 2003.

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

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission's" for "Division's" in (b).

13:20-30.14 Driver qualification; criminal history record information; driver qualification employment records

(a) A person shall not operate a school bus that is registered in this State unless such person has been issued a Commercial Driver License with School Bus Endorsement by the Chief Administrator or, in the case of a nonresident, has been issued a Commercial Driver License with School Bus Endorsement by his or her state of residence.

(b) A school bus driver shall submit to a criminal history record check at the time of his or her initial application and any renewal application for a Commercial Driver License with School Bus Endorsement authorizing the driver to operate a school bus by providing to the Department of Education his or her name, address, and fingerprints taken on standard fingerprint cards by a law enforcement agency as designated by the Superintendent of the New Jersey State Police.

(c) A school bus driver who provides services only to a nonpublic school shall not be required to undergo a criminal history record check through the Department of Education pursuant to N.J.S.A. 18A:6-4.13 provided that the chief administrator of the nonpublic school provides written documentation indicating that the school bus driver is not required to undergo a criminal history record check as a condition of employment or service under contract.

(d) Notwithstanding (c) above, a school bus driver who provides services only to a nonpublic school and who is not required to undergo a criminal history record check through the Department of Education pursuant to N.J.S.A. 18A:6-4.13 shall submit to a criminal history record check in accordance with N.J.S.A. 39:3-10.1 at the time of his or her initial application and any renewal application for a Commercial Driver License with School Bus Endorsement authorizing the driver to operate a school bus by providing to the Motor Vehicle Commission his or her name, address, and fingerprints taken on standard fingerprint cards by a law enforcement agency as designated by the Superintendent of the New Jersey State Police.

(e) The school bus driver shall authorize the Department of Education or the Motor Vehicle Commission, whichever is the appropriate supervising agency, to request the State Bureau of Identification to attach an SBI Number Flag to the school bus driver's SBI numbers in accordance with N.J.A.C. 13:59-1.8.

(f) An operator shall maintain a driver qualification employment record for each driver employed by the operator. A driver qualification employment record shall include the following:

1. The driver's name, social security number, driver license number, driver license type, and the issuing state of the driver's commercial motor vehicle operator's license with appropriate endorsement authorizing the driver to operate a school bus;
2. A medical examiner's certificate of the driver's physical qualification to drive a school bus in the form of a satisfactory medical report completed by a licensed physician;
3. The date of the driver's criminal history record check; and
4. A Motor Vehicle Commission's driver history abstract of the driver that is updated on an annual basis.

New Rule, R.2003 d.36, effective January 21, 2003.

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

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "School Bus" for "Passenger" throughout; in (a), substituted "Chief Administrator" for "Director"; in (d), substituted "Motor Vehicle Commission" for "Division of Motor Vehicles"; in (e), substituted "Motor Vehicle Commission" for "Division"; and in (f)4, substituted "Motor Vehicle Commission's" for "Division of Motor Vehicles'".

13:20-30.15 In-terminal inspection of school buses; inspection of retired school buses

(a) An operator shall present each school bus for a semiannual in-terminal inspection by the Motor Vehicle Commission's School Bus Inspection Unit.

(b) An operator shall present each retired school bus with a capacity of 10 or more passengers for an annual inspection at a Motor Vehicle Commission-operated State specialty inspection facility or at a licensed private inspection facility. Such inspection shall include, but not be limited to, an inspection of the following:

1. Chassis and frame;
2. Brake system;
3. Body deterioration;
4. Lighting and electrical system; and
5. Interior seat mounting.

New Rule, R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).
Amended by R.2006 d.249, effective July 3, 2006.
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

In (a), substituted "Motor Vehicle Commission's" for "Division's"; and in introductory paragraph of (b), substituted "Motor Vehicle Commission-operated State" for "Division".

13:20-30.16 Inspection fees

(a) All school buses registered in New Jersey shall be subject to the inspection fees as follows:

- | | |
|--|---------------------|
| 1. School bus specification inspection | \$50.00 per vehicle |
| 2. Each semiannual inspection | \$25.00 per vehicle |
| 3. Each reinspection requiring an additional trip by the Motor Vehicle Commission's School Bus Inspection Unit | \$25.00 per vehicle |
| 4. Each annual inspection of retired school buses performed at a State specialty inspection facility | \$25.00 per vehicle |

New Rule, R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).
Amended by R.2006 d.249, effective July 3, 2006.
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission's" for "Division's" in (a)3.

13:20-30.17 Schedule of fines

(a) The following fines shall be assessed against an operator in accordance with N.J.S.A. 39:3B-22 per violation for the vehicle inspection violations set forth below:

- | | |
|--|----------|
| 1. Failure to present or make available a school bus for inspection | \$500.00 |
| 2. Failure to retain proper records | \$250.00 |
| 3. Failure to make available any record or document required at time of inspection | \$250.00 |
| 4. Falsification of any record | \$500.00 |
| 5. Failure to comply with standards for driver employment records | \$250.00 |

New Rule, R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

13:20-30.18 Collection of fines

Any fine imposed pursuant to the School Bus Enhanced Safety Inspection Act, P.L. 1999, c.5, may be collected, with costs, in a summary proceeding pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq.

New Rule, R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

SUBCHAPTER 31. SCHOOL BUS ENHANCED SAFETY INSPECTION OUT-OF-SERVICE CRITERIA
13:20-31.1 Scope

(a) This subchapter establishes school bus enhanced safety inspection out-of-service criteria. The out-of-service criteria set forth in this subchapter denote critical school bus vehicle inspection items.

(b) The rules set forth in this subchapter are consistent with the Federal Motor Vehicle Safety Standards established by the National Highway Traffic Safety Administration and the National School Transportation Specifications and Procedures, 2000 Revised Edition, which have been issued by the 2000 National Conference on School Transportation.

13:20-31.2 Brake system

(a) The following are the out-of-service criteria pertaining to the brake system:

1. The number of defective brakes is equal to or greater than 20 percent of the brakes on the vehicle, provided, however, that on a three-axle school bus, one defective brake shall constitute an out-of-service violation. Steering axle brakes are to be included in the 20 percent criterion. A defective brake includes any brake that meets one of the following criteria:

- i. Absence of effective braking action upon application of the service brakes, such as brake linings' failing to move or to contact the braking surface upon application;
- ii. Missing or broken mechanical components, including shoes, linings, pads, springs, anchor pins, spiders, cam rollers, pushrods, and air chamber mounting bolts;
- iii. Loose brake components, including air chambers, spiders, and cam shaft support brackets;
- iv. Audible air leak at brake chamber;
- v. Brake adjustment limits:

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 Chief Administrator to pay in accordance with a payment schedule, or in such other form as may be determined by the Chief Administrator, 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 Chief Administrator 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 Chief Administrator may suspend the registration privileges of the vehicle.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division of Motor Vehicles" one time and substituted "Chief Administrator" for "Director" throughout.

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 Chief Administrator 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.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Chief Administrator" for "Director" in (a).

APPENDIX A

(RESERVED)

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

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

SUBCHAPTER 47. DIESEL EMISSION INSPECTION CENTER LICENSING

13:20-47.1 Purpose

(a) P.L. 1995, c.157 provides for the establishment and implementation of a periodic inspection program and a roadside enforcement program to enforce the emission standards and apply the test methods established pursuant to the Act. The purposes of this subchapter are to:

1. Establish a system for the licensing of diesel emission inspection centers which perform inspections and certifications on heavy-duty diesel trucks and diesel buses and issue certifications for heavy-duty diesel trucks and diesel buses, including emission control apparatus and emission control system inspections; and
2. Establish standards and procedures necessary to protect the public from incompetent, dishonest, deceptive and fraudulent practices in the inspection and certification of heavy-duty diesel trucks and diesel buses, including emission control apparatus and emission control systems, and to eliminate or exclude from licensing those persons who engage in such practices or who otherwise demonstrate unfitness.

(b) The Motor Vehicle Commission 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 Motor Vehicle Commission at N.J.A.C. 13:20-46 and 48 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.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

In (b), substituted "Motor Vehicle Commission" for "Division" in two places and inserted "and 48".

13:20-47.2 Definitions

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

"Advertising" means any printed or published materials including, but not limited to, direct mail, circulars, leaflets, pamphlets, newspapers, magazines, billboards, yellow pages of any telephone directory, radio and/or television broadcasts, and any other advertising medium of communication used to induce the public to seek the services of the diesel emission

inspection center. The term “advertising” shall not include printed or published materials appearing in the white pages of any telephone directory.

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

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

“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 Chief Administrator 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 Chief Administrator 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 Commission’s Commercial Bus Inspection and Investigation Unit 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 Commission’s Commercial Bus Inspection and Investigation Unit; 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 license” means a license issued to a diesel emission inspection center which evidences the Chief Administrator’s authorization for the center to engage in the inspection and certification of heavy-duty diesel trucks or diesel buses, including diesel vehicle emission control apparatus and emission control systems.

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

7:27B-4.6. The equipment shall include all devices used for performing a diesel vehicle smoke opacity emission inspection.

“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.

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

“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 Chief Administrator, in accordance with the provisions of P.L. 1995, c. 157 or this subchapter, to refuse to grant or renew a diesel emission inspection center license or to suspend or revoke an existing license.

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

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

Deleted "Diesel-powered motor vehicle" definition and deleted references to diesel-powered motor vehicles in "Diesel emission inspection center", "Diesel emission inspection center license", and "Engaged in the business" definitions.

Administrative change.

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

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

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

Added "Chief Administrator" and "Commission"; in "Diesel vehicle emission testing equipment", amended the N.J.A.C. reference.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Deleted comma following "meanings" in introductory paragraph; deleted definitions "Commission", "Director" and "Division"; in definitions "Controlling interest" and "Suspension, revocation or refusal to grant or renew", substituted "Chief Administrator" for "Director" two times; in definition "Diesel bus", substituted "Commission's Commercial Bus Inspection and Investigation Unit" for "Department of Transportation" two times; in definition "Diesel Emission inspection center license", substituted "Chief Administrator's" for "Director's"; and added definition "Motor Vehicle Commission".

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 Chief Administrator 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 that are subject to inspection by the New Jersey Motor Vehicle Commission's 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 Motor Vehicle Commission, 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 Motor Vehicle Commission.

(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 that 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 Motor Vehicle Commission, the Department of Environmental Protection, the Division of State Police or the Division of Consumer Affairs shall be granted access to the vehicle owner's or lessee's business premises during regular business hours.

(i) Class II diesel emission inspection centers may contract with other owners or lessees of heavy-duty diesel trucks or diesel buses to perform periodic inspections of such vehicles in accordance with N.J.A.C. 13:20-26 and certifications of such vehicles pursuant to this subchapter. However, this subsection shall not be construed as requiring Class II diesel emission inspection centers to contract with any owner or lessee of heavy-duty diesel trucks or diesel buses to perform such inspections and certifications.

(j) Class I and Class II diesel emission inspection centers that perform inspections at locations other than their places of business in accordance with (h) and (i) above shall notify the Commission's Heavy-Duty Diesel Audit Unit at least one week in advance of such offsite inspections. Such notice shall include the date, time, and location that such inspections shall be performed. Such notice shall also include a list of the heavy-duty diesel trucks scheduled to be inspected, identifying such trucks by the last four numbers of the vehicle identification number and the complete license plate number. Only those heavy-duty diesel trucks that are listed on the notice provided to the Commission's Heavy-Duty Diesel Audit Unit shall be inspected. Such notice shall be provided to the Commission by either mail, telephone, or facsimile. The mailing address is: Motor Vehicle Commission, Heavy-

Duty Diesel Audit Unit, 225 East State Street, PO Box 177, Trenton, New Jersey 08666-0177. The telephone number is: (609) 292-5330. The facsimile number is: (609) 341-3314. Such notice may be amended following its submission to the Commission provided that the amended notice is transmitted by facsimile to the Commission's Heavy-Duty Diesel Audit Unit at the facsimile number set forth in this subsection not less than two business days prior to the date of the scheduled offsite inspections. Class I and Class II diesel emission inspection centers that perform inspections at a location other than their place of business in accordance with (h) and (i) above shall prominently display the outdoor sign specified in N.J.A.C. 13:20-47.12(a) at the offsite inspection location. Records required to be maintained by a licensed diesel emission inspection center pursuant to N.J.A.C. 13:20-47.12 and 47.13, including diesel vehicle inspection reports, ledger records, repair orders and invoices, and analyzer printouts, shall be presented to the Commission's Heavy-Duty Diesel Audit Unit at the time of the scheduled offsite inspection. The records presented for Commission audit shall pertain to all inspections performed by the licensed diesel emission inspection center from the date of the prior audit of the center's records by the Commission's Heavy-Duty Diesel Audit Unit to the date of the scheduled offsite inspection. If a licensed diesel emission inspection center charges a fee to travel to and from the location of the offsite inspection, such fee shall be separately stated on the invoice issued to the customer.

(k) Class I and Class II licensed diesel emission inspection centers shall perform diesel emission inspections only within the State of New Jersey.

(l) Any diesel emission inspection center which is also registered as a motor vehicle emission repair facility pursuant to N.J.A.C. 13:20-45 and which inspects, reinspects and certifies fleet heavy-duty diesel trucks or diesel buses that it owns or leases shall be exempted from the requirements of N.J.A.C. 13:20-45.10 for those vehicles.

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

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

In (a) through (f), deleted references to diesel-powered motor vehicles; in (g), deleted references to diesel-powered motor vehicles and substituted "20" for "25" preceding "or more" in 2; added a new (h); and recodified former (h) and (i) as (i) and (j).

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

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

In (h), substituted "or" for "and" preceding "the Division of Consumer Affairs".

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

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

Added a new (j); added (k); recodified former (j) as (l).

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" throughout; in (b), substituted "Chief Administrator" for "Director"; in (c), substituted "that" for "which" and "Motor Vehicle Commission's" for "Division of Motor Vehicles"; and in (h), substituted "that" for "which".

13:20-47.4 Initial application for a license

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

Motor Vehicle Commission
Business License Services
Diesel Emission Inspection Center Licensing Unit
225 East State Street
PO Box 168
Trenton, New Jersey 08666-0168

(b) Each applicant for a diesel emission inspection center license shall file with the Chief Administrator, 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;

13:20-47.13 Records; inspection reports

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

(b) A licensee shall maintain repair orders and invoices (bills for parts and labor), when required, in the form required by N.J.A.C. 13:45A-26C.

(c) A licensee shall record the repair order and invoice number or numbers on the diesel vehicle inspection report.

(d) Records required to be maintained by a licensee pursuant to this section shall remain on file at the licensee's place of business for a period of two years from the date of issuance of the diesel emission inspection certificate of approval.

(e) Records required to be maintained by a licensee pursuant to this section shall be made available by the licensee for examination by authorized representatives of the Department of Transportation, the Motor Vehicle Commission, the Department of Environmental Protection or the Division of Consumer Affairs at any time during regular business hours. Investigators and other authorized representatives of the Department of Transportation, the Motor Vehicle Commission, the Department of Environmental Protection or the Division of Consumer Affairs shall be granted access to the licensee's business premises during regular business hours.

(f) A licensee's failure to permit investigators and other personnel of the Department of Transportation, the Commission, the Department of Environmental Protection, or the Division of Consumer Affairs on the premises of the licensee during regular business hours for purposes of conducting investigations shall be cause for suspension or revocation of the diesel emission inspection center license. Such investigations may include, but shall not be limited to, discussions with customers, examination of diesel emission testing equipment specified in N.J.A.C. 13:20-47.9, questioning of employees and the employment of such other investigatory techniques as may be necessary for the enforcement of this subchapter and the provisions of Title 39, Title 26 and Title 56 of the Revised Statutes and the rules adopted thereunder by the Commission at N.J.A.C. 13:20-46 and 48, the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4 and the Division of Consumer Affairs at N.J.A.C. 13:45A-26C.

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

In (b), substituted "when" for "where" following "(bills for parts and labor)" and amended the N.J.A.C. reference; in (e), substituted "or" for "and" preceding "the Division of Consumer Affairs" throughout; in (f), substituted "or" for "and" preceding "the Division of Consumer Affairs" and substituted "N.J.A.C. 13:45A-26C" for "N.J.A.C. 13:45A-7".
Amended by R.2004 d.133, effective April 5, 2004.
See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

Rewrote (b); in (f), substituted "Commission" for "Division" throughout, substituted "N.J.A.C. 13:20-46 and 48" for "N.J.A.C. 13:20-46" and

substituted "N.J.A.C. 7:27-14 and 7:27B-4" for "N.J.A.C. 7:27 and 7:27B".

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

In (e), substituted "Motor Vehicle Commission" for "Division" two times.

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 Motor Vehicle Commission 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 Motor Vehicle Commission at N.J.A.C. 13:20-46 and 48 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 Motor Vehicle Commission at N.J.A.C. 13:20-46 and 48 and the Department of Environmental Protection at N.J.A.C. 7:27-14.

(c) Certification shall be evidenced by the affixation of a diesel emission inspection certificate of approval on the vehicle as specified in N.J.A.C. 13:20-47.10. The fee that a licensee may charge the consumer for affixing a certificate of approval shall not exceed \$1.50.

(d) Certification of approval of a heavy-duty diesel truck or diesel bus by a licensee or an employee shall constitute the licensee's representation that the licensee or an employee or agent of the licensee has inspected the vehicle and has determined that the vehicle is in working order and conforms to the emission standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-46 and 48 and the Department of Environmental Protection at N.J.A.C. 7:27-14.

(e) The fee which a licensed diesel emission inspection center may charge for an initial inspection of a heavy-duty diesel truck or diesel bus shall not exceed the diesel emission inspection center's hourly labor charge and shall be limited to a charge for one hour of labor. The maximum fee for an initial inspection shall be conspicuously displayed at the licensee's place of business.

(f) The fee which a licensed diesel emission inspection center may charge for a reinspection of items rejected after inspection and which have been repaired by the diesel vehicle owner or lessee or someone not under the direction of the licensed diesel emission inspection center shall not exceed that portion of the licensee's established hourly labor charge as specified in N.J.A.C. 13:20-48 Appendix, which is incorporated herein by reference, to be the average time

required to reinspect a particular rejected item. The consumer shall be notified in advance that the licensee's charge for such reinspection shall not exceed that portion of the hourly labor rate. The maximum fee for a reinspection shall be conspicuously displayed at the licensee's place of business.

Amended by R.1998 d.310, effective June 15, 1998.
See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

In (a) and (d), deleted references to diesel-powered motor vehicles; rewrote (e); and added a new (f).

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

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

In (c), added the second sentence.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" throughout; and in (a), (b) and (d), inserted "and 48".

13:20-47.15 Diesel emission inspector; inspector training

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

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

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

(c) No person shall conduct an emission inspection specified by this subchapter unless he or she demonstrates a proficiency in performing the snap acceleration test and the rolling acceleration test in accordance with N.J.A.C. 7:27-14 and 7:27B-4 and knowledge of the procedures for performing the stall test in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

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

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

Added (c).

13:20-47.16 Advertising

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

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

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

13:20-47.17 Storage rates

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

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

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

Deleted reference to diesel-powered motor vehicles.

13:20-47.18 Additional violations

(a) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Chief Administrator may refuse to issue a license or a renewal thereof, or suspend or revoke the existing license of any diesel emission inspection center if he or she determines that the applicant or licensee:

1. Has made a false statement or concealed a fact in connection with the application for a license or a renewal thereof;
2. Is not the owner of, or possessor of a controlling interest in, the diesel emission inspection center;
3. Has been found to have tampered with fuel control system or emission control apparatus, in violation of N.J.A.C. 7:27-14.3(c);
4. Has been found to have violated or conducted fraudulent or deceptive practices concerning the inspection and certification of heavy-duty diesel trucks or diesel buses in violation of P.L. 1995, c.157, or of the inspection, reinspection, certification and/or repair of motor vehicles in violation of N.J.S.A. 39:8-1 et seq., 56:8-1 et seq., or N.J.A.C. 13:45A-26C;
5. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which would be:

i. Any of the following offenses under the "New Jersey Code of Criminal Justice," P.L. 1978, c.95 (Title 2C of the New Jersey Statutes) as amended and supplemented:

- (1) All crimes of the first degree;
- (2) N.J.S.A. 2C:5-1 (attempt to commit an offense which is listed in this subparagraph (a)5i);
- (3) N.J.S.A. 2C:5-2 (conspiracy to commit an offense which is listed in this subparagraph (a)5i);
- (4) N.J.S.A. 2C:11-4b (manslaughter);
- (5) N.J.S.A. 2C:11-5 (vehicular homicide);
- (6) N.J.S.A. 2C:12-1b (aggravated assault);
- (7) N.J.S.A. 2C:13-1 (kidnapping);
- (8) N.J.S.A. 2C:14-1 et seq. (sexual offenses);

for the vehicle by a company which guarantees that the exhaust system has a safe exhaust gas exit location.

(b) Notwithstanding (a) above, certification shall not be refused because a muffler has drain holes which were placed in it at the time of manufacture for drainage purposes.

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

In (a)4, substituted "provided" for "providing" preceding "it is specifically manufactured".

13:20-48.5 Prescribed emission test procedures; Class I and II licensees; snap acceleration test

The snap acceleration test shall be conducted in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

13:20-48.6 Prescribed emission test procedures; Class I and II licensees; rolling acceleration test

The rolling acceleration test shall be conducted in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

13:20-48.7 Prescribed emission test procedures; Class I and II licensees; stall acceleration test

The stall acceleration test shall be conducted in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

13:20-48.8 Prescribed emission test procedures; Class I and II licensees; chassis dynamometer test (Reserved)

13:20-48.9 Equipment calibration; Class I and II licensees

The smoke opacimeter shall be calibrated and maintained in accordance with the manufacturer's requirements and the general instructions for all tests adopted by the Department of Environmental Protection at N.J.A.C. 7:27B-4.2.

APPENDIX

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

<u>Item Reinspected</u>	<u>Time Required</u>
Credentials1 hour [†]
Emission Control Apparatus2 hour
Governor2 hour
Exhaust System2 hour
Emission Control System3 hour
Engine Emissions (Opacity)3 hour

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

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

13:20-49.1 Scope and purpose; school bus standards; incorporation by reference

(a) This subchapter shall be applicable to all motor vehicles registered in New Jersey originally designed by the manufacturer to carry 10 or more passengers, excluding the driver, operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education, school-connected activity, day camp, summer day camp, nursery school, child care center, pre-school center or other similar places of education. All such motor vehicles shall be registered as school buses in accordance with N.J.S.A. 39:3-19.2 and shall comply with the rules set forth in this subchapter and all applicable Federal standards. A motor vehicle shall not be used for the purposes set forth in this subsection unless it has been registered as a school bus in accordance with N.J.S.A. 39:3-19.2 and complies with the rules set forth in this subchapter and all applicable Federal standards.

(b) The Motor Vehicle Commission 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, is incorporated by reference and hereby adopted as a rule and supplemented by standards established in N.J.A.C. 13:20-49.2, 49.3 and 49.4. These standards apply to vehicles with a chassis manufacture date of July 1985 through May 1993.

1. This document is available for review at the Motor Vehicle Commission, 225 East State Street, PO Box 162, Trenton, New Jersey 08666-0162, or at the Office of Administrative Law, PO Box 049, Trenton, New Jersey 08625-0049.

2. This document may be purchased from the National Safety Council, 444 North Michigan Avenue, Chicago, Illinois 60611.

(c) Each school bus shall be inspected twice each year by the Motor Vehicle Commission's School Bus Inspection Unit to ensure that such vehicle is in safe and proper operating condition. The time and location of the inspections shall be established by the Chief Administrator or his or her designee.

(d) An autobus subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit that is used for the transportation of children to or from school shall display a certificate of inspection issued by the Commission indicating school use. An autobus is exempt from displaying a certificate for school use issued by the Motor Vehicle Commission when being used on a preset franchised route and schedule or chartered for school-connected activities.

(e) A parent or legal guardian under contract with a district board of education to transport only his or her own child or children shall not be required to possess a commercial driver license or to use a motor vehicle registered as a school bus.

(f) All equipment and components required by this subchapter shall be maintained in proper operating condition at all times.

Amended by R.2005 d.24, effective January 18, 2005.
See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

Added a new (a); recodified former (a) as (b) and added new (c) through (f).

Amended by R.2006 d.249, effective July 3, 2006.
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

In (b) and (b)1, substituted "Motor Vehicle Commission" for "Division of Motor Vehicles"; in (b), substituted "is" for "are" preceding "incorporated", substituted "in" for "by" preceding "N.J.A.C.", and deleted commas after "July" and "May"; and in (b)1, substituted "08666" for "08625" in (b)1.

13:20-49.2 Chassis standards supplement to the 1985 National Minimum Standards

(a) The parking brake shall hold the vehicle stationary, or to a limit of traction of the braked wheels, on a 20 percent grade under any condition of legal loading and on a surface free from snow, ice and loose material.

(b) When applied, the parking brake shall remain in an applied position with the capability set forth in (a) above, despite exhaustion of the source of energy used for the application or leakage of any kind.

(c) A parking brake lever shall be mounted to the right of the driver on Types C and D buses and in a position that is easily accessible. On Types A and B buses, the parking brake lever may be mounted to the left of the driver.

(d) The parking brake shall be equipped with an on or off warning device.

(e) The hood may be painted National School Bus Yellow low luster yellow or flat black. The wheels may be black, gray, silver or white. The grille shall be chrome or National School Bus Yellow.

(f) An exhaust system shall not exit under any operating window of a bus.

(g) Type A school bus fuel tank(s) shall be according to the manufacturers' standard.

(h) Buses shall be equipped with dual horns of standard make. Each horn shall be capable of producing a complex sound in a band of audio frequencies between approximately 250 and 2,000 cycles per second and each having a total sound level of 110 decibels within these frequency limits. Sound shall be measured at a point on the axis of the horn, three feet from the exit of the horn.

(i) All gauges and instruments must be appropriately identified.

(j) A telltale light, plainly visible to the driver, shall be installed to give a positive indication of the operation of the stop lights.

(k) A transmission shifting control pattern shall be affixed to a point convenient to the driver.

(l) There shall be a detent on the automatic transmission shift level to insure that the transmission cannot accidentally move from neutral to a drive gear without driver effort.

(m) School buses not equipped with a park position on the shift control selector for automatic or semi-automatic transmissions shall be equipped with a heavy duty parking brake.

13:20-49.3 Bus body standards supplement to the 1985 National Minimum Standards

(a) Except for Type A vehicles, the minimum clearance of all aisles shall be 12 inches.

(b) When a bus is equipped with air doors or other air operated assemblies, excluding windshield wipers, an additional air tank is needed for the operation of those assemblies.

(c) The emergency door shall be designed to be opened from the inside and outside of the bus and shall be equipped with a fastening device which may be quickly released, but is designed to offer protection against accidental release. Control of the fastening device from the driver's seat shall not be permitted.

(d) The emergency door fastening device shall be equipped with a suitable electric plunger-type switch connected with a buzzer located in the driver's compartment. The switch shall be enclosed in a metal case, and wires leading from the switch shall be concealed in the bus body. The switch shall be installed so that the plunger contacts the farthest edge of the slide bar in such a manner so that any movement of the slide bar will immediately close the circuit on the switch and activate the buzzer.

(e) The emergency door may be equipped with a locking system which incorporates an interlocking electrical circuit that prevents the bus from being started while the emergency door is locked.

(f) The words "Emergency Door" shall be applied to the emergency door, both inside and outside, and shall be in red letters at least two inches high.