

CHAPTER 20
ENFORCEMENT SERVICE

Authority

N.J.S.A. 39:2-3, 39:3-10, 39:3-11, 39:3-27.14, 39:3-27.39, 39:3-27.44, 39:3-27.45, 39:3-33.3, 39:3-33.7, 39:3-43, 39:3-63, 39:3-75, 39:3-75.2, 39:3-76.6, 39:3-77, 39:3-81, 39:3-84a(10), 39:3B-5, 39:3B-10, 39:3B-24, 39:4-208, 39:5-30, 39:5B-29a, 39:8-1, 39:8-2, 39:8-4, 39:8-4.1, 39:8-10, 39:8-57, 39:8-60, 39:8-64, 39:8-77, and 39:10-4; and Reorganization Plan No. 005-1998.

Source and Effective Date

R.2006 d.249, effective June 8, 2006.
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 20, Enforcement Service, expires on December 5, 2013. See: 45 N.J.R. 842(a).

Chapter Historical Note

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pursuant to Executive Order No. 66(1978), Chapter 20, Enforcement Service, was readopted as R. 2001 d.20, effective December 13, 2000, and Subchapter 40, ReflectORIZED Registration Plates, was repealed by R.2001 d.20, effective January 16, 2001. See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Subchapter 1, Standards and Specifications Governing the Types of Sun-Screening Materials and Products that May Be Installed or Applied to Windshields and Front Side Windows of Motor Vehicles for which Medical Exemption Certificates have been Issued; Standards Governing

the Issuance of Medical Exemption Certificates; and 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, were adopted as new rules by R.2001 d.341, effective September 17, 2001. See: 33 N.J.R. 2450(a), 33 N.J.R. 3343(a).

Subchapter 31, School Bus Enhanced Safety Inspection Out-of-Service Criteria; Subchapter 51, Standards for Type S School Buses; Subchapter 52, Insurance; Subchapter 53, Standards for Alternatively Fueled School Buses; Subchapter 53A, Standards for School Buses Having Fuel Systems Using Liquefied Petroleum Gas; Subchapter 53B, Standards for School Buses Having Fuel Systems Using Compressed Natural Gas; and Subchapter 53C, Standards for School Buses Having Fuel Systems Using Liquefied Natural Gas, were adopted as new rules by R.2003 d.36, effective January 21, 2003. See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Subchapter 49F, Small Vehicle Standards, was repealed by R.2003 d.36, effective January 21, 2003. See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Subchapter 27, Inspection of New Heavy-Duty Diesel Trucks, was adopted as new rules by R.2004 d.133, effective April 5, 2004. See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

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

Subchapter 50, Standards for School Buses Manufactured January 2006 and Thereafter; Subchapter 50A, Chassis Standards for School Buses Manufactured January 2006 and Thereafter; Subchapter 50B, Body Standards for School Buses Manufactured January 2006 and Thereafter; and Subchapter 50C, Standards for Specially Equipped School Buses Manufactured January 2006 and Thereafter, were adopted as new rules by R.2005 d.24, effective January 18, 2005. See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

Subchapter 49G, Inspection, was repealed by R.2005 d.24, effective January 18, 2005. See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

Chapter 20, Enforcement Service, was readopted as R.2006 d.249, effective June 8, 2006. See: Source and Effective Date. See, also, section annotations.

Subchapter 26, Compliance with Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles, was renamed Compliance with Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions and Self-Inspection of Certain Classes of Motor Vehicles by R.2009 d.312, effective October 19, 2009. See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Subchapter 51, Standards for Type S School Buses, was renamed Standards for Type S School Vehicles by R.2012 d.023, effective February 6, 2012. See: 43 N.J.R. 1831(a), 44 N.J.R. 287(b).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 20, Enforcement Service, was scheduled to expire on June 8, 2013. See: 43 N.J.R. 1203(a).

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replacement medical exemption certificate shall be submitted to the Motor Vehicle Commission by the purchaser within 14 days of the date of issuance of the new registration for the motor vehicle. The replacement medical exemption certificate shall indicate the new registered owner and the new registration plate number of the motor vehicle.

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

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

In (d) and (e), substituted "Motor Vehicle Commission" for "Division".

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

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

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

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

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

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

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

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).

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

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

13:20-2.2 Scope

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

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

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 (b).

13:20-2.3 Definitions

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

"Advertising" means any printed or published materials including, but not limited to, direct mail, circulars, leaflets, pamphlets, newspapers, magazines, billboards, yellow pages of any telephone directory, radio and/or television broadcasts, and any other advertising medium of communication used to induce the public to seek the services of a sun-screening material installation facility. The term "advertising" shall not

include printed or published materials appearing in the white pages of any telephone directory.

“Applicant” means any person making application pursuant to this subchapter for an initial registration to engage in the business of installing or applying approved sun-screening materials and products to motor vehicle windshields and/or front side windows or to renew an existing registration. In the case of a partnership or corporation applying for a registration, the term “applicant” shall respectively include all partners and/or officers and directors and/or persons having a controlling interest in a sole proprietorship or corporation.

“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 sun-screening material installation facility whether through the ownership of voting securities or otherwise. The Chief Administrator will presume that control in fact exists if any person or entity directly or indirectly owns, controls, holds the power to vote, or holds proxies representing 10 percent or more of the voting securities of any sun-screening material installation facility. This presumption may be rebutted by showing that control does not in fact exist. The Chief Administrator may determine that control in fact exists, notwithstanding the presence or absence of a presumption to that effect.

“Customer” means the owner of record of a motor vehicle on file with the Motor Vehicle Commission, or any family member, employee, or any other person whose use of the motor vehicle is authorized by such owner of record.

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

1. Any person installing or applying approved sun-screening materials and products on the windshields and/or the front side windows of motor vehicles that are driven by or are used to regularly transport a person having a medical condition involving ophthalmic or dermatological photosensitivity;
2. Any person who subcontracts or has any type of business arrangement with a sun-screening material installation facility or other person to install or apply approved sun-screening materials and products to motor vehicle windshields and/or front side windows;
3. Any person who prepares an estimate to be used by a sun-screening material installation facility or other person to install or apply approved sun-screening materials and products to motor vehicle windshields and/or front side windows; or

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

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

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

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

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

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

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

tion provided that the registrant has filed and the Chief Administrator has received a written request for a hearing within 25 days. The 25-day period shall commence on the date such notice was mailed to the registrant by the Motor Vehicle Commission in accordance with N.J.A.C. 13:20-2.17(b).

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

1. The name, registration number, place of business, and telephone number of the sun-screening material installation facility;
2. A concise statement of facts constituting each ground of defense;
3. A specific admission, denial, or explanation of each fact alleged by the Motor Vehicle Commission in its notice or order to show cause, or if without knowledge thereof, a statement to that effect; any allegation in the Commission's notice or order to show cause which is not answered in accordance with this paragraph shall be deemed to have been admitted; and
4. A statement requesting a hearing.

(d) If the applicant or registrant does not file a written request for a hearing in accordance with (a), (b), or (c) above, the suspension, revocation, or refusal to renew the sun-screening material installation facility registration shall be effective on the date specified in such notice. The sun-screening material installation facility shall cease all activities of the business of a sun-screening material installation facility effective on the date specified in such notice.

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", "Motor Vehicle Commission" for "Division" and "25" for "15" throughout; and substituted "Commission's" for "Division's" in (c)3.

13:20-2.19 Hearing procedures

Any hearing concerning the suspension, revocation, or refusal to issue or renew a sun-screening material installation facility registration shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

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

(a) No person whose renewal application for a sun-screening material installation facility registration is refused shall be entitled to apply for a registration pursuant to this subchapter for a period of one year from the effective date of such refusal.

(b) No person whose registration is suspended or revoked shall be entitled to apply for a registration pursuant to this subchapter during the period of suspension or revocation.

13:20-2.21 Registration restoration

(a) A fee as set forth in N.J.S.A. 39:3-10a shall be payable to the Motor Vehicle Commission for the restoration of a sun-screening material installation facility registration which is suspended or revoked pursuant to N.J.S.A. 39:3-75.1 et seq. or this subchapter. Such registration restoration fee shall be paid to the Motor Vehicle Commission before the registration may be restored.

(b) Each suspension or revocation of any sun-screening material installation facility registration, pursuant to N.J.S.A. 39:3-75.1 et seq. or any regulation adopted thereunder, shall continue in force and effect until such registration is restored by the Chief Administrator.

(c) In the case of every suspension or revocation of a sun-screening material installation facility registration for a fixed period of time, the registrant, as a condition precedent to restoration, shall make application to the Chief Administrator, in such form as the Chief Administrator may determine, and pay the registration restoration fee specified in (a) above. The Chief Administrator may, upon notice and an opportunity to be heard, deny any application for restoration of a sun-screening material installation facility registration for good cause.

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 "as set forth in N.J.S.A. 39:3-10a" for "of \$50.00" and "Motor Vehicle Commission" for "Division"; and substituted "Chief Administrator" for "Director" in (b) and (c).

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. POWER STEERING INSTALLATION

13:20-4.1 Permitted power steering device

Any power steering device installed in a motor vehicle, offered for sale, sold or registered in the State of New Jersey, shall be of a type which will permit the continued use of the power steering mechanism under manual control in the event of the failure of the power unit.

13:20-4.2 Equipment approval

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

(b) A certificate of approval will be issued on presentation of satisfactory evidence that the equipment is of a type which

can be used manually in the event of failure of the power unit. (Affidavits or statements from new car manufacturers to the above effect will be acceptable.)

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 "shall" for "must" and "Chief Administrator" for "Director".

SUBCHAPTER 5. MANUAL DOOR EQUIPMENT

13:20-5.1 Purpose

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

13:20-5.2 Manual opening of doors

All vehicles registered in New Jersey must be equipped with some means of opening the doors manually from within the vehicle and vehicles must be equipped with outside door handles or equivalent devices.

13:20-5.3 Exceptions

This Subchapter shall not apply to vehicles used for the transportation of persons in the custody of law enforcement officers; provided, however, that in such cases, in addition to the driver, there is on duty in the vehicle at least one other person capable of opening the doors in the event of accident.

SUBCHAPTER 6. MUFFLER DEVICES

13:20-6.1 Prohibitory muffler devices

Pursuant to the provisions of N.J.S.A. 39:3-43, the use upon any motor vehicle of a straight exhaust pipe, or a muffler or mufflers lacking interior baffle plates or other effective muffling devices is expressly prohibited.

SUBCHAPTER 7. VEHICLE INSPECTION

13:20-7.1 Definitions

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

"Certificate of approval" means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, a State specialty inspection facility or the Motor Vehicle Commission's Mobile Inspection Unit certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, N.J.A.C. 13:20-

43, 32 or 33, whichever is applicable, and either N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of gasoline-fueled and bi-fueled motor vehicles or N.J.A.C. 7:27-14 and 7:27B-4 regarding the inspection of diesel-fueled motor vehicles, whichever are applicable.

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

"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.

"Inspection decal" means an inspection sticker issued by an official inspection facility in accordance with N.J.A.C. 13:20-7.4, setting forth the year and month in which a motor vehicle less than four model years old shall be presented for inspection in this State.

"Jitney" means an autobus as defined in N.J.S.A. 48:16-23 with a carrying capacity of not more than 13 passengers, operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route.

"Limousine" means any motor vehicle that is issued special registration plates bearing the word "limousine" pursuant to N.J.S.A. 39:3-19.5, other than motor vehicles that are subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit.

"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).

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

"On-board diagnostics" or "OBD" means an automotive diagnostic system complying with California Air Resources Board OBD regulations or EPA OBD regulations effective for model year 1996 and newer gasoline-fueled and bi-fueled motor vehicles and for model year 1997 and newer diesel-fueled motor vehicles.

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

"State specialty inspection facility" means a test-only inspection facility that is operated by the Motor Vehicle

Commission to inspect certain motor vehicles as specified in N.J.A.C. 13:20-7.3(d).

“Taxicab” means an autocab as defined in N.J.S.A. 48:16-1 engaged in the business of carrying passengers for hire, which is held out, announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this State and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the State.

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

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

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

Administrative change.

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

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

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

Added “EPA” and “On-board diagnostics” or “OBD”.

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 the section; added definitions “Chief Administrator” and “Motor Vehicle Commission”; and deleted definitions “Director” and “Division”.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In definition “Certificate of approval”, deleted “or” preceding “a State”, and inserted “or the Motor Vehicle Commission’s Mobile Inspection Unit”, “either” “gasoline-fueled and bi-fueled” and “or N.J.A.C. 7:27-14 and 7:27B-4 regarding the inspection of diesel-fueled motor vehicles, whichever are applicable”; deleted definition “Certificate of waiver”; added definitions “Inspection decal”, “Jitney”, “Limousine” and “Taxicab”; and in definition “On-board diagnostics”, inserted “Air Resources Board”, “gasoline-fueled and bi-fueled” and “and for model year 1997 and newer diesel-fueled motor vehicles”, and deleted “II” preceding the second occurrence of “regulations”.

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

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

(b) Notwithstanding (a) above, the following motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1 shall be inspected on an annual basis:

1. Gasoline-fueled and bi-fueled motor vehicles that are registered as commercial motor vehicles pursuant to N.J.S.A. 39:3-20;
2. Diesel-fueled motor vehicles having a GVWR of less than 10,000 pounds that are registered as commercial motor vehicles pursuant to N.J.S.A. 39:3-20;
3. Buses that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission;
4. Taxicabs;
5. Limousines; and
6. Jitneys.

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

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

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

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

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

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

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

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

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

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

Substituted “Commission’s” for “Division’s” in (b)9 and (b)10.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Added new (b), operative January 1, 2010; recodified former (b) as (c); in the introductory paragraph of (c), substituted a colon for a period at the end; and in (c)9, substituted “that” for “having a seating capacity of 10 passengers or more which”.

13:20-7.3 Inspection facilities

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

(b) Official inspection facilities shall perform inspections on automobiles, trucks, buses that have been issued pas-

senger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, limousines, jitneys and motorcycles. Official inspection facilities shall not perform inspections on school buses, retired school buses that are subject to inspection in accordance with N.J.A.C. 13:20-30, buses that are subject to inspection by the Commission's Commercial Bus Inspection and Investigation Unit or motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37.

(c) Licensed private inspection facilities shall perform inspections on automobiles, trucks, buses that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, limousines, jitneys and motorcycles. Licensed private inspection facilities shall not perform inspections on school buses, buses that are subject to inspection by the Commission's Commercial Bus Inspection and Investigation Unit or motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37.

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

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

New Rule, R.1999 d.422, effective December 6, 1999.
See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).
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), (c) and (d), substituted "Motor Vehicle Commission" for "Division"; in (b) and (c), substituted "Commission's" for "Division's"; in (d) and (e), inserted "and Workforce Development"; and in (d), substituted "Chief Administrator" for "Director".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Substituted "that" for "which" and "disabled" for "handicapped" throughout; rewrote (b) and (c); in (d), inserted a comma following "Services", substituted "buses that" for "modified buses regardless of passenger capacity which", and deleted a comma following "fee"; and in (e), inserted a comma following "Services" and substituted "devices" for "devises".

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

(a) Except as otherwise provided in (b) below, whenever a motor vehicle, which has been previously registered other than on a temporary basis in a foreign jurisdiction and is less than four model years old and will not become four model years old within the two-month period following the calendar month of initial registration in this State, is initially registered in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented at an official inspection facility for the issuance of an inspection decal within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle receiving an inspection decal pursuant to this subsection shall be subject to inspection during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the inspection decal affixed to such motor vehicle pursuant to this subsection. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(b) A motor vehicle for which a temporary authorization certificate has been issued pursuant to (a) above that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine or jitney shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on an annual basis, except as otherwise provided by law or regulation.

(c) Whenever a motor vehicle, which has been previously registered other than on a temporary basis in a foreign jurisdiction and is four model years old or older or will become four model years old within the two-month period following the calendar month of initial registration in this State, is initially registered in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on

a biennial basis, except as otherwise provided by law or regulation.

(d) Whenever a new motor vehicle, which has been purchased in a foreign jurisdiction and temporarily registered therein, is initially registered by the purchaser in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented at an official inspection facility for the issuance of an inspection decal within 14 days of the date of issuance of the temporary authorization certificate. A new motor vehicle receiving a decal pursuant to this subsection shall be subject to inspection not later than four years from the last day of the calendar month in which the decal was issued for such motor vehicle, and the decal affixed to such motor vehicle pursuant to this subsection shall so indicate; provided, however, that a new motor vehicle receiving a decal pursuant to this subsection that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine or jitney shall be subject to inspection not later than one year from the last day of the calendar month in which the decal was issued for such motor vehicle and the decal affixed to such motor vehicle pursuant to this subsection shall so indicate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(e) Whenever a used motor vehicle, which has been purchased in this or any other State and which has affixed thereto an unexpired New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State and the unexpired inspection certificate of approval or inspection decal indicates that the motor vehicle is due for inspection within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall either:

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

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

(f) Whenever a used motor vehicle, which has been purchased in this or any other State and which has affixed thereto an unexpired New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this

State and the unexpired inspection certificate of approval or inspection decal indicates that the motor vehicle is not due for inspection within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall either:

1. Present such motor vehicle for inspection at a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle inspected pursuant to this paragraph that is found to be in proper operating condition shall retain the existing inspection certificate of approval or inspection decal issued therefor and shall next be inspected at an official inspection facility or a licensed private inspection facility no later than the expiration date of the New Jersey inspection certificate of approval or inspection decal affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation. A motor vehicle inspected pursuant to this paragraph that is found to be defective shall be subject to reinspection by a licensed private inspection facility no later than the last day of the calendar month following the calendar month in which the motor vehicle failed inspection, except as otherwise provided at N.J.A.C. 13:20-7.6(a). Following successful completion of reinspection at a licensed private inspection facility, the motor vehicle shall be issued an inspection certificate of approval having an expiration date that coincides with that of the unexpired New Jersey inspection certificate of approval or inspection decal that was affixed to the motor vehicle at the time of its purchase and the motor vehicle shall next be inspected at an official inspection facility or a licensed private inspection facility no later than that expiration date. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation; or

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

(g) Except as otherwise provided in (g)3 below, whenever a used motor vehicle, which has been purchased in this or any other state and which does not have affixed thereto a New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State and the motor vehicle is less than four model years old and will not become four model years old within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall:

1. Present such motor vehicle for inspection at a licensed private inspection facility within 14 days of the

date of issuance of the temporary authorization certificate. A motor vehicle inspected pursuant to this paragraph that is found to be defective shall be subject to reinspection by a licensed private inspection facility no later than the last day of the calendar month following the calendar month in which the motor vehicle failed inspection, except as otherwise provided at N.J.A.C. 13:20-7.6(a). Upon approval following inspection or reinspection by a licensed private inspection facility, the motor vehicle shall next be inspected during the calendar year in which the motor vehicle becomes four model years old, no later than the last day of the calendar month within that year that is designated on the inspection certificate of approval affixed to such motor vehicle pursuant to this paragraph. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation; or

2. Present such motor vehicle at an official inspection facility for the issuance of an inspection decal within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle receiving a decal pursuant to this paragraph shall be subject to inspection during the calendar year in which the motor vehicle becomes four model years old, no later than the last day of the calendar month within that year that is designated on the decal affixed to such motor vehicle pursuant to this paragraph. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

3. A motor vehicle for which a temporary authorization certificate has been issued pursuant to this subsection that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine or jitney shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on an annual basis, except as otherwise provided by law or rule.

(h) Whenever a used motor vehicle, which has been purchased in this or any other State and which does not have affixed thereto a New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State and the motor vehicle is four model years old or older or will become four model years old within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(i) Whenever a used motor vehicle, which has been purchased in this State and is less than four model years old and will not become four model years old within the two-month period following the calendar month of initial registration by the purchaser in this State and which has affixed thereto a collector motor vehicle windshield sticker issued pursuant to N.J.A.C. 13:20-43.2(e), is initially registered by the purchaser in this State, the windshield sticker shall be deemed void and the registrant thereof shall be issued a temporary authorization certificate and shall either:

1. Present such motor vehicle for inspection at a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate if the registrant does not wish to retain the collector motor vehicle designation. A motor vehicle inspected pursuant to this paragraph that is found to be defective shall be subject to reinspection by a licensed private inspection facility no later than the last day of the calendar month following the calendar month in which the motor vehicle failed inspection, except as otherwise provided at N.J.A.C. 13:20-7.6(a). Upon approval following inspection or reinspection by a licensed private inspection facility, the motor vehicle shall next be inspected during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the certificate of approval affixed to such motor vehicle pursuant to this paragraph. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation;

2. Present such motor vehicle at an official inspection facility for the issuance of an inspection decal within 14 days of the date of issuance of the temporary authorization certificate if the registrant does not wish to retain the collector motor vehicle designation. A motor vehicle receiving a decal pursuant to this paragraph shall be subject to inspection during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the decal affixed to such motor vehicle pursuant to this paragraph. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation; or

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

(j) Whenever a used motor vehicle, which has been purchased in this State and is four model years old or older or will become four model years old within the two-month period following the calendar month of initial registration by the purchaser in this State and which has affixed thereto a collector motor vehicle windshield sticker issued pursuant to N.J.A.C. 13:20-43.2(e), is initially registered by the purchaser in this State, the windshield sticker shall be deemed void and

the registrant thereof shall be issued a temporary authorization certificate and shall either:

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

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

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

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

Section was "Inspection period of passenger vehicles".

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

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

Rewrote (b).

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 "four" for "two"; in (e)2, substituted "Chief Administrator" for "Director".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Added new (a), (b), (g) and (i), operative January 1, 2010, recodified former (a) through (c) as (c) through (e); in (c), inserted "and is four model years old or older or will become four model years old within the two-month period following the calendar month of initial registration in this State", operative January 1, 2010; recodified former (d) as (h); recodified former (e) as (j); rewrote (d), (h) and the introductory paragraph of (j), operative January 1, 2010; in the introductory paragraph of (e), substituted "inspection decal" for "certificate of waiver" and inserted "and the unexpired inspection certificate of approval or inspection decal indicates that the motor vehicle is due for inspection within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State"; in (e)2, substituted "inspection decal" for "certificate of waiver"; and added new (l).

13:20-7.5 Adjustments, corrections, or repairs

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

7.6(a). However, if an on-road inspection required by N.J.S.A. 39:8-2 discloses the necessity of adjustments, corrections, or repairs, it shall be incumbent upon the owner or lessee of such motor vehicle to have such adjustments, corrections, or repairs made and to present the motor vehicle for reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.6(a).

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

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

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

13:20-7.6 Immediate repairs

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

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

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

12. A motor vehicle with a component of the fuel system which is in contact with a moving part of the motor vehicle;

13. A motor vehicle with a tire(s) wherein the ply or cord is exposed and delaminating;

14. A motor vehicle with a windshield which is so severely broken or shattered as to substantially impair the driver's vision; or

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

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

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

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

13:20-7.7 (Reserved)

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

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

Section was "Initial passenger vehicle inspection procedure".

13:20-7.8 (Reserved)

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

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

Section was "Initial inspection certification data".

13:20-7.9 (Reserved)

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

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

Section was "Definitions".

13:20-7.10 (Reserved)

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

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

Section was "Inspection procedure".

13:20-7.11 (Reserved)

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

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

Section was "New vehicle purchaser procedure".

13:20-7.12 (Reserved)

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

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

Section was "Motor vehicle tires".

13:20-7.13 (Reserved)

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

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

Section was "Expired inspection certificates".

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

13:20-8.1 Scope and purpose

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

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

13:20-8.2 Proof of repair

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

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

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

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

13:20-8.3 Authorized certifying entities

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

1. The New Jersey Division of State Police;
2. A New Jersey licensed diesel emission inspection center;

3. A certified fleet mechanic who has a combination of training and/or experience including brake-related experience totaling at least one year. Such training and/or experience may consist of:

- i. Participation in a brake and/or truck manufacturer-sponsored training program or similar commercial training program designed to train students in truck operation, repair and maintenance;
- ii. Experience as a mechanic or inspector in a motor carrier maintenance program; or
- iii. Experience as a mechanic or inspector in truck repair including brake repair and maintenance at a commercial garage, fleet leasing company, or similar facility.

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

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

13:20-8.4 Certification of Repair

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

1. A Certification of Repair form prescribed by the Chief Administrator of the New Jersey Motor Vehicle Commission, which shall include, at a minimum, the following information:
 - i. The name of the owner/lessee of the vehicle, his or her address and phone number;
 - ii. The vehicle year, make, plate number and vehicle identification number for the vehicle identified in the complaint and summons;
 - iii. The issued complaint and summons number;
 - iv. The name of the Municipal Court in which the issued complaint and summons are returnable as identified in the complaint and summons;

v. A detailed description of the equipment-related repair(s) made to the vehicle to correct the non-out-of-service equipment violation;

vi. If applicable, the name and address of the location or repair facility where the repair(s) to correct the equipment violation was made; and

vii. The signature of the person certifying the repair(s) pursuant to the provisions of this subchapter and the date on which the certification was signed, and, if not the same date, the date on which the repair(s) was made;

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

3. A Certification of Repair that is in a form substantially similar to the form prescribed by the Chief Administrator that is prepared by an entity or owner/lessee authorized under N.J.A.C. 13:20-8.3 and which contains, at a minimum, the information set forth in (a)1i through vii above.

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

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

SUBCHAPTER 9. HANDICAPPED PARKING PRIVILEGES

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

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

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

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

3. The Chief Administrator may require the applicant to be examined by a physician, podiatrist, or chiropractic physician licensed in New Jersey or a bordering state, or by such physician, podiatrist, or chiropractic physician appointed by the State for the purpose of determining that the applicant's stated disability qualifies him or her under

the definition of "handicapped person" as it appears in N.J.S.A. 39:4-204 and this subchapter. The cost of such examination will be borne by the applicant.

4. Upon receipt of an application for renewal, the Chief Administrator may, in his or her discretion, require the applicant to submit a statement from a physician, podiatrist, or chiropractic physician licensed in New Jersey or a bordering state recertifying qualification for the handicapped person identification vehicle registration plates or placards.

5. Persons with a disability which limits or impairs the ability to walk, as determined by a licensed physician, podiatrist, or chiropractic physician, include those who:

i. Cannot walk 200 feet without stopping to rest;

ii. Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

iii. Are restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

iv. Use portable oxygen;

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

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

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

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

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" throughout.

13:20-9.2 Medical evidence by handicapped persons

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

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" throughout.

13:20-9.3 (Reserved)

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

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

Section was "State driver's license or registration qualification".

13:20-9.4 Limitation on number of certificates

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

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

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

Rewrote the section.

13:20-9.5 Passenger vehicles or motorcycles

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

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

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

Rewrote the section.

13:20-9.6 Temporary certificates

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

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

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

Rewrote the section.

13:20-9.7 Display of placards and temporary placards

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

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

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

Rewrote the section.

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

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

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

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

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

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

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

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

Amended by R.1991 d.249, effective May 6, 1991.

See: 23 N.J.R. 21(a), 23 N.J.R. 1417(a).

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

13:20-10.2 Application

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

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

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

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

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

13:20-10.3 Placement

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

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

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

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

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) and (b).

SUBCHAPTER 11. (RESERVED)

SUBCHAPTER 12. DRIVER REEXAMINATION

13:20-12.1 Definitions

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

"Moving traffic violation" means a violation of the provisions of Title 39 of the Revised Statutes when actual

operation and movement of a vehicle is an element of the statutory violation.

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

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

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

Amended "Moving traffic violation".

13:20-12.2 Reexamination; categories

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

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

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

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

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

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

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

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 introductory paragraph of (a).

Case Notes

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

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

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

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

13:20-12.3 Vision examination

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

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

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

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" and "Motor Vehicle Commission" for "Division".

Case Notes

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

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. PARKING ON STATE PROPERTY

13:20-14.1 Vehicle registration and parking permit

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

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" throughout.

13:20-14.2 Application

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

13:20-14.3 Affixing permit

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

13:20-14.4 Infringement on reserved spaces

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

13:20-14.5 Duration of parking privilege

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

13:20-14.6 Suspension

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

13:20-14.7 Penalty

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

SUBCHAPTER 15. STUD TIRES

13:20-15.1 Definitions

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

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

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

"Psi" means pressure in pounds per square inch.

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

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

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

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

13:20-15.2 Federal requirements

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

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

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

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

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

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

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

As amended, R.1971 d.180, effective October 15, 1971.

See: 3 N.J.R. 180(c), 3 N.J.R. 227(b).

13:20-15.3 Application for product approval

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

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

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

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

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

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" throughout.

13:20-15.4 Provisional certificate

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

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

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

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

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

Rewrote the section.

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" throughout.

SUBCHAPTER 16. (RESERVED)

SUBCHAPTER 17. DRIVER IMPROVEMENT SCHOOLS

13:20-17.1 Purpose

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

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

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

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

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

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

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", and "Motor Vehicle Commission" for "Division of Motor Vehicles" throughout: in (a), deleted "in the Department of Transportation" preceding "recognizing"; and substituted "Commission" for "Division" following "establishing"; and in (b), substituted "Commission" for "Division" in two places.

13:20-17.2 Attendance

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

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

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

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

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".

13:20-17.3 Amount of fee

Any person attending a Motor Vehicle Commission driver improvement school shall pay an attendance fee of \$150.00.

R.1972 d.155, eff. August 7, 1972.

See: 4 N.J.R. 165(a), 4 N.J.R. 223(c).

R.1982 d.485, eff. January 17, 1983.

See: 14 N.J.R. 1154(b), 15 N.J.R. 93(b).

Increased fee from \$20.00 to \$40.00.

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

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

Increased the fee from \$40.00 to \$100.00.

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".

Amended by R.2009 d.219, effective July 6, 2009.

See: 41 N.J.R. 862(a), 41 N.J.R. 2681(a).

Updated the fee amount.

13:20-17.4 Manner of payment

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

(b) Both request and payment must be sent to the Driver Management Bureau, Driver Education and Improvement Unit, Motor Vehicle Commission, 225 East State Street, P.O. Box 139, Trenton, New Jersey 08666-0139 within 10 days from the date of the notice of proposed suspension.

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

R.1972 d.155, eff. August 7, 1972.

See: 4 N.J.R. 165(a), 4 N.J.R. 223(c).

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

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

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" throughout; and in (b), substituted "Management" for "Improvement" and inserted "Driver Education and Improvement Unit," and "P.O. Box 139," and "-0139".

13:20-17.5 Penalty

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

R.1972 d.155, eff. August 7, 1972.

See: 4 N.J.R. 165(a), 4 N.J.R. 223(c).

SUBCHAPTERS 18 THROUGH 21. (RESERVED)

SUBCHAPTER 22. BRAKE LININGS

13:20-22.1 Standards and specifications

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

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" and "Motor Vehicle Commission" for "Division of Motor Vehicles".

13:20-22.2 Approval

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

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" and "Motor Vehicle Commission" for "Division of Motor Vehicles".

13:20-22.3 Requirements for product approval

(a) Brake linings shall be tested in accordance with the uniform test procedures prescribed by Regulation V-3 of the

Vehicle Equipment Safety Commission and shall meet or exceed the minimum requirements for approval and identification set forth therein.

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

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 (b).

13:20-22.4 Procedure for securing approval

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

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

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

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

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

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" throughout.

13:20-22.5 Notice of approval

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

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".

13:20-22.6 Withdrawal of approval

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

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.

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

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

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

SUBCHAPTER 23. (RESERVED)

SUBCHAPTER 24. MOTORCYCLES

13:20-24.1 Approval of goggles

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

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

(c) Letters requesting approval of goggles, face shields or windscreens shall be sent to the Chief Administrator, Motor Vehicle Commission.

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" and "Motor Vehicle Commission" for "Division of Motor Vehicles" throughout.

13:20-24.2 Goggles test procedure

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

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

(b) The following modifications shall be applicable:

1. Provisions with respect to selection of eye and face protective devices shall not apply.

2. Language referring to "employees" shall be deemed to refer to motorcycle riders.

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

13:20-24.3 Goggle approval requirements

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

1. Meet the identification requirements set forth in Section 24.4 (Mark on goggles) of this Chapter.

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

13:20-24.4 Mark on goggles

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

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

13:20-24.5 Test procedure for face shields

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

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

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

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

13:20-24.6 Face shield approval requirements

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

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

Amended by R.2001 d.20, effective January 16, 2001.
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).
In (a)1 and (a)4, amended the N.J.A.C. reference.

13:20-24.7 Identification mark on face shield

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

13:20-24.8 Windscreen approval requirements

(a) No windscreen shall be approved unless:

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

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

13:20-24.9 Mark on windscreen

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

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

(a) The Chief Administrator of the Motor Vehicle Commission hereby adopts and incorporates by reference Federal Motor Vehicle Safety Standard No. 218 (49 CFR §571.218), as amended and supplemented.

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

Office of the Chief Administrator
New Jersey Motor Vehicle Commission
225 East State Street
9th Floor
Trenton, NJ 08666-0160

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

Emergency Repeal and New Rule, R.2001 d.466, effective November 15, 2001 (to expire January 14, 2002).
See: 33 N.J.R. 4157(a).

Section was "Approval of helmets".
Adopted Concurrent Proposal, R.2002 d.54, effective January 11, 2002.
See: 33 N.J.R. 4157(a), 34 N.J.R. 744(c).

Provision of emergency repeal and new rule adopted without change.
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", "Motor Vehicle Commission" for "Division of Motor Vehicles" throughout; and in (a), substituted "CFR §571.218" for "C.F.R. §571.218".

13:20-24.11 Reflectorized surface on helmets

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

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

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

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

Adopted Concurrent Proposal, R.2002 d.54, effective January 11, 2002.
See: 33 N.J.R. 4157(a), 34 N.J.R. 744(c).

Provision of emergency recodification with amendment adopted without change.

13:20-24.12 Helmets approved by the Chief Administrator

Any helmet that meets the safety standard adopted and incorporated by reference in N.J.A.C. 13:20-24.10(a) and the reflectorized surface standard set forth in N.J.A.C. 13:20-

24.11 is deemed to be approved by the Chief Administrator in accordance with N.J.S.A. 39:3-76.7.

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

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

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

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

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

Provision of new rule adopted without change.

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

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

Section heading was "Helmets approved by the Director". Substituted "Chief Administrator" for "Director" throughout.

13:20-24.13 (Reserved)

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

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

Section was "Identification label on helmets".

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

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

Provision of repeal adopted without change.

13:20-24.14 (Reserved)

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

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

Section was "Helmet straps".

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

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

Provision of repeal adopted without change.

13:20-24.15 Test reports

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

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

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

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

13:20-24.16 Samples

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

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

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

Substituted "shall" for "must" and "Chief Administrator" for "Director".

13:20-24.17 Notice of approval

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

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" and deleted comma following "notice of approval".

13:20-24.18 Temporary approval

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

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" and "Motor Vehicle Commission" for "Division of Motor Vehicles" and removed capitalization from "subchapter".

13:20-24.19 Withdrawal of approval

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

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

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

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" throughout.

13:20-24.20 Inspection of motorcycles

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

(b) Except as otherwise provided at N.J.A.C. 13:20-28, the owner or lessee of a new or used motorcycle that is initially registered by such owner or lessee in New Jersey shall be issued a temporary authorization certificate and shall be subject to the applicable provisions of N.J.A.C. 13:20-7.4.

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

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

Rewrote (a).

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

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

Rewrote the section.

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 "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division of Motor Vehicles".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), substituted "new or used motorcycle" for "motorcycle, new or used," inserted "that is initially", "by such owner or lessee" and "and shall be subject to the applicable provisions of N.J.A.C. 13:20-7.4", deleted "for the first time" following "New Jersey", and deleted the last three sentences.

13:20-24.21 Motorcycle license plates and tabs

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

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

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

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

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" throughout.

SUBCHAPTER 25. SAFETY GLAZING MATERIAL;
OTHER EQUIPMENT

13:20-25.1 Letter requesting approval

A letter requesting approval of a particular device, safety glazing materials and other equipment shall be directed to the Chief Administrator, Motor Vehicle Commission by the manufacturer of the device, safety glazing material or other equipment.

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" and "Motor Vehicle Commission" for "Division of Motor Vehicles".

13:20-25.2 Application for approval; report

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

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

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

Added: American Association of Motor Vehicle Administrators.

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".

13:20-25.3 Samples

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

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

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

Substituted "shall" for "must" and "Chief Administrator" for "Director".

13:20-25.4 Determination of approval

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

(b) The Chief Administrator shall by letter inform the applicant of his or her determination.

13:20-25.5 Safety glazing material approval procedure

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

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

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

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

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

(a) substantially amended.

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

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

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

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

13:20-26.1 Applicability

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

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

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

Rewrote the section.

13:20-26.2 Definitions

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

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

"Diesel bus" means a diesel bus as defined pursuant to section 2 of P.L. 1995, c. 157 (N.J.S.A. 39:8-60), except that "diesel bus" shall include only diesel buses with a gross vehicle weight rating in excess of 14,000 pounds, and shall not include school buses or buses under the inspection

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 Periodic inspection at an official inspection facility or a licensed private inspection facility

Notwithstanding, and in addition to, any other provision or requirement of this subchapter, gasoline-fueled and bi-fueled trucks having a GVWR of 10,000 pounds or more 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; provided, however, that gasoline-fueled and bi-fueled trucks having a GVWR of 10,000 pounds or more that are registered as commercial motor vehicles pursuant to N.J.S.A. 39:3-20 shall be inspected pursuant to N.J.S.A. 39:8-1 on an annual 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".

Amended by R.2009 d.312, effective October 19, 2009 (operative January 1, 2010).

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Biennial inspection at an official inspection facility or a private inspection facility". Rewrote the section.

13:20-26.17 Compliance with diesel emission standards, equipment requirements and test procedures; inspection and verification of installation of best available retrofit technology devices; 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 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 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 smoke 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 smoke 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 Department of Environmental Protection 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. Any certification of self-inspection shall require compliance with the requirements of (b) above.

(d) The owner or lessee of a heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus, or regulated diesel solid waste vehicle, as defined in N.J.S.A. 26:2C-8.27 and this subchapter, who is required to install a best available retrofit technology device(s) pursuant to a Notice of Intent to Comply, a regulated fleet retrofit plan, combined regulated fleet retrofit plan, fleet averaging plan, or combined fleet averaging plan pursuant to N.J.S.A. 26:2C-8.26 et al. shall present his or her heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus or regulated diesel solid waste vehicle to a diesel emission inspection center licensed pursuant to N.J.A.C. 13:20-47 so that the installation of the required best available retrofit technology device(s) can be confirmed and verified by the diesel emission inspection center in accordance with the procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 32. Compliance with the requirements of this subsection shall mean that the diesel vehicle has been inspected at a licensed diesel emission inspection center and that such center has confirmed and verified that the best available retrofit technology device(s) has been installed on such heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus or regulated diesel solid waste vehicle. A heavy-duty diesel truck or regulated diesel solid waste vehicle shall be presented for inspection at the time of the next annual periodic inspection following the installation of the best available retrofit technology device(s) on such heavy-duty diesel truck or regulated diesel solid waste vehicle. A diesel-powered motor vehicle or diesel bus shall be presented for inspection within 90 days following the installation of the best available retrofit technology device(s) on such diesel-powered motor vehicle or diesel bus.

(e) 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).

Amended by R.2007 d.233, effective August 6, 2007.

See: 38 N.J.R. 5318(a), 39 N.J.R. 3387(a).

Section was "Compliance with diesel emission standards, equipment requirements, and test procedures; periodic inspection program for diesel emissions; self-inspection; exempt vehicles". Added new (d); and re-coded former (d) as (e).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Compliance with diesel emission standards, equipment requirements, and test procedures; inspection and verification of installation of best available retrofit technology devices; periodic inspection program for diesel emissions; self-inspection; exempt vehicles". In (a), deleted ", as defined by that Act," following "trucks" and a comma following the second occurrence of "N.J.A.C. 7:27-14"; in (b), deleted ", as defined in P.L. 1995, c. 157, and" following the first occurrence of "truck", and a comma following "State", and inserted "smoke" twice; and in (c), substituted "Department of Environmental Protection" for "DEP" and "Any" for "On or after July 1, 1998, any", and deleted a comma following "apparatus".

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.

"Jitney" means an autobus as defined in N.J.S.A. 48:16-23 with a carrying capacity of not more than 13 passengers, operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route.

"Limousine" means any motor vehicle that is issued special registration plates bearing the word "limousine" pursuant to N.J.S.A. 39:3-19.5 other than motor vehicles that are subject

to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit.

"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.

"Taxicab" means an autocab as defined in N.J.S.A. 48:16-1 engaged in the business of carrying passengers for hire, which is held out, announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this State and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the State.

"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".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Added definitions "Jitney", "Limousine" and "Taxicab".

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 Trans-

portation, 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.

13:20-28.6 Decal; period of validity

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

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

(c) Notwithstanding (b) above, a new motor vehicle that is to be initially registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine or jitney and that is receiving a decal as an indication of successful inspection pursuant to this subchapter shall next be inspected not later than one year from the last day of the calendar month in which the motor vehicle was inspected by the new motor vehicle dealer or the motor vehicle leasing company and the decal affixed to the motor vehicle by the new motor vehicle dealer or the motor vehicle leasing company shall so indicate.

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

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

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

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

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

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

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

Substituted "four" for "two" in (b).

Amended by R.2009 d.312, effective October 19, 2009 (operative January 1, 2010).

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Added (c).

13:20-28.7 Compliance

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

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

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

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

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

13:20-28.8 Evidence of compliance

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

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

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

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

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

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

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

Substituted "five" for "three" in (b).

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

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

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

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

Rewrote the section.

13:20-28.10 Additional inspection

This subchapter shall not be construed to limit the Chief Administrator's authority to require any additional inspection, including an inspection to assure the proper functioning of emission control devices or systems of new motor vehicles, nor shall this subchapter be construed as abrogating any code,

rule or regulation now or hereafter promulgated pursuant to the “Air Pollution Control Act (1954)” (N.J.S.A. 26:2C-1 et seq.) or the New Jersey “Federal Clean Air Mandate Compliance Act” (P.L. 1995, c.112).

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

Added “or the New Jersey ‘Federal Clean Air Mandate Compliance Act’ (P.L. 1995, c.112)”.

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

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

Rewrote the section.

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’s” for “Director’s”, inserted ending quotation mark following “(1954)” and corrected quotation marks surrounding “Federal Clean Air Mandate Compliance Act”.

“Critical area of the windshield glazing” means the area of the windshield cleaned by the normal sweep of the windshield wiper blades provided as original equipment by the motor vehicle manufacturer as depicted in Appendix A of this subchapter.

“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.

“Inspection decal” means an inspection sticker issued by an official inspection facility in accordance with N.J.A.C. 13:20-7.4 setting forth the year and month in which a motor vehicle less than four model years old shall be presented for inspection in this State.

“Jitney” means an autobus as defined in N.J.S.A. 48:16-23 with a carrying capacity of not more than 13 passengers, operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route.

“Limousine” means any motor vehicle that is issued special registration plates bearing the word “limousine” pursuant to N.J.S.A. 39:3-19.5 other than motor vehicles that are subject to inspection by the Motor Vehicle Commission’s Commercial Bus Inspection and Investigation Unit.

“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).

“OBD-eligible” means capable of receiving an OBD inspection as determined by the Department of Environmental Protection in accordance with N.J.A.C. 7:27-15.5(m) or 7:27-14.5(g), whichever is applicable.

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

“On-board diagnostics” or “OBD” means an automotive diagnostic system complying with California Air Resources Board OBD regulations or EPA OBD regulations effective for model year 1996 and newer gasoline-fueled and bi-fueled motor vehicles and for model year 1997 and newer diesel-fueled motor vehicles.

“Peripheral area of the windshield glazing” means the area of the windshield, other than the acute area and the critical area, as depicted in Appendix A of this subchapter.

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

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

“Taxicab” means an autocab as defined in N.J.S.A. 48:16-1 engaged in the business of carrying passengers for hire, which is held out, announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this State and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the State.

Administrative change.

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

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

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

Amended “Certificate of waiver”; added “EPA” and “On-board diagnostics” or “OBD”.

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

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Added definitions “Acute area of the windshield glazing”, “Critical area of the windshield glazing” and “Peripheral area of the windshield glazing”.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In definition “Certificate of approval”, deleted “or” preceding “a State”, and inserted “or the Motor Vehicle Commission’s Mobile Inspection Unit”, “either”, “gasoline-fueled and bi-fueled”, and “or N.J.A.C. 7:27-14 and 7:27B-4 regarding the inspection of diesel-fueled motor vehicles, whichever are applicable”; deleted definition “Certificate of waiver”; added definitions “Inspection decal”, “Jitney”, “Limousine”, “OBD-eligible” and “Taxicab”, and in definition “On-board diagnostics”, inserted “Air Resources Board”, “gasoline-fueled and bi-fueled” and “and for model year 1997 and newer diesel-fueled motor vehicles”, and deleted “II” following “EPA OBD”.

13:20-32.2 General provisions; official inspection facilities

(a) This subchapter contains the inspection standards and test procedures to be used by official inspection facilities when inspecting and certifying automobiles, trucks, buses that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, limousines, jitneys and motorcycles for compliance with inspection standards.

(b) Official inspection facilities shall be authorized to engage in the inspection, reinspection and certification of automobiles, trucks, buses that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, limousines, jitneys

and motorcycles; provided, however, official inspection facilities shall not inspect school buses, retired school buses that are subject to inspection in accordance with N.J.A.C. 13:20-30, buses that are subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit or motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37.

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

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

(d) If an automobile, truck, bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine or jitney registered in New Jersey conforms to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, the motor vehicle shall be certified by an official inspection facility by removing the previously-issued inspection certificate of approval, inspection decal or inspection rejection sticker, if any, and replacing it with a current inspection certificate of approval. The inspection certificate of approval issued by an official inspection facility shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the inspection certificate of approval shall be completely visible from the front of the motor vehicle. The inspection certificate of approval shall be affixed in an upright position.

(e) If an automobile, truck, bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine or jitney registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, an official inspection facility shall present the motor vehicle inspection report for such motor vehicle to the operator thereof, and shall affix an inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle directly above the previously-issued certificate of approval or inspection decal, if any, affixed to the windshield. If there is no previously-issued certificate of approval or inspection decal affixed to the windshield, an official inspection facility shall affix an inspection rejection

sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. If the motor vehicle that has failed inspection is a motor vehicle that has been presented for inspection in accordance with N.J.A.C. 13:20-7.4(e)1 or (j)1, an official inspection facility shall remove the previously-issued inspection certificate of approval, inspection decal, collector motor vehicle windshield sticker and/or inspection rejection sticker, if any, affixed to the windshield and shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. The inspection rejection sticker shall be an indication that adjustments, corrections or repairs to the motor vehicle that has failed inspection must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(f) Notwithstanding (e) above, if an automobile, truck, bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine or jitney registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, and the nature of the defect(s) found is such as to constitute a hazard to the public safety, so as to require immediate repairs to such motor vehicle, an official inspection facility shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, shall remove the previously-issued inspection certificate of approval, inspection decal and/or inspection rejection sticker, if any, and shall affix a "48 hour" inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A defect that constitutes a hazard to the public safety, so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the items specified in N.J.A.C. 13:20-7.6(b). The "48 hour" inspection rejection sticker shall be an indication that the defect(s) deemed to constitute a hazard to the public safety must be repaired and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.6(a).

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

license plate at a location other than that specified in this subsection, the new certificate of approval shall be affixed at the location specified in this subsection.

(h) If a motorcycle registered in New Jersey does not conform to the inspection standards set forth in this subchapter, the official inspection facility shall present the inspection report or card for such motorcycle to the operator thereof. The inspection report or card shall be an indication that adjustments, corrections, or repairs to the motorcycle which has failed inspection must be made and the motorcycle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(i) A motor vehicle inspection report, issued to an owner or lessee of a motor vehicle with elevated chassis height, a motor vehicle which has been modified at the direction of the New Jersey Department of Labor and Workforce Development, Division of Vocational Rehabilitation Services, a reconstructed vehicle, or a salvage motor vehicle that is subject to inspection at a State specialty inspection facility in accordance with N.J.A.C. 13:20-7.3(d), shall be marked "MUST BE REINSPECTED AT A STATE SPECIALTY INSPECTION FACILITY." When a motor vehicle inspection report is marked in this manner, an official inspection facility shall neither reinspect nor certify the motor vehicle, as it must be returned to a State specialty inspection facility for such reinspection and certification.

(j) If a motor vehicle is presented at an official inspection facility for reinspection, the official inspection facility may reinspect the motor vehicle and certify it if the rejected item(s) has been repaired, adjusted or corrected, so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, provided there are no obvious safety, emission-related or OBD-related defects. If there are obvious safety, emission-related or OBD-related defects, the motor vehicle shall be subject to a complete reinspection.

(k) If a motor vehicle is presented at an official inspection facility for reinspection and the rejected item(s) have not been repaired, adjusted or corrected, so as to conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, the official inspection facility shall not issue an inspection rejection sticker to replace the inspection rejection sticker previously affixed to the motor vehicle by an official inspection facility, nor shall the official inspection facility issue an inspection rejection sticker to replace the inspection certificate of approval or inspection decal previously defaced by a licensed private inspection facility in accordance with N.J.A.C. 13:20-33.2(l) as an indication that the motor vehicle has failed inspection.

(l) If a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at an official inspection facility

for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has not been repaired, the official inspection facility shall not issue a "48 hour" inspection rejection sticker to replace the "48 hour" inspection rejection sticker previously affixed to the motor vehicle.

(m) Notwithstanding (k) above, if a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at an official inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has been repaired, so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, but another rejected item(s) not deemed to constitute a hazard to the public safety has not been repaired, adjusted or corrected, so as to conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, the official inspection facility shall remove the "48 hour" inspection rejection sticker previously affixed to the motor vehicle and shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. The inspection rejection sticker shall be an indication that adjustments, corrections or repairs to the motor vehicle must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(n) Any motor vehicle presented for initial inspection shall undergo a complete inspection. Once the inspection has commenced it shall not be terminated until the motor vehicle is either certified or rejected. An inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection.

(o) Any motor vehicle for which the current inspection certificate of approval or inspection decal has been lost, stolen, destroyed or defaced, or any motor vehicle that has had its windshield replaced, may be presented at an official inspection facility for the issuance of a replacement inspection certificate of approval or inspection decal. Such a replacement inspection certificate of approval or inspection decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety, emission-related or OBD-related defects.

(p) Any new motor vehicle purchased in a foreign jurisdiction for which a temporary authorization certificate has been issued by the Motor Vehicle Commission in accordance with N.J.A.C. 13:20-7.4(d) shall be presented at an official inspection facility for the issuance of an inspection decal. A

new motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(d) and this subsection shall be subject to inspection not later than four years from the last day of the calendar month in which the decal was issued for such motor vehicle and the decal affixed to such motor vehicle pursuant to N.J.A.C. 13:20-7.4(d) and this subsection shall so indicate; provided, however, that a new motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(d) and this subsection that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine or jitney shall be subject to inspection not later than one year from the last day of the calendar month in which the decal was issued for such motor vehicle and the decal affixed to such motor vehicle pursuant to N.J.A.C. 13:20-7.4(d) and this subsection shall so indicate. Such a decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety, emission-related or OBD-related defects.

(q) Any motor vehicle less than four model years old for which a temporary authorization certificate has been issued by the Motor Vehicle Commission in accordance with N.J.A.C. 13:20-7.4(a), (g) or (i) that is presented at an official inspection facility and is eligible for the issuance of an inspection decal pursuant to N.J.A.C. 13:20-7.4(a), (g)2 or (i)2 shall be subject to the provisions of this subsection. A motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(a), (g)2 or (i)2 and this subsection shall be subject to inspection during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the decal affixed to such motor vehicle pursuant to N.J.A.C. 13:20-7.4(a), (g)2 or (i)2 and this subsection. Such a decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate and a valid New Jersey insurance identification card for the motor vehicle, if applicable and further provided that there are no obvious safety, emission-related or OBD-related defects.

(r) Any motor vehicle that has been found to be in proper operating condition at an on-road inspection pursuant to N.J.S.A. 39:8-2g and that is due for inspection pursuant to N.J.S.A. 39:8-1 within the two-month period following the calendar month of the on-road inspection approval may, in accordance with N.J.A.C. 13:20-29.2(a), be presented at an official inspection facility for the issuance of an inspection certificate of approval for the inspection cycle applicable to such motor vehicle. Such an inspection certificate of approval shall be affixed to the motor vehicle provided the operator

thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate and a valid New Jersey insurance identification card for the motor vehicle, if applicable and further provided that there are no obvious safety, emission-related or OBD-related defects.

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

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

In (f), substituted "7:27B-5" for "7:27B-4" and added the third sentence; in (l), substituted "7:27B-5" for "7:27B-4" and substituted "45 days of the date of the most recent inspection rejection" for "the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable"; added (r) and (s).

Administrative change.

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

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

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

In (l) and (q) through (s), inserted "; or OBD-related" preceding "defects" throughout.

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 "Motor Vehicle Commission's" for "Division's"; in (k), inserted "and Workforce Development" following "Labor"; and in (r), substituted "four" for "two".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Rewrote (a) and (b); deleted former (d); recodified former (e) through (g) as (d) through (f); rewrote (d) through (f); deleted former (h); recodified former (i) through (r) as (g) through (p); rewrote (j), (k), (m) and (o); rewrote (p), operative January 1, 2010; added new (q), operative January 1, 2010; recodified former (s) as (r); and rewrote (r).

13:20-32.3 Credentials; official inspection facilities

(a) The driver of a motor vehicle presented for inspection shall present a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable. Photocopies or facsimiles of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

(b) Certification of a motor vehicle shall not be refused because the New Jersey motor vehicle registration certificate presented by the motorist contains a typographical error(s) in the vehicle identification number, provided the make, year and license plate number of the motor vehicle set forth on the registration certificate are accurate.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Inserted designation (a); and added (b).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), deleted a comma following "year" and deleted the former last sentence.

13:20-32.4 License plates; official inspection facilities

(a) A motor vehicle shall not be certified unless at least one of the license plates is in the possession of the operator when the motor vehicle is presented for inspection.

(b) Certification of a motor vehicle shall not be refused because the following requirements are not met; however, the motorist shall be advised to have the condition corrected:

1. The license plates shall be clear and distinct and free from grease, dirt, or other blurring material so that they are plainly visible at all times of the day and night;
2. The license plates shall be securely attached to the front and rear of the motor vehicle, respectively;
3. The license plates shall be displayed not less than 12 inches nor more than 48 inches from the ground in a horizontal position, right side up and right side out; provided, however, that the rear license plate may be displayed more than 48 inches from the ground on tank trucks, trailers and other commercial vehicles carrying in-

flammable liquids and on sanitation vehicles which are used to collect, transport and dispose of garbage, solid wastes and refuse;

4. The letters and/or numbers on the license plates shall agree with the letters and/or numbers on the registration certificate of the motor vehicle;
5. A license plate shall not be obstructed by a trailer hitch, snow plow bracket, bumper, bumper guard, sign, mounting bolt head, reflector, or by any other device or material;
6. The license plates shall not be covered by glass, plastic, or similar material;
7. The license plates shall not be bent, illegible, or defaced; or

8. Registration plate decal(s), which may be issued by the Motor Vehicle Commission for use on the front and rear license plates, shall indicate the month and year in which the registration certificate for the motor vehicle expires and shall, if issued, be firmly attached to the front and rear license plates.

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)8, substituted "Registration" for "The registration", inserted "which may be" following "decal(s)", substituted "Motor Vehicle Commission" for "Division" and inserted "if issued," following "shall". Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (a), substituted "unless at least one of" for "if" and "is" for "are not" following "license plates" and deleted "or if the letters and/or numbers on the license plates are illegible" from the end; and in (b)7, inserted "illegible,".

13:20-32.5 Steering and suspension; official inspection facilities

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

(b) Starting with the front wheels of the motor vehicle in the straight-ahead position, the steering wheel shall be turned in one direction until there is a perceptible movement of a front wheel. When the steering wheel is turned in the other direction, a point on the steering wheel rim shall not move more than three inches before there is a perceptible return movement of the front wheel under observation. When this test is performed on motor vehicles that are equipped with power steering, the transmission shall be in "neutral" and the engine shall be running.

(c) With the front end of the motor vehicle lifted, the front and rear of a front tire shall be grasped and an attempt made to turn the tire and wheel assembly to the right and to the left. The free movement at the front or rear of the tire shall not exceed one-quarter inch. The top and bottom of a front tire shall then be grasped and moved in and out. The movement of the tire shall not exceed the manufacturer's specifications. Both front tires shall be tested in this manner.

(d) The steering wheel shall be turned through the limit of travel in both directions. There shall be no binding or jamming in the steering wheel mechanism.

(e) The steering wheel shall be a minimum of 13 inches in diameter.

(f) There shall be no wear or breakage of components of the steering or suspension system, vehicle frame or chassis that adversely affects the safe operation of the motor vehicle. There shall be no visible caster or camber.

(g) Shock absorbers shall be properly installed and in proper operating condition. Shock absorbers shall not exhibit oil on the shock absorber housing attributable to leakage by the seal.

(h) No portion of a motor vehicle shall extend below the bottom of the wheel rim line at maximum suspension deflection.

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

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

Rewrote (a); added a new (f) and recodified former (f) through (i) as (g) through (j); added (k).

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

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

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Deleted former (b), (c) and (f); recodified former (d) and (e) as (b) and (c), and (g) and (h) as (d) and (e); in (b), substituted "Starting with" for "With" and "that" for "which"; in (b) and (c), substituted "the motor vehicle" for "a motor vehicle having a GVWR of more than 8,500 pounds"; and in (f), substituted "vehicle frame or chassis that" for "which".

13:20-32.6 Front parking lights; official inspection facilities

(a) Front parking lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "P," along with the manufacturer's name or trademark, are often on the lens of such lights.

(b) Front parking lights shall be white, yellow, or amber in color, and shall be securely mounted on the motor vehicle so as to reduce the likelihood of their being obscured by mud or dust thrown up by the wheels. There shall be one front parking light mounted on each side of the vertical centerline of the motor vehicle at the same height and as far apart as practicable.

(c) Certification of a motor vehicle shall not be refused because of the following reasons; however, the motorist shall be advised to have the defect corrected:

1. One or both of the front parking lights are inoperative; or

2. A front parking light lens is damaged or missing. Where the front turn signal lights are combined with the front parking lights, the motor vehicle shall not be refused certification because of a cracked, broken, or missing lens.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In the introductory paragraph of (c), substituted "because of" for "for"; and in (c)2, inserted "; broken, or missing" and deleted "; however, if the lens is cracked and a portion of the lens is separated or missing, the motor vehicle shall be refused certification" from the end.

13:20-32.7 Glazing; official inspection facilities

(a) All glazing used on motor vehicles manufactured after July 1, 1935, shall be an approved type of glazing which is legibly and permanently marked with the manufacturer's name, trademark, DOT number, "AS" number, or other distinctive designation under which the glazing was approved, so as to be visible when the glazing is installed in the motor vehicle. The proper type of glazing shall be used for each location in a motor vehicle. The approved locations for the various types of glazing are as follows:

1. AS-1: Mandatory in windshields but may be used for any other window in a motor vehicle;
2. AS-2: Anywhere except windshields;
3. AS-3: Rear side windows on buses;
4. AS-4, AS-5, AS-6 and AS-7: Rear windows of convertibles and windows (except windshields) which can be readily removed without the use of tools;
5. AS-8 and AS-9: Rear windows of buses;
6. AS-10: Bullet-resistant windshields;
7. AS-11: Bullet-resistant windows except windshields; and
8. AS-12 and AS-13: Windows (except windshields) which can be readily removed without the use of tools.

(b) All openings in a motor vehicle which were originally manufactured with glazing shall be equipped with an approved type of glazing.

(c) Certification of a motor vehicle shall be refused if the motor vehicle is equipped with glazing which causes undue or unsafe distortion of visibility for the driver, or is equipped with unduly fractured, broken, cracked, discolored, scratched, or deteriorated glazing, or is equipped with glazing with sharp edges.

(d) A motor vehicle, other than a police vehicle or a motor vehicle for which a medical exemption certificate has been issued by the Motor Vehicle Commission in accordance with N.J.S.A. 39:3-75.1 et seq., shall not be certified which has tinted spray or plastic material added to previously approved

glazing in the front windshield or windows, vents, wings, deflectors, or side shields to the immediate right or left of the driver, because such condition changes the vision and light transmission properties of the glazing in areas where driver visibility shall not be obscured or obstructed; provided, however, tinted spray or plastic material may be applied to previously approved glazing in the front windshield if such spray or material extends no lower than six inches from the top of the front windshield or such spray or material does not extend below the AS-1 marking on the front windshield.

(e) A motor vehicle shall not be certified which has defrosters of the "electric element" type installed on any window which obstruct the driver's vision. Motor vehicles manufactured with the heating element as an integral part of an approved type of glazing shall not be refused certification.

(f) The window on the driver's side shall be capable of being readily opened to permit arm direction signals to be made by the driver. The presence of approved turn signals does not satisfy this requirement except on trucks over 80 inches in width.

(g) Any motor vehicle may have the rear window and/or side windows to the rear of the driver tinted or covered in some manner so as to partially obscure the driver's vision and any motor vehicle registered for commercial purposes and constructed on a truck chassis (including noncommercial trucks registered pursuant to N.J.S.A. 39:3-8.1) may have the rear window and/or side windows to the rear of the driver painted, tinted, or constructed in some manner so as to obstruct or obscure the driver's vision, provided that the motor vehicle is equipped with an exterior mirror on each side of the motor vehicle. If glazing material remains in any of the window openings specified in this subsection, the approval markings shall be visible.

(h) A motor vehicle shall not be certified which has mirror-type material on any window.

(i) Certification of a motor vehicle shall be refused because there is a star-type break, bull's-eye-type break, or stone-type break of more than one inch in diameter in the acute area or the critical area of the windshield glazing as depicted in Appendix B of this subchapter, incorporated herein by reference.

(j) Certification of a motor vehicle shall be refused because there is a star-type break, bull's-eye-type break, or stone-type break of more than two inches in diameter in the peripheral area of the windshield glazing as depicted in Appendix C of this subchapter, incorporated herein by reference.

(k) Certification of a motor vehicle shall be refused because there are multiple star-type breaks, bull's-eye-type breaks, and/or stone-type breaks regardless of size in the acute area of the windshield glazing as depicted in Appendix D of this subchapter, incorporated herein by reference.

(l) Certification of a motor vehicle shall be refused because there is a scratch that is more than one inch in width in the acute area of the windshield glazing or a crack that is more than six inches in length in the acute area of the windshield glazing as depicted in Appendix E of this subchapter, incorporated herein by reference.

(m) Certification of a motor vehicle shall be refused because the windshield glazing has multiple cracks and/or scratches as depicted in Appendix F of this subchapter, incorporated herein by reference.

(n) Certification of a motor vehicle shall be refused because there are multiple star-type breaks, bull's-eye-type breaks, and/or stone-type breaks of more than one inch in diameter per break in the critical area and/or the peripheral area of the windshield glazing as depicted in Appendix G of this subchapter, incorporated herein by reference.

(o) Certification of a motor vehicle shall be refused because there is a crack or scratch of more than six inches in length that extends from the peripheral area of the windshield glazing through the critical area of the windshield glazing into the acute area of the windshield glazing as depicted in Appendix H of this subchapter, incorporated herein by reference.

(p) Certification of a motor vehicle shall be refused because the tempered glass has been etched, except that the vehicle identification number and/or manufacturer's logo may be etched on the tempered glass provided that the area of the tempered glass that has been etched does not exceed two square inches.

(q) Certification of a motor vehicle shall not be refused because the star-type break, bull's-eye-type break, stone-type break, crack, or scratch is less than the diameter, width, or length specified in (i) through (o) above; however, the motorist shall be advised to have the defect corrected.

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

Rewrote (d); in (g), added the second sentence.
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 (d).
Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).
See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (g), deleted the former second sentence; and added (i) through (q).

13:20-32.8 Obstruction to driver's vision; official inspection facilities

(a) No accessory or other object shall be mounted in such a manner as to interfere with the driver's vision.

(b) Signs, posters, stickers or other non-transparent material shall not be placed upon the windshield, wings, deflectors, side shields or front side windows of any motor vehicle; provided, however, an inspection certificate of approval, inspection decal, inspection rejection sticker, an auto-

matic vehicle identification system transponder approved by the Chief Administrator in accordance with N.J.A.C. 13:20-10 or any other sticker approved by the Chief Administrator, is permitted.

(c) Certification of a motor vehicle shall not be refused because a sign, poster, sticker or other non-transparent material has been affixed to the windshield or front side window of a motor vehicle, provided the location of such sign, poster, sticker or other non-transparent material does not obstruct the driver's vision. However, the motorist shall be advised to have the condition corrected.

(d) A motor vehicle shall not be certified which has an air scoop on the engine hood if the scoop is so high that it obstructs more than a three inch high area of the windshield glass. The height of the obstructed area of the windshield glass shall be measured by placing a straight edge on the top of the scoop and holding the straight edge in a level position with one end contacting the windshield glass.

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 (b).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), deleted a comma following "stickers", "shields" and "N.J.A.C. 13:20-10", and substituted "however, an" for "however, the" and "inspection decal" for "certificate of waiver"; added new (c); and recodified former (c) as (d).

13:20-32.9 Horn; official inspection facilities

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

1. A horn which is inoperable;
2. A horn which is not audible under normal conditions from a distance of not less than 200 feet;
3. A horn which is not securely fastened to the motor vehicle;
4. A horn which has a broken button or switch, or a horn which does not have a button or switch. (For example, a horn which is activated by grounding a bare wire shall not be certified.);
5. A horn which has an activating button or switch beyond the reach of the driver;
6. A horn button which is located in a place that is not readily conspicuous to the driver, or a horn button which requires the driver to take his or her eyes off of the road to activate the horn;
7. A horn ring which is broken so as to be likely to cause injury or to snag clothing; or
8. A motor vehicle which is equipped with a siren, whistle, or bell (except an authorized emergency vehicle or unless a permit for same has been issued by the Chief Administrator in accordance with N.J.A.C. 13:24); provided,

however, that any motor vehicle may be equipped with a theft alarm signal device which is installed so that it cannot be used by the driver as an ordinary warning signal.

(b) Certification of a motor vehicle shall not be refused for the following reasons; however, the motorist shall be advised to have the condition corrected:

1. A horn which emits an unreasonably loud or harsh sound. An unreasonably loud horn, such as an air horn, is permitted on a motor vehicle, provided the motor vehicle is also equipped with a standard horn for use in residence or business districts; or

2. A horn which can only be sounded by a portion of the horn activation device.

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)8.

13:20-32.10 Windshield wipers; official inspection facilities

(a) Every motor vehicle having a windshield shall be equipped with at least one windshield wiper in proper operating condition to provide clear vision for the driver. A motor vehicle manufactured with only one windshield wiper shall have the wiper so located that it cleans the portion of the windshield directly in front of the driver in order for the driver to safely operate the motor vehicle.

(b) If a motor vehicle was originally manufactured with two windshield wipers, both wipers shall operate properly.

(c) A windshield wiper shall be capable of operating at a speed necessary to provide the driver a clear view ahead under all conditions of weather.

(d) Windshield wiper blades shall not be damaged, hardened, deteriorated, missing, or of an improper type (such as a blade designed for a flat windshield installed on a curved windshield), or of an improper size.

(e) A windshield wiper blade shall be held against the windshield with adequate pressure to provide the driver a clear view ahead under all conditions of weather.

(f) A windshield wiper shall clean the full area of the windshield for which it was designed.

(g) A windshield wiper control shall be constructed and installed as to be operated or controlled by the driver and shall be in proper operating condition.

Case Notes

Defect existed in the functioning of the consumer's windshield wipers, whereby the wipers did not clear rain, snow, sleet, or wiper fluid from the windshield in cold weather, and this defect was a substantial impairment of use or safety under the Lemon Law; despite ample time, the manufacturer did not repair the defect. *Dasilva v. Ford Motor Co.*,

OAL Dkt. No. CMA 7782-04, 2005 N.J. AGEN LEXIS 1067, Final Decision (December 22, 2005).

13:20-32.11 Clearance lights; official inspection facilities

(a) Clearance lights are lights which show to the front and rear of the vehicle, respectively, mounted on a permanent part of the vehicle as near as practical to the upper left and right extreme edges so as to indicate the overall width and height of the vehicle.

(b) A truck 80 inches or more in width manufactured after January 1, 1965, shall be equipped with two amber clearance lights on the front of the vehicle and two red clearance lights on the rear of the vehicle.

(c) Clearance lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC," along with the manufacturer's name or trademark, are on the lens of such lights in most cases.

(d) Every clearance light shall be permanently and securely mounted on a permanent part of the vehicle.

(e) A combination clearance and side-marker light is a single light which fulfills the requirements of both a clearance light and a side-marker light.

13:20-32.12 Turn signals and hazard warning signals; official inspection facilities

(a) Every motor vehicle, other than a noncommercial motorcycle, shall be equipped with two front and two rear turn signals, except that a passenger vehicle manufactured before July 2, 1954, is not required to be equipped with turn signals. When any motor vehicle, regardless of the date of its manufacture, is equipped with turn signals, the turn signals shall be in proper operating condition.

(b) All turn signal and hazard warning signal systems including lights, flashers and operating units shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name and trademark, are often on such devices. In the case of front and rear turn signal lights, the letter "T" or the letter "D" is often on the lens of such lights.

(c) Front turn signal and hazard warning signal lights shall be mounted on each side of the vertical centerline at the same level and as widely spaced laterally as practical. Front turn signal and hazard warning signal lights shall emit a flashing white or amber light visible for a distance of 500 feet.

(d) Rear turn signal and hazard warning signal lights shall be mounted on each side of the vertical centerline at the same level and as widely spaced laterally as practical. Rear turn signal and hazard warning signal lights shall emit a flashing red or amber light visible for a distance of 500 feet.

(e) All turn signal lights shall be permanently and securely mounted in such a manner so as to reduce the likelihood of their being obscured by mud or dust thrown up by the wheels.

(f) A turn signal light shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material if such obstruction reduces the visible area of the turn signal light to less than three and one-half square inches on a passenger automobile, truck, or modified bus which is less than 80 inches in overall width, or reduces the visible area of the turn signal light to less than 12 square inches on a truck which is 80 inches or more in overall width.

(g) Turn signal lights shall flash from 50 to 130 times per minute. The "on" period of the flashes shall be long enough to permit the bulb filaments to reach full brightness.

(h) All turn signal light systems and components shall be in proper operating condition. Certification of a motor vehicle shall not be refused because a turn signal light has a cracked, broken, or missing lens, provided no white light shows to the rear of the motor vehicle. However, the motorist shall be advised to have the defect corrected.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (h), inserted ", broken, or missing" and deleted "and no portion of the lens is missing" from the end of the second sentence.

13:20-32.13 Reflectors; official inspection facilities

(a) Reflectors are devices designed and used on vehicles to give an indication to an approaching driver by reflected light.

(b) Reflectors shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "A" (for Class A reflectors) or the letter "B" (for Class B reflectors), along with the manufacturer's name or trademark, are on such reflectors in most cases.

(c) Passenger vehicles manufactured before July 2, 1954, shall have one Class A or Class B red reflector mounted on the rear of the vehicle.

(d) Passenger automobiles manufactured after July 1, 1954, shall have two Class A red or two Class B red reflectors mounted on the rear of the vehicle on each side of the vertical centerline at the same level and as widely spaced laterally as practical.

(e) All passenger automobiles with commercial registration and all trucks and buses shall have two Class A red reflectors mounted on the rear of the vehicle on each side of the vertical centerline at the same level and as widely spaced laterally as practical.

(f) A truck 80 inches or more in width manufactured after January 1, 1965, shall have one Class A amber reflector mounted on each side of the vehicle as far to the front as practicable and one Class A red reflector mounted on each side of the vehicle as far to the rear as practicable.

(g) The mounted height of a reflector shall be not less than 15 inches nor more than 60 inches from the level surface upon which the vehicle stands. Reflectors shall be permanently and securely mounted on a permanent part of the vehicle.

(h) Any reflector, otherwise properly mounted, may be securely installed on flexible strapping or belting provided that under conditions of normal operation it reflects light in the required direction.

(i) The mounted height of a reflector shall be measured from the center of the reflector to the level surface upon which the vehicle stands.

13:20-32.14 Identification lights; official inspection facilities

(a) Identification lights are used in groups of three in a horizontal row which show to the front and rear of a motor vehicle, respectively, and have light centers spaced not less than six inches nor more than 12 inches apart.

(b) A truck 80 inches or more in width manufactured after January 1, 1965, shall be equipped with three amber identification lights on the front of the vehicle and three red identification lights on the rear of the vehicle. If the cab is not more than 42 inches wide at the front roof line, a single identification light at the centerline of the cab shall be deemed to comply with the requirements for front identification lights.

(c) Identification lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P" or "P2," along with the manufacturer's name and trademark, are on the lens of such lights in most cases.

(d) Every identification light shall be permanently and securely mounted on a permanent part of the vehicle as close as practical to the vertical centerline and the top of the vehicle. No part of front identification lights or their mountings shall extend below the top of the vehicle windshield.

13:20-32.15 Side-marker lights; official inspection facilities

(a) Side-marker lights are lights on the left and right sides near the front and rear of a motor vehicle that show to the side and are intended to indicate vehicle length.

(b) A truck 80 inches or more in width manufactured after January 1, 1965, shall be equipped with one amber side-marker light mounted on each side at or near the front of the vehicle and one red side-marker light mounted on each side at or near the rear of the vehicle. Side-marker lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC," along with the manufacturer's name or trademark, are on the lens of such lights in most cases.

(c) Every side-marker light shall be permanently and securely mounted on a permanent part of the vehicle. Side-marker lights may be mounted at optional height on the side of the vehicle.

(d) A combination clearance and side-marker light is a single light which fulfills the requirements of both a clearance light and a side-marker light.

13:20-32.16 Taillights and license plate light; official inspection facilities

(a) Every motor vehicle, other than a motorcycle, shall be equipped on the rear with at least two red taillights and at least two red reflectors, one at each side of the vertical centerline at the same level and as far apart as practicable, except that a passenger vehicle manufactured before July 2, 1954, may be equipped with one red taillight and one red reflector.

(b) Taillights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "T," along with the manufacturer's name or trademark, are often on the lens of such lights.

(c) Taillights shall exhibit a red light visible from a distance of 500 feet to the rear of the vehicle.

(d) Taillights shall be permanently and securely mounted on a permanent part of the vehicle. The mounted height of taillights, as measured from the center of the lens to the level surface upon which the vehicle stands, shall be not less than 15 inches nor more than 72 inches. On any vehicle designed for carrying flammable liquids as cargo, the taillights may be mounted higher than 72 inches. When two taillights are required, they shall be mounted at the same level and spaced as far apart laterally as practical.

(e) Certification of a motor vehicle shall not be refused because a taillight has a cracked lens, provided no white light shows to the rear of the motor vehicle and no portion of the lens is missing. However, the motorist shall be advised to have the defect corrected.

(f) If a motor vehicle is equipped with two or more taillights on each side, it shall not be refused certification because some of the taillights are not operative, provided at least one taillight on each side of the motor vehicle is operative. However, the motorist shall be advised to have the defect corrected.

(g) Certification of a motor vehicle shall not be refused because the license plate light is missing, inoperative, or does not operate properly; however, the motorist shall be advised to have the defect corrected. License plate lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "L," along with the manufacturer's name or trademark, are often on the lens of such lights.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In the first sentence of (g), inserted "not" following "vehicle shall", substituted "because" for "if", inserted "missing," and " , or does not operate properly; however, the motorist shall be advised to have the defect corrected".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (c), deleted the last sentence.

13:20-32.17 Stoplights; official inspection facilities

(a) Every motor vehicle, other than a motorcycle, shall be equipped on the rear with at least two stoplights, one at each side of the vertical centerline at the same height and as far apart as practicable, except that a passenger vehicle manufactured before July 2, 1954, may be equipped with one stoplight. All passenger automobiles manufactured on or after September 1, 1985, shall, in addition, be equipped with a high-mounted rear stoplight on the vertical centerline. All multipurpose passenger vehicles, trucks, and modified buses whose overall width is less than 80 inches and whose GVWR is 10,000 pounds or less, manufactured on or after September 1, 1993, shall, in addition, be equipped with a high-mounted rear stoplight on the vertical centerline. All multipurpose passenger vehicles, trucks, and modified buses whose overall width is less than 80 inches and whose GVWR is 10,000 pounds or less and whose vertical centerline, when the vehicle is viewed from the rear, is not located on a fixed body panel but separates one or two moveable body sections, such as doors, and which lacks sufficient space to install a single high-mounted stoplight on the centerline above such body sections, and which is manufactured on or after September 1, 1993, shall, in addition, be equipped with two high-mounted rear stoplights.

(b) All stoplights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "S," along with the manufacturer's name or trademark, are often on the lens of such lights.

(c) Stoplights shall exhibit a red or amber color and shall be visible from a distance of 500 feet to the rear of the vehicle when activated by application of the brake. The stoplights shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material.

(d) Stoplights shall be permanently and securely mounted on a permanent part of the vehicle. Certification of a motor vehicle shall not be refused because a stoplight has a cracked lens, provided no white light shows to the rear of the motor vehicle and no portion of the lens is missing. However, the motorist shall be advised to have the defect corrected.

(e) If a motor vehicle is equipped with two or more stoplights on each side, it shall not be refused certification because some of the stoplights are not operative, provided at least one stoplight on each side of the motor vehicle is operative. However, the motorist shall be advised to have the defect corrected.

(f) Certification of a motor vehicle required to be equipped with a high-mounted rear stoplight(s) shall not be refused because the high-mounted rear stoplight(s) is missing, obstructed, inoperative, or does not operate properly, provided at least one stoplight on each side of the motor vehicle is operative. However, the motorist shall be advised to have the defect corrected.

(g) Certification of a motor vehicle equipped with a high-mounted rear stoplight shall not be refused because the stoplight is so wired that it illuminates when the turn signal lights are activated; however, the motorist shall be advised to have the defect corrected.

(h) If the high-mounted rear stoplight is mounted inside the motor vehicle, means shall be provided to minimize reflections from the light upon the rear window glazing that may be visible to the driver when viewed in the interior rear view mirror. Certification of a motor vehicle equipped with such a high-mounted rear stoplight shall not be refused because adequate means are not provided to minimize such reflections; however, the motorist shall be advised to have the condition corrected.

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

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

Added (h).

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (c), deleted ", including high-mounted rear stoplights," preceding "shall not"; and rewrote (f) through (h).

13:20-32.18 Wheels; official inspection facilities

(a) Wheels shall turn freely and the lateral or radial runout of the rim bead shall not exceed the motor vehicle manufacturer's specifications.

(b) Wheels shall be securely mounted and there shall be no visible cracks, elongated bolt holes, broken bolts, missing bolts or nuts, indication of repair by welding, or other defects which adversely affect the safe operation of the motor vehicle.

13:20-32.19 Tires; official inspection facilities

(a) The tread on each tire shall not be less than $\frac{2}{32}$ of an inch deep.

(b) Many tires have tread depth indicators that become exposed when the tread depth is less than $\frac{2}{32}$ of an inch. Tread depth indicators shall be inspected and a tire rejected if it is worn so that the indicators are visible in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire. For tires without tread depth indicators, the tread depth shall be measured with a tire tread depth gauge.

(c) Notwithstanding (a) above, the tread on each front tire of a motor vehicle that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine or jitney shall not be less than $\frac{4}{32}$ of an inch deep. The tread on each rear tire of a motor vehicle that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine or jitney shall not be less than $\frac{2}{32}$ of an inch deep.

(d) Tires shall be free from chunking, bumps, knots, or bulges evidencing cord, ply, or tread separation from the casing or other adjacent materials. Tire cords or belting materials shall not be exposed.

(e) There shall not be any mismatch in nominal tire size, construction, or profile between tires on the same axle, or any deviation from the motor vehicle manufacturer's tire recommendations. Tire tread shall not protrude beyond the fenders.

(f) Tires on motor vehicles registered for use on a public highway shall not be marked "FOR FARM USE ONLY," "OFF HIGHWAY USE ONLY" or "FOR RACING USE ONLY." Tires which were originally manufactured with extra undertread material and are marked "REGROOVABLE" may be regrooved below the original tread depth.

(g) Studded tires may not be used on a public highway in New Jersey earlier than November 15 or later than April 1 of any winter season. Certification of a motor vehicle shall not

be refused because of the improper use of studded tires; however, the motorist shall be advised to have the condition corrected.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Added new (c); and recodified former (c) through (f) as (d) through (g).

13:20-32.20 Exhaust system; official inspection facilities

(a) The following shall not be certified:

1. An exhaust system in which the muffler is missing, defective, or not in proper operating condition;
2. An exhaust system if there is evidence of tampering with emission control apparatus in violation of N.J.A.C. 7:27-15.7;
3. An exhaust system if there is evidence of exhaust gas leakage at any point in the system;
4. An exhaust system if there is a muffler cut-out, muffler bypass or any similar device, or any change or modification to the exhaust system which causes excessive noise;
5. An exhaust system which has loose or worn components or has been patched; provided, however, that an exhaust system which has been properly welded and is in good condition may be certified;
6. An exhaust system in which all parts are not properly mounted. The entire exhaust system shall be in such condition that it cannot burn or cause injury to any person. Exposed exhaust pipes, stacks, or other parts of the exhaust system which might burn a person or cause injury shall be protected in a permanent and effective manner; or
7. An exhaust system installed in a manner that any part thereof passes through the passenger compartment of the motor vehicle. The exit point for the exhaust gas shall be located so that dangerous amounts of exhaust gas will not enter the passenger compartment under normal vehicle use even with the windows open or the outside air inlets to the heater or air conditioner open. A replacement exhaust system is acceptable provided it is specifically manufactured for the motor vehicle by a company which guarantees that the exhaust system has a safe exhaust gas exit location.

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

13:20-32.21 Prescribed emission or on-board diagnostics test(s); official inspection facilities

(a) With respect to each gasoline-fueled or bi-fueled motor vehicle that is presented for inspection, an official inspection facility shall conduct the emission or OBD test(s) specified for such motor vehicle at N.J.A.C. 13:20-43.8 in accordance

with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(b) With respect to each OBD-equipped and OBD-eligible diesel-fueled motor vehicle with model year 1997 or newer having a GVWR of 8,500 pounds or less that is presented for inspection, an official inspection facility shall conduct a visible smoke test and an OBD test specified for such motor vehicle in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4. An OBD inspection shall not be required pursuant to this subsection for any OBD-equipped diesel-fueled motor vehicle that is not OBD-eligible, as shall be determined by the Department of Environmental Protection.

(c) With respect to each diesel-fueled motor vehicle with model year 1996 or older having a GVWR of 8,500 pounds or less that is presented for inspection, an official inspection facility shall conduct a visible smoke test specified for such motor vehicle in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4.

(d) With respect to each diesel-fueled motor vehicle having a GVWR of more than 8,500 pounds but less than 10,000 pounds that is presented for inspection, an official inspection facility shall confirm that such motor vehicle conforms to the general public highway standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14.4.

Administrative change.

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

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

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

Inserted "or OBD" following "the emission".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Inserted designation (a); in (a), inserted "that is"; and added (b) through (d).

13:20-32.22 Emission test equipment and on-board diagnostics inspection equipment maintenance; official inspection facilities

The emission test equipment and OBD inspection equipment shall be maintained in accordance with the manufacturer's requirements and the general instructions for all tests adopted by the Department of Environmental Protection at N.J.A.C. 7:27B-5.2 and 4.2(b).

Administrative change.

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

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

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

Inserted "and OBD inspection equipment" following "emission test equipment" and deleted "calibrated and" preceding "maintained".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Inserted "and 4.2(b)".

13:20-32.23 Headlights; official inspection facilities

(a) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights at the same level with an equal number on each side of the front of the motor vehicle. Headlights shall emit only a white light and shall be tested for proper operation.

(b) Headlights shall be properly installed so that their beams are readily adjustable, both vertically and horizontally, and their aim is not grossly misaligned nor readily disturbed by ordinary vehicle operation.

(c) Headlights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers.

(d) A motor vehicle having a headlight with a missing lens shall not be certified; provided, however, that a motor vehicle shall not be refused certification because the headlight has a bull's-eye-type hole that has been repaired in a proper manner.

(e) There shall be no colored spray on the lens, visor, reflector, or other attachment that is not included in the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers.

(f) On motor vehicles equipped with four headlights, the Type 2 headlight shall be mounted above or to the outside of the Type 1 headlight.

(g) Retractable headlights shall be in the fully open position when the headlights are tested.

(h) Motor vehicles which are used for plowing snow may have an extra set of headlights mounted above the plow. Switching shall be provided so that either set of headlights may be used, but not both.

(i) Certification of a motor vehicle shall not be refused because a headlight lens is cracked or broken or there is excessive moisture therein, provided the headlight is operational and emits a white light. However, the motorist shall be advised to have the defect corrected.

(j) Certification of a motor vehicle shall not be refused because the light intensity of a headlight is weak, provided

the headlight is operational and emits a white light. However, the motorist shall be advised to have the defect corrected.

(k) Certification of a motor vehicle shall not be refused because there is a brush guard, grille, or cover over or in front of a headlight, provided the headlight is operational and emits a white light. However, the motorist shall be advised to have the condition corrected.

(l) A motor vehicle shall not be refused certification because of a missing headlight rim or rims; however, the motorist shall be advised to have the defect corrected.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (d), deleted "cracked, broken, or" preceding "missing" and ", or a headlight with insufficient light intensity," following "lens"; substituted "bull's-eye" for "bullseye" and "that" for "which" following "hole"; in (e), deleted "auxiliary equipment, such as" following "no" and a comma following "spray", substituted "that" for "which"; in (f), deleted the former second and third sentences; added (i) through (k); and recodified former (i) as (l).

13:20-32.24 Rear view mirrors; official inspection facilities

(a) A motor vehicle shall not be certified if it is not equipped with at least one rear view mirror. A passenger automobile manufactured after January 1, 1965, shall be equipped with an interior mirror and an exterior mirror on the driver's side.

(b) A commercial motor vehicle manufactured after January 1, 1965, shall be equipped with an interior mirror and an exterior mirror on the driver's side, except that every such vehicle so constructed or loaded as to obstruct or obscure a rear view from an interior mirror shall, in lieu of an interior mirror, be equipped with an exterior mirror on the side of the vehicle opposite the driver's side.

(c) Mirrors shall be securely mounted and located and adjusted so as to provide the driver adequate rear view vision. Mirrors shall not obstruct the driver's forward vision. Concave or convex mirrors shall not be used in place of the interior mirror or the driver's side exterior mirror.

(d) Certification of a motor vehicle shall not be refused because a mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges, provided the mirror affords the driver adequate rear view vision. However, the motorist shall be advised to have the defect corrected.

(e) Mirrors shall be capable of adjustment to a fixed horizontal and vertical position.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Rewrote (d).

13:20-32.25 Miscellaneous lights; official inspection facilities

(a) All miscellaneous lights used on motor vehicles shall be of a type and color approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name and trademark, are often on the lens of such lights. In addition, the letters listed below often appear on the following lights:

1. Fog lights = F;
2. Spot lights = O;
3. Emergency warning lights = W or W1 or W3; or
4. Supplemental driving or passing lights = Y or Z.

(b) Any motor vehicle may be equipped with not more than two auxiliary driving lights mounted on the front of the vehicle at a height of not less than 12 inches nor more than 42 inches above the level surface upon which the vehicle stands. Auxiliary driving lights include, but are not limited to, fog lights, passing lights, and supplemental driving lights. Auxiliary driving lights shall be properly installed so that their aim is not grossly misaligned nor readily disturbed by ordinary vehicle operation. Certification of a motor vehicle shall be refused if the aim of an auxiliary driving light is grossly misaligned.

1. Fog lights are auxiliary driving lights which may be used with the low beam headlights to provide general illumination ahead of a motor vehicle. A fog light shall be white, yellow, or amber in color. Approved fog lights shall meet the requirements of SAE J-583d, incorporated herein by reference. The Standards of the Society of Automotive Engineers (SAE) may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

2. Passing lights are also known as auxiliary low beam driving lights and are designed to supplement the lower beam of a standard headlight system. Approved lights shall meet the requirements of SAE J-582a, incorporated herein by reference. Passing lights shall be wired so that they are controlled by a switch separate from the headlight switch.

3. Supplemental driving lights are auxiliary driving lights which may be used to supplement the upper beam of a standard headlight system. Approved lights shall meet the requirements of SAE J-581, incorporated herein by reference. Supplemental driving lights shall be wired so that they are controlled by a switch separate from the headlight switch.

(c) A spot light is a light which can be aimed at will. Any motor vehicle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O," along with the manufacturer's name or trademark, are often on the lens of approved type spot lights. Approved spot lights shall meet the requirements of SAE J-591b, incorporated herein by reference.

(d) Any motor vehicle may be equipped with not more than two side cowl or fender lights which shall emit a white or yellow light without glare.

(e) Any motor vehicle may be equipped with not more than one running board courtesy light on each side thereof which shall emit a white or yellow light without glare.

(f) Any motor vehicle may be equipped with one or more back-up lights, either separately or in combination with other lights. Back-up lights shall be white in color. Certification of a motor vehicle shall be refused if a back-up light is illuminated when the motor vehicle is in forward motion.

(g) On motor vehicles used for plowing snow, there may be auxiliary driving lights connected to either the parking light system or the low beam headlight system. If sealed beam headlight units are used for the auxiliary driving lights, they shall be wired so that the taillights will be illuminated when the auxiliary driving lights are turned on. Auxiliary turn signal lights are also permitted on such motor vehicles.

(h) Flashing lights are prohibited on motor vehicles (except an authorized emergency vehicle or unless a permit for same has been issued by the Chief Administrator in accordance with N.J.A.C. 13:24) except as a means for indicating right or left turns or for hazard warning signals.

(i) A motor vehicle driven by an active member in good standing of a volunteer fire company or a volunteer first aid or rescue squad may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-5. An identification card (permit) issued pursuant to N.J.A.C. 13:24-5 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motor vehicle.

(j) A motor vehicle driven by an active member in good standing of the New Jersey Wing of the Civil Air Patrol may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-7. A permit issued pursuant to N.J.A.C. 13:24-7 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motor vehicle.

(k) All miscellaneous lights shall be permanently and securely mounted on a permanent part of the vehicle in such a manner as to reduce the likelihood of their being obscured by mud or dirt thrown up by the wheels.

(l) Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

1. A turn signal with a headlight; or
2. A clearance light with a taillight or an identification light.

(m) Motor vehicles may be equipped with other lights in addition to those which are specified in this subchapter. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights, along with the identification letters shown below:

1. E: Side turn signal lights (mounted on vehicle sides);
2. K: Cornering lights;
3. R: Back-up lights;
4. U: Supplemental high-mounted stop and turn signal lights;
5. V: Liquid burning emergency flares;
6. W4: Emergency reflex reflectors; or
7. X: Emergency lanterns.

(n) Except as otherwise provided in (b) and (f) above, certification of a motor vehicle shall not be refused because of noncompliance with any provision of this section; however, the motorist shall be advised to have the defect corrected.

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

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

In (f), added the second sentence; added a new (j) and recodified former (j) through (l) as (k) through (m).

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 (h).

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (b), inserted the final sentence; in (f), substituted "Certification of a motor vehicle shall be refused if a" for "No" and "is" for "shall be"; and added (n).

13:20-32.26 Wiring and switching; official inspection facilities

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

1. The wiring is not in proper condition, is improperly installed, or is so located as to cause damage;
2. Any connection that is not secure or shows signs of corrosion;
3. The switches are not in proper condition or do not function properly;
4. Any light circuit that does not light the proper filament when the appropriate switch position is applied; or

5. Any defect in wiring and/or switching which adversely affects the lighting performance of any exterior light.

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

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

13:20-32.27 Headlight beam indicator light; official inspection facilities

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

13:20-32.28 Turn signal and hazard warning signal indicator lights; official inspection facilities

(a) Certification of a motor vehicle shall not be refused because of an inoperative turn signal indicator light and/or an inoperative hazard warning signal indicator light; however, the motorist shall be advised to have the defect corrected.

(b) If any turn signal indicator light is not readily visible to the driver, there shall be an illuminated indicator to give the driver a clear and unmistakable indication that the turn signal system is turned "on."

(c) In motor vehicles equipped with a single turn signal indicator, a separate hazard warning signal indicator shall flash and the turn signal indicator may flash while the hazard warning signal system is turned "on."

(d) In motor vehicles equipped with right and left turn signal indicators, both indicators or separate indicators shall flash simultaneously while the hazard warning signal system is turned "on."

(e) If a separate indicator light is used for the hazard warning signal system, it shall emit a red color and have a minimum area equivalent to a one-half inch diameter circle.

13:20-32.29 Antenna; official inspection facilities

Any antenna mounted on a motor vehicle shall be securely attached so as not to swing or project in a hazardous manner. Certification of a motor vehicle shall not be refused because of an insecure antenna; however, the motorist shall be advised to have the condition corrected.

13:20-32.30 Body; official inspection facilities

(a) The motor vehicle body panels, floor pan and other sections shall not be missing.

(b) Certification of a motor vehicle shall not be refused because the motor vehicle body panels, floor pan, or other sections have excessive rust; however, the motorist shall be advised to have the defect corrected.

(c) Certification of a motor vehicle shall not be refused because the motor vehicle body has rips or sharp edges, provided such rips or sharp edges do not pose a risk of injury. However, the motorist shall be advised to have the defect corrected.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Inserted designation (a); in (a), inserted "not" and deleted "in good condition, and shall not be rusted out or" preceding "missing", and deleted the former second sentence; and added (b) and (c).

13:20-32.31 Bumpers; official inspection facilities

(a) Bumpers, if present, shall be securely mounted on a motor vehicle. Front and rear bumper heights shall be in accordance with the motor vehicle manufacturer's specifications.

(b) Certification of a motor vehicle shall not be refused because a bumper has excessive rust; however, the motorist shall be advised to have the defect corrected.

(c) Certification of a motor vehicle shall not be refused because a bumper has sharp or protruding parts or edges, provided such sharp or protruding parts or edges do not pose a risk of injury. However, the motorist shall be advised to have the defect corrected.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Inserted designation (a); in (a), deleted "and in good condition with no sharp or protruding parts or edges which could cause injury" from the end of the first sentence; and added (b) and (c).

13:20-32.32 Doors; official inspection facilities

(a) The motor vehicle doors and all door operating devices, handles, buttons, hinges, and latches shall be in proper operating condition. A method of opening the door from the outside is not required on motor vehicles with fabric tops which are equipped with glazing material which can be readily removed without the use of tools.

(b) Motor vehicles designed and manufactured with doors shall be equipped with doors.

(c) Motor vehicles designed and manufactured without doors shall be equipped with seat belts or a strap, chain, or restraining device of some type across the openings.

13:20-32.33 Fenders and fender flaps; official inspection facilities

(a) The motor vehicle fenders shall be securely mounted and shall have no rips or sharp edges which could cause injuries to persons.

(b) Fenders shall cover the width of the tire tread. The rear fenders shall be designed and installed so as to prevent the wheels of the motor vehicle from throwing dirt, water, or other material onto other motor vehicles. Fender flaps may be attached to the rear fenders to provide the necessary wheel coverage.

13:20-32.34 Fuel system; official inspection facilities

Fuel leakage at any point in the motor vehicle fuel system shall be cause for rejection. The fuel tank and piping shall be securely mounted and in proper condition, and the fuel tank shall be properly capped.

13:20-32.35 Hood; official inspection facilities

Motor vehicles shall be equipped with an engine hood. The hood shall be properly secured and latched, and all hinges, latches, and other components shall be in proper operating condition.

13:20-32.36 Lettering; official inspection facilities

(a) Vehicles used for commercial purposes on a street or highway, except for passenger automobiles and vehicles owned or leased by a pharmacy and utilized for the transportation or delivery of drugs, shall have conspicuously displayed on the vehicle, or on a name plate attached to the vehicle, the name of the owner, lessee, or lessor of the vehicle, and the name of the municipality in which the owner, lessee, or lessor has his or her principal place of business. Franchised public utilities and operators of fleets of 50 or more commercial vehicles shall be exempted from displaying the name of the municipality, provided that their vehicles display a corporate identification number. The sign or the name plate shall be in plain view and the lettering shall be as close as possible to three inches high. Certification of a commercial vehicle shall not be refused because the vehicle fails to display the owner's name and business address; however, the motorist shall be advised to have the condition corrected.

(b) A noncommercial truck, registered as a passenger vehicle pursuant to N.J.S.A. 39:3-8.1, is issued passenger vehicle license plates by the Motor Vehicle Commission. Such a noncommercial truck shall not have any advertising, signs, lettering, names, or addresses on its exterior, excepting trademarks and labels of the manufacturer and dealer. Certification of a noncommercial truck shall not be refused because the truck displays any type of lettering; however, the motorist shall be advised to have the condition corrected.

(c) Certification of a vehicle with a GVWR of 26,001 pounds or more shall not be refused because the GVWR is

not displayed on the vehicle; however, the motorist shall be advised to have the condition corrected.

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 (b).

13:20-32.37 Ornaments; official inspection facilities

All motor vehicle ornaments shall be free of sharp parts or edges which could cause injury to persons.

13:20-32.38 Pedals; official inspection facilities

Brake, clutch, and accelerator pedals shall have rubber pads or some other method of providing the pedals with a non-skid surface. All pedals shall be in proper operating condition.

13:20-32.39 Racks or carriers; official inspection facilities

A motor vehicle may be equipped with racks or carriers provided the maximum vehicle dimensional limits set forth in

N.J.S.A. 39:3-84 are not exceeded and provided they do not create a dangerous condition which may cause injury to persons.

13:20-32.40 Reflective tape; official inspection facilities

Reflective tape of a color amber to white may be displayed on the front of a motor vehicle. Reflective tape of a color red or amber to white may be displayed on the rear of a motor vehicle.

13:20-32.41 Seats; official inspection facilities

All motor vehicle seats shall be securely mounted and free of hazardous conditions. The driver's seat shall lock securely in a position that permits the safe operation of the motor vehicle.

13:20-32.42 Seat belts; air bags; official inspection facilities

(a) All motor vehicles which are required by law to be equipped with seat belts shall be in compliance with Federal Motor Vehicle Safety Standards Nos. 208 and 209, incorporated herein by reference. All motor vehicles which are required by law to be equipped with air bags shall be in compliance with Federal Motor Vehicle Safety Standard No. 208, incorporated herein by reference. Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 CFR Part 571) may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3238, and are available for review, during regular business hours, at:

Office of the Chief Administrator
New Jersey Motor Vehicle Commission
225 East State Street
9th Floor
Trenton, NJ 08666-0160

Regular business hours at this office are 8:30 A.M. to 5:00 P.M., Eastern Time, Monday through Friday. The telephone number is (609) 777-1407.

(b) Seat belts and their anchorage units, or other restraining devices, shall be of a type approved as meeting the standards of the United States Department of Transportation or the specifications of the Society of Automotive Engineers. The buckles and anchorage units shall be in good condition and the webbing shall not be dangerously worn or cut.

(c) Certification of a motor vehicle shall be refused if an air bag(s) has been deployed and has not been replaced with an air bag(s) that is in compliance with Federal Motor Vehicle Safety Standard No. 208, incorporated herein by reference.

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

In (a), added the second sentence; added (c).
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), inserted "Nos." following "Standards" and "No." following "Standard"; substituted "CFR" for "C.F.R."; "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division of Motor Vehicles"; and in (c), inserted "No." following "Standard".

13:20-32.43 Gear shift indicator; official inspection facilities

A motor vehicle equipped with an automatic transmission shall be equipped with a gear shift indicator in proper operating condition. Certification of a motor vehicle shall not be refused because of a minor misalignment of a gear shift indicator (that is, a misalignment of not more than one-half the distance between shift positions); however, the motorist shall be advised to have the defect corrected.

13:20-32.44 Transmission; official inspection facilities

The transmission of a motor vehicle shall operate properly and shall be capable of operating in reverse. A reverse detent mechanism shall be present and shall be in proper operating condition.

13:20-32.45 Television, videocassette recorder, or digital video disk player; video camera; global positioning system; official inspection facilities

(a) A motor vehicle shall not have a television, videocassette recorder or digital video disk player installed in such a manner that the viewing screen is visible to the driver while he or she is operating the motor vehicle.

(b) A motor vehicle may be equipped with a video camera or other device to enable the driver to view the exterior rear of the vehicle. Such camera or device shall not be operable when the vehicle is in forward motion.

(c) A motor vehicle may be equipped with a global positioning system provided such system does not obstruct the vision of the driver.

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Television; official inspection facilities". Rewrote the section.

13:20-32.46 Trunk lid; official inspection facilities

A motor vehicle trunk lid shall be capable of being securely fastened in accordance with the motor vehicle manufacturer's original design and specification.

13:20-32.47 Service brakes (including service brake equalization and service brake pedal reserve); official inspection facilities

(a) The inspection for motor vehicle service brake pedal reserve shall be performed as set forth in this section. "Pedal reserve" is the amount of total pedal travel left in reserve when the pedal is depressed to the brake applied position. The service brake pedal reserve test does not apply to air brake systems.

(b) With the motor vehicle stationary and the service brake pedal depressed under a moderate foot force (that is, a force of 25 pounds for power brakes and 50 pounds for other brakes), there shall be a minimum of one-fifth of the total average pedal travel (as per the motor vehicle manufacturer's specifications) remaining. The motor vehicle engine shall be running when power brakes are tested. In the event that the adequacy of the service brake pedal reserve on a motor vehicle equipped with disc brakes is in question, the pedal reserve shall be tested when the brakes are applied while the motor vehicle is being driven. The service brake pedal reserve test is not required for motor vehicles equipped with full power (central hydraulic) brake systems or for motor vehicles

with brake systems designed to operate with less than one-fifth pedal travel.

(c) With the service brake pedal depressed to the brake applied position for 10 seconds under a foot force of approximately 125 pounds, there shall be no perceptible decrease in pedal height and, if the motor vehicle is so equipped, no illumination of the brake system failure indicator light. If a motor vehicle is so equipped, the brake system failure indicator light shall be in proper operating condition.

(d) Brake hoses shall not be mounted so as to contact the vehicle body or chassis. Brake hoses shall not be cracked, chafed, or flattened. Protective devices, such as "rub rings," are not to be considered part of the brake hose.

(e) Hydraulic or air brake line tubing shall be specially designed for automotive hydraulic or air brake line use. Tubing designed for gasoline or oil lines is not acceptable for use as hydraulic or air brake lines.

(f) Backing plates and caliper assemblies shall not be deformed or cracked. Brake system parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled properly and installed correctly.

(g) The vacuum brake hoses shall be examined visually and aurally with the motor vehicle engine running. The hoses shall not be collapsed, abraded, broken, improperly mounted, or audibly leaking.

(h) After insuring that the tires are properly inflated, a brake performance test shall be conducted. The brakes shall be tested on a drive-on platform tester or any other brake performance tester approved by the Chief Administrator. The results shall show some brake force produced by each wheel brake and the total brake force shall be equal to at least 43.5 percent of the gross vehicle weight. This is equivalent to a deceleration of 14 feet per second, which shall produce a stop from a speed of 20 miles per hour in 30 feet. The braking force on a front wheel or on a rear wheel shall not be less than 65 percent of the braking force developed on the other front wheel or rear wheel, respectively. The service brake shall have a minimum front to rear brake ratio of 40 percent and a maximum front to rear brake ratio of 95 percent. The allowable front brake bias margin shall be 25 percent. The allowable rear brake bias margin shall be 15 percent, except that for motor vehicles having a GVWR of 7,000 pounds or more but less than 10,001 pounds, the allowable rear brake bias margin shall be 25 percent.

(i) If a motor vehicle is equipped with air brakes, the low pressure warning system and air brake components shall be tested for proper operation. This test includes the following:

1. The low pressure warning system. The engine shall be turned off when there is sufficient air pressure so that the low pressure warning signal is not illuminated. The

electrical power shall be turned on and the brake pedal shall be depressed and released to reduce the air tank pressure. The low air pressure warning signal shall become illuminated before the air pressure drops to less than 60 pounds per square inch in the air tank (or, in dual air systems, in the tank with the lower air pressure).

2. Operation of automatic spring brakes. The motor vehicle wheels shall be chocked, the parking brake released when there is sufficient air pressure to do so, and the engine turned off. The brake pedal shall be depressed and released to reduce the air tank pressure. The parking brake knob shall pop out when the air pressure falls to the manufacturer's specification, which is usually in a range of between 20 to 40 pounds per square inch. This shall cause the spring brakes to engage.

3. Rate of air pressure increase. With the motor vehicle engine idling at the motor vehicle manufacturer's specification, the air pressure shall increase from 85 pounds per square inch to 100 pounds per square inch within 45 seconds in dual air systems. If the motor vehicle is equipped with larger than minimum air tanks, the rate of increase may be longer as per the manufacturer's specifications. In single air systems on pre-1975 model year motor vehicles, typical specifications are an air pressure rate of increase from 50 to 90 pounds per square inch within three minutes with the engine at an idle speed of 600 to 900 revolutions per minute.

4. Air leakage rate. With a fully-charged air system (typically 125 pounds per square inch), the engine shall be turned off, the service brake shall be released, and the air pressure drop shall be timed. The loss rate shall be less than two pounds per square inch in one minute for single vehicles, or less than three pounds per square inch in one minute for combination vehicles. Ninety pounds per square inch or more shall then be applied to the brake pedal. After the initial pressure drop, the air pressure shall not fall more than three pounds per square inch in one minute for single vehicles, nor more than four pounds per square inch in one minute for combination vehicles.

5. Governor cut-in and cut-out pressure. The air compressor shall start pumping at approximately 100 pounds per square inch and shall stop pumping at approximately 125 pounds per square inch as per the manufacturer's specifications. The motor vehicle engine shall be operated at a fast idle. The air governor shall cut-out the air compressor at approximately the manufacturer's specified pressure. The air pressure indicated on the air pressure gauge(s) shall stop rising. With the engine idling, the brake pedal shall be depressed and released to reduce the air tank pressure. The air compressor shall cut-in at approximately the manufacturer's specified cut-in pressure, and the air pressure shall begin to rise.

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

In (h), amended the former last sentence to be the new last two sentences.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (h), inserted "or any other brake performance tester approved by the Chief Administrator".

13:20-32.48 Parking brake; official inspection facilities

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

(b) The parking brake shall be equipped with a ratchet and pawl, or other type of automatic locking device, which will hold the brake in the applied position. On motor vehicles equipped with an automatic transmission and an automatic parking brake release, the locking device shall hold the parking brake in the applied position regardless of whether the transmission gear shift lever is in the "neutral" or "park" position.

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

13:20-32.49 Speed recording instrument (speedometer); mileage recording instrument (odometer); official inspection facilities

Certification of a motor vehicle shall be refused if the speed recording instrument (speedometer) or the mileage recording instrument (odometer) for such motor vehicle is inoperative or does not operate properly.

13:20-32.50 Credentials; motorcycles; official inspection facilities

(a) The driver of a motorcycle presented for inspection shall present either a valid motorcycle operator's license or a valid basic driver's license with a motorcycle endorsement, a valid New Jersey motorcycle registration certificate, and a valid New Jersey insurance identification card for the motorcycle. Photocopies or facsimiles of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

(b) Certification of a motorcycle shall not be refused because the New Jersey motorcycle registration certificate presented by the motorcyclist contains a typographical error(s) in the vehicle identification number, provided the make, year and license plate number of the motorcycle set forth on the registration certificate are accurate.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Inserted designation (a); and added (b).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), deleted a comma following "year", and the last sentence.

13:20-32.51 License plate; motorcycles; official inspection facilities

(a) A motorcycle shall not be certified if the license plate is not in the possession of the operator when the motorcycle is presented for inspection.

(b) Certification of a motorcycle shall not be refused because the following requirements are not met; however, the motorcyclist shall be advised to have the condition corrected:

1. Only a rear license plate is required on a motorcycle. The license plate shall be clear and distinct and free from grease, dirt, or other blurring material so that it is plainly visible at all times of the day and night;

2. The license plate shall be securely attached to the rear of the motorcycle;

3. The license plate shall be displayed not less than 12 inches nor more than 48 inches from the ground in a horizontal position, right side up and right side out;

4. The letters and/or numbers on the license plate shall agree with the letters and/or numbers on the registration certificate of the motorcycle;

5. The license plate shall not be covered by glass, plastic, or similar material;

6. The license plate shall not be bent, illegible, or defaced; or

7. Registration plate decal(s), which may be issued by the Motor Vehicle Commission for use on the license plate, shall indicate the month and year in which the registration certificate for the motorcycle expires and, if issued, shall be firmly attached to the license plate.

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)7, substituted "Registration" for "The registration", inserted ", which may be" following "decal(s)", substituted "Motor Vehicle Commission" for "Division", and inserted ", if issued," preceding "shall".

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (a), deleted ", or if the letters and/or numbers on the license plate are illegible" from the end; and in (b)6, inserted ", illegible,".

13:20-32.52 Frame, wheels, steering, handlebars, and suspension; motorcycles; official inspection facilities

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

1. The frame is bent or damaged so as to affect the safe operation of the motorcycle;

2. The wheels and/or rims are bent, damaged, or defective, or the wheels are out of line, so that steering and control are adversely affected;

3. The steering-head bearing is loose, broken, defective, or out of adjustment;

4. The handlebars are loose, bent, broken, or damaged so as to affect proper steering;

5. The handlebar grips are higher than the shoulder height of the operator when he or she is seated on the motorcycle in normal driving position. Inasmuch as no portion of the handlebar grips shall be higher than the shoulder height of the operator, the measurement shall be made to the highest point on the handlebar grips;

6. Any component which is loose, bent, broken, defective, out of adjustment, or missing, so as to affect the safe operation of the motorcycle; or

7. The steering or suspension system is not in a condition equivalent to the motorcycle manufacturer's specifications.

13:20-32.53 Windscreen, glazing, and obstruction to driver's vision; motorcycles; official inspection facilities

(a) A windscreen is not required on a motorcycle if the operator has in his or her possession an approved type of goggles or an approved type of face shield. If the motorcycle is equipped with a windscreen, it shall be inspected and certification shall be refused for any of the following reasons:

1. The windscreen is not of an approved type. The windscreen shall be approved as meeting Standard Z26.1 of the American National Standards Institute. The letters "AS," along with the trademark of the manufacturer or distributor, appear on approved types of windscreens;

2. The windscreen support, or some other component, obstructs the driver's vision or is constructed or located as to constitute a hazard to the driver;

3. The windscreen is broken, cracked, discolored, or scratched so as to obstruct the driver's vision;

4. The windscreen is not securely mounted;

5. The windscreen does not provide adequate protection for the operator; or

6. A sign, poster, sticker, or other non-transparent material is on the windscreen so as to obstruct the driver's vision; provided, however, an automatic vehicle identification system transponder approved by the Chief Administrator in accordance with N.J.A.C. 13:20-10, or any sticker approved by the Chief Administrator, is permitted.

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)6.

13:20-32.54 Horn; motorcycles; official inspection facilities

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

1. The motorcycle is not equipped with a horn;

2. A horn is not securely fastened to the motorcycle;

3. A horn button is placed in an unsafe position;

4. A horn button is not operating properly;

5. Horn wiring is in an unsafe condition;

6. A horn is not audible under normal conditions from a distance of not less than 200 feet; or

7. A motorcycle is equipped with a siren, whistle, or bell (except an authorized emergency vehicle or unless a permit for same has been issued by the Chief Administrator in accordance with N.J.A.C. 13:24); provided, however, that any motorcycle may be equipped with a theft alarm signal device which is installed so that it cannot be used by the driver as an ordinary warning signal.

(b) Certification of a motorcycle shall not be refused because a horn emits an excessively loud or harsh sound; however, the motorcyclist shall be advised to have the condition corrected.

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)7.

13:20-32.55 Windshield wipers; motorcycles; official inspection facilities

(a) Some three-wheeled motorcycles are equipped with a passenger automobile type of windshield. In such cases, the motorcycle shall be equipped with at least one properly operating windshield wiper to provide clear vision for the driver. A motorcycle manufactured with only one windshield wiper shall have the wiper so located that it cleans the portion of the windshield directly in front of the driver in order for the driver to safely operate the motorcycle.

(b) If a motorcycle was originally manufactured with two windshield wipers, both wipers shall operate properly.

(c) A windshield wiper shall be capable of operating at a speed necessary to provide the driver a clear view ahead under all conditions of weather.

(d) Windshield wiper blades shall not be damaged, hardened, deteriorated, missing, or of an improper type (such as a blade designed for a flat windshield installed on a curved windshield), or of an improper size.

(e) A windshield wiper blade shall be held against the windshield with adequate pressure to provide the driver a clear view ahead under all conditions of weather.

(f) A windshield wiper shall clean the full area of the windshield for which it was designed.

(g) A windshield wiper control shall be constructed and installed as to be operated or controlled by the driver and shall be in proper operating condition.

13:20-32.56 Clearance lights; motorcycles; official inspection facilities

(a) If the motorcycle is equipped with a side car or any other extension that is attached to the side thereof, there shall be a clearance light located on the outside limit of the side car

or extension which displays white light to the front of the motorcycle.

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

1. The clearance light is not of an approved type. Clearance lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of

Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC," along with the manufacturer's name or trademark, are on the lens of such lights;

2. The clearance light is not permanently and securely mounted on a permanent part of the motorcycle;
3. The lens is missing, broken, or cracked;
4. The clearance light does not display white light to the front of the motorcycle; or
5. The filament does not light when the headlight is in operation.

(c) A three-wheeled motorcycle shall be equipped with amber side clearance lights or parking lights on each side visible from the front of the motorcycle.

13:20-32.57 Taillight, reflector, and license plate light; motorcycles; official inspection facilities

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

1. The taillight shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "T," along with the manufacturer's name or trademark, are often on the lens of such lights;
2. The taillight shall be permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two taillights are present they shall be symmetrically disposed about the vertical centerline. The mounted height of a taillight, as measured from the center of the lens to the level surface upon which the motorcycle stands, shall be not less than 15 inches nor more than 72 inches;
3. The lens is missing, broken, or of a color other than red. Certification of a motorcycle shall not be refused because a taillight lens is cracked, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected;
4. The filament does not light when the headlight is in operation;
5. The reflector shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "A" (for Class A reflectors) or the letter "B" (for Class B reflectors), along with the manufacturer's name or trademark, are on such reflectors in most cases; or
6. The reflector shall be permanently and securely mounted on the rear of the motorcycle on the vertical

centerline, except that if two reflectors are present they shall be symmetrically disposed about the vertical centerline. The mounted height of a reflector shall be not less than 15 inches nor more than 60 inches from the level surface upon which the motorcycle stands. The mounted height of a reflector shall be measured from the center of the reflector.

(b) A three-wheeled motorcycle shall be equipped with a taillight and a red reflector on each side visible from the rear of the motorcycle.

(c) Certification of a motorcycle shall not be refused because the license plate light is missing, inoperative, or does not operate properly; however, the motorcyclist shall be advised to have the defect corrected. License plate lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "L," along with the manufacturer's name or trademark, are often on the lens of such lights.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (c), rewrote first sentence.

13:20-32.58 Stoplight; motorcycles; official inspection facilities

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

1. The stoplight is not red or amber in color;
 2. The stoplight is not of an approved type. All stoplights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "S," along with the manufacturer's name or trademark, are often on the lens of such lights;
 3. The stoplight is not activated by application of the brake;
 4. The stoplight is not permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two stoplights are present they shall be symmetrically disposed about the vertical centerline; or
 5. The lens is missing. Certification of a motorcycle shall not be refused because of a cracked lens, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected.
- (b) A three-wheeled motorcycle shall be equipped with a red or amber stoplight on each side visible from the rear of the motorcycle.

13:20-32.59 Tires; motorcycles; official inspection facilities

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

1. The tread on any tire is less than $\frac{2}{32}$ of an inch in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire;
2. Any part of the ply or cord is exposed;
3. The tire structure has a chunk, bump, knot, or bulge evidencing cord, ply, or tread separation from the casing or other adjacent material; or
4. A tire has been regrooved below the original tread depth, unless such tire was originally manufactured with extra undertread material and is marked "REGROOVABLE."

13:20-32.60 Exhaust system; motorcycles; official inspection facilities

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

1. An exhaust system in which the muffler is missing, defective, or not in proper operating condition;
2. An exhaust system if there is evidence of exhaust gas leakage at any point in the system;
3. The muffler is not designed especially for motorcycles or is not equivalent in quality and performance to the original manufacturer's equipment designed for highway use;
4. There is a muffler cut-out, muffler bypass or any similar device, or any change or modification to the exhaust system which causes excessive noise;
5. An exhaust system which has loose or worn components or has been patched; provided, however, that an exhaust system which has been properly welded and is in good condition may be certified;
6. There is excessive smoke. There shall be no more smoke than that produced by a properly maintained and functioning motorcycle;
7. An exhaust system in which all parts are not properly mounted; or
8. There is excessive vibration of the exhaust system.

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

13:20-32.61 Headlights; motorcycles; official inspection facilities

(a) Every motorcycle shall be equipped with a headlight on the front on the vertical centerline, except that if two headlights are present they shall be symmetrically disposed about the vertical centerline. Motorcycle headlights shall emit only a white light and shall be tested for proper operation.

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

1. The motorcycle is not equipped with at least one approved type of motorcycle headlight. All headlights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "M," along with the manufacturer's name or trademark, often appear on approved type motorcycle headlights;
2. A motorcycle shall not have more than two headlights. If two headlights are installed, both shall operate properly and be of an approved type. Motorcycles having motors not over five horsepower may have either multiple beam or single beam headlights; all other motorcycles shall have multiple beam headlights. One seven inch sealed beam passenger automobile headlight unit of an approved type, or one $5\frac{3}{4}$ inch Type 1 and one $5\frac{3}{4}$ inch Type 2 sealed beam passenger automobile headlight unit of an approved type, may be used if desired;
3. The headlight is not securely mounted, cannot be aimed vertically or its aim is grossly misaligned, the wiring is not in proper condition, or the headlight switch (if the motorcycle is so equipped) does not operate properly;
4. The lens is missing or improperly installed; or
5. There is discoloration or reflector deterioration.

(c) Certification of a motorcycle shall not be refused because the headlight lens is cracked or broken or there is excessive moisture therein, provided the headlight is operational and emits a white light. However, the motorcyclist shall be advised to have the defect corrected.

(d) Certification of a motorcycle shall not be refused because the light intensity of the headlight is weak even after the engine speed of the motorcycle has been increased in an attempt to obtain stronger light intensity, provided the headlight is operational and emits a white light. However, the motorcyclist shall be advised to have the defect corrected.

(e) Certification of a motorcycle shall not be refused because there is a brush guard, grille, or cover over or in front of the headlight, provided the headlight is operational and emits a white light. However, the motorcyclist shall be advised to have the condition corrected.

(f) Certification of a motorcycle shall not be refused because the headlight rim is missing; however, the motorcyclist shall be advised to have the defect corrected.

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

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Rewrote (b)4 and (b)5; deleted (b)6; added (c) through (e); and recodified former (c) and (d) as (f) and (g).

13:20-32.62 Rear view mirrors; motorcycles; official inspection facilities

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

1. The motorcycle is not equipped with a rear view mirror;
2. The mirror is not capable of adjustment to a fixed horizontal and vertical position;
3. The mirror is not securely or properly mounted on the motorcycle;
4. The mirror does not provide the driver adequate rear view vision; or
5. The primary rear view mirror to the left of the driver has a concave or convex shape.

(b) Certification of a motorcycle shall not be refused because the mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges, provided the mirror affords the driver adequate rear view vision. However, the motorcyclist shall be advised to have the defect corrected.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Deleted (a)2; recodified (a)3 through (a)6 as (a)2 through (a)5; and added (b).

13:20-32.63 Miscellaneous lights; motorcycles; official inspection facilities

(a) The lights described in this section are not required on motorcycles, unless otherwise noted, but are permitted provided they comply with the requirements set forth in this section.

(b) All miscellaneous lights used on motorcycles shall be of a type and color approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name or trademark, are often on the lens of such lights. In addition, the letters listed below often appear on the following lights:

1. Fog lights = F; or
2. Supplemental driving or passing lights = Y or Z.

(c) Any motorcycle may be equipped with not more than two auxiliary driving lights that are securely mounted on the front of the motorcycle at a height of not less than 12 inches nor more than 42 inches above the level surface upon which the motorcycle stands. Auxiliary driving lights include, but are not limited to, fog lights, passing lights, and supplemental driving lights. Auxiliary driving lights shall be properly installed so that their aim is not grossly misaligned nor readily disturbed by ordinary motorcycle operation. Fog lights shall be wired so that they can only be used in conjunction with the low beam headlights. Certification of a motorcycle shall be refused if the aim of an auxiliary driving light is grossly misaligned.

(d) Certification of a three-wheeled motorcycle shall be refused for any of the following reasons:

1. Two turn signal lights are not visible from the front of the motorcycle, or two turn signal lights are not visible from the rear of the motorcycle;
2. The turn signal system is not of an approved type. All turn signal lights, flashers and operating units shall be of a type approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name or trademark, are often on such devices. In the case of front and rear turn signal lights, the letter "I" or the letter "D" is often on the lens of such lights;
3. The turn signal lights showing to the front of the motorcycle are not amber or white in color;
4. The turn signal lights showing to the rear of the motorcycle are not amber or red in color; or
5. The turn signal lights, systems or components are not in proper operating condition. Certification of a motorcycle shall not be refused because a turn signal light has a cracked, broken, or missing lens, provided no white light shows to the rear of the motorcycle. However, the motorcyclist shall be advised to have the defect corrected.

(e) A spot light is a light which can be aimed at will. Any motorcycle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O," along with the manufacturer's name or trademark, are often on the lens of approved type spot lights. Approved spot lights shall meet the requirements of SAE J-591b, incorporated herein by reference. The Standards of the Society of Automotive Engineers (SAE) may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

(f) Flashing lights are prohibited on motorcycles (except an authorized emergency vehicle or unless a permit for same has been issued by the Chief Administrator in accordance with N.J.A.C. 13:24) except as a means for indicating right or left turns or for hazard warning signals.

(g) A motorcycle driven by an active member in good standing of a volunteer fire company or a volunteer first aid or rescue squad may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-5. An identification card (permit) issued pursuant to N.J.A.C. 13:24-5 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motorcycle.

(h) All miscellaneous lights shall be permanently and securely mounted on a permanent part of the motorcycle in such a manner as to reduce the likelihood of their being obscured by mud or dirt thrown up by the wheels.

(i) Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

1. A turn signal with a headlight; or
2. A clearance light with a taillight or an identification light.

(j) Motorcycles may be equipped with other lights in addition to those which are specified in this subchapter. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights, along with the identification letters shown below:

1. E: Side turn signal lights (mounted on motorcycle sides);
2. K: Cornering lights;
3. M: Motorcycle and motor driven cycle headlights (motorcycle type);
4. N: Motorcycle and motor driven cycle headlights (motor driven cycle type);
5. R: Back-up lights;
6. U: Supplemental high-mounted stop and turn signal lights;
7. V: Liquid burning emergency flares;
8. W4: Emergency reflex reflectors; or
9. X: Electric emergency lanterns.

(k) Except as otherwise provided in (c) and (d) above, certification of a motorcycle shall not be refused because of noncompliance with any provision of this section; however, the motorcyclist shall be advised to have the defect corrected.

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).

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (c), substituted "that" for "which" following "lights", and inserted final sentence; rewrote introductory paragraph of (d) and (d)1; in (d)2, deleted "entire" preceding "turn signal system", substituted "is not" for

"shall be" following "system" and substituted a semicolon for the period at the end; in (d)3, substituted "are not" for "shall be" and substituted a semicolon for the period at the end; in (d)4, substituted "are not" for "shall be" and substituted "; or" for the period at the end; rewrote (d)5; and added (k).

13:20-32.64 Wiring, switching, and electrical equipment; motorcycles; official inspection facilities

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

1. The wiring and/or switches are not in proper condition, are improperly installed, or are so located as to cause damage;
2. The switches do not function properly;
3. A connection is not secure or shows signs of damage;
4. The power for lights is not provided by a generator, alternator, or magneto. Dry cell batteries are not acceptable as a source of electrical energy except for parking lights; or
5. Any defect in wiring or switching which adversely affects the lighting performance of any exterior light.

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

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

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

13:20-32.65 Headlight beam indicator light; motorcycles; official inspection facilities

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

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

13:20-32.66 Miscellaneous items; motorcycles; official inspection facilities

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

1. Fuel leakage at any point in the motorcycle fuel system;

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

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

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

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

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

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

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

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

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

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

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

(a) Certification of a motorcycle shall be refused if the motorcycle operator does not have in his or her possession a helmet that is marked as meeting Federal Motor Vehicle Safety Standard No. 218.

(b) Certification of a motorcycle shall not be refused because the helmet in the possession of the motorcycle operator is not reflectorized and does not have red, white, or amber reflectorized safety tape securely affixed thereto over an area of at least four square inches on each side of the helmet; however, the motorcyclist shall be advised to have the condition corrected.

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

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

In (a)3, deleted the last sentence.

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

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

In (a)1, inserted "No." preceding "218".

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Rewrote introductory paragraph of (a); deleted (a)1 through (a)3; and added (b).

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

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

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

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

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

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

1. The seats are not equivalent in quality and safety to the original manufacturer's equipment;
2. Each seat is not securely mounted; or
3. The seats are not of sufficient strength or are mounted in such a manner that the operator and passenger

cannot ride without crowding or interfering with the operation of the motorcycle.

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

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

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

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

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

13:20-33.1 Definitions

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

“Acute area of the windshield glazing” means the rectangular area of the windshield, eight and one-half inches by 11 inches, directly in front of the driver’s line of vision as depicted in Appendix D of this subchapter, incorporated herein by reference. The center point of the acute area of the windshield glazing is the point of intersection of the centerline that is drawn directly from the center of the steering wheel onto the windshield and the midpoint line that is drawn across the length of the windshield halfway between the top and the bottom of the windshield.

“Certificate of approval” means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, a State specialty inspection facility or the Motor Vehicle Commission’s Mobile Inspection Unit certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, N.J.A.C. 13:20-43, 32 or this subchapter, whichever is applicable, and either N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of gasoline-fueled and bi-fueled motor vehicles or N.J.A.C. 7:27-14 and 7:27B-4 regarding the inspection of diesel-fueled motor vehicles, whichever are applicable.

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

“Critical area of the windshield glazing” means the area of the windshield cleaned by the normal sweep of the windshield wiper blades provided as original equipment by the motor vehicle manufacturer as depicted in Appendix D of this subchapter.

“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.

“Inspection decal” means an inspection sticker issued by an official inspection facility in accordance with N.J.A.C. 13:20-7.4 setting forth the year and month in which a motor vehicle less than four model years old shall be presented for inspection in this State.

“Jitney” means an autobus as defined in N.J.S.A. 48:16-23 with a carrying capacity of not more than 13 passengers, operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated

under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route.

“Limousine” means any motor vehicle that is issued special registration plates bearing the word “limousine” pursuant to N.J.S.A. 39:3-19.5 other than motor vehicles that are subject to inspection by the Motor Vehicle Commission’s Commercial Bus Inspection and Investigation Unit.

“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).

“OBD-eligible” means capable of receiving an OBD inspection as determined by the Department of Environmental Protection in accordance with N.J.A.C. 7:27-15.5(m) or 14.5(g), whichever is applicable.

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

“On-board diagnostics” or “OBD” means an automotive diagnostic system complying with California Air Resources Board OBD regulations or EPA OBD regulations effective for model year 1996 and newer gasoline-fueled and bi-fueled motor vehicles and for model year 1997 and newer diesel-fueled motor vehicles.

“Peripheral area of the windshield glazing” means the area of the windshield, other than the acute area and the critical area, as depicted in Appendix D of this subchapter.

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

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

“Taxicab” means an autocab as defined in N.J.S.A. 48:16-1 engaged in the business of carrying passengers for hire, which is held out, announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this State, and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the State.

Administrative change.

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

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

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

In “Certificate of waiver”, inserted “or OBD” preceding “inspection standards”; added “EPA” and “‘On-board diagnostics’ or ‘OBD’”.

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; added definitions "Chief Administrator" and "Motor Vehicle Commission"; and deleted definitions "Director" and "Division".

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Added definitions "Acute area of the windshield glazing", "Critical area of the windshield glazing" and "Peripheral area of the windshield glazing".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In definition "Certificate of approval", deleted "or" preceding "a State", inserted "or the Motor Vehicle Commission's Mobile Inspection Unit", "either", "gasoline-fueled and bi-fueled", and "or N.J.A.C. 7:27-14 and 7:27B-4 regarding the inspection of diesel-fueled motor vehicles, whichever are applicable", and substituted "32" for "N.J.A.C. 13:30-32"; deleted definition "Certificate of waiver"; added definitions "Inspection decal", "Jitney", "Limousine", "OBD-eligible" and "Taxicab", and in definition "On-board diagnostics", inserted "Air Resources Board", "gasoline-fueled and bi-fueled" and "and for model year 1997 and newer diesel-fueled motor vehicles", and deleted "II" following "EPA OBD".

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

(a) This subchapter contains the inspection standards and test procedures to be used by licensed private inspection facilities, including Class I and Class II licensed private inspection facilities when inspecting and certifying automobiles, gasoline-fueled and bi-fueled trucks, diesel-fueled trucks having a GVWR of less than 10,000 pounds, buses that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, limousines and jitneys for compliance with inspection standards, Class I-A and Class II-A licensed private inspection facilities when inspecting and certifying automobiles, trucks having a GVWR of 8,500 pounds or less, buses having a GVWR of 8,500 pounds or less that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs and limousines for compliance with inspection standards and Class III licensed private inspection facilities when inspecting and certifying motorcycles for compliance with inspection standards.

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

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

(c) An emission or OBD inspection or reinspection shall be performed by a motor vehicle emission inspector licensed in accordance with N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-43.17. The motor vehicle emission inspector shall sign his or her name on the motor vehicle inspection report upon

completion of the inspection or reinspection of a motor vehicle. A safety inspection or reinspection shall be performed by a mechanic possessing the qualifications set forth at N.J.A.C. 13:20-44.19. The mechanic shall sign his or her name on the motor vehicle inspection report or motorcycle inspection invoice upon completion of the inspection or reinspection of a motor vehicle or motorcycle.

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

(e) The fee which may be charged by a Class III licensed private inspection facility for an initial inspection shall not exceed one-quarter of the private inspection facility's hourly labor charge. The schedule of inspection charges shall be displayed at the facility's place of business and filed with the Motor Vehicle Commission's Private Inspection Facility Licensing Unit.

(f) A Class I or Class II licensed private inspection facility shall not perform emission-related or OBD-related motor vehicle repairs and a Class I-A or Class II-A licensed private inspection facility shall not perform OBD-related motor vehicle repairs, unless it is registered with the Motor Vehicle Commission as a motor vehicle emission repair facility in accordance with N.J.A.C. 13:20-45.

(g) If a licensed private inspection facility is authorized to make repairs, the condition of the rejected item(s) shall be brought into compliance with the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable.

(h) A private inspection facility license also requires reinspection and certification of a motor vehicle when the motor vehicle owner or lessee, or someone not under the direction of the licensee, has made the repairs, adjustments, or corrections. In such cases, the private inspection facility shall reinspect the rejected item(s) to determine if they conform to the standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable. If such defect(s) have been brought into compliance with the standards set forth in

this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, an inspection certificate of approval shall be affixed to the motor vehicle. A private inspection facility may charge a fee for such reinspection service for motor vehicles having a GVWR of 8,500 pounds or less, motor vehicles having a GVWR greater than 8,500 pounds, and motorcycles based on the facility's established hourly labor charge for repair service, but only that portion of an hour which the Motor Vehicle Commission has established to be the average time for reinspection of specific rejected items for motor vehicles having a GVWR of 8,500 pounds or less by Class I or Class I-A licensees as set forth in Appendix A, incorporated herein by reference; or that portion of an hour which the Motor Vehicle Commission has established to be the average time for reinspection of specific rejected items for motor vehicles having a GVWR greater than 8,500 pounds by Class I licensees as set forth in Appendix B, incorporated herein by reference; or that portion of an hour which the Motor Vehicle Commission has established to be the average time for reinspection of specific rejected items for motorcycles by Class III licensees as set forth in Appendix C, incorporated herein by reference.

(i) When an inspection is performed on a motor vehicle, the private inspection facility shall cause to be imprinted on the inspection invoice a stamp with the following:

NEW JERSEY
MOTOR VEHICLE COMMISSION
PRIVATE INSPECTION FACILITY
LICENSE NO.
STICKER NO.
DATE:

(j) The private inspection facility license number, the inspection certificate of approval number, if applicable, and the date of inspection shall be contained on the stamp. Each private inspection facility shall purchase the above stamp from a commercial source.

(k) If an automobile, truck, bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine or jitney registered in New Jersey conforms to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, the motor vehicle shall be certified by a Class I, Class I-A, Class II or Class II-A licensee by removing the previously-issued inspection certificate of approval, inspection decal or inspection rejection sticker, if any, and replacing it with a current inspection certificate of approval. The inspection certificate of approval issued by a Class I, Class I-A, Class II or Class II-A licensee shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of

the windshield and approximately four inches from the left side of the windshield, but in every case, the inspection certificate of approval shall be completely visible from the front of the motor vehicle. The inspection certificate of approval shall be affixed in an upright position.

(l) If an automobile, truck, bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine or jitney registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, a Class I or Class I-A licensee shall present the motor vehicle inspection report for such motor vehicle to the operator thereof, and a Class I, Class I-A, Class II or Class II-A licensee shall deface the previously-issued inspection certificate of approval or inspection decal affixed to the motor vehicle, if any, by cutting it in a diagonal manner from the upper right corner of the certificate to the lower left corner of the certificate as viewed from inside the passenger compartment of the motor vehicle and removing the lower right half of such certificate. This shall be an indication that adjustments, corrections, or repairs to the motor vehicle that has failed inspection must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5. If there is no previously-issued certificate of approval or inspection decal affixed to the windshield, the motor vehicle inspection report issued to the operator of the motor vehicle by the licensed private inspection facility shall be an indication that adjustments, corrections, or repairs to the motor vehicle that has failed inspection must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(m) Notwithstanding (l) above, if an automobile, truck, bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine or jitney registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, and the nature of the defect(s) found is such as to constitute a hazard to the public safety so as to require immediate repairs to such motor vehicle, a Class I or Class I-A licensee shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, shall remove the previously-issued inspection certificate of approval, inspection decal and/or inspection rejection sticker, if any, and shall affix a "48 hour" inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A defect that constitutes a hazard to the public safety so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the items specified in N.J.A.C. 13:20-7.6(b). The "48 hour" inspection rejection sticker shall be an indication that the

defect(s) deemed to constitute a hazard to the public safety must be repaired and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.6(a).

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

(o) If a motorcycle registered in New Jersey does not conform to the inspection standards set forth in this subchapter, the private inspection facility shall present the inspection card for such motorcycle to the operator thereof. The inspection card shall be an indication that adjustments, corrections, or repairs to the motorcycle which has failed inspection must be made and the motorcycle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(p) A motor vehicle inspection report, issued to an owner or lessee of a motor vehicle with elevated chassis height, a motor vehicle which has been modified at the direction of the New Jersey Department of Labor and Workforce Development, Division of Vocational Rehabilitation Services, a reconstructed vehicle, or a salvage motor vehicle that is subject to inspection at a State specialty inspection facility in accordance with N.J.A.C. 13:20-7.3(d), shall be marked "MUST BE REINSPECTED AT A STATE SPECIALTY INSPECTION FACILITY." When a motor vehicle inspection report is marked in this manner, a licensed private inspection facility shall neither reinspect nor certify the motor vehicle, as it must be returned to a State specialty inspection facility for such reinspection and certification.

(q) If a motor vehicle is presented at a licensed private inspection facility for reinspection, the private inspection facility may reinspect the motor vehicle and certify it if the rejected item(s) has been repaired, adjusted or corrected so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, provided there are no obvious safety, emission-related, or OBD-related defects. If there are obvious safety, emission-related or OBD-related defects, the motor vehicle shall be subject to a complete reinspection.

(r) If a motor vehicle is presented at a licensed private inspection facility for reinspection and the rejected item(s) has not been repaired, adjusted or corrected so as to conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, the licensed private inspection facility shall not remove the inspection rejection sticker previously affixed to the motor vehicle by an official inspection facility, nor shall the licensed private inspection facility remove the inspection certificate of approval or inspection decal previously defaced by a licensed private inspection facility in accordance with N.J.A.C. 13:20-33.2(l) as an indication that the motor vehicle has failed inspection.

(s) If a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at a licensed private inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has not been repaired, the licensed private inspection facility shall not issue a "48 hour" inspection rejection sticker to replace the "48 hour" inspection rejection sticker previously affixed to the motor vehicle.

(t) Notwithstanding (r) above, if a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at a licensed private inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has been repaired so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, but another rejected item(s) not deemed to constitute a hazard to the public safety has not been repaired, adjusted or corrected so as to conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, the licensed private inspection facility shall remove the "48 hour" inspection rejection sticker previously affixed to the motor vehicle and shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof. The motor vehicle inspection report or inspection card shall be an indication that adjustments, corrections, or repairs to the motor vehicle must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(u) Charges for initial inspections, reinspections, and repairs shall be listed separately on the inspection or repair invoice.

(v) A licensed private inspection facility shall not require, as a condition of performing the initial inspection, that any repairs, adjustments, or corrections be performed at the private inspection facility performing the inspection.

(w) Repairs, adjustments or corrections shall not be performed on a motor vehicle at the licensed private inspection facility where the motor vehicle was inspected unless the customer signs a written acknowledgment and waiver that he or she understands his or her right to have the repairs, adjustments or corrections performed elsewhere and expressly waives his or her rights. The acknowledgment/waiver shall contain at least the following information:

I understand my right to have inspection repairs, adjustments, and corrections performed elsewhere.

Customer's Signature _____ Date _____

I choose to have such inspection repairs, adjustments, and corrections performed at this facility.

Customer's Signature _____ Date _____

(x) Any motor vehicle presented for initial inspection shall undergo a complete inspection. Once the inspection has commenced it shall not be terminated until the motor vehicle is either certified or rejected. An inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection.

(y) A licensed private inspection facility shall not issue a replacement inspection certificate of approval or inspection decal for any motor vehicle for which the current inspection certificate of approval or inspection decal has been lost, stolen, destroyed or defaced or for any motor vehicle that has had its windshield replaced. Such a replacement inspection certificate of approval or inspection decal shall only be issued by an official inspection facility in accordance with N.J.A.C. 13:20-32.2(o).

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

In (f), inserted "or Class II" following "Class I"; in (h), substituted "someone not under the direction of the licensee" for "any other person authorized by the motor vehicle owner or lessee" and substituted "7:27B-5" for "7:27B-4"; in (q), rewrote first sentence.

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

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

In (c), inserted "or OBD" following "An emission"; in (f), inserted "or OBD-related" following "emission-related"; in (q), inserted ", or OBD-related" following "emission-related".

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 (d) and (e), substituted "Motor Vehicle Commission's" for "Division of Motor Vehicles"; in (h), deleted one of the periods from the end of the second sentence; in (i), substituted "Motor Vehicle Commission" for "Division of Motor Vehicles"; and in (p), inserted "and Workforce Development".

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "General provisions; Class I, II, and III licensees".
Rewrote the section.

13:20-33.3 Credentials; Class I, I-A, II and II-A licensees

(a) The driver of a motor vehicle presented for inspection shall present a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable. Photocopies or facsimiles of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

(b) Certification of a motor vehicle shall not be refused because the New Jersey motor vehicle registration certificate presented by the motorist contains a typographical error(s) in the vehicle identification number, provided the make, year and license plate number of the motor vehicle set forth on the registration certificate are accurate.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Inserted designation (a); and added (b).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Credentials; Class I and II licensees". In (b), deleted a comma following "year" and deleted the last sentence.

13:20-33.4 License plates; Class I, I-A, II and II-A licensees

(a) A motor vehicle shall not be certified unless at least one of the license plates is in the possession of the operator when the motor vehicle is presented for inspection.

(b) Certification of a motor vehicle shall not be refused because the following requirements are not met; however, the motorist shall be advised to have the condition corrected:

1. The license plates shall be clear and distinct and free from grease, dirt, or other blurring material so that they are plainly visible at all times of the day and night;

2. The license plates shall be securely attached to the front and rear of the motor vehicle, respectively;

3. The license plates shall be displayed not less than 12 inches nor more than 48 inches from the ground in a horizontal position, right side up and right side out; provided, however, that the rear license plate may be displayed more than 48 inches from the ground on tank trucks, trailers and other commercial vehicles carrying inflammable liquids and on sanitation vehicles which are used to collect, transport and dispose of garbage, solid wastes and refuse;

4. The letters and/or numbers on the license plates shall agree with the letters and/or numbers on the registration certificate of the motor vehicle;

5. A license plate shall not be obstructed by a trailer hitch, snow plow bracket, bumper, bumper guard, sign, mounting bolt head, reflector, or by any other device or material;

6. The license plates shall not be covered by glass, plastic, or similar material;

7. The license plates shall not be bent, illegible, or defaced; or

8. Registration plate decal(s), which may be issued by the Motor Vehicle Commission for use on the front and rear license plates, shall indicate the month and year in which the registration certificate for the motor vehicle expires and shall, if issued, be firmly attached to the front and rear license plates.

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)8, substituted "Registration" for "The registration", inserted ", which may be" following "decal(s)", substituted "Motor Vehicle Commission" for "Division" and inserted ", if issued," following "shall".

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (a), substituted "unless at least one of" for "if" and "is" for "are not" following "license plates" and deleted ", or if the letters and/or numbers on the license plates are illegible" from the end; and in (b)7, inserted ", illegible,".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "License plates; Class I and II licensees".

13:20-33.5 Steering and suspension; Class I, I-A, II and II-A licensees

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

(b) Starting with the front wheels in the straight-ahead position, the steering wheel shall be turned in one direction until there is a perceptible movement of a front wheel. When the steering wheel is turned in the other direction, a point on the steering wheel rim shall not move more than three inches before there is a perceptible return movement of the front wheel under observation. When this test is performed on motor vehicles which are equipped with power steering, the

transmission shall be in "neutral" and the engine shall be running.

(c) With the front end of the motor vehicle lifted, the front and rear of a front tire shall be grasped and an attempt made to turn the tire and wheel assembly to the right and to the left. The free movement at the front or rear of the tire shall not exceed one-quarter inch. The top and bottom of a front tire shall then be grasped and moved in and out. The movement of the tire shall not exceed the manufacturer's specifications. Both front tires shall be tested in this manner.

(d) The steering wheel shall be turned through the limit of travel in both directions. There shall be no binding or jamming in the steering wheel mechanism.

(e) The steering wheel shall be a minimum of 13 inches in diameter.

(f) There shall be no wear or breakage of components of the steering or suspension system, vehicle frame or chassis that adversely affects the safe operation of the motor vehicle. There shall be no visible caster or camber.

(g) Shock absorbers shall be properly installed and in proper operating condition. Shock absorbers shall not exhibit oil on the shock absorber housing attributable to leakage by the seal.

(h) No portion of a motor vehicle shall extend below the bottom of the wheel rim line at maximum suspension deflection.

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

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

Rewrote (a); added (h).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Steering and suspension; Class I and II licensees". In (f), substituted ", vehicle frame or chassis that" for "which".

13:20-33.6 Front parking lights; Class I, I-A, II and II-A licensees

(a) Front parking lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "P," along with the manufacturer's name or trademark, are often on the lens of such lights.

(b) Front parking lights shall be white, yellow, or amber in color, and shall be securely mounted on the motor vehicle so as to reduce the likelihood of their being obscured by mud or dust thrown up by the wheels. There shall be one front parking light mounted on each side of the vertical centerline of the motor vehicle at the same height and as far apart as practicable.

(c) Certification of a motor vehicle shall not be refused because of the following reasons; however, the motorist shall be advised to have the defect corrected:

1. One or both of the front parking lights are inoperative; or
2. A front parking light lens is damaged or missing. Where the front turn signal lights are combined with the front parking lights, the motor vehicle shall not be refused certification because of a cracked, broken, or missing lens.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (c), substituted "because of" for "for"; in (c)2, inserted ", broken, or missing", and deleted "; however, if the lens is cracked and a portion of the lens is separated or missing, the motor vehicle shall be refused certification" from the end.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Front parking lights; Class I and II licensees".

13:20-33.7 Glazing; Class I, I-A, II and II-A licensees

(a) All glazing used on motor vehicles manufactured after July 1, 1935, shall be an approved type of glazing which is legibly and permanently marked with the manufacturer's name, trademark, DOT number, "AS" number, or other distinctive designation under which the glazing was approved, so as to be visible when the glazing is installed in the motor vehicle. The proper type of glazing shall be used for each location in a motor vehicle. The approved locations for the various types of glazing are as follows:

1. AS-1: Mandatory in windshields but may be used for any other window in a motor vehicle;
2. AS-2: Anywhere except windshields;
3. AS-3: Rear side windows on buses;
4. AS-4, AS-5, AS-6 and AS-7: Rear windows of convertibles and windows (except windshields) which can be readily removed without the use of tools;
5. AS-8 and AS-9: Rear windows of buses;
6. AS-10: Bullet-resistant windshields;
7. AS-11: Bullet-resistant windows except windshields; and
8. AS-12 and AS-13: Windows (except windshields) which can be readily removed without the use of tools.

(b) All openings in a motor vehicle which were originally manufactured with glazing shall be equipped with an approved type of glazing.

(c) Certification of a motor vehicle shall be refused if the motor vehicle is equipped with glazing which causes undue or unsafe distortion of visibility for the driver, or is equipped with unduly fractured, broken, cracked, discolored, scratched,

or deteriorated glazing, or is equipped with glazing with sharp edges.

(d) A motor vehicle, other than a police vehicle or a motor vehicle for which a medical exemption certificate has been issued by the Motor Vehicle Commission in accordance with N.J.S.A. 39:3-75.1 et seq., shall not be certified which has tinted spray or plastic material added to previously approved glazing in the front windshield or windows, vents, wings, deflectors, or side shields to the immediate right or left of the driver, because such condition changes the vision and light transmission properties of the glazing in areas where driver visibility shall not be obscured or obstructed; provided, however, tinted spray or plastic material may be applied to previously approved glazing in the front windshield if such spray or material extends no lower than six inches from the top of the front windshield or such spray or material does not extend below the AS-1 marking on the front windshield.

(e) A motor vehicle shall not be certified which has defrosters of the "electric element" type installed on any window which obstruct the driver's vision. Motor vehicles manufactured with the heating element as an integral part of an approved type of glazing shall not be refused certification.

(f) The window on the driver's side shall be capable of being readily opened to permit arm direction signals to be made by the driver. The presence of approved turn signals does not satisfy this requirement except on trucks over 80 inches in width.

(g) Any motor vehicle may have the rear window and/or side windows to the rear of the driver tinted or covered in some manner so as to partially obscure the driver's vision and any motor vehicle registered for commercial purposes and constructed on a truck chassis (including noncommercial trucks registered pursuant to N.J.S.A. 39:3-8.1) may have the rear window and/or side windows to the rear of the driver painted, tinted, or constructed in some manner so as to obstruct or obscure the driver's vision, provided that the motor vehicle is equipped with an exterior mirror on each side of the motor vehicle. If glazing material remains in any of the window openings specified in this subsection, the approval markings shall be visible.

(h) A motor vehicle shall not be certified which has mirror-type material on any window.

(i) Certification of a motor vehicle shall be refused because there is a star-type break, bull's-eye-type break, or stone-type break of more than one inch in diameter in the acute area or the critical area of the windshield glazing as depicted in Appendix E of this subchapter, incorporated herein by reference.

(j) Certification of a motor vehicle shall be refused because there is a star-type break, bull's-eye-type break, or stone-type break of more than two inches in diameter in the peripheral area of the windshield glazing as depicted in

Appendix F of this subchapter, incorporated herein by reference.

(k) Certification of a motor vehicle shall be refused because there are multiple star-type breaks, bull's-eye-type breaks, and/or stone-type breaks regardless of size in the acute area of the windshield glazing as depicted in Appendix G of this subchapter, incorporated herein by reference.

(l) Certification of a motor vehicle shall be refused because there is a scratch that is more than one inch in width in the acute area of the windshield glazing or a crack that is more than six inches in length in the acute area of the windshield glazing as depicted in Appendix H of this subchapter, incorporated herein by reference.

(m) Certification of a motor vehicle shall be refused because the windshield glazing has multiple cracks and/or scratches as depicted in Appendix I of this subchapter, incorporated herein by reference.

(n) Certification of a motor vehicle shall be refused because there are multiple star-type breaks, bull's-eye-type breaks, and/or stone-type breaks of more than one inch in diameter per break in the critical area and/or the peripheral area of the windshield glazing as depicted in Appendix J of this subchapter, incorporated herein by reference.

(o) Certification of a motor vehicle shall be refused because there is a crack or scratch of more than six inches in length that extends from the peripheral area of the windshield glazing through the critical area of the windshield glazing into the acute area of the windshield glazing as depicted in Appendix K of this subchapter, incorporated herein by reference.

(p) Certification of a motor vehicle shall be refused because the tempered glass has been etched, except that the vehicle identification number and/or manufacturer's logo may be etched on the tempered glass provided that the area of the tempered glass that has been etched does not exceed two square inches.

(q) Certification of a motor vehicle shall not be refused because the star-type break, bull's-eye-type break, stone-type break, crack, or scratch is less than the diameter, width, or length specified in (i) through (o) above; however, the motorist shall be advised to have the defect corrected.

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

Rewrote (d); in (g), inserted the second sentence.
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 (d).
Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (f), deleted "buses and" preceding "trucks"; in (g), deleted the second sentence; and added (i) through (q).

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Glazing; Class I and II licensees".

Case Notes

Fact that defendant's vehicle had a tinted windshield was insufficient to establish an articulable and reasonable suspicion that a violation of the law occurred, as required to justify a traffic stop. State in the Interest of R.M. and J.M., 777 A.2d 1041 (2001).

Transparent or tinted windshield material in and of itself does not justify motor vehicle stop; such material is allowed by regulation in certain instances. State in the Interest of R.M. and J.M., 777 A.2d 1041 (2001).

13:20-33.8 Obstruction to driver's vision; Class I, I-A, II and II-A licensees

(a) No accessory or other object shall be mounted in such a manner as to interfere with the driver's vision.

(b) Signs, posters, stickers or other non-transparent material shall not be placed upon the windshield, wings, deflectors, side shields or front side windows of any motor vehicle; provided, however, an inspection certificate of approval, inspection decal, inspection rejection sticker, an automatic vehicle identification system transponder approved by the Chief Administrator in accordance with N.J.A.C. 13:20-10 or any other sticker approved by the Chief Administrator, is permitted.

(c) Certification of a motor vehicle shall not be refused because a sign, poster, sticker or other non-transparent material has been affixed to the windshield or front side window of a motor vehicle, provided the location of such sign, poster, sticker or other non-transparent material does not obstruct the driver's vision. However, the motorist shall be advised to have the condition corrected.

(d) A motor vehicle shall not be certified which has an air scoop on the engine hood if the scoop is so high that it obstructs more than a three inch high area of the windshield glass. The height of the obstructed area of the windshield glass shall be measured by placing a straight edge on the top of the scoop and holding the straight edge in a level position with one end contacting the windshield glass.

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 (b).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Obstruction to driver's vision; Class I and II licensees". In (b), deleted a comma following "stickers", "shields" and "N.J.A.C. 13:20-10", and substituted "however, an" for "however, the" and "inspection decal" for "certificate of waiver"; added new (c); and recodified former (c) as (d).

13:20-33.9 Horn; Class I, I-A, II and II-A licensees

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

1. A horn which is inoperable;
2. A horn which is not audible under normal conditions from a distance of not less than 200 feet;

3. A horn which is not securely fastened to the motor vehicle;

4. A horn which has a broken button or switch, or a horn which does not have a button or switch. (For example, a horn which is activated by grounding a bare wire shall not be certified.);

5. A horn which has an activating button or switch beyond the reach of the driver;

6. A horn button which is located in a place that is not readily conspicuous to the driver, or a horn button which requires the driver to take his or her eyes off of the road to activate the horn;

7. A horn ring which is broken so as to be likely to cause injury or to snag clothing; or

8. A motor vehicle which is equipped with a siren, whistle, or bell (except an authorized emergency vehicle or unless a permit for same has been issued by the Chief Administrator in accordance with N.J.A.C. 13:24); provided, however, that any motor vehicle may be equipped with a theft alarm signal device which is installed so that it cannot be used by the driver as an ordinary warning signal.

(b) Certification of a motor vehicle shall not be refused for the following reasons; however, the motorist shall be advised to have the condition corrected:

1. A horn which emits an unreasonably loud or harsh sound. An unreasonably loud horn, such as an air horn, is permitted on a motor vehicle, provided the motor vehicle is also equipped with a standard horn for use in residence or business districts; or

2. A horn which can only be sounded by a portion of the horn activation device.

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)8.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Horn; Class I and II licensees".

13:20-33.10 Windshield wipers; Class I, I-A, II and II-A licensees

(a) Every motor vehicle having a windshield shall be equipped with at least one windshield wiper in proper operating condition to provide clear vision for the driver. A motor vehicle manufactured with only one windshield wiper shall have the wiper so located that it cleans the portion of the windshield directly in front of the driver in order for the driver to safely operate the motor vehicle.

(b) If a motor vehicle was originally manufactured with two windshield wipers, both wipers shall operate properly.

(c) A windshield wiper shall be capable of operating at a speed necessary to provide the driver a clear view ahead under all conditions of weather.

(d) Windshield wiper blades shall not be damaged, hardened, deteriorated, missing, or of an improper type (such as a blade designed for a flat windshield installed on a curved windshield), or of an improper size.

(e) A windshield wiper blade shall be held against the windshield with adequate pressure to provide the driver a clear view ahead under all conditions of weather.

(f) A windshield wiper shall clean the full area of the windshield for which it was designed.

(g) A windshield wiper control shall be constructed and installed as to be operated or controlled by the driver and shall be in proper operating condition.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Windshield wipers; Class I and II licensees".

13:20-33.11 Clearance lights; Class I, I-A, II and II-A licensees

(a) Clearance lights are lights which show to the front and rear of the vehicle, respectively, mounted on a permanent part of the vehicle as near as practical to the upper left and right extreme edges so as to indicate the overall width and height of the vehicle.

(b) A truck or bus 80 inches or more in width manufactured after January 1, 1965, shall be equipped with two amber clearance lights on the front of the vehicle and two red clearance lights on the rear of the vehicle.

(c) Clearance lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC," along with the manufacturer's name or trademark, are on the lens of such lights in most cases.

(d) Every clearance light shall be permanently and securely mounted on a permanent part of the vehicle.

(e) A combination clearance and side-marker light is a single light which fulfills the requirements of both a clearance light and a side-marker light.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Clearance lights; Class I and II licensees".

13:20-33.12 Turn signals and hazard warning signals; Class I, I-A, II and II-A licensees

(a) Every motor vehicle, other than a noncommercial motorcycle, shall be equipped with two front and two rear turn signals, except that a passenger vehicle manufactured before July 2, 1954, is not required to be equipped with turn signals. When any motor vehicle, regardless of the date of its

manufacture, is equipped with turn signals, the turn signals shall be in proper operating condition.

(b) All turn signal and hazard warning signal systems including lights, flashers and operating units shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name and trademark, are often on such devices. In the case of front and rear turn signal lights, the letter "T" or the letter "D" is often on the lens of such lights.

(c) Front turn signal and hazard warning signal lights shall be mounted on each side of the vertical centerline at the same level and as widely spaced laterally as practical. Front turn signal and hazard warning signal lights shall emit a flashing white or amber light visible for a distance of 500 feet.

(d) Rear turn signal and hazard warning signal lights shall be mounted on each side of the vertical centerline at the same level and as widely spaced laterally as practical. Rear turn signal and hazard warning signal lights shall emit a flashing red or amber light visible for a distance of 500 feet.

(e) All turn signal lights shall be permanently and securely mounted in such a manner so as to reduce the likelihood of their being obscured by mud or dust thrown up by the wheels.

(f) A turn signal light shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material if such obstruction reduces the visible area of the turn signal light to less than three and one-half square inches on a passenger automobile, truck, bus, or jitney which is less than 80 inches in overall width, or reduces the visible area of the turn signal light to less than 12 square inches on a truck, bus, or jitney which is 80 inches or more in overall width.

(g) Turn signal lights shall flash from 50 to 130 times per minute. The "on" period of the flashes shall be long enough to permit the bulb filaments to reach full brightness.

(h) All turn signal light systems and components shall be in proper operating condition. Certification of a motor vehicle shall not be refused because a turn signal light has a cracked, broken, or missing lens, provided no white light shows to the rear of the motor vehicle. However, the motorist shall be advised to have the defect corrected.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (h), inserted ", broken, or missing", and deleted "and no portion of the lens is missing" at the end of the second sentence.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Turn signals and hazard warning signals; Class I and II licensees".

13:20-33.13 Reflectors; Class I, I-A, II and II-A licensees

(a) Reflectors are devices designed and used on vehicles to give an indication to an approaching driver by reflected light.

(b) Reflectors shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "A" (for Class A reflectors) or the letter "B" (for Class B reflectors), along with the manufacturer's name or trademark, are on such reflectors in most cases.

(c) Passenger vehicles manufactured before July 2, 1954, shall have one Class A or Class B red reflector mounted on the rear of the vehicle.

(d) Passenger automobiles manufactured after July 1, 1954, shall have two Class A red or two Class B red reflectors mounted on the rear of the vehicle on each side of the vertical centerline at the same level and as widely spaced laterally as practical.

(e) All passenger automobiles with commercial registration and all trucks and buses shall have two Class A red reflectors mounted on the rear of the vehicle on each side of the vertical centerline at the same level and as widely spaced laterally as practical.

(f) A truck or bus 80 inches or more in width manufactured after January 1, 1965, shall have one Class A amber reflector mounted on each side of the vehicle as far to the front as practicable and one Class A red reflector mounted on each side of the vehicle as far to the rear as practicable.

(g) The mounted height of a reflector shall be not less than 15 inches nor more than 60 inches from the level surface upon which the vehicle stands. Reflectors shall be permanently and securely mounted on a permanent part of the vehicle.

(h) Any reflector, otherwise properly mounted, may be securely installed on flexible strapping or belting provided that under conditions of normal operation it reflects light in the required direction.

(i) The mounted height of a reflector shall be measured from the center of the reflector to the level surface upon which the vehicle stands.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Reflectors; Class I and II licensees".

13:20-33.14 Identification lights; Class I, I-A, II and II-A licensees

(a) Identification lights are used in groups of three in a horizontal row which show to the front and rear of a motor vehicle, respectively, and have light centers spaced not less than six inches nor more than 12 inches apart.

(b) A truck or bus 80 inches or more in width manufactured after January 1, 1965, shall be equipped with three amber identification lights on the front of the vehicle and three red identification lights on the rear of the vehicle. If the cab is not more than 42 inches wide at the front roof line, a single identification light at the centerline of the cab shall be deemed to comply with the requirements for front identification lights.

(c) Identification lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P" or "P2," along with the manufacturer's name and trademark, are on the lens of such lights in most cases.

(d) Every identification light shall be permanently and securely mounted on a permanent part of the vehicle as close as practical to the vertical centerline and the top of the vehicle. No part of front identification lights or their mountings shall extend below the top of the vehicle windshield.

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Identification lights; Class I and II licensees".

13:20-33.15 Side-marker lights; Class I, I-A, II and II-A licensees

(a) Side-marker lights are lights on the left and right sides near the front and rear of a motor vehicle that show to the side and are intended to indicate vehicle length.

(b) A truck or bus 80 inches or more in width manufactured after January 1, 1965, shall be equipped with one amber side-marker light mounted on each side at or near the front of the vehicle and one red side-marker light mounted on each side at or near the rear of the vehicle. Side-marker lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC," along with the manufacturer's name or trademark, are on the lens of such lights in most cases.

(c) Every side-marker light shall be permanently and securely mounted on a permanent part of the vehicle. Side-marker lights may be mounted at optional height on the side of the vehicle.

(d) A combination clearance and side-marker light is a single light which fulfills the requirements of both a clearance light and a side-marker light.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Side-marker lights; Class I and II licensees".

13:20-33.16 Taillights and license plate light; Class I, I-A, II and II-A licensees

(a) Every motor vehicle, other than a motorcycle, shall be equipped on the rear with at least two red taillights and at least two red reflectors, one at each side of the vertical centerline at the same height and as far apart as practicable, except that a passenger vehicle manufactured before July 2, 1954, may be equipped with one red taillight and one red reflector.

(b) Taillights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "T," along with the manufacturer's name or trademark, are often on the lens of such lights.

(c) Taillights shall exhibit a red light visible from a distance of 500 feet to the rear of the vehicle.

(d) Taillights shall be permanently and securely mounted on a permanent part of the vehicle. The mounted height of taillights, as measured from the center of the lens to the level surface upon which the vehicle stands, shall be not less than 15 inches nor more than 72 inches. On any vehicle designed for carrying flammable liquids as cargo, the taillights may be mounted higher than 72 inches. When two taillights are required, they shall be mounted at the same level and spaced as far apart laterally as practical.

(e) Certification of a motor vehicle shall not be refused because a taillight has a cracked lens, provided no white light shows to the rear of the motor vehicle and no portion of the lens is missing. However, the motorist shall be advised to have the defect corrected.

(f) If a motor vehicle is equipped with two or more taillights on each side, it shall not be refused certification because some of the taillights are not operative, provided at least one taillight on each side of the motor vehicle is operative. However, the motorist shall be advised to have the defect corrected.

(g) Certification of a motor vehicle shall not be refused because the license plate light is missing, inoperative, or does not operate properly; however, the motorist shall be advised to have the defect corrected. License plate lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and

the letter "L," along with the manufacturer's name or trademark, are often on the lens of such lights.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (g), rewrote the first sentence.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Taillights and license plate light; Class I and II licensees". In (c), deleted the last sentence.

13:20-33.17 Stoplights; Class I, I-A, II and II-A licensees

(a) Every motor vehicle, other than a motorcycle, shall be equipped on the rear with at least two stoplights, one on each side of the vertical centerline at the same height and as far apart as practicable, except that a passenger vehicle manufactured before July 2, 1954, may be equipped with one stoplight. All passenger automobiles manufactured on or after September 1, 1985, shall, in addition, be equipped with a high-mounted rear stoplight on the vertical centerline. All multipurpose passenger vehicles, trucks, and buses whose overall width is less than 80 inches and whose GVWR is 10,000 pounds or less, manufactured on or after September 1, 1993, shall, in addition, be equipped with a high-mounted rear stoplight on the vertical centerline. All multipurpose passenger vehicles, trucks, and buses whose overall width is less than 80 inches and whose GVWR is 10,000 pounds or less and whose vertical centerline, when the vehicle is viewed from the rear, is not located on a fixed body panel but separates one or two moveable body sections, such as doors, and which lacks sufficient space to install a single high-mounted stoplight on the centerline above such body sections, and which is manufactured on or after September 1, 1993, shall, in addition, be equipped with two high-mounted rear stoplights.

(b) All stoplights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "S," along with the manufacturer's name or trademark, are often on the lens of such lights.

(c) Stoplights shall exhibit a red or amber color and shall be visible from a distance of 500 feet to the rear of the vehicle when activated by application of the brake. The stoplights shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material.

(d) Stoplights shall be permanently and securely mounted on a permanent part of the vehicle. Certification of a motor vehicle shall not be refused because a stoplight has a cracked lens, provided no white light shows to the rear of the motor vehicle and no portion of the lens is missing. However, the motorist shall be advised to have the defect corrected.

(e) If a motor vehicle is equipped with two or more stoplights on each side, it shall not be refused certification

because some of the stoplights are not operative, provided at least one stoplight on each side of the motor vehicle is operative. However, the motorist shall be advised to have the defect corrected.

(f) Certification of a motor vehicle required to be equipped with a high-mounted rear stoplight(s) shall not be refused because the high-mounted rear stoplight(s) is missing, obstructed, inoperative, or does not operate properly, provided at least one stoplight on each side of the motor vehicle is operative. However, the motorist shall be advised to have the defect corrected.

(g) Certification of a motor vehicle equipped with a high-mounted rear stoplight shall not be refused because the stoplight is so wired that it illuminates when the turn signal lights are activated; however, the motorist shall be advised to have the defect corrected.

(h) If the high-mounted rear stoplight is mounted inside the motor vehicle, means shall be provided to minimize reflections from the light upon the rear window glazing that may be visible to the driver when viewed in the interior rear view mirror. Certification of a motor vehicle equipped with such a high-mounted rear stoplight shall not be refused because adequate means are not provided to minimize such reflections; however, the motorist shall be advised to have the condition corrected.

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

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

Added (h).

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (c), deleted "including high-mounted rear stoplights," preceding "shall not"; and rewrote (f) through (h).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Stoplights; Class I and II licensees".

13:20-33.18 Wheels; Class I, I-A, II and II-A licensees

(a) Wheels shall turn freely and the lateral or radial runout of the rim bead shall not exceed the motor vehicle manufacturer's specifications.

(b) Wheels shall be securely mounted and there shall be no visible cracks, elongated bolt holes, broken bolts, missing bolts or nuts, indication of repair by welding, or other defects which adversely affect the safe operation of the motor vehicle.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Wheels; Class I and II licensees".

13:20-33.19 Tires; Class I, I-A, II and II-A licensees

(a) The tread on each tire shall not be less than $\frac{2}{32}$ of an inch deep.

(b) Many tires have tread depth indicators that become exposed when the tread depth is less than $\frac{2}{32}$ of an inch. Tread depth indicators shall be inspected and a tire rejected if it is worn so that the indicators are visible in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire. For tires without tread depth indicators, the tread depth shall be measured with a tire tread depth gauge.

(c) Notwithstanding (a) above, the tread on each front tire of a motor vehicle that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine or jitney shall not be less than $\frac{4}{32}$ of an inch deep. The tread on each rear tire of a motor vehicle that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine or jitney shall not be less than $\frac{2}{32}$ of an inch deep.

(d) Tires shall be free from chunking, bumps, knots, or bulges evidencing cord, ply, or tread separation from the casing or other adjacent materials. Tire cords or belting materials shall not be exposed.

(e) There shall not be any mismatch in nominal tire size, construction, or profile between tires on the same axle, or any deviation from the motor vehicle manufacturer's tire recommendations. Tire tread shall not protrude beyond the fenders.

(f) Tires on motor vehicles registered for use on a public highway shall not be marked "FOR FARM USE ONLY," "OFF HIGHWAY USE ONLY" or "FOR RACING USE ONLY." Tires which were originally manufactured with extra undertread material and are marked "REGROOVABLE" may be regrooved below the original tread depth.

(g) Studded tires may not be used on a public highway in New Jersey earlier than November 15 or later than April 1 of any winter season. Certification of a motor vehicle shall not be refused because of the improper use of studded tires; however, the motorist shall be advised to have the condition corrected.

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Tires; Class I and II licensees". Added new (c); and recodified former (c) through (f) as (d) through (g).

13:20-33.20 Exhaust system; Class I, I-A, II and II-A licensees

(a) The following shall not be certified:

1. An exhaust system in which the muffler is missing, defective, or not in proper operating condition;

2. An exhaust system if there is evidence of tampering with emission control apparatus in violation of N.J.A.C. 7:27-15.7;

3. An exhaust system if there is evidence of exhaust gas leakage at any point in the system;

4. An exhaust system if there is a muffler cut-out, muffler bypass or any similar device, or any change or modification to the exhaust system which causes excessive noise;

5. An exhaust system which has loose or worn components or has been patched; provided, however, that an exhaust system which has been properly welded and is in good condition may be certified;

6. An exhaust system in which all parts are not properly mounted. The entire exhaust system shall be in such condition that it cannot burn or cause injury to any person. Exposed exhaust pipes, stacks, or other parts of the exhaust system which might burn a person or cause injury shall be protected in a permanent and effective manner; or

7. An exhaust system installed in a manner that any part thereof passes through the passenger compartment of the motor vehicle. The exit point for the exhaust gas shall be located so that dangerous amounts of exhaust gas will not enter the passenger compartment under normal vehicle use even with the windows open or the outside air inlets to the heater or air conditioner open. A replacement exhaust system is acceptable provided it is specifically manufactured for the motor vehicle by a company which guarantees that the exhaust system has a safe exhaust gas exit location.

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

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Exhaust system; Class I and II licensees".

13:20-33.21 Prescribed emission or on-board diagnostics test(s); Class I, I-A, II and II-A licensees

(a) With respect to each gasoline-fueled or bi-fueled motor vehicle that is presented for inspection, a licensed private inspection facility shall conduct the emission or OBD test(s) specified for such motor vehicle at N.J.A.C. 13:20-43.8 in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(b) With respect to each OBD-equipped and OBD-eligible diesel-fueled motor vehicle with model year 1997 or newer having a GVWR of 8,500 pounds or less that is presented for inspection, a licensed private inspection facility shall conduct a visible smoke test and an OBD test specified for such motor vehicle in accordance with the inspection standards and test

procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4. An OBD inspection shall not be required pursuant to this subsection for any OBD-equipped diesel-fueled motor vehicle that is not OBD-eligible, as shall be determined by the Department of Environmental Protection.

(c) With respect to each diesel-fueled motor vehicle with model year 1996 or older having a GVWR of 8,500 pounds or less that is presented for inspection, a licensed private inspection facility shall conduct a visible smoke test specified for such motor vehicle in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4.

(d) With respect to each diesel-fueled motor vehicle having a GVWR of more than 8,500 pounds but less than 10,000 pounds that is presented for inspection, a licensed private inspection facility shall confirm that such motor vehicle conforms to the general public highway standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14.4.

Administrative change.

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

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

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

Inserted "or OBD" following "emission".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Prescribed emission or on-board diagnostics test(s); Class I and II licensees". Inserted designation (a); in (a), inserted "that is"; and added (b) through (d).

13:20-33.22 Emission test equipment and on-board diagnostics inspection equipment maintenance; Class I, I-A, II and II-A licensees

The emission test equipment and OBD inspection equipment shall be maintained in accordance with the manufacturer's requirements and the general instructions for all tests adopted by the Department of Environmental Protection at N.J.A.C. 7:27B-5.2 and 4.2(b).

Administrative change.

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

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

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

Inserted "and OBD inspection equipment" following "emission test equipment" and deleted "and calibrated" preceding "maintained".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Emission test equipment and on-board diagnostics inspection equipment maintenance; Class I and II licensees". Inserted "and 4.2(b)".

13:20-33.23 Headlights; Class I, I-A, II and II-A licensees

(a) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights mounted at the same level with an equal number on each side of the front of the

motor vehicle. Headlights shall emit only a white light and shall be tested for proper operation. Headlights shall not be tested for aim unless they have been previously rejected at inspection for one of the reasons set forth in this section. If headlight aim testing is required, the headlight aim shall meet the specifications listed below:

1. High beam aim specifications:

i. Vertical aim: From four inches above to five inches below;

ii. Horizontal aim: From six inches right to six inches left.

2. Low beam aim specifications:

i. Vertical aim: From three inches below to 14 inches below;

ii. Horizontal aim: From eight inches right to 23 inches right.

(b) The headlight aim specifications set forth in (a) above refer to the location of the "hot spot" (the center of the high intensity portion of the beam pattern) based on a distance of 25 feet from the test screen. The vertical aim specifications indicate the distance the "hot spot" shall be above or below the horizontal centerline straight ahead of the headlight center. The horizontal aim specifications indicate the distance the "hot spot" shall be to the right or to the left of the vertical centerline straight ahead of the headlight center.

(c) SAE visual inspection limits for the vertical aim of the "hot spot" of Type 1 headlight units are from four inches above to four inches below, and for the horizontal aim of the "hot spot" of Type 1 headlight units are from four inches right to four inches left.

(d) SAE visual inspection limits for the top edge of the high intensity zone of Type 2 headlight units are from four inches above to four inches below, and for the left edge of the high intensity zone of Type 2 headlight units are from four inches left to four inches right.

(e) If headlight aim is inspected with a mechanical aimer, the inspection specifications for both Type 1 and Type 2 headlight units shall be four inches above to four inches below and four inches left to four inches right.

(f) Headlights shall be properly installed so that their beams are readily adjustable, both vertically and horizontally, and their aim is not grossly misaligned nor readily disturbed by ordinary vehicle operation.

(g) Headlights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers.

(h) A motor vehicle having a headlight with a missing lens shall not be certified; provided, however, that a motor vehicle shall not be refused certification because the headlight has a bull's-eye-type hole that has been repaired in a proper manner.

(i) There shall be no colored spray on the lens, visor, reflector, or other attachment that is not included in the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers.

(j) On motor vehicles equipped with four headlights, the Type 2 headlight shall be mounted above or to the outside of the Type 1 headlight.

(k) Retractable headlights shall be in the fully open position when the headlights are tested.

(l) Motor vehicles which are used for plowing snow may have an extra set of headlights mounted above the plow. Switching shall be provided so that either set of headlights may be used, but not both.

(m) Certification of a motor vehicle shall not be refused because a headlight lens is cracked or broken or there is excessive moisture therein, provided the headlight is operational and emits a white light. However, the motorist shall be advised to have the defect corrected.

(n) Certification of a motor vehicle shall not be refused because the light intensity of a headlight is weak, provided the headlight is operational and emits a white light. However, the motorist shall be advised to have the defect corrected.

(o) Certification of a motor vehicle shall not be refused because there is a brush guard, grille, or cover over or in front of a headlight, provided the headlight is operational and emits a white light. However, the motorist shall be advised to have the condition corrected.

(p) A motor vehicle shall not be refused certification because of a missing headlight rim or rims; however, the motorist shall be advised to have the defect corrected.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Rewrote (h); in (i), deleted "auxiliary equipment, such as" preceding "colored" and the comma after "spray" and substituted "that" for "which"; in (j), deleted the second and third sentences; added (m) through (o); and recodified former (m) as (p).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Headlights; Class I and II licensees".

13:20-33.24 Rear view mirrors; Class I, I-A, II and II-A licensees

(a) A motor vehicle shall not be certified if it is not equipped with at least one rear view mirror. A passenger automobile manufactured after January 1, 1965, shall be

equipped with an interior mirror and an exterior mirror on the driver's side.

(b) A commercial motor vehicle manufactured after January 1, 1965, shall be equipped with an interior mirror and an exterior mirror on the driver's side, except that every such vehicle so constructed or loaded as to obstruct or obscure a rear view from an interior mirror shall, in lieu of an interior mirror, be equipped with an exterior mirror on the side of the vehicle opposite the driver's side.

(c) Mirrors shall be securely mounted and located and adjusted so as to provide the driver adequate rear view vision. Mirrors shall not obstruct the driver's forward vision. Concave or convex mirrors shall not be used in place of the interior mirror or the driver's side exterior mirror.

(d) Certification of a motor vehicle shall not be refused because a mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges, provided the mirror affords the driver adequate rear view vision. However, the motorist shall be advised to have the defect corrected.

(e) Mirrors shall be capable of adjustment to a fixed horizontal and vertical position.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (d), substituted "Certification of a" for "A" and "refused because" for "certified if", and inserted ", provided the mirror affords the driver adequate rear view vision. However, the motorist shall be advised to have the defect corrected."

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Rear view mirrors; Class I and II licensees".

13:20-33.25 Miscellaneous lights; Class I, I-A, II and II-A licensees

(a) All miscellaneous lights used on motor vehicles shall be of a type and color approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name and trademark, are often on the lens of such lights. In addition, the letters listed below often appear on the following lights:

1. Fog lights = F;
2. Spot lights = O;
3. Emergency warning lights = W or W1 or W3; or
4. Supplemental driving or passing lights = Y or Z.

(b) Any motor vehicle may be equipped with not more than two auxiliary driving lights mounted on the front of the vehicle at a height of not less than 12 inches nor more than 42 inches above the level surface upon which the vehicle stands. Auxiliary driving lights include, but are not limited to, fog lights, passing lights, and supplemental driving lights. Auxiliary driving lights shall be aimed in conformance with the standards of the Society of Automotive Engineers applicable to the particular type of auxiliary driving light. Auxiliary

driving lights shall be properly installed so that their aim is not grossly misaligned nor readily disturbed by ordinary vehicle operation. Certification of a motor vehicle shall be refused if the aim of an auxiliary driving light is grossly misaligned.

1. Fog lights are auxiliary driving lights which may be used with the low beam headlights to provide general illumination ahead of a motor vehicle. A fog light shall be white, yellow, or amber in color. Approved fog lights shall meet the requirements of SAE J-583d, incorporated herein by reference.

2. Passing lights are also known as auxiliary low beam driving lights and are designed to supplement the lower beam of a standard headlight system. Approved lights shall meet the requirements of SAE J-582a, incorporated herein reference. Passing lights shall be wired so that they are controlled by a switch separate from the headlight switch.

3. Supplemental driving lights are auxiliary driving lights which may be used to supplement the upper beam of a standard headlight system. Approved lights shall meet the requirements of SAE J-581, incorporated herein by reference. Supplemental driving lights shall be wired so that they are controlled by a switch separate from the headlight switch.

(c) A spot light is a light which can be aimed at will. Any motor vehicle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O," along with the manufacturer's name or trademark, are often on the lens of approved type spot lights. Approved spot lights shall meet the requirements of SAE J-591b, incorporated herein by reference. The Standards of the Society of Automotive Engineers (SAE) may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

(d) Any motor vehicle may be equipped with not more than two side cowl or fender lights which shall emit a white or yellow light without glare.

(e) Any motor vehicle may be equipped with not more than one running board courtesy light on each side thereof which shall emit a white or yellow light without glare.

(f) Any motor vehicle may be equipped with one or more back-up lights, either separately or in combination with other lights. Back-up lights shall be white in color. Certification of a motor vehicle shall be refused if a back-up light is illuminated when the motor vehicle is in forward motion.

(g) On motor vehicles used for plowing snow, there may be auxiliary driving lights connected to either the parking light system or the low beam headlight system. If sealed beam headlight units are used for the auxiliary driving lights, they shall be wired so that the taillights will be illuminated when the auxiliary driving lights are turned on. Auxiliary turn signal lights are also permitted on such motor vehicles.

(h) Flashing lights are prohibited on motor vehicles (except an authorized emergency vehicle or unless a permit for same has been issued by the Chief Administrator in accordance with N.J.A.C. 13:24) except as a means for indicating right or left turns or for hazard warning signals.

(i) A motor vehicle driven by an active member in good standing of a volunteer fire company or a volunteer first aid or rescue squad may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-5. An identification card (permit) issued pursuant to N.J.A.C. 13:24-5 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motor vehicle.

(j) A motor vehicle driven by an active member in good standing of the New Jersey Wing of the Civil Air Patrol may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-7. A permit issued pursuant to N.J.A.C. 13:24-7 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motor vehicle.

(k) All miscellaneous lights shall be permanently and securely mounted on a permanent part of the vehicle in such a manner as to reduce the likelihood of their being obscured by mud or dirt thrown up by the wheels.

(l) Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

1. A turn signal with a headlight; or
2. A clearance light with a taillight or an identification light.

(m) Motor vehicles may be equipped with other lights in addition to those which are specified in this subchapter. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights, along with the identification letters shown below:

1. E: Side turn signal lights (mounted on vehicle sides);
2. K: Cornering lights;
3. R: Back-up lights;
4. U: Supplemental high-mounted stop and turn signal lights;
5. V: Liquid burning emergency flares;
6. W4: Emergency reflex reflectors; or
7. X: Emergency lanterns.

(n) Except as otherwise provided in (b) and (f) above, certification of a motor vehicle shall not be refused because of noncompliance with any provision of this section; however, the motorist shall be advised to have the defect corrected.

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

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

In (f), added the second sentence; added a new (j) and recodified former (j) through (l) as (k) through (m).

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 (h).

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (b), inserted the final sentence; in (f), substituted "Certification of a motor vehicle shall be refused if a" for "No" and "is" for "shall be"; and added (n).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Miscellaneous lights; Class I and II licensees".

13:20-33.26 Wiring and switching; Class I, I-A, II and II-A licensees

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

1. The wiring is not in proper condition, is improperly installed, or is so located as to cause damage;
2. Any connection that is not secure or shows signs of corrosion;
3. The switches are not in proper condition or do not function properly;
4. Any light circuit that does not light the proper filament when the appropriate switch position is applied; or
5. Any defect in wiring and/or switching which adversely affects the lighting performance of any exterior light.

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

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

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Wiring and switching; Class I and II licensees".

13:20-33.27 Headlight beam indicator light; Class I, I-A, II and II-A licensees

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

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Headlight beam indicator light; Class I and II licensees".

13:20-33.28 Turn signal and hazard warning signal indicator lights; Class I, I-A, II and II-A licensees

(a) Certification of a motor vehicle shall not be refused because of an inoperative turn signal indicator light and/or an inoperative hazard warning signal indicator light; however, the motorist shall be advised to have the defect corrected.

(b) If any turn signal indicator light is not readily visible to the driver, there shall be an illuminated indicator to give the driver a clear and unmistakable indication that the turn signal system is turned "on."

(c) In motor vehicles equipped with a single turn signal indicator, a separate hazard warning signal indicator shall flash and the turn signal indicator may flash while the hazard warning signal system is turned "on."

(d) In motor vehicles equipped with right and left turn signal indicators, both indicators or separate indicators shall flash simultaneously while the hazard warning signal system is turned "on."

(e) If a separate indicator light is used for the hazard warning signal system, it shall emit a red color and have a minimum area equivalent to a one-half inch diameter circle.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Turn signal and hazard warning signal indicator lights; Class I and II licensees".

13:20-33.29 Antenna; Class I, I-A, II and II-A licensees

Any antenna mounted on a motor vehicle shall be securely attached so as not to swing or project in a hazardous manner. Certification of a motor vehicle shall not be refused because of an insecure antenna; however, the motorist shall be advised to have the condition corrected.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Antenna; Class I and II licensees".

13:20-33.30 Body; Class I, I-A, II and II-A licensees

(a) The motor vehicle body panels, floor pan and other sections shall not be missing.

(b) Certification of a motor vehicle shall not be refused because the motor vehicle body panels, floor pan, or other sections have excessive rust; however, the motorist shall be advised to have the defect corrected.

(c) Certification of a motor vehicle shall not be refused because the motor vehicle body has rips or sharp edges, provided such rips or sharp edges do not pose a risk of injury. However, the motorist shall be advised to have the defect corrected.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Inserted designation (a); in (a), inserted "not" and deleted "in good condition, and shall not be rusted out or" preceding "missing"; deleted the second sentence; and added (b) and (c).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Body; Class I and II licensees".

13:20-33.31 Bumpers; Class I, I-A, II and II-A licensees

(a) Bumpers, if present, shall be securely mounted on a motor vehicle. Front and rear bumper heights shall be in accordance with the motor vehicle manufacturer's specifications.

(b) Certification of a motor vehicle shall not be refused because a bumper has excessive rust; however, the motorist shall be advised to have the defect corrected.

(c) Certification of a motor vehicle shall not be refused because a bumper has sharp or protruding parts or edges, provided such sharp or protruding parts or edges do not pose a risk of injury. However, the motorist shall be advised to have the defect corrected.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Inserted designation (a); in (a), deleted "and in good condition with no sharp or protruding parts or edges which could cause injury" from the end of the first sentence; and added (b) and (c).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Bumpers; Class I and II licensees".

13:20-33.32 Doors; Class I, I-A, II and II-A licensees

(a) The motor vehicle doors and all door operating devices, handles, buttons, hinges, and latches shall be in proper operating condition. A method of opening the door from the outside is not required on motor vehicles with fabric tops which are equipped with glazing material which can be readily removed without the use of tools.

(b) Motor vehicles designed and manufactured with doors shall be equipped with doors.

(c) Motor vehicles designed and manufactured without doors shall be equipped with seat belts or a strap, chain, or restraining device of some type across the openings.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Doors; Class I and II licensees".

13:20-33.33 Fenders and fender flaps; Class I, I-A, II and II-A licensees

(a) The motor vehicle fenders shall be securely mounted and shall have no rips or sharp edges which could cause injuries to persons.

(b) Fenders shall cover the width of the tire tread. The rear fenders shall be designed and installed so as to prevent the wheels of the motor vehicle from throwing dirt, water, or other material onto other motor vehicles. Fender flaps may be attached to the rear fenders to provide the necessary wheel coverage.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Fenders and fender flaps; Class I and II licensees".

13:20-33.34 Fuel system; Class I, I-A, II and II-A licensees

Fuel leakage at any point in the motor vehicle fuel system shall be cause for rejection. The fuel tank and piping shall be securely mounted and in proper condition, and the fuel tank shall be properly capped.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Fuel system; Class I and II licensees".

13:20-33.35 Hood; Class I, I-A, II and II-A licensees

Motor vehicles shall be equipped with an engine hood. The hood shall be properly secured and latched, and all hinges, latches, and other components shall be in proper operating condition.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Hood; Class I and II licensees".

13:20-33.36 Lettering; Class I, I-A, II and II-A licensees

(a) Vehicles used for commercial purposes on a street or highway, except for passenger automobiles and vehicles owned or leased by a pharmacy and utilized for the transportation or delivery of drugs, shall have conspicuously displayed on the vehicle, or on a name plate attached to the vehicle, the name of the owner, lessee, or lessor of the vehicle, and the name of the municipality in which the owner, lessee, or lessor has his or her principal place of business. Franchised public utilities and operators of fleets of 50 or more commercial vehicles shall be exempted from displaying the name of the municipality, provided that their vehicles display a corporate identification number. The sign or the name plate shall be in plain view and the lettering shall be as close as possible to three inches high. Certification of a commercial vehicle shall not be refused because the vehicle fails to display the owner's name and business address; however, the motorist shall be advised to have the condition corrected.

(b) A noncommercial truck, registered as a passenger vehicle pursuant to N.J.S.A. 39:3-8.1, is issued passenger vehicle license plates by the Motor Vehicle Commission. Such a noncommercial truck shall not have any advertising, signs, lettering, names, or addresses on its exterior, excepting trademarks and labels of the manufacturer and dealer. Certification of a noncommercial truck shall not be refused because the truck displays any type of lettering; however, the motorist shall be advised to have the condition corrected.

(c) Certification of a vehicle with a GVWR of 26,001 pounds or more shall not be refused because the GVWR is not displayed on the vehicle; however, the motorist shall be advised to have the condition corrected.

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 (b).
Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).
Section was "Lettering; Class I and II licensees".

13:20-33.37 Ornaments; Class I, I-A, II and II-A licensees

All motor vehicle ornaments shall be free of sharp parts or edges which could cause injury to persons.

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).
Section was "Ornaments; Class I and II licensees".

13:20-33.38 Pedals; Class I, I-A, II and II-A licensees

Brake, clutch, and accelerator pedals shall have rubber pads or some other method of providing the pedals with a non-skid surface. All pedals shall be in proper operating condition.

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).
Section was "Pedals; Class I and II licensees".

13:20-33.39 Racks or carriers; Class I, I-A, II and II-A licensees

A motor vehicle may be equipped with racks or carriers provided the maximum vehicle dimensional limits set forth in N.J.S.A. 39:3-84 are not exceeded and provided they do not create a dangerous condition which may cause injury to persons.

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).
Section was "Racks or carriers; Class I and II licensees".

13:20-33.40 Reflective tape; Class I, I-A, II and II-A licensees

Reflective tape of a color amber to white may be displayed on the front of a motor vehicle. Reflective tape of a color red or amber to white may be displayed on the rear of a motor vehicle.

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).
Section was "Reflective tape; Class I and II licensees".

13:20-33.41 Seats; Class I, I-A, II and II-A licensees

All motor vehicle seats shall be securely mounted and free of hazardous conditions. The driver's seat shall lock securely in a position that permits the safe operation of the motor vehicle.

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).
Section was "Seats; Class I and II licensees".

13:20-33.42 Seat belts; air bags; Class I, I-A, II and II-A licensees

(a) All motor vehicles which are required by law to be equipped with seat belts shall be in compliance with Federal Motor Vehicle Safety Standards Nos. 208 and 209, incorporated herein by reference. All motor vehicles which are required by law to be equipped with air bags shall be in compliance with Federal Motor Vehicle Safety Standard No. 208, incorporated herein by reference. Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 CFR Part 571) may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3238, and are available for review, during regular business hours, at:

Office of the Chief Administrator
New Jersey Motor Vehicle Commission
225 East State Street
9th Floor
Trenton, NJ 08666-0160

Regular business hours at this office are 8:30 A.M. to 5:00 P.M., Eastern Time, Monday through Friday. The telephone is (609) 777-1407.

(b) Seat belts and their anchorage units, or other restraining devices, shall be of a type approved as meeting the standards of the United States Department of Transportation or the specifications of the Society of Automotive Engineers. The buckles and anchorage units shall be in good condition and the webbing shall not be dangerously worn or cut.

(c) Certification of a motor vehicle shall be refused if an air bag(s) has been deployed and has not been replaced with an air bag(s) that is in compliance with Federal Motor Vehicle Safety Standard No. 208, incorporated herein by reference.

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

In (a), added the second sentence; added (c).
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), inserted "Nos." following "Standards" and "No." following "Standard", substituted "CFR" for "C.F.R.", "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division of Motor Vehicles"; and inserted "No." following "Standard" in (c).
Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).
Section was "Seat belts; air bags; Class I and II licensees".

13:20-33.43 Gear shift indicator; Class I, I-A, II and II-A licensees

A motor vehicle equipped with an automatic transmission shall be equipped with a gear shift indicator in proper operating condition. Certification of a motor vehicle shall not be

refused because of a minor misalignment of a gear shift indicator (that is, a misalignment of not more than one-half the distance between shift positions); however, the motorist shall be advised to have the defect corrected.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Gear shift indicator; Class I and II licensees".

13:20-33.44 Transmission; Class I, I-A, II and II-A licensees

The transmission of a motor vehicle shall operate properly and shall be capable of operating in reverse. A reverse detent mechanism shall be present and shall be in proper operating condition.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Transmission; Class I and II licensees".

13:20-33.45 Television, videocassette recorder or digital video disk player; video camera; global positioning system; Class I, I-A, II and II-A licensees

(a) A motor vehicle shall not have a television, videocassette recorder or digital video disk player installed in such a manner that the viewing screen is visible to the driver while he or she is operating the motor vehicle.

(b) A motor vehicle may be equipped with a video camera or other device to enable the driver to view the exterior rear of the vehicle. Such camera or device shall not be operable when the vehicle is in forward motion.

(c) A motor vehicle may be equipped with a global positioning system provided such system does not obstruct the vision of the driver.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Television; Class I and II licensees". Rewrote the section.

13:20-33.46 Trunk lid; Class I, I-A, II and II-A licensees

A motor vehicle trunk lid shall be capable of being securely fastened in accordance with the motor vehicle manufacturer's original design and specification.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Trunk lid; Class I and II licensees".

13:20-33.47 Service brakes (including service brake equalization and service brake pedal reserve); Class I, I-A, II and II-A licensees

(a) The inspection for motor vehicle service brake pedal reserve shall be performed as set forth in this section. "Pedal reserve" is the amount of total pedal travel left in reserve when the pedal is depressed to the brake applied position. The

service brake pedal reserve test does not apply to air brake systems.

(b) With the motor vehicle stationary and the service brake pedal depressed under a moderate foot force (that is, a force of 25 pounds for power brakes and 50 pounds for other brakes), there shall be a minimum of one-fifth of the total average pedal travel (as per the motor vehicle manufacturer's specifications) remaining. The motor vehicle engine shall be running when power brakes are tested. In the event that the adequacy of the service brake pedal reserve on a motor vehicle equipped with disc brakes is in question, the pedal reserve shall be tested when the brakes are applied while the motor vehicle is being driven. The service brake pedal reserve test is not required for motor vehicles equipped with full power (central hydraulic) brake systems or for motor vehicles with brake systems designed to operate with less than one-fifth pedal travel.

(c) With the service brake pedal depressed to the brake applied position for 10 seconds under a foot force of approximately 125 pounds, there shall be no perceptible decrease in pedal height and, if the motor vehicle is so equipped, no illumination of the brake system failure indicator light. If a motor vehicle is so equipped, the brake system failure indicator light shall be in proper operating condition.

(d) Brake hoses shall not be mounted so as to contact the vehicle body or chassis. Brake hoses shall not be cracked, chafed, or flattened. Protective devices, such as "rub rings," are not to be considered part of the brake hose.

(e) Hydraulic or air brake line tubing shall be specially designed for automotive hydraulic or air brake line use. Tubing designed for gasoline or oil lines is not acceptable for use as hydraulic or air brake lines.

(f) If the motor vehicle inspection report indicates that a motor vehicle was previously rejected for service brakes or service brake equalization, at least one front wheel of the motor vehicle shall be removed so that it can be determined whether the internal parts of the brake are in proper condition. Any wear, breakage, or malfunctioning of the brake system which would adversely affect the safe operation of the motor vehicle shall be cause for rejection.

(g) The brake drum diameter or disc brake rotor thickness shall be measured. If the brake drum is embossed with a maximum safe diameter dimension or the brake rotor is embossed with a minimum safety thickness dimension, the drum or disc shall be within such specification. These dimensions will be found on motor vehicles manufactured after January 1, 1971, and may be found on motor vehicles manufactured prior to that date. If the drums and discs are not so embossed, the drums and discs shall be within the manufacturer's specifications.

(h) The brake lining or pad shall be visually examined, and the height of the rubbing surface of the lining or pad over the

rivet heads shall be measured. The bonded lining or bonded pad thickness over the shoe surface shall be measured at the thinnest point of the lining or pad.

(i) The thickness of a riveted lining or pad on each brake shall be not less than $\frac{1}{32}$ of an inch over the rivet heads. The thickness of a bonded lining or pad shall be not less than $\frac{1}{32}$ of an inch over the brake shoe or shoe plate. Brake linings and pads shall not have cracks or breaks that extend to rivet holes except minor cracks that do not impair attachment. Drum brake linings shall be securely attached to brake shoes. Disc brake pads shall be securely attached to shoe plates.

(j) Backing plates and caliper assemblies shall not be deformed or cracked. Brake system parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled properly and installed correctly.

(k) The vacuum brake hoses shall be examined visually and aurally with the motor vehicle engine running. The hoses shall not be collapsed, abraded, broken, improperly mounted, or audibly leaking.

(l) The motor vehicle engine shall be turned off and the service brake applied several times to destroy vacuum in the system. The brake pedal shall be depressed with 25 pounds of force and, while maintaining such force, the engine started. The brake pedal shall fall slightly under force when the engine starts. This test is not applicable to motor vehicles equipped with full power (central hydraulic) brake systems, as the service brake performance test shall be considered an adequate test of system performance for such motor vehicles.

(m) After insuring that the tires are properly inflated, a Type 1, Type 2, or Type 3 brake performance test shall be conducted:

1. Type 1: If the brakes are tested on a drive-on platform or roller-type brake tester, the results shall show some brake force produced by each wheel brake and the total brake force shall be equal to at least 43.5 percent of the gross vehicle weight. This is equivalent to a deceleration of 14 feet per second, which shall produce a stop from a speed of 20 miles per hour in 30 feet. The braking force on a front wheel or on a rear wheel shall not be less than 65 percent of the braking force developed on the other front wheel or rear wheel, respectively. The service brake shall have a minimum front to rear brake ratio of 40 percent and a maximum front to rear brake ratio of 95 percent. The allowable front brake bias margin shall be 25 percent. The allowable rear brake bias margin shall be 15 percent, except that for motor vehicles having a GVWR of 7,000 pounds or more but less than 10,001 pounds, the allowable rear brake bias margin shall be 25 percent.

2. Type 2: The brakes may be tested with an approved accelerometer/inertia navigation type tester to determine

whether the motor vehicle can stop from a speed of 20 miles per hour in 30 feet.

3. Type 3: If a drive-on platform brake tester or roller-type brake tester or an accelerometer/inertia navigation type tester is not utilized, the brakes shall be road tested on a level, dry, smooth, hard surface that is free of loose material, oil, or grease to determine whether the motor vehicle is able to stop from a speed of 20 miles per hour in 30 feet or less without swerving out of a 12-foot wide lane. If the private inspection facility performs a road test of the brakes, a diagram of the test location shall be provided to the Private Inspection Facility Licensing Unit of the Motor Vehicle Commission at the address specified in N.J.A.C. 13:20-44.4(a).

(n) If a motor vehicle is equipped with air brakes, the low pressure warning system and air brake components shall be tested for proper operation. This test includes the following:

1. The low pressure warning system. The engine shall be turned off when there is sufficient air pressure so that the low pressure warning signal is not illuminated. The electrical power shall be turned on and the brake pedal shall be depressed and released to reduce the air tank pressure. The low air pressure warning signal shall become illuminated before the air pressure drops to less than 60 pounds per square inch in the air tank (or, in dual air systems, in the tank with the lower air pressure).

2. Operation of automatic spring brakes. The motor vehicle wheels shall be chocked, the parking brake released when there is sufficient air pressure to do so, and the engine turned off. The brake pedal shall be depressed and released to reduce the air tank pressure. The parking brake knob shall pop out when the air pressure falls to the manufacturer's specification, which is usually in a range of between 20 to 40 pounds per square inch. This shall cause the spring brakes to engage.

3. Rate of air pressure increase. With the motor vehicle engine idling at the motor vehicle manufacturer's specification, the air pressure shall increase from 85 pounds per square inch to 100 pounds per square inch within 45 seconds in dual air systems. If the motor vehicle is equipped with larger than minimum air tanks, the rate of increase may be longer as per the manufacturer's specifications. In single air systems on pre-1975 model year motor vehicles, typical specifications are an air pressure rate of increase from 50 to 90 pounds per square inch within three minutes with the engine at an idle speed of 600 to 900 revolutions per minute.

4. Air leakage rate. With a fully-charged air system (typically 125 pounds per square inch), the engine shall be turned off, the service brake shall be released, and the air pressure drop shall be timed. The loss rate shall be less than two pounds per square inch in one minute for single vehicles, or less than three pounds per square inch in one minute for combination vehicles. Ninety pounds per square

inch or more shall then be applied to the brake pedal. After the initial pressure drop, the air pressure shall not fall more than three pounds per square inch in one minute for single vehicles, nor more than four pounds per square inch in one minute for combination vehicles.

5. Governor cut-in and cut-out pressure. The air compressor shall start pumping at approximately 100 pounds per square inch and shall stop pumping at approximately 125 pounds per square inch as per the manufacturer's specifications. The motor vehicle engine shall be operated at a fast idle. The air governor shall cut-out the air compressor at approximately the manufacturer's specified pressure. The air pressure indicated on the air pressure gauge(s) shall stop rising. With the engine idling, the brake pedal shall be depressed and released to reduce the air tank pressure. The air compressor shall cut-in at approximately the manufacturer's specified cut-in pressure, and the air pressure shall begin to rise.

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

In (m)I, rewrote the last sentence as new last two sentences.
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 (m)3.
Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Service brakes (including service brake equalization and service brake pedal reserve); Class I and II licensees".

13:20-33.48 Parking brake; Class I, I-A, II and II-A licensees

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

(b) The parking brake shall be equipped with a ratchet and pawl, or other type of automatic locking device, which will hold the brake in the applied position. On motor vehicles equipped with an automatic transmission and an automatic parking brake release, the locking device shall hold the parking brake in the applied position regardless of whether the transmission gear shift lever is in the "neutral" or "park" position.

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

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Parking brake; Class I and II licensees".

13:20-33.49 Speed recording instrument (speedometer); mileage recording instrument (odometer); Class I, I-A, II and II-A licensees

Certification of a motor vehicle shall be refused if the speed recording instrument (speedometer) or the mileage recording instrument (odometer) for such motor vehicle is inoperative or does not operate properly.

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Speed recording instrument (speedometer); mileage recording instrument (odometer); Class I and II licensees".

13:20-33.50 Credentials; Class III licensees

(a) The driver of a motorcycle presented for inspection shall present either a valid motorcycle operator's license or a valid basic driver's license with a motorcycle endorsement, a valid New Jersey motorcycle registration certificate, and a valid New Jersey insurance identification card for the motorcycle. Photocopies or facsimiles of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

(b) Certification of a motorcycle shall not be refused because the New Jersey motorcycle registration certificate presented by the motorcyclist contains a typographical error(s) in the vehicle identification number, provided the make, year and license plate number of the motorcycle set forth on the registration certificate are accurate.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).
Inserted designation (a); and added (b).

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), deleted a comma following "year" and deleted the last sentence.

13:20-33.51 License plate; Class III licensees

(a) A motorcycle shall not be certified if the license plate is not in the possession of the operator when the motorcycle is presented for inspection.

(b) Certification of a motorcycle shall not be refused because the following requirements are not met; however, the motorcyclist shall be advised to have the condition corrected:

1. Only a rear license plate is required on a motorcycle. The license plate shall be clear and distinct and free from grease, dirt, or other blurring material so that it is plainly visible at all times of the day and night;

2. The license plate shall be securely attached to the rear of the motorcycle;

3. The license plate shall be displayed not less than 12 inches nor more than 48 inches from the ground in a horizontal position, right side up and right side out;

4. The letters and/or numbers on the license plate shall agree with the letters and/or numbers on the registration certificate of the motorcycle;

5. The license plate shall not be covered by glass, plastic, or similar material;

6. The license plate shall not be bent, illegible, or defaced; or

7. The registration plate decal(s), which may be issued by the Motor Vehicle Commission for use on the license plate shall indicate the month and year in which the registration certificate for the motorcycle expires and shall be firmly attached to the license plate.

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)7, inserted “, which may be” following “decal(s)” and substituted “Motor Vehicle Commission” for “Division”.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (a), deleted “, or if the letters and/or numbers on the license plate are illegible” from the end; and in (b)6, inserted “, illegible”.

13:20-33.52 Frame, wheels, steering, handlebars, and suspension; Class III licensees

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

1. The frame is bent or damaged so as to affect the safe operation of the motorcycle;
2. The wheels and/or rims are bent, damaged, or defective, or the wheels are out of line, so that steering and control are adversely affected;
3. The steering-head bearing is loose, broken, defective, or out of adjustment;
4. The handlebars are loose, bent, broken, or damaged so as to affect proper steering;
5. The handlebar grips are higher than the shoulder height of the operator when he or she is seated on the motorcycle in normal driving position. Inasmuch as no portion of the handlebar grips shall be higher than the shoulder height of the operator, the measurement shall be made to the highest point on the handlebar grips;
6. Any component which is loose, bent, broken, defective, out of adjustment, or missing, so as to affect the safe operation of the motorcycle; or
7. The steering or suspension system is not in a condition equivalent to the motorcycle manufacturer’s specifications.

13:20-33.53 Windscreen, glazing, and obstruction to driver’s vision; Class III licensees

(a) A windscreen is not required on a motorcycle if the operator has in his or her possession an approved type of goggles or an approved type of face shield. If the motorcycle is equipped with a windscreen, it shall be inspected and certification shall be refused for any of the following reasons:

1. The windscreen is not of an approved type. The windscreen shall be approved as meeting Standard Z26.1 of the American National Standards Institute. The letters “AS,” along with the trademark of the manufacturer or distributor, appear on approved types of windscreens;

2. The windscreen support, or some other component, obstructs the driver’s vision or is constructed or located as to constitute a hazard to the driver;

3. The windscreen is broken, cracked, discolored, or scratched so as to obstruct the driver’s vision;

4. The windscreen is not securely mounted;

5. The windscreen does not provide adequate protection for the operator; or

6. A sign, poster, sticker, or other non-transparent material is on the windscreen so as to obstruct the driver’s vision; provided, however, an automatic vehicle identification system transponder approved by the Chief Administrator in accordance with N.J.A.C. 13:20-10, or any sticker approved by the Chief Administrator, is permitted.

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)6.

13:20-33.54 Horn; Class III licensees

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

1. The motorcycle is not equipped with a horn;
2. A horn is not securely fastened to the motorcycle;
3. A horn button is placed in an unsafe position;
4. A horn button is not operating properly;
5. Horn wiring is in an unsafe condition;
6. A horn is not audible under normal conditions from a distance of not less than 200 feet; or
7. A motorcycle is equipped with a siren, whistle, or bell (except an authorized emergency vehicle or unless a permit for same has been issued by the Chief Administrator in accordance with N.J.A.C. 13:24); provided, however, that any motorcycle may be equipped with a theft alarm signal device which is installed so that it cannot be used by the driver as an ordinary warning signal.

(b) Certification of a motorcycle shall not be refused because a horn emits an excessively loud or harsh sound; however, the motorcyclist shall be advised to have the condition corrected.

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)7.

13:20-33.55 Windshield wipers; Class III licensees

(a) Some three-wheeled motorcycles are equipped with a passenger automobile type of windshield. In such cases, the motorcycle shall be equipped with at least one properly operating windshield wiper to provide clear vision for the driver. A motorcycle manufactured with only one windshield wiper shall have the wiper so located that it cleans the portion of the

windshield directly in front of the driver in order for the driver to safely operate the motorcycle.

(b) If a motorcycle was originally manufactured with two windshield wipers, both wipers shall operate properly.

(c) A windshield wiper shall be capable of operating at a speed necessary to provide the driver a clear view ahead under all conditions of weather.

(d) Windshield wiper blades shall not be damaged, hardened, deteriorated, missing, or of an improper type (such as a blade designed for a flat windshield installed on a curved windshield), or of an improper size.

(e) A windshield wiper blade shall be held against the windshield with adequate pressure to provide the driver a clear view ahead under all conditions of weather.

(f) A windshield wiper shall clean the full area of the windshield for which it was designed.

(g) A windshield wiper control shall be constructed and installed as to be operated or controlled by the driver and shall be in proper operating condition.

13:20-33.56 Clearance lights; Class III licensees

(a) If the motorcycle is equipped with a side car or any other extension that is attached to the side thereof, there shall be a clearance light located on the outside limit of the side car or extension which displays white light to the front of the motorcycle.

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

1. The clearance light is not of an approved type. Clearance lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC," along with the manufacturer's name or trademark, are on the lens of such lights;

2. The clearance light is not permanently and securely mounted on a permanent part of the motorcycle;

3. The lens is missing, broken, or cracked;

4. The clearance light does not display white light to the front of the motorcycle; or

5. The filament does not light when the headlight is in operation.

(c) A three-wheeled motorcycle shall be equipped with amber side clearance lights or parking lights on each side visible from the front of the motorcycle.

13:20-33.57 Taillight, reflector, and license plate light; Class III licensees

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

1. The taillight shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "T," along with the manufacturer's name or trademark, are often on the lens of such lights;

2. The taillight shall be permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two taillights are present they shall be symmetrically disposed about the vertical centerline. The mounted height of a taillight, as measured from the center of the lens to the level surface upon which the motorcycle stands, shall be not less than 15 inches nor more than 72 inches;

3. The lens is missing, broken, or of a color other than red. Certification of a motorcycle shall not be refused because a taillight lens is cracked, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected;

4. The filament does not light when the headlight is in operation;

5. The reflector shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "A" (for Class A reflectors) or the letter "B" (for Class B reflectors), along with the manufacturer's name or trademark, are on such reflectors in most cases; or

6. The reflector shall be permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two reflectors are present they shall be symmetrically disposed about the vertical centerline. The mounted height of a reflector shall be not less than 15 inches nor more than 60 inches from the level surface upon which the motorcycle stands. The mounted height of a reflector shall be measured from the center of the reflector.

(b) A three-wheeled motorcycle shall be equipped with a taillight and a red reflector on each side visible from the rear of the motorcycle.

(c) Certification of a motorcycle shall not be refused because the license plate light is missing, inoperative, or does not operate properly; however, the motorcyclist shall be advised to have the defect corrected. License plate lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "L," along with the manufacturer's name or trademark, are often on the lens of such lights.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (c), rewrote the first sentence.

13:20-33.58 Stoplight; Class III licensees

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

1. The stoplight is not red or amber in color;

2. The stoplight is not of an approved type. All stoplights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "S," along with the manufacturer's name or trademark, are often on the lens of such lights;

3. The stoplight is not activated by application of the brake;

4. The stoplight is not permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two stoplights are present they shall be symmetrically disposed about the vertical centerline; or

5. The lens is missing. Certification of a motorcycle shall not be refused because of a cracked lens, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected.

(b) A three-wheeled motorcycle shall be equipped with a red or amber stoplight on each side visible from the rear of the motorcycle.

13:20-33.59 Tires; Class III licensees

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

1. The tread on any tire is less than 2/32 of an inch in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire;

2. Any part of the ply or cord is exposed;
3. The tire structure has a chunk, bump, knot, or bulge evidencing cord, ply, or tread separation from the casing or other adjacent material; or
4. A tire has been regrooved below the original tread depth, unless such tire was originally manufactured with extra undertread material and is marked "REGROOVABLE."

13:20-33.60 Exhaust system; Class III licensees

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

1. An exhaust system in which the muffler is missing, defective, or not in proper operating condition;
2. An exhaust system if there is evidence of exhaust gas leakage at any point in the system;
3. The muffler is not designed especially for motorcycles or is not equivalent in quality and performance to the original manufacturer's equipment designed for highway use;
4. There is a muffler cut-out, muffler bypass or any similar device, or any change or modification to the exhaust system which causes excessive noise;
5. An exhaust system which has loose or worn components or has been patched; provided, however, that an exhaust system which has been properly welded and is in good condition may be certified;
6. There is excessive smoke. There shall be no more smoke than that produced by a properly maintained and functioning motorcycle;
7. An exhaust system in which all parts are not properly mounted; or
8. There is excessive vibration of the exhaust system.

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

13:20-33.61 Headlights; Class III licensees

(a) Every motorcycle shall be equipped with a headlight on the front on the vertical centerline, except that if two headlights are present they shall be symmetrically disposed about the vertical centerline. Motorcycle headlights shall emit only a white light and shall be tested for proper operation. Headlights shall not be tested for aim unless they have been previously rejected at inspection for one of the reasons set forth in this section. If headlight aim testing is required, the headlight shall be aimed straight ahead with the center of the hot spot of the high beam dropped the following distance in

25 feet, as measured with the operator seated on the motorcycle:

1. Multiple beam: Four inch drop (+/-2½ inches).
2. Single beam: Nine inch drop (+/-2½ inches).

(b) Notwithstanding (a) above, if headlight aim testing is required and if seven inch or 5¾ inch sealed beam headlight units are present on the motorcycle being tested, such headlights shall meet the headlight aim requirements set forth in N.J.A.C. 13:20-33.23.

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

1. The motorcycle is not equipped with at least one approved type of motorcycle headlight. All headlights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "M," along with the manufacturer's name or trademark, often appear on approved type motorcycle headlights;
2. A motorcycle shall not have more than two headlights. If two headlights are installed, both shall operate properly and be of an approved type. Motorcycles having motors not over five horsepower may have either multiple beam or single beam headlights; all other motorcycles shall have multiple beam headlights. One seven inch sealed beam passenger automobile headlight unit of an approved type, or one 5¾ inch Type 1 and one 5¾ inch Type 2 sealed beam passenger automobile headlight unit of an approved type, may be used if desired;
3. The headlight is not securely mounted, cannot be aimed vertically or its aim is grossly misaligned, the wiring is not in proper condition, or the headlight switch (if the motorcycle is so equipped) does not operate properly;
4. The lens is missing or improperly installed; or
5. There is discoloration or reflector deterioration.

(d) Certification of a motorcycle shall not be refused because the headlight lens is cracked or broken or there is excessive moisture therein, provided the headlight is operational and emits a white light. However, the motorcyclist shall be advised to have the defect corrected.

(e) Certification of a motorcycle shall not be refused because the light intensity of the headlight is weak even after the engine speed of the motorcycle has been increased in an attempt to obtain stronger light intensity, provided the headlight is operational and emits a white light. However, the motorcyclist shall be advised to have the defect corrected.

(f) Certification of a motorcycle shall not be refused because there is a brush guard, grille, or cover over or in front of the headlight, provided the headlight is operational and

emits a white light. However, the motorcyclist shall be advised to have the condition corrected.

(g) Certification of a motorcycle shall not be refused because the headlight rim is missing; however, the motorcyclist shall be advised to have the defect corrected.

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

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Rewrote (c)4 and (c)5; deleted (c)6; added (d) through (f); and recodified former (d) and (e) as (g) and (h).

13:20-33.62 Rear view mirrors; Class III licensees

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

1. The motorcycle is not equipped with a rear view mirror;
2. The mirror is not capable of adjustment to a fixed horizontal and vertical position;
3. The mirror is not securely or properly mounted on the motorcycle;
4. The mirror does not provide the driver adequate rear view vision; or
5. The primary rear view mirror to the left of the driver has a concave or convex shape.

(b) Certification of a motorcycle shall not be refused because the mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges, provided the mirror affords the driver adequate rear view vision. However, the motorcyclist shall be advised to have the defect corrected.

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Deleted (a)2; recodified (a)3 through (a)6 as (a)2 through (a)5; and added (b).

13:20-33.63 Miscellaneous lights; Class III licensees

(a) The lights described in this section are not required on motorcycles, unless otherwise noted, but are permitted provided they comply with the requirements set forth in this section.

(b) All miscellaneous lights used on motorcycles shall be of a type and color approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name or trademark, are often on the lens of such lights. In addition, the letters listed below often appear on the following lights:

1. Fog lights = F; or

2. Supplemental driving or passing lights = Y or Z.

(c) Any motorcycle may be equipped with not more than two auxiliary driving lights that are securely mounted on the front of the motorcycle at a height of not less than 12 inches nor more than 42 inches above the level surface upon which the motorcycle stands. Auxiliary driving lights include, but are not limited to, fog lights, passing lights, and supplemental driving lights. Auxiliary driving lights shall be aimed as set forth in N.J.A.C. 13:20-33.61. Auxiliary driving lights shall be properly installed so that their aim is not grossly misaligned nor readily disturbed by ordinary motorcycle operation. Fog lights shall be wired so that they can only be used in conjunction with the low beam headlights. Certification of a motorcycle shall be refused if the aim of an auxiliary driving light is grossly misaligned.

(d) Certification of a three-wheeled motorcycle shall be refused for any of the following reasons:

1. Two turn signal lights are not visible from the front of the motorcycle, or two turn signal lights are not visible from the rear of the motorcycle;

2. The turn signal system is not of an approved type. All turn signal lights, flashers and operating units shall be of a type approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name or trademark, are often on such devices. In the case of front and rear turn signal lights, the letter "I" or the letter "D" is often on the lens of such lights;

3. The turn signal lights showing to the front of the motorcycle are not amber or white in color;

4. The turn signal lights showing to the rear of the motorcycle are not amber or red in color; or

5. The turn signal lights, systems or components are not in proper operating condition. Certification of a motorcycle shall not be refused because a turn signal light has a cracked, broken, or missing lens, provided no white light shows to the rear of the motorcycle. However, the motorcyclist shall be advised to have the defect corrected.

(e) A spot light is a light which can be aimed at will. Any motorcycle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O," along with the manufacturer's name or trademark, are often on the lens of approved type spot lights. Approved spot lights shall meet the requirements of SAE J-591b, incorporated herein by reference. The Standards of the Society of Automotive Engineers (SAE) may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

(f) Flashing lights are prohibited on motorcycles (except an authorized emergency vehicle or unless a permit for same has been issued by the Chief Administrator in accordance

with N.J.A.C. 13:24) except as a means for indicating right or left turns or for hazard warning signals.

(g) A motorcycle driven by an active member in good standing of a volunteer fire company or a volunteer first aid or rescue squad may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-5. An identification card (permit) issued pursuant to N.J.A.C. 13:24-5 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motorcycle.

(h) All miscellaneous lights shall be permanently and securely mounted on a permanent part of the motorcycle in such a manner as to reduce the likelihood of their being obscured by mud or dirt thrown up by the wheels.

(i) Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

1. A turn signal with a headlight; or
2. A clearance light with a taillight or an identification light.

(j) Motorcycles may be equipped with other lights in addition to those which are specified in this subchapter. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights, along with the identification letters shown below:

1. E: Side turn signal lights (mounted on motorcycle sides);
2. K: Cornering lights;
3. M: Motorcycle and motor driven cycle headlights (motorcycle type);
4. N: Motorcycle and motor driven cycle headlights (motor driven cycle type);
5. R: Back-up lights;
6. U: Supplemental high-mounted stop and turn signal lights;
7. V: Liquid burning emergency flares;
8. W4: Emergency reflex reflectors; or
9. X: Electric emergency lanterns.

(k) Except as otherwise provided in (c) and (d) above, certification of a motorcycle shall not be refused because of noncompliance with any provision of this section; however, the motorcyclist shall be advised to have the defect corrected.

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

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

In (j)7, inserted "V:" preceding "Liquid".

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).

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

In (c), substituted "that" for "which" following "lights" and inserted the final sentence; rewrote introductory paragraph of (d) and (d)1; in (d)2, deleted "entire" preceding "turn signal system", substituted "is not" for "shall be" following "system" and a semicolon for the period at the end; in (d)3, substituted "are not" for "shall be"; and substituted a semicolon for the period at the end; in (d)4, substituted "are not" for "shall be" and substituted "; or" for the period at the end; rewrote (d)5; and added (k).

13:20-33.64 Wiring, switching, and electrical equipment; Class III licensees

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

1. The wiring and/or switches are not in proper condition, are improperly installed, or are so located as to cause damage;
2. The switches do not function properly;
3. A connection is not secure or shows signs of damage;
4. The power for lights is not provided by a generator, alternator, or magneto. Dry cell batteries are not acceptable as a source of electrical energy except for parking lights; or
5. Any defect in wiring or switching which adversely affects the lighting performance of any exterior light.

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

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

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

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

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

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

13:20-33.66 Miscellaneous items; Class III licensees

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

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

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

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

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

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

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

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

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

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

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

13:20-33.68 Helmets; Class III licensees

(a) Certification of a motorcycle shall be refused if the motorcycle operator does not have in his or her possession a helmet that is marked as meeting Federal Motor Vehicle Safety Standard No. 218.

(b) Certification of a motorcycle shall not be refused because the helmet in the possession of the motorcycle operator is not reflectorized and does not have red, white, or amber reflectorized safety tape securely affixed thereto over an area of at least four square inches on each side of the helmet; however, the motorcyclist shall be advised to have the condition corrected.

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

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

In (a)3, deleted last sentence.

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

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

In (a)1, deleted "Standard Z90.1 of the American National Standards Institute or" following "is marked to meet" and inserted "No." preceding "218".

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Rewrote introductory paragraph of (a); deleted (a)1 through (a)3; and added (b).

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

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

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

13:20-33.70 Seats; Class III licensees

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

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

1. The seats are not equivalent in quality and safety to the original manufacturer's equipment;
2. Each seat is not securely mounted; or
3. The seats are not of sufficient strength or are mounted in such a manner that the operator and passenger

cannot ride without crowding or interfering with the operation of the motorcycle.

13:20-33.71 Foot rests; Class III licensees

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

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

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

APPENDIX A

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

Table with 2 columns: Item Reinspected, Time Required. Lists items like Credentials (.1 hour*), License Plates (.1 hour*), Steering and Suspension (.5 hour), etc.

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

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

Substituted "Fuel Cap Leak Test" for "Gas Cap Test" and "On-Board Diagnostics (OBD) Inspection" for "On-Board Diagnostic (OBD) Test"; deleted "Pressure Test .3 hour".

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Deleted "and/or License Plate Light" following "Taillights".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In entry "Engine emissions", in the left column, deleted ", NOx" following "HC".

APPENDIX B

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

Table with 2 columns: Item Reinspected, Time Required. Lists items like Credentials (.1 hour*), License Plates (.1 hour*), Steering and Suspension (.7 hour), etc.

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

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

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

Substituted "Fuel Cap Leak Test" for "Gas Cap Test".

Amended by R.2007 d.33, effective February 5, 2007 (operative March 1, 2007).

See: 38 N.J.R. 2636(a), 39 N.J.R. 498(c).

Deleted "and/or License Plate Light" following "Taillights".

APPENDIX C

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

Table with 2 columns: Item Reinspected, Time Required. Lists items like Credentials (.1 hour*), License Plate (.1 hour*).

SUBCHAPTER 42. PURPLE HEART EMBLEMS ON LICENSE PLATES

13:20-42.1 Use

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

13:20-42.2 Design

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

13:20-42.3 Materials

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

13:20-42.4 Placement

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

SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

13:20-43.1 Definitions

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

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

“Certificate of approval” means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, a State specialty inspection facility or the Motor Vehicle Commission’s Mobile Inspection Unit certi-

fying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, this subchapter, N.J.A.C. 13:20-32 or 33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of motor vehicles.

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

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

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

“Collector motor vehicle” means a motor vehicle that is less than 25 years old and which was either: originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity; or at the time of qualification for designation exists in such limited numbers; either one or the other or both of the above, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner to the Motor Vehicle Commission, as may be accepted by the Chief Administrator in his or her discretion, so as to establish it as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns, and, further, that is not driven in excess of the maximum mileage permitted by the terms of a valid limited use motor vehicle insurance policy issued for, and covering such vehicle, proof of which shall be supplied to the Motor Vehicle Commission at the time of application for designation as a collector vehicle, which mileage shall in no event exceed 3,000 miles per year. This term shall not include motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37.

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

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

“EPA” means the United States Environmental Protection Agency.

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

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

“Fleet” means 10 or more motor vehicles.

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

“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.

“Inspection decal” means an inspection sticker issued by an official inspection facility in accordance with N.J.A.C. 13:20-7.4 setting forth the year and month in which a motor vehicle less than four model years old shall be presented for inspection in this State.

“Inspector” means an individual who is licensed by the Motor Vehicle Commission to perform motor vehicle emission and OBD inspections.

“Jitney” means an autobus as defined in N.J.S.A. 48:16-23 with a carrying capacity of not more than 13 passengers, operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route.

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

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

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

“Limousine” means any motor vehicle that is issued special registration plates bearing the word “limousine” pursuant to

N.J.S.A. 39:3-19.5 other than motor vehicles that are subject to inspection by the Motor Vehicle Commission’s Commercial Bus Inspection and Investigation Unit.

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

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

“Motor Vehicle 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).

“Motor vehicle emission repair facility” means any person, partnership or corporation registered by the Motor Vehicle Commission to engage in the business of performing emission-related and OBD-related repairs on motor vehicles that have failed an emission or OBD inspection required by this subchapter.

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

“Omnibus” means all motor vehicles used for the transportation of passengers for hire, except commuter vans and vehicles used in ridesharing arrangements and school buses, if the same are not otherwise used in the transportation of passengers for hire.

“On-board diagnostics” or “OBD” means an automotive diagnostic system complying with California Air Resources Board OBD regulations or EPA OBD regulations effective

for model year 1996 and newer gasoline-fueled and bi-fueled motor vehicles.

“OBD-eligible” means capable of receiving an OBD inspection as determined by the Department of Environmental Protection in accordance with N.J.A.C. 7:27-15.5(m).

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

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

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

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

“Taxicab” means an autocab as defined in N.J.S.A. 48:16-1 engaged in the business of carrying passengers for hire, which is held out, announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this State and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the State.

Amended by R.1997 d.100, effective March 3, 1997.
See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

In “Collector motor vehicle” amended maximum mileage provision and inserted proof of insurance requirement.

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

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

Inserted “Bi-fueled”, “Low utilization modified performance vehicle” and “State specialty inspection facility”; deleted “Primary emission control component” and “Working order”; rewrote “Certificate of approval”; in “Certificate of waiver” inserted “issued by an official inspection facility” following “sticker”; in “Collector motor vehicle”, added the last sentence; in “Emission control system”, substituted a reference to vehicle manufacturers and engine manufacturers for a reference to manufacturers, and inserted a reference to maintenance; in “Official inspection facility”, deleted “is operated by the Division of or that” following “facility that”; and in “Private inspection facility”, changed N.J.A.C. reference.

Administrative change.

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

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

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

In “Certificate of waiver”, “Inspector”, and “Motor vehicle emission repair facility”, inserted references to OBD inspections and OBD-related repairs; added “On-board diagnostics or ‘OBD’ ” and “OBD-eligible”.

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

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In definition “Certificate of approval”, deleted “or” preceding “a State” and “13:20-” preceding “33” and inserted “or the Motor Vehicle Commission’s Mobile Inspection Unit”; deleted definitions “Certificate of waiver”, “Loaded-mode (dynamometer-based) emission test”, “Low mileage vehicle” and “Low utilization modified performance vehicle”; in definition “Collector motor vehicle”, substituted “that is less than 25 years old and” for “, not otherwise qualified for designation as an ‘historic vehicle,’ or ‘street rod,’ ” and “that” for “which” following “height”; in definition “Gasoline-fueled”, substituted “or propane or” for “, and propane, and also” and a comma for “and” preceding “hydrocarbon-alcohol” and inserted “or hydrogen”; added definitions “Inspection decal”, “Jitney”, “Limousine”, and “Taxicab”; in definition “Motor vehicle emission repair facility”, deleted a comma following “partnership” and deleted “and which repairs may qualify for consideration in determining whether a certificate of waiver may be granted” from the end; and in definition “On-board diagnostics”, inserted “Air Resources Board” and “gasoline-fueled and bi-fueled motor vehicles” and deleted “II” following “EPA OBD”.

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

(a) Except as otherwise provided in (b) below, all motor vehicles, regardless of model year or fuel type, which are registered or required to be registered in New Jersey and all fleet motor vehicles that are primarily operated in New Jersey shall be inspected in accordance with this subchapter and the applicable emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. It shall be the responsibility of the owner or lessee of any motor vehicle primarily operated in New Jersey but which is registered in another jurisdiction to have such motor vehicle inspected in the state or jurisdiction of registration or in this State.

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

1. Historic motor vehicles registered pursuant to N.J.S.A. 39:3-27.4;
2. Collector motor vehicles;
3. Motorcycles;
4. Motorized bicycles;
5. Farm tractors and traction equipment;
6. Farm machinery and implements;
7. Fire trucks having a GVWR of more than 8,500 pounds;
8. In-transit construction equipment registered pursuant to N.J.S.A. 39:4-30;
9. Diesel-fueled motor vehicles;
10. Omnibuses that are subject to inspection by the Motor Vehicle Commission’s Commercial Bus Inspection and Investigation Unit;

11. School buses that are subject to inspection by the Motor Vehicle Commission's School Bus Inspection Unit in accordance with N.J.S.A. 39:3B-18 et seq.; and

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

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

1. The motor vehicle is less than 25 years old;
2. The vehicle is not a motor vehicle with elevated chassis height which is subject to inspection in accordance with N.J.A.C. 13:20-37;
3. The vehicle is not driven in excess of the maximum mileage permitted by the terms of a valid limited use motor vehicle insurance policy issued for such vehicle; and
4. The vehicle currently qualifies for, and is covered by, motor vehicle insurance coverage of a kind intended for limited use collector motor vehicles, proof of which shall be supplied to the Motor Vehicle Commission at the time of application for designation as a collector motor vehicle, which policy shall limit the mileage of the vehicle to 3,000 miles per year or less; and either,
 - i. Proof that the vehicle was originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner or lessee to the Motor Vehicle Commission, as may be accepted by the Chief Administrator in his or her discretion, so as to establish the vehicle as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns; or
 - ii. Proof that at the time of qualification for designation as a "collector motor vehicle" that the make and model of such vehicles exist in such limited numbers, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner or lessee to the Motor Vehicle Commission, as may be accepted by the Chief Administrator in his or her discretion, so as to establish the vehicle as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns.

(d) The Chief Administrator or his or her designee shall verify the odometer reading of a "collector motor vehicle" and may require that such motor vehicle be equipped with an odometer lock. A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating

condition shall not qualify for designation as a "collector motor vehicle."

(e) The owner or lessee of any motor vehicle qualifying as a "collector motor vehicle" shall be eligible to purchase from the Motor Vehicle Commission a distinctive windshield sticker, of a design and dimensions to be approved by the Chief Administrator, said sticker to be affixed in lieu of a certificate of approval or inspection decal, by an authorized representative of the Motor Vehicle Commission, indicating that said motor vehicle is a "collector motor vehicle" that is exempt from the inspection requirements of N.J.S.A. 39:8-1. The windshield sticker shall be valid for the biennial inspection test cycle; provided, however, that a windshield sticker issued pursuant to this subsection for a "collector motor vehicle" that is 24 years old shall be valid for a period of one year and shall be nonrenewable.

(f) The Chief Administrator or his or her designee shall remove the previous "collector motor vehicle" windshield sticker, if any, of a motor vehicle which is denied designation as a "collector motor vehicle" in accordance with this section. A motor vehicle that is denied designation as a "collector motor vehicle" shall not be eligible for such designation for one inspection cycle.

(g) The owner or lessee of a "collector motor vehicle" shall make application to the Motor Vehicle Commission for the renewal of the windshield sticker prior to expiration of the inspection test cycle. The renewal application shall at a minimum be accompanied by proof that the vehicle is covered by motor vehicle insurance coverage of a kind intended for limited use collector motor vehicles that limits the mileage use of the vehicle to 3,000 miles per year or less.

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

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

In (c)2, amended maximum mileage provision; in (c)3, inserted proof of insurance and 3,000 mile policy limitation provisions; and in (f), inserted 3,000 mile policy limitation.

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

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

Rewrote the section.

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

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

In (a), amended N.J.A.C. references.

Administrative change.

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

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

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

Rewrote (a); in (b), added a new 11 and recodified former 11 as 12.

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; substituted a colon for a period at end of (b); and "that" for "which" in (b)10.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Inspection requirements for motor vehicles; exempt vehicles; designation of collector motor vehicles; designation of low utilization modified performance vehicles; designation of low mileage

vehicles". In (b)9, deleted ", other than omnibuses and school buses, having a GVWR of 10,000 pounds or more that are required to be inspected by the owner or lessee of the vehicle in accordance with N.J.A.C. 13:20-26" from the end; in (b)10, deleted "having a seating capacity of 10 passengers or more and" following "Omnibuses"; in the introductory paragraph of (c), substituted "that" for "which"; in (c)1, inserted "motor" and substituted "less than 25 years old" for "not currently qualified for designation as an 'historic motor vehicle,' as provided at N.J.S.A. 39:3-27.3 et seq., and any rules promulgated pursuant thereto, or as a 'street rod,' as provided at N.J.S.A. 39:3-27.27, and any rules promulgated pursuant thereto"; in (e), inserted "or lessee", "or inspection decal"; the third occurrence of "motor", "biennial", and "; provided, however, that a windshield sticker issued pursuant to this subsection for a 'collector motor vehicle' that is 24 years old shall be valid for a period of one year and shall be nonrenewable"; and deleted (i) through (n).

13:20-43.3 Inspection facilities

A motor vehicle subject to inspection shall have the inspection performed at an official inspection facility, a private inspection facility licensed by the Motor Vehicle Commission, or a State specialty inspection facility operated by the Motor Vehicle Commission, in accordance with N.J.A.C. 13:20-7.3.

Amended by R.1997 d.100, effective March 3, 1997.
See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

Deleted provision prohibiting vehicles over four years old from inspection at private facilities and provision requiring reinspection of specified vehicles at official facilities following two initial emission test failures.

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

Rewrote the section.

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.

13:20-43.4 Federal motor vehicles

(a) Motor vehicles that are operated on Federal installations located within New Jersey and motor vehicles operated by Federal government agencies in this State shall be inspected in accordance with this subchapter and the emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles that are inspected pursuant to this section shall be inspected by a Class I, Class I-A, Class II or Class II-A private inspection facility licensed by the Motor Vehicle Commission pursuant to N.J.A.C. 13:20-44.

(c) A Class I or Class I-A licensed private inspection facility shall provide to the operator of a Federally plated or numbered motor vehicle that is presented for inspection in this State a report of inspection conducted in accordance with (a) above, which shall include:

1. The VIN for the motor vehicle;
2. The license plate number issued by the Federal government agency for the motor vehicle;

3. HC results, if applicable;
4. CO results, if applicable;
5. CO₂ results, if applicable;
6. O₂ results, if applicable;
7. OBD inspection results, if applicable;
8. Fuel cap leak test results, if applicable; and
9. Exhaust system inspection results.

(d) All motor vehicles owned, leased, or operated by civilian or military personnel on Federal installations in New Jersey, whether such motor vehicles are registered in this State or in another jurisdiction, shall be inspected in accordance with this subchapter and the emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. This inspection requirement shall not apply to visiting agency, employee, or military personnel vehicles so long as such visits do not exceed 60 calendar days per year.

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

Rewrote (a) and (b); and in (c), substituted a reference to Class I licensed private inspection facilities for a reference to the Division in the introductory paragraph, substituted a reference to CO results for a reference to O results in 4, and substituted a reference to exhaust system inspection results for a reference to safety inspection results in 10.

Administrative change.

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

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

In (a), substituted "the emission or OBD inspection standards and test procedures adopted" for "emission standards adopted"; rewrote (c); in (d), substituted "the emission or OBD inspection standards and test procedures adopted" for "emission standards adopted" and amended the N.J.A.C. references.

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 (b).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), substituted "that" for "which" and "Class I-A," for "or" and inserted "or Class II-A"; in the introductory paragraph of (c), inserted "or Class I-A" and substituted "Federally plated" for "Federally-plated"; deleted (c)6; and recodified former (c)7 through (c)10 as (c)6 through (c)9.

13:20-43.5 Motor vehicles registered in other states

(a) Owners, lessees, or operators of motor vehicles registered in other jurisdictions may present their motor vehicles for inspection in this State. The inspection shall be in accordance with this subchapter and the emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles that are inspected pursuant to this section shall be inspected by a Class I, Class I-A, Class II or Class II-A private inspection facility licensed by the Motor Vehicle Commission pursuant to N.J.A.C. 13:20-44.

(c) A Class I or Class I-A licensed private inspection facility shall provide to the operator of a motor vehicle that is presented for inspection in this State a report of inspection conducted under N.J.A.C. 13:20-43.4(d) or (a) above.

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

1. The VIN for the motor vehicle;
2. The license plate number issued for the motor vehicle;
3. The name of the state in which the motor vehicle is registered;
4. HC results, if applicable;
5. CO results, if applicable;
6. CO₂ results, if applicable;
7. O₂ results, if applicable;
8. OBD inspection results, if applicable;
9. Fuel cap leak test results, if applicable; and
10. Exhaust system inspection results.

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

In (a), changed N.J.A.C. references; rewrote (b); in (c), substituted a reference to Class I licensed private inspection facilities for a reference to the Division; and in (d)11, substituted a reference to exhaust system inspection results for a reference to safety inspections.

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

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

In (a), substituted "emission or OBD inspection standards and test procedures adopted" for "emission standards adopted"; rewrote (d).
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 "of" for "or"; and in (b), substituted "Motor Vehicle Commission" for "Division".
Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), substituted "that" for "which" and " , Class I-A," for "or" and inserted "or Class II-A"; in (c), inserted "or Class I-A" and substituted "that" for "which"; deleted (d)8; and recodified former (d)9 through (d)11 as (d)8 through (d)10.

13:20-43.6 Fleet motor vehicles

All fleet motor vehicles, including those that are available for lease or rent, which are registered in this State, or are registered in another state and primarily operated in New Jersey, shall be inspected in accordance with this subchapter and the emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. A fleet motor vehicle shall be inspected at an official inspection facility or by a Class I, Class I-A, Class II or Class II-A licensed private inspection facility. The owner or lessee of fleet motor vehicles may apply for and be licensed by the Motor Vehicle

Commission as a Class II or Class II-A private inspection facility in accordance with N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-44.

Amended by R.1997 d.100, effective March 3, 1997.
See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

Deleted provision requiring reinspection of specified vehicles at official facilities following two initial emission test failures.
Amended by R.1999 d.422, effective December 6, 1999.

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

Changed N.J.A.C. references in the first sentence, inserted "Class I or Class II" in the second sentence, and inserted "Class II" and changed N.J.S.A. reference in the last sentence.

Administrative change.

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

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

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

Added "or OBD inspection" following "emission" and "and test procedures" following "standards".

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".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Inserted the second occurrence of "motor" and "or Class II-A" twice and substituted " , Class I-A," for "or".

13:20-43.7 Test frequency

(a) Motor vehicles subject to inspection pursuant to this subchapter shall be inspected on a biennial basis, except as otherwise provided by law or regulation.

(b) Notwithstanding (a) above, the following motor vehicles subject to inspection pursuant to this subchapter shall be inspected on an annual basis:

1. Gasoline-fueled and bi-fueled motor vehicles that are registered as commercial motor vehicles pursuant to N.J.S.A. 39:3-20;
2. Buses that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission;
3. Taxicabs;
4. Limousines; and
5. Jitneys.

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

Deleted former second and third sentences.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Inserted designation (a); and added (b), operative January 1, 2010.

13:20-43.8 On-board diagnostics inspection; tests for emissions

(a) An OBD inspection shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.6 on all OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled motor vehicles with model years 1996 and later having a GVWR of 8,500 pounds or less. Notwithstanding N.J.A.C. 13:20-43.2(b)11, an annual OBD inspection shall be conducted by the Motor Vehicle Commission's School Bus Inspection Unit

in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.6 on all OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled school buses with model years 1996 and later having a GVWR of 8,500 pounds or less. All motor vehicles that are subject to an OBD inspection shall not exceed the OBD inspection standards established at N.J.A.C. 7:27-15 for such motor vehicles by the Department of Environmental Protec-

tion. An OBD inspection shall not be required pursuant to this subsection for any OBD-equipped motor vehicle that is not OBD-eligible as shall be determined by the Department of Environmental Protection. In such exceptional cases, a two-speed idle test conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.4 shall be administered.

(b) A two-speed idle test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.4 on all gasoline-fueled and bi-fueled motor vehicles with model years 1981 through 1995 having a GVWR of 8,500 pounds or less; provided, however, no such test shall be required for any motor vehicle originally manufactured with a particular design characteristic that makes it either impractical or hazardous to conduct such test, as shall be determined in the discretion of the Chief Administrator. In such exceptional cases, an idle test, conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.3(b), shall be administered. All motor vehicles that are subject to a two-speed idle test shall not exceed the emission levels established at N.J.A.C. 7:27-15 for such motor vehicles by the Department of Environmental Protection for hydrocarbons (HC) and carbon monoxide (CO).

(c) An idle test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.3(b) on all gasoline-fueled and bi-fueled motor vehicles with model years 1980 and earlier, all gasoline-fueled and bi-fueled motor vehicles having a GVWR greater than 8,500 pounds, and on any other motor vehicle originally manufactured with a particular design characteristic that makes it either impractical or hazardous to conduct a two-speed idle test, as shall be determined in the discretion of the Chief Administrator. All motor vehicles that are subject to an idle test shall not exceed the emission levels established at N.J.A.C. 7:27-15 for such motor vehicles by the Department of Environmental Protection for hydrocarbons (HC) and carbon monoxide (CO).

(d) A fuel cap leak test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.7 on all motor vehicles with model years 2000 and earlier that were originally equipped with a sealed fuel filler cap. Motor vehicles subject to the fuel cap leak test shall meet the standards for such test established by the Department of Environmental Protection at N.J.A.C. 7:27-15.5 and 7:27B-5.7.

(e) An inspection shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-5 for the presence of the catalytic converter on all light-duty gasoline-fueled and bi-fueled motor vehicles and light-duty gasoline-fueled and bi-fueled trucks which were manufactured with a catalytic converter as original equipment or which were retrofitted with a catalytic converter. Motor vehicles shall fail inspection if the catalytic converter was a part of the original certified configuration for the motor vehicle and the catalytic converter is missing or disconnected. If it is found that the catalytic converter is modified or improperly connected, or is not certified in accordance with EPA procedures, or is not of a type which was part of the original certified configuration for the motor vehicle, the motor vehicle shall fail inspection.

(f) A visible smoke test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-5 on all gasoline-fueled and bi-fueled motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1.

(g) The Chief Administrator, as required by 40 CFR § 51.353(c)(3) to evaluate the effectiveness of the enhanced inspection and maintenance program, may require a motor vehicle which has been presented for an initial inspection to undergo an alternate emission inspection by his or her designee.

(h) A motor vehicle safety equipment inspection shall be conducted on all motor vehicles subject to inspection; provided, however, that with regard to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 and motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5, the safety equipment inspection required by this subsection shall be limited to an inspection of the motor vehicle's exhaust system. The following safety equipment shall be subject to inspection:

1. Steering and suspension;
2. Glazing and vision obstruction;
3. Headlights;
4. Red rear lights;
5. Stop lights;
6. Turn signals;
7. Reflectors;
8. Horn;
9. Windshield wipers;
10. Wheels and tires;
11. Exhaust system;
12. Mirrors;
13. Service brake (operation and pedal reserve);
14. Parking brake;
15. Brake equalization;
16. Seat belts; and
17. Such other equipment, as an inspection discloses will affect the safe operation of the vehicle or present an imminent safety hazard to its occupants or the public.

(i) Each motor vehicle inspection conducted pursuant to this subchapter shall include an examination of the driver's license, motor vehicle registration certificate and insurance identification card; provided, however, that this subsection shall not apply to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 or to motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5.

Amended by R.1997 d.100, effective March 3, 1997.
See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

Amended model years throughout; in (b), reference to full-time four-wheel drive vehicles, the model year for vehicles controlled by devices for the handicapped, and vehicles whose operation on a dynamometer is

impracticable or hazardous inserted; and in (d), inserted gas cap pressure test and gas cap standards provisions.

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

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

Rewrote the section.

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

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

In (a), rewrote the first sentence; in (b), rewrote the second and third sentences; deleted "idle" following "RPM" and updated N.J.A.C. references throughout.

Administrative change.

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

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

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

Rewrote the section.

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" throughout; in (a), substituted "Motor Vehicle Commission's" for "Division's"; and in (b), substituted "its" for "it".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (a), substituted "An" for "On and after June 1, 2003, an", "5.6" for "5.7" twice, and ", an annual" for "and 30.13, on and after June 1, 2003, a biennial" and inserted the last two sentences; rewrote (b); in (c), deleted "emission" following the first occurrence of "idle", deleted the former second and last sentences, deleted "or a 2,500 RPM emission test" preceding "shall not exceed", and substituted "two-speed idle" for "2,500 RPM emission"; and in (d), substituted "5.7" for "5.8" twice and the second occurrence of "15.5" for "15" and inserted "with model years 2000 and earlier that were".

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

(a) The operator of a motor vehicle that fails inspection shall be provided with a motor vehicle inspection report and inspection report supplement, if issued. The motor vehicle inspection report and inspection report supplement, if issued, shall include:

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

15. The type of vehicle preconditioning performed, if applicable;

16. Results of the safety inspection;

17. Emission or OBD inspection results and standards for the motor vehicle;

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

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

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

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

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

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

24. Space to indicate the emission-related or OBD-related repair(s) performed;

25. Space to indicate technician-recommended repair(s) performed;

26. Other information as the Motor Vehicle Commission may require to enable it to determine compliance with this subchapter.

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

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

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

In (a), substituted "fuel cap leak test" for "evaporative system functional tests" in 14, inserted "or OBD" following "Emission" and "motor" preceding "vehicle" in 17, inserted "or OBD-related" preceding "repair(s)" in 24 through 26; in (b), inserted "or OBD-related" following "emission-related" and "motor" following "repaired".

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 (a)27, inserted hyphen; and in (c), inserted "emission" and substituted "Chief Administrator" for "Director".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In the introductory paragraph of (a), substituted the first occurrence of "a" for "each", inserted "that fails inspection" and deleted ", upon completion of an inspection" following the first occurrence of "issued"; in (a)14, inserted ", if applicable"; deleted (a)21, (a)25 and (c); and

recodified former (a)22 through (a)24 as (a)21 through (a)23 and former (a)26 through (a)28 as (a)24 through (a)26.

13:20-43.10 Reinspections

Motor vehicles that fail inspection shall be reinspected within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable, after the motor vehicle has been repaired or adjusted. Emission-related or OBD-related repairs shall be performed by a registered motor vehicle emission repair facility or by the owner or lessee of the motor vehicle. The owner or lessee who had a registered motor vehicle emission repair facility perform emission-related or OBD-related repairs on a motor vehicle that failed the emission or OBD inspection shall present the previously-issued motor vehicle inspection report and inspection report supplement, if issued, which has/have been completed by such registered motor vehicle emission repair facility. The owner or lessee possessing a nationally-recognized certification for emission-related diagnosis and repairs who performs emission-related or OBD-related repairs to a motor vehicle that failed the emission or OBD inspection shall present the previously-issued motor vehicle inspection report and inspection report supplement, if issued, which has/have been completed by such owner or lessee. The owner or lessee who performs emission-related or OBD-related repairs of the emission control system and/or who performs an emission-related process on a motor vehicle that failed the emission or OBD inspection shall present the previously-issued motor vehicle inspection report and inspection report supplement, if issued, which has/have been completed by such owner or lessee. All motor vehicles subject to a reinspection, including motor vehicles that have failed an on-road inspection conducted in accordance with N.J.A.C. 13:20-43.14, for non-compliance with the emission or OBD inspection standards shall be subject to the separable portions of the inspection procedure for the vehicle model year (that is, fuel cap leak testing, if applicable, and either exhaust or OBD testing, whichever is applicable). Portions of the testing procedure shall be considered separable for purposes of this section if a failure on one portion does not affect the likelihood of passage or failure on any other portion of the testing procedure. If the motor vehicle passes the reinspection, the Motor Vehicle Commission, or an authorized inspector, shall issue a certificate of approval for the motor vehicle indicating compliance. If the motor vehicle fails to pass the reinspection, the Motor Vehicle Commission, or an authorized inspector, shall issue a motor vehicle inspection report indicating noncompliance.

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

Rewrote the section.

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

Rewrote section.

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

Rewrote the section.

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.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Substituted "previously-issued" for "previously issued" throughout, deleted "and the pre-inspection repair form (if applicable)," preceding "which has/have" throughout, "and invoice(s) issued by such registered motor vehicle emission repair facility" following the third occurrence of "repair facility", "and invoices for emission-related parts" following the first occurrence of "such owner or lessee", "and invoices for emission control system parts and/or emission-related processes" following the second occurrence of "such owner or lessee", deleted the last two sentences, and inserted ", if applicable," following "leak testing".

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

(a) An inspection certificate of approval shall be issued for New Jersey registered motor vehicles that meet safety and emission or OBD standards. The inspection certificate of approval issued for motor vehicles other than motorcycles shall be affixed in accordance with N.J.A.C. 13:20-32.2(d) or 33.2(k), whichever is applicable, to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

(b) An inspection rejection sticker shall be issued by an official inspection facility for New Jersey registered motor vehicles other than motorcycles that fail to meet safety and/or emission or OBD standards. The inspection rejection sticker shall be affixed by an official inspection facility in accordance with N.J.A.C. 13:20-32.2(e) or, if applicable, N.J.A.C. 13:20-32.2(f), to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A licensed private inspection facility shall denote that a New Jersey registered motor vehicle other than a motorcycle has failed to meet safety and/or emission or OBD standards by defacing the inspection certificate of approval or inspection decal affixed to the motor vehicle, if any, in accordance with N.J.A.C. 13:20-33.2(l), except as otherwise provided at N.J.A.C. 13:20-33.2(m). The owner or lessee of a motor vehicle that has failed inspection shall have the necessary repairs made and shall present the motor vehicle for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable.

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

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

Rewrote the section.

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

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

Inserted "or ODB" preceding "standards" throughout.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (a), substituted "32.2(d)" for "32.2(e)"; and in (b), substituted "32.2(e)" for "32.2(f)", "32.2(f)" for "32.2(g)", and "inspection decal" for "certificate of waiver".

13:20-43.12 Inspection extensions

(a) A motor vehicle registered in New Jersey that cannot be presented for inspection in this State prior to the expiration of the certificate of approval or inspection decal issued for the motor vehicle shall be deemed to be in compliance with the

inspection requirements of this State if the motor vehicle is presented for an inspection in the state or region in which it is temporarily located, provided that such inspection is performed in an enhanced I/M program. In order to avoid sanctions for failure to comply with the inspection requirements of this State, it shall be the responsibility of the owner or lessee of the motor vehicle to transmit to the Motor Vehicle Commission proof that the motor vehicle has been inspected by another state's enhanced I/M program. Such proof shall consist of a report issued by the enhanced I/M program of such other state containing the license plate number or vehicle identification number of the motor vehicle inspected, the date and location of inspection, and the results of such inspection. If such proof has been submitted and a current registration has been issued for the motor vehicle, the Chief Administrator or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid beyond the expiration of the inspection cycle established for the motor vehicle except as hereafter provided. The Chief Administrator shall issue an additional inspection extension(s) pursuant to this subsection to a motor vehicle owner or lessee who is on active military duty or who is attending college or graduate school in a state or region that has an enhanced I/M program; provided, however, that continuing proof that the motor vehicle has been presented for inspection in another state's enhanced I/M program is transmitted to the Motor Vehicle Commission by the owner or lessee of the motor vehicle.

(b) The owner or lessee of a motor vehicle registered in New Jersey that cannot be presented for inspection in this or another State prior to the expiration of the certificate of approval or inspection decal issued for the motor vehicle because it is temporarily located in a state or region that does not have an enhanced I/M program shall notify the Motor Vehicle Commission of the date upon which the motor vehicle will be returned to New Jersey. If a current registration has been issued for the motor vehicle, the Chief Administrator or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid beyond the expiration of the inspection cycle established for the motor vehicle except as hereafter provided. The Chief Administrator shall issue an inspection extension of greater length pursuant to this subsection to a motor vehicle owner or lessee who is on active military duty and is stationed in another state or region that does not have an enhanced I/M program, or to a motor vehicle owner or lessee who is attending college or graduate school in another state or region that does not have an enhanced I/M program.

(c) The owner or lessee of a motor vehicle registered in New Jersey that cannot be presented for inspection or reinspection prior to the date by which the motor vehicle must be presented for such inspection or reinspection due to the ill health of the motor vehicle owner or lessee, or for other good cause, shall notify the Motor Vehicle Commission of such circumstance. If a current registration has been issued for the motor vehicle, the Chief Administrator or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected or reinspected; provided, however, that such an extension shall not be granted for a motor vehicle that has failed inspection and requires repairs pursuant to N.J.A.C. 13:20-7.6. The inspection extension shall be valid until such date as specified by the Chief Administrator or his or her designee, but in no event shall the extension be valid beyond the expiration of the inspection cycle established for the motor vehicle.

(d) The owner or lessee of a motor vehicle registered in New Jersey that has failed inspection and requires repairs, other than repairs required to be made pursuant to N.J.A.C. 13:20-7.6, which cannot be completed prior to the date by which the motor vehicle must be presented for reinspection due to the nature of the repairs that are required, shall notify the Motor Vehicle Commission of the date upon which the repairs to the motor vehicle shall be completed. If a current registration has been issued for the motor vehicle, the Chief Administrator or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle reinspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the repairs to the motor vehicle have been completed, but in no event shall the extension be valid beyond the expiration of the inspection cycle established for the motor vehicle.

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

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

Rewrote the section.

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.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Substituted "inspection decal" for "certificate of waiver" throughout and deleted "two year" preceding "inspection cycle" throughout; in (a), deleted "which is" preceding "registered"; in (b), (c), and (d), substituted "that" for "which" following the first occurrence of "New Jersey"; in (c), substituted "that" for "which" preceding "has failed"; and in (d), substituted "that" for "which" preceding "are required".

13:20-43.13 (Reserved)

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

In (a)5, inserted 60 day provision; and in (a)8, substituted "January 1, 2000" for "January 1, 1998".

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

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

In (a), changed N.J.A.C. references in 2 and 3, substituted a reference to motor vehicles for a reference to vehicles in 3, rewrote 6, and substituted references to 2002 for references to 2000 in 8.

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

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

In (a), substituted "7:27B-5" for "7:27B-4" in the introductory paragraph and substituted "\$450.00" for "the amount specified at 40 C.F.R. § 51.360(a)(7)" in 8.

Administrative change.

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

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

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

Rewrote (a); deleted former (c) and recodified former (d) and (e) as (c) and (d).

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" throughout; and in (a)7, substituted "Motor Vehicle Commission" for "Division".

Repealed by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "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

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

(b) On-road inspection shall consist of a safety inspection, a visible smoke test, an emission test or an OBD inspection, whichever is applicable, a fuel cap leak test, if applicable, an inspection for the presence and integrity of the motor vehicle's catalytic converter, an examination of the driver's license, motor vehicle registration certificate and insurance identification card, and such other tests as may be determined by the Chief Administrator.

(c) On-road emission tests and OBD inspections shall be conducted using emission test and OBD inspection equipment approved by the Chief Administrator after consultation with the Department of Environmental Protection in accordance with N.J.A.C. 7:27B-5.8.

(d) On-road emission tests and OBD inspections shall be conducted using the inspection standards and test procedures set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(e) The Motor Vehicle Commission shall use the following criteria in determining which motor vehicles shall be subjected to on-road inspection:

1. Motor vehicles with an observable defect(s);
2. Motor vehicles without an inspection certificate of approval or inspection decal;
3. Motor vehicles with an expired inspection certificate of approval or inspection decal;
4. Motor vehicles with an expired inspection rejection sticker or other indication that the motor vehicle has failed inspection and has not been presented for reinspection within the period of time specified in N.J.A.C. 13:20-7.5, 7.6(a), or (g) below, whichever is applicable;

5. Motor vehicles without a registration plate(s) and/or registration plate decal(s), if issued by the Commission;

6. Motor vehicles with an expired registration plate decal(s), if issued by the Commission;

7. Motor vehicles which fail to meet minimum emission standards as determined by a remote sensing device; or

8. Motor vehicles that correspond to a predetermined numerical sequence established by Commission supervisory personnel for subjecting motor vehicles to on-road inspection (for example, every fifth motor vehicle, every tenth motor vehicle, etc.)

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

(g) The owner or lessee of a motor vehicle which has failed an on-road inspection shall have the necessary repairs made and present the motor vehicle for reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.6(a).

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

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

Rewrote (e); and in (g), changed N.J.A.C. reference.

Administrative change.

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

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

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

Rewrote the section.

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 (c), substituted "Chief Administrator" for "Director"; in (e), substituted "Motor Vehicle Commission" for "Division"; in (e)5 and (e)6, inserted ", if issued by the Commission"; and in (e)8, substituted "Commission" for "Division".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), inserted "if applicable," and deleted "including a tap test thereof," preceding "an examination"; in (c), updated the N.J.A.C. reference; and in (e)2 and (e)3, substituted "inspection decal" for "certificate of waiver".

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

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

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

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

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

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

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

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

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

(g) Except as otherwise provided in this section, the Motor Vehicle Commission shall deny the issuance or renewal of the registration of a motor vehicle and shall suspend the registration of a motor vehicle if the owner or lessee has not

filed or caused to be filed with the Motor Vehicle Commission within six months of the written notice provided under (d) above proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer.

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

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

2. The Motor Vehicle Commission shall not deny a motor vehicle registration pursuant to this section if the owner or lessee presents or causes the motor vehicle to be presented to the manufacturer or authorized dealer for emission-related recall repairs and files or causes to be filed with the Motor Vehicle Commission proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer.

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

In (g), inserted "within six months of the written notice provided under section (d) above" following "Division"; and in (h), substituted a reference to motor vehicles for a reference to vehicles and inserted a reference to lessees in the introductory paragraph, inserted a reference to lessees in 1, and rewrote 2.

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 (d)3, substituted "Motor Vehicle Commission's" for "Division's"; and in (e), substituted "Chief Administrator" for "Director".

13:20-43.16 Registration denial; suspension of registration; motor vehicles not inspected by certificate of approval or inspection decal expiration date; motor vehicles that have failed inspection and have not been presented for reinspection; conditional registration restoration; reinstatement of registration suspension due to noncompliance; conditional registration; suspension of conditional registration due to noncompliance; penalties

(a) Except as otherwise provided in this section, the Motor Vehicle Commission shall deny the issuance or renewal of the registration of a motor vehicle, other than a motorcycle, and shall suspend the registration of a motor vehicle, other than a motorcycle, if the owner or lessee has not presented the motor vehicle for inspection prior to the expiration of the certificate of approval or inspection decal issued for the motor vehicle. The Motor Vehicle Commission shall mail a notice of scheduled registration suspension to the owner or

lessee of a motor vehicle whenever a motor vehicle has not been presented for inspection prior to the expiration of the certificate of approval or inspection decal issued for the motor vehicle. The notice of scheduled registration suspension shall inform the owner or lessee that the motor vehicle must be presented for inspection within 30 days from the date of the notice of scheduled registration suspension and that the owner's or lessee's failure to present the motor vehicle for inspection shall cause the registration of the motor vehicle to be suspended. The Motor Vehicle Commission shall mail an order of registration suspension to the owner or lessee if the owner or lessee fails to present the motor vehicle for inspection in accordance with the notice of scheduled registration suspension. The Motor Vehicle Commission shall not suspend a motor vehicle registration pursuant to this subsection if the owner or lessee complies with either of the following requirements:

1. Surrenders or causes to be surrendered to the Motor Vehicle Commission the registration certificate and registration plates issued for the motor vehicle within the period of time provided in the Motor Vehicle Commission's notice of scheduled registration suspension; or

2. Presents or causes the motor vehicle to be presented for inspection within the period of time provided in the Motor Vehicle Commission's notice of scheduled registration suspension and an inspection certificate of approval is issued for the motor vehicle within such period of time.

(b) Except as otherwise provided in this section, the Motor Vehicle Commission shall deny or suspend the registration of a motor vehicle, other than a motorcycle, if the owner or lessee has not presented the motor vehicle for reinspection prior to the expiration of the inspection rejection sticker or other indication of inspection rejection issued for the motor vehicle after failure of inspection. The Motor Vehicle Commission shall mail a notice of scheduled registration suspension to the owner or lessee of a motor vehicle whenever a motor vehicle has not been presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable. The notice of scheduled registration suspension shall inform the owner or lessee that the motor vehicle must be presented for reinspection within 30 days from the date of the notice of scheduled registration suspension and that the owner's or lessee's failure to present the motor vehicle for reinspection shall cause the registration of the motor vehicle to be suspended. The Motor Vehicle Commission shall mail an order of registration suspension to the owner or lessee if the owner or lessee fails to present the motor vehicle for reinspection in accordance with the notice of scheduled registration suspension. The Motor Vehicle Commission shall not suspend a motor vehicle registration pursuant to this subsection if the owner or lessee complies with either of the following requirements:

1. Surrenders or causes to be surrendered to the Motor Vehicle Commission the registration certificate and registration plates issued for the motor vehicle within the period of time provided in the Motor Vehicle Commission's notice of scheduled registration suspension; or

2. Presents or causes the motor vehicle to be presented for reinspection within the period of time provided in the Motor Vehicle Commission's notice of scheduled registration suspension and an inspection certificate of approval is issued for the motor vehicle within such period of time.

(c) The Motor Vehicle Commission shall not issue a motor vehicle registration renewal application if the registration for the motor vehicle is denied or suspended in accordance with this section.

(d) The Motor Vehicle Commission shall issue a notice of conditional registration restoration to a motor vehicle owner or lessee who has applied for the restoration of a motor vehicle registration that has been denied or suspended pursuant to this section provided he or she has paid the registration restoration fee in accordance with N.J.S.A. 39:3-10a and N.J.A.C. 13:21-9.3(b) and, if applicable, the registration renewal fee required by law; provided, however, a notice of conditional registration restoration shall not be issued if the motor vehicle registration is otherwise suspended and is not eligible for restoration. The conditional registration restoration shall authorize the operation of such motor vehicle only for the following purposes:

1. To travel to and from an official inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

2. To travel to and from a licensed private inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

3. To travel to and from a State specialty inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

4. To travel to and from a registered motor vehicle emission repair facility where the repair of such motor vehicle is to be performed; or

5. To travel to and from a repair facility where the repair of such motor vehicle is to be performed.

(e) A notice of conditional registration restoration issued pursuant to (d) above shall be valid for a period not to exceed 14 days. The registration suspension of a motor vehicle for which a notice of conditional registration restoration has been issued by the Motor Vehicle Commission pursuant to (d) above shall be reinstated if an inspection certificate of approval is not issued for such motor vehicle prior to the expiration of the notice of conditional registration restoration.

(f) The Motor Vehicle Commission shall issue a conditional registration certificate to the purchaser of a used motor vehicle for which the registration thereof had been *denied or suspended* pursuant to this section prior to the date of sale provided the registrant has paid the registration fee required by law; provided, however, a conditional registration certificate shall not be issued if the purchaser's registration privilege is otherwise suspended and is not eligible for restoration. The conditional registration shall authorize the operation of such motor vehicle only for the following purposes:

1. To travel from the place of purchase to the purchaser's residence or place of business;
2. To travel to and from an official inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;
3. To travel to and from a licensed private inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;
4. To travel to and from a State specialty inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;
5. To travel to and from a registered motor vehicle emission repair facility where the repair of such motor vehicle is to be performed; or
6. To travel to and from a repair facility where the repair of such motor vehicle is to be performed.

(g) A conditional registration certificate issued pursuant to (f) above shall be valid from the date of its issuance. The registration of a motor vehicle for which a conditional registration has been issued by the Motor Vehicle Commission pursuant to (f) above shall be suspended if an inspection certificate of approval is not issued for such motor vehicle within 14 days of the issuance of the conditional registration certificate.

(h) If a motor vehicle for which a notice of conditional registration restoration has been issued pursuant to (d) above or for which a conditional registration has been issued pursuant to (f) above is presented for inspection at an official inspection facility or a licensed private inspection facility and fails such inspection, the official inspection facility or licensed private inspection facility shall remove the previously-issued inspection certificate of approval, inspection decal, collector motor vehicle windshield sticker and/or inspection rejection sticker, if any, affixed to the windshield and shall present the motor vehicle inspection report for such motor vehicle to the operator thereof.

(i) A motor vehicle owner or lessee whose motor vehicle registration has been denied or suspended pursuant to this section shall not operate or permit the operation of such motor vehicle during the period of such denial or suspension. A person who operates or permits the operation of a motor

vehicle during a period of denial or suspension shall be subject to the penalties set forth in N.J.S.A. 39:3-4, 39:3-40 and 39:5-35.

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

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

Rewrote the section.

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

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

In (a), rewrote 2; in (b), substituted "of" for "for" following "registration" in the third sentence of the introductory paragraph and rewrote 2; added new (h), recodified former (h) as (i).

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 (b)2, substituted "Motor Vehicle Commission's" for "Division's".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "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". In the introductory paragraph of (a) and in (h), substituted "inspection decal" for "certificate of waiver" throughout; in (a)2 and (b)2, deleted "or certificate of waiver" following "approval"; in the introductory paragraph of (b), deleted "13:20-" preceding "43.14(g)"; in the introductory paragraph of (d), substituted "that" for "which"; in (d)2 and (f)3, deleted "Class I or Class II" preceding "licensed"; in (e) and (g), deleted "or certificate of waiver" following "approval"; and in (h), substituted "previously-issued" for "previous" and deleted a comma following "windshield sticker" and "or inspection card" following "report".

13:20-43.17 Emission inspector training and licensing; training administration; testing; application process; license fee; renewal of license; refresher training and testing; conflicts of interest

(a) No person shall perform an emission or OBD inspection required by this subchapter unless licensed by the Motor Vehicle Commission to perform such inspection. In order to obtain licensure as a motor vehicle emission inspector, an applicant shall complete a training program that shall consist of acquiring an understanding of:

1. The air pollution problem, its causes and effects;
2. The purpose, function, and goal of the enhanced motor vehicle inspection and maintenance program;
3. Emission and OBD inspection regulations and procedures;
4. Technical details of emission test and OBD inspection procedures and the rationale for their design;
5. Emission control device function, configuration, and inspection;
6. Emission test and OBD inspection equipment operation, calibration, and maintenance.
7. Quality control procedures and their purpose;
8. Public relations; and

activities of the business of an emission inspector training program provider effective on the date specified in such notice.

New Rule, R.2001 d.358, effective October 15, 2001.

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

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; in (a) and (b), substituted "25" for "15" throughout; in (c), substituted "Motor Vehicle Commission's" for "Division's" and "Motor Vehicle Commission" for "Division of Motor Vehicles"; and in (c)3, substituted "Motor Vehicle Commission's" for "Division's".

13:20-43.30 Hearing procedures; third party emission inspector training programs

Any hearing concerning the refusal to approve or the withdrawal of approval of a third party emission inspector training program shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

New Rule, R.2001 d.358, effective October 15, 2001.

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

SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

13:20-44.1 Purpose

(a) P.L. 1995, c. 112 provides for the licensing and regulation of private inspection facilities by the Chief Administrator of the Motor Vehicle Commission. The purposes of this subchapter are to:

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

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

(b) The Motor Vehicle Commission finds that in order to ensure that motor vehicles that are inspected, reinspected and certified by a private inspection facility are satisfactorily inspected, reinspected and certified and are in proper condition to be operated on the highways of this State and to ensure that inspections, reinspections and certifications are performed in accordance with the standards established by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are

applicable, a licensed private inspection facility must possess certain equipment used in the inspection, reinspection and certification of motor vehicles, including emission control systems.

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

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

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

Administrative change.

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

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 "Division of Motor Vehicles" throughout; and in (a), substituted, "Chief Administrator" for "Director".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), substituted the third occurrence of "that" for "which", deleted "13:20-" preceding "43" and inserted "or 7:27-14 and 7:27B-4, whichever are applicable".

13:20-44.2 Definitions

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

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

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

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

"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 private inspection facility, whether through the ownership of voting securities or otherwise. The Chief Administrator will presume that control in fact exists if any person or entity directly or indirectly owns, controls, holds the power

to vote, or holds proxies representing 10 percent or more of the voting securities of any private inspection facility. This presumption may be rebutted by showing that control does not in fact exist. The 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.

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

“Engaged in the business” means:

1. Any person who inspects, reinspects and certifies motor vehicles, including motor vehicle emission control systems; or
2. Any person who for compensation negotiates, in any manner, with any customer to inspect, reinspect and certify motor vehicles, including emission control systems.

“EPA” means the United States Environmental Protection Agency.

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

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

“Heavy-duty gasoline-fueled vehicle” means a gasoline-fueled motor vehicle that has a GVWR of more than 8,500 pounds and that is designed primarily for transportation of persons or property.

“Jitney” means an autobus as defined in N.J.S.A. 48:16-23 with a carrying capacity of not more than 13 passengers, operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route.

“Light-duty gasoline-fueled truck” means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, a

vehicle curb weight of 6,000 pounds or less, and a basic frontal area of 45 square feet or less, and that is:

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

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

“Limousine” means any motor vehicle that is issued special registration plates bearing the word “limousine” pursuant to N.J.S.A. 39:3-19.5 other than motor vehicles that are subject to inspection by the Motor Vehicle Commission’s Commercial Bus Inspection and Investigation Unit.

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

“Motor Vehicle 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).

“Motor vehicle emission testing equipment” means equipment in accordance with specifications contained in N.J.A.C. 7:27B-5.8 and 4.6. The equipment shall include all devices used for performing a motor vehicle emission inspection, including, but not limited to, exhaust gas analyzers, OBD scanners and analyzers, fuel cap leak testers and computers and related software.

“OBD-eligible” means capable of receiving an OBD inspection as determined by the Department of Environmental Protection in accordance with N.J.A.C. 7:27-15.5(m) or 14.5(g), whichever is applicable.

“On-board diagnostics” or “OBD” means an automotive diagnostic system complying with California Air Resources Board OBD regulations or EPA OBD regulations effective for model year 1996 and newer gasoline-fueled and bi-fueled motor vehicles and for model year 1997 and newer diesel-fueled motor vehicles.

“Person” means any natural person, business, company, firm, partnership, association, corporation or any other entity.

“Place of business” means the address or location where the services of a private inspection facility are offered or ordinarily performed.

“Private inspection facility” means any person who for compensation engages in the business of inspecting, re-inspecting and certifying motor vehicles, including emission control systems. For purposes of this subchapter, an employee of a private inspection facility who engages in the business of inspecting, re-inspecting and certifying motor vehicles, including emission control systems, solely by reason of his or her employment is not deemed to be a private inspection facility and is not required to be licensed as such.

“Private inspection facility license” means a license issued to a private inspection facility which evidences the Chief Administrator’s authorization for the facility to engage in the inspection, reinspection and certification of motor vehicles, including motor vehicle emission control systems.

“Reconstructed vehicle” means a vehicle which has been materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

“Suspension, revocation or refusal to grant or renew” means administrative action by the Chief Administrator, in accordance with the provisions of P.L. 1995, c. 112 or this subchapter, to refuse to grant or renew a private inspection facility license or to suspend or revoke an existing license.

“Taxicab” means an autocab as defined in N.J.S.A. 48:16-1 engaged in the business of carrying passengers for hire, which is held out, announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this State, and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the State.

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

Inserted “Bi-fueled” and “Jitney”; in “Emission control system”, substituted a reference to vehicle manufacturers and engine manufacturers for a reference to manufacturers, and inserted a reference to maintenance; and in “Motor vehicle emission testing equipment”, changed N.J.A.C. reference.

Administrative change.

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

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

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

Added “EPA” and “On-board diagnostics” or “OBD”; amended “Motor vehicle emission testing equipment”.

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

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Added definitions “Limousine”, “OBD-eligible”, and “Taxicab”; in definition “Motor vehicle emission testing equipment”, updated the N.J.A.C. references and deleted “dynamometers,” preceding “OBD” and a comma following “testers”; and in definition “On-board diagnostics”, inserted “Air Resources Board”, “gasoline-fueled and bi-fueled” and “and for model year 1997 and newer diesel-fueled motor vehicles” and deleted “II” preceding the second occurrence of “regulations”.

13:20-44.3 Scope; license required; vehicle classes; inspection services; license classes

(a) This subchapter shall apply to every person engaged in the business of a private inspection facility which performs inspections, re-inspections and certifications of motor vehicles, including emission control systems.

(b) No person shall, on or after June 29, 1995, engage in the business of a private inspection facility unless licensed by the Chief Administrator in accordance with the provisions of this subchapter.

(c) Private inspection facilities shall be licensed to engage in the inspection, reinspection and certification of light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of less than 10,000 pounds, motorcycles, buses that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, limousines and jitneys; provided, however, private inspection facilities shall not inspect school buses, buses that are subject to inspection by the Motor Vehicle Commission’s Commercial Bus Inspection and Investigation Unit, or motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37.

(d) Class I and Class II licensed private inspection facilities shall provide inspection, reinspection, and certification services in all motor vehicle inspection categories, other than motorcycle inspection categories, established by the Motor Vehicle Commission, including the following inspection categories:

1. Credentials;
2. Engine emissions;
3. On-board diagnostics;
4. Brake system;
5. Exhaust system;

6. Steering, suspension, tires and wheels;
7. Glass (windshield, windows);
8. Electrical (all switches, signals, wipers, lenses and lights, including headlights); and
9. Miscellaneous (any inspection item not in other categories)

(e) Class I-A and Class II-A licensed private inspection facilities shall provide inspection, reinspection and certification services in motor vehicle inspection categories, other than the engine emissions inspection category and other than motorcycle inspection categories, established by the Motor Vehicle Commission, including the following inspection categories:

1. Credentials;
2. On-board diagnostics;
3. Brake system;
4. Exhaust system;
5. Steering, suspension, tires and wheels;
6. Glass (windshield, windows);
7. Electrical (all switches, signals, wipers, lenses and lights, including headlights); and
8. Miscellaneous (any inspection item not in other categories).

(f) Class III licensed private inspection facilities shall provide inspection, reinspection, and certification services in all motorcycle inspection categories established by the Motor Vehicle Commission, including the following inspection categories:

1. Credentials;
2. Brake system;
3. Exhaust system;
4. Steering, suspension, tires, and wheels;
5. Glazing (windscreen);
6. Electrical (all switches, signals, wipers, lenses, and lights, including headlights); and
7. Miscellaneous (any inspection item not in other categories).

(g) Each motor vehicle inspection conducted by a private inspection facility pursuant to this subchapter shall include an examination of the driver's license, motor vehicle registration certificate and insurance identification card; provided, however, that this subsection shall not apply to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 or to motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5.

(h) Private inspection facilities shall be licensed in the following classes:

1. Class I licenses shall be issued to private inspection facilities to engage in the inspection and certification of light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of less than 10,000 pounds, buses that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, limousines and jitneys.

2. Class I-A licenses shall be issued to private inspection facilities to engage in the inspection and certification of OBD-equipped and OBD-eligible light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of 8,500 pounds or less, buses having a GVWR of 8,500 pounds or less that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs and limousines.

3. Class II licenses shall be issued to owners or lessees of fleets of 10 or more light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of less than 10,000 pounds, buses that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, limousines or jitneys to engage in the inspection and certification of such motor vehicles.

4. Class II-A licenses shall be issued to owners or lessees of fleets of 10 or more OBD-equipped and OBD-eligible light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of 8,500 pounds or less, buses having a GVWR of 8,500 pounds or less that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs or limousines to engage in the inspection and certification of such motor vehicles.

5. Class III licenses shall be issued to private inspection facilities to engage in the inspection and certification of motorcycles.

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

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

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

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

In (d), added a new 3 and recodified former 3 to 8 as 4 to 9.

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 (c), substituted "Motor Vehicle Commission's" for "Division's".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (c), substituted the first occurrence of "that" for "(including modified buses regardless of passenger capacity which)", "Commission, taxicabs, limousines" for "Commission," and the second and third occurrences of "that" for "which" and deleted a comma following "fee"; added new (e); recodified former (e) through (h) as (f) through (i); in (h)1, substituted "that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, limousines" for a comma; added new (h)2 and (h)4; recodified former (h)2 as (h)3 and former (h)3 as (h)5; and in (h)3, deleted "or" following "automobiles," and inserted ", buses that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, limousines or jitneys".

13:20-44.4 Initial application for a license

(a) Any person seeking to engage in the business of a private inspection facility shall apply, in accordance with the provisions of this subchapter, to the Chief Administrator for a license authorizing him or her to engage in such business. An application for a private inspection facility license may be obtained from the Private Inspection Facility Licensing Unit of the Motor Vehicle Commission. The address of the Private Inspection Facility Licensing Unit is:

Motor Vehicle Commission
Business License Services
Private Inspection Facility Licensing Unit
225 East State Street
PO Box 170
Trenton, New Jersey 08666-0170

(b) Each applicant for a private inspection facility license shall file with the 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 private inspection facility;
2. The name, business and residence address(es), driver's license number, social security number and telephone number(s) of:
 - i. The owner and/or possessor of a controlling interest of the facility, in the case of a sole proprietorship;
 - ii. Each partner, in the case of a partnership; or
 - iii. Each officer, director and possessor of a controlling interest, in the case of a corporation;
3. The businesses in which the applicant has been engaged for the five years preceding the date of application, and if employed, the names and addresses of the employers;

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

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

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

7. Whether the applicant has any interest in any other private inspection facility or any motor vehicle-related business.

(c) Each initial application for a private inspection facility license shall be accompanied by proof of the following:

1. The New Jersey Sales Tax Identification Number;
2. The New Jersey Unemployment Registration Number;
3. The Federal Employer Identification Number;
4. The corporation code, if one has been issued by the Motor Vehicle Commission;
5. Proof in such form as the Chief Administrator may require that the applicant meets the requirements of N.J.A.C. 13:20-44.9; and
6. Proof of valid permits or other authorization from the appropriate Federal, State or other governmental agencies authorizing operation of the business or any equipment, service or process on the premises. These permits shall include, but are not limited to, proof of registration with the New Jersey Division of Taxation and the Department of Environmental Protection.

(d) Each initial application for a private inspection facility license shall be accompanied by a color photograph of each natural person required to be listed on the application by this section. Each natural person required to be listed on the application by this section shall submit documentation confirming that such individual has submitted to a criminal history record check in accordance with rules promulgated by the New Jersey Division of State Police at N.J.A.C. 13:59.

(e) Each initial application for a private inspection facility license shall be accompanied by proof of liability insurance coverage in the following minimum amounts: for injury to, or death of any one person in any one occurrence: \$100,000; for injury to, or death of two or more persons in any one occurrence: \$300,000; for damage to property in any one occurrence: \$50,000. Proof of insurance coverage shall be in the form of a certificate issued by the insurer containing a clause that 30 days prior notice shall be given to the Motor Vehicle Commission of any cancellation or termination of the

policy. Failure to maintain such insurance coverage shall be cause for immediate license suspension.

(f) Each initial application for a private inspection facility license shall be accompanied by the applicable fees as specified in N.J.A.C. 13:20-44.6.

(g) If there are multiple locations for private inspection facilities owned by the same applicant, a separate application, accompanying documents, and application and license fee as specified in N.J.A.C. 13:20-44.6 shall be submitted for each such place of business.

(h) Upon preliminary approval of each initial license application, a license shall be issued to the private inspection facility. Each initial license issued to a private inspection facility on or after June 29, 1995 shall be effective on the date of issuance and shall continue in force and effect until June 30, 2000, and shall, thereafter, be renewed on an annual basis, unless such license is suspended or revoked by the Chief Administrator. If there are multiple places of business for a private inspection facility, a separate license shall be issued for each such place of business.

(i) The Chief Administrator may grant a conditional license to an applicant who submits proof that all of the requirements for licensing will be met in accordance with a schedule set by the Chief Administrator, and who agrees that the conditional license will be surrendered immediately if proof is not provided in accordance with the schedule. The Chief Administrator may suspend the license of an applicant who does not surrender the conditional license when so required.

(j) All private inspection facilities that apply to renew a private inspection facility license on or after June 29, 1995 must satisfy all of the requirements of (c)5 above. A private inspection facility whose license has been suspended by the Chief Administrator and which applies for reinstatement on or after June 29, 1995 must satisfy the requirements of (c)5 above prior to restoration of the license.

(k) The Motor Vehicle Commission shall not issue a private inspection facility license to an applicant who is the holder of a private inspection center license while any type of enforcement action, either judicial or administrative, is pending or in force against the applicant's private inspection center license.

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

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

In (h), substituted a reference to 2000 for a reference to 1998.

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

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

In (d)1, amended N.J.A.C. references and inserted “; or ordinary business check” following “money order”.

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 “Division of Motor Vehicles” and “Chief Administrator” for “Director” throughout; in (a), substituted “Motor Vehicle” for “Division” and “Services” for “Compliance”; in (b)7, inserted hyphen; rewrote (d); and in (e), substituted “insurer” for “carrier”.

13:20-44.5 Applicant qualifications

(a) Each applicant shall be a proper person to hold a private inspection facility license. In assessing whether an applicant is a proper person, the Chief Administrator shall consider the character, financial responsibility, prior record while operating as a principal of a business entity licensed or regulated by the Motor Vehicle Commission, and criminal record of the individual applicant, the individual partners, the officers, directors and/or persons possessing a controlling interest, and anyone employed by, or otherwise associated in business with, the applicant. The Chief Administrator shall also consider whether the private inspection facility has maintained acceptable levels of customer satisfaction, the nature and number of all valid customer complaints against the private inspection facility, and the manner and extent by which those complaints have been resolved by the private inspection facility.

(b) Each applicant shall be at least 18 years old, and must have the legal capacity to contract, to be sued and to be liable for all debts.

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” for “Division” and “Chief Administrator” for “Director”.

13:20-44.6 Application and license fees

(a) Each initial application for a private inspection facility license shall be accompanied by a nonrefundable application fee of \$20.00 payable to the Motor Vehicle Commission. In the event that an initial applicant simultaneously submits applications for a Class I and Class III private inspection facility license or for a Class I-A and Class III private inspection facility license, only one application fee shall be payable to the Motor Vehicle Commission pursuant to this subsection.

(b) Each initial or renewal application for a Class I, Class I-A, Class II or Class II-A private inspection facility license shall be accompanied by a license fee of \$250.00 payable to the Motor Vehicle Commission. Such license fee shall be returned to the applicant only in the event that the Chief Administrator refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.

(c) Each initial or renewal application for a Class III private inspection facility license shall be accompanied by a license fee of \$50.00 payable to the Motor Vehicle Commission. Such license fee shall be returned to the applicant only in the event that the Chief Administrator refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the

licensee in the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.

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

Rewrote the section.

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 (c), substituted "\$50.00" for "\$25.00".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (a), inserted "or for a Class I-A and Class III private inspection facility license"; and in (b), substituted ", Class I-A," for "or" and inserted "or Class II-A".

13:20-44.7 License renewals

(a) Each licensee shall, no later than 30 days before the expiration of the license, submit to the Chief Administrator an application to renew its current license provided that such licensee is not prohibited from applying for a license as specified in N.J.A.C. 13:20-44.25. An application to renew a private inspection facility license may be obtained from the Private Inspection Facility Licensing Unit of the Motor Vehicle Commission at the address specified in N.J.A.C. 13:20-44.4(a).

(b) Each application to renew a private inspection facility license shall be accompanied by the applicable license renewal fee(s) specified in N.J.A.C. 13:20-44.6 and proof of liability insurance coverage as specified in N.J.A.C. 13:20-44.4(e).

(c) Upon approval of each renewal application, a license shall be issued to the private inspection facility. Each renewal license issued to a private inspection facility effective on or after July 1 of any year shall continue in force and effect until June 30 of the following year, unless such license is suspended or revoked by the Chief Administrator.

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

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

In (b), substituted a reference to license renewal fees for a reference to fees, and changed N.J.A.C. reference.

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" throughout; and in (a), substituted "Motor Vehicle Commission" for "Division".

13:20-44.8 Surrender of license

(a) Each private inspection facility license, although issued and delivered to a licensee, shall at all times be the property of the State of New Jersey.

(b) Upon any suspension, revocation, refusal or failure to renew or other termination of a private inspection facility license, the license shall no longer be in force and effect and the license shall be surrendered forthwith upon demand of a Motor Vehicle Commission representative.

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 (b).

13:20-44.9 Facilities and equipment

(a) Licensed private inspection facilities shall be located in a structure having a garage-type entrance and one or more service bays or lanes; except that licensed private inspection facilities that perform inspections, reinspections and certifications exclusively at the business locations of owners or lessees of fleet motor vehicles and Class III licensed private inspection facilities may be exempted from the provisions of this subsection.

(b) Motor vehicle emission testing equipment, approved by the Department of Environmental Protection, shall be owned or leased by a Class I, Class I-A, Class II and Class II-A licensed private inspection facility and shall be located on the business premises of the facility.

(c) A vehicle lift or heavy-duty floor jack shall be available on the business premises of a Class I, Class I-A, Class II and Class II-A licensed private inspection facility.

(d) Brake testing equipment, for example, a drive-on horizontal scale or roller-type tester, shall be available on the business premises of the facility. The brake testing equipment requirements of this subsection may be waived by the Motor Vehicle Commission upon receipt of written notification from the licensee expressing its commitment to make visual inspections of the brake system and to perform road tests of the brake system.

(e) A tire tread depth gauge calibrated in 32nds of an inch shall be available on the business premises of the facility.

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

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

In (b), inserted "Class I or Class II licensed" following "leased by a"; in (c), substituted "a Class I or Class II licensed private inspection" for "the" following "premises of"; and in (f), inserted "motor vehicle" preceding "inspection" throughout, and substituted "a Class I or Class II licensed private inspection" for "the" following "premises of".

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), inserted hyphen; in (d), substituted "Motor Vehicle Commission" for "Division"; and in (f), substituted "Motor Vehicle Commission's" for "Division's".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (a), substituted the second occurrence of "that" for "which" and inserted "and Class III licensed private inspection facilities"; in (b) and (c), substituted ", Class I-A," for "or" and inserted "and Class II-A"; and deleted (f).

13:20-44.10 Inspection certificates of approval

(a) The inspection certificate of approval for motor vehicles, other than motorcycles, shall be composed of a base inspection sticker and insert indicating respectively the year and month of expiration of the certificate of approval. The inspection certificate of approval issued for motorcycles shall be composed of a one-piece sticker indicating the year and month of expiration of the certificate of approval.

(b) Base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles shall be purchased by a licensee, by mail or in person, from the Private Inspection Facility Licensing Unit of the Motor Vehicle Commission at the address specified in N.J.A.C. 13:20-44.4(a).

(c) Base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles shall be purchased by a licensee at \$1.00 per sticker in quantities of 25 or more.

(d) A licensee shall secure base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles in a locked place of limited access, such as a safe, cabinet, or desk drawer. The licensee is solely responsible for the security of base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles. A licensee's failure to take necessary precautions to secure base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles from loss or theft shall be cause for suspension or revocation of the license.

(e) A licensee shall affix an inspection certificate of approval to a motor vehicle only after inspection or reinspection has been successfully completed.

(f) When defects detected at an inspection conducted at an official inspection facility or at a private inspection facility have been repaired or adjusted by the licensee or by an employee of the licensee, the licensee shall insure, prior to affixation of a certificate of approval on the vehicle, that the person or persons who performed the repair or adjustment work has signed his or her name on the motor vehicle inspection report. When defects detected at inspection have been repaired by someone other than the licensee or an employee of the licensee, the licensee shall insure, prior to affixation of a certificate of approval on the vehicle, that the person or persons who inspected the vehicle have signed his or her name on the motor vehicle inspection report at the bottom of its reverse side.

(g) A Class I or Class II licensed private inspection facility shall not certify the emissions or on-board diagnostics of any motor vehicle, and a Class I-A or Class II-A licensed private inspection facility shall not certify the on-board diagnostics of any motor vehicle, unless an emission inspector licensed by the Motor Vehicle Commission in accordance with Chapter 8

of Title 39 of the Revised Statutes and N.J.A.C. 13:20-43.17 has personally performed the emission or OBD inspection or reinspection and has determined that the motor vehicle meets the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-43.8 and/or 33.21 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable. A Class I or Class II licensed private inspection facility shall not certify the emissions or on-board diagnostics of any motor vehicle that has been rejected because of an emission test or OBD inspection failure, and a Class I-A or Class II-A licensed private inspection facility shall not certify the on-board diagnostics of any motor vehicle that has been rejected because of an OBD inspection failure, unless a certified emission repair technician or the owner or lessee of the motor vehicle has performed the emission-related or OBD-related repairs.

(h) A licensee shall secure motor vehicle inspection reports separate and apart from base inspection stickers for motor vehicles other than motorcycles, and shall secure motorcycle inspection cards separate and apart from inspection certificates of approval for motorcycles, in a locked place of limited access, such as a safe, cabinet, or desk drawer.

(i) A licensee shall record the date of issuance of the inspection certificate of approval on the corresponding motor vehicle inspection report or motorcycle inspection card.

(j) A licensee shall retain defective or voided inspection certificates of approval, motor vehicle inspection reports, and motorcycle inspection cards and shall surrender them to a Motor Vehicle Commission representative at the time of a periodic audit conducted by the Motor Vehicle Commission.

(k) A licensee shall notify the local law enforcement agency upon determining that a base inspection sticker(s) for a motor vehicle other than a motorcycle or a certificate(s) of approval for a motorcycle has been stolen and shall file a copy of such report with the Motor Vehicle Commission.

(l) A licensee shall return all unused base inspection stickers for motor vehicles other than motorcycles, all unused certificates of approval for motorcycles, all unused motor vehicle inspection reports, and all unused motorcycle inspection cards to a Motor Vehicle Commission representative upon the licensee's discontinuation of inspection certification services.

(m) A licensee shall be solely responsible for base inspection stickers for motor vehicles other than motorcycles, certificates of approval for motorcycles, motor vehicle inspection reports, and motorcycle inspection cards issued to it by the Motor Vehicle Commission.

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

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

Rewrote the section.

Administrative change.

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

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

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

Inserted references to on-board diagnostics and OBD throughout; substituted "inspection" for "emission" following "vehicle meets the".

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 (g), substituted "Chapter" for "chapter".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (a), deleted the former second sentence; and in (g), inserted ", and a Class I-A or Class II-A licensed private inspection facility shall not certify the on-board diagnostics of any motor vehicle," "or 7:27-14 and 7:27B-4, whichever are applicable", and ", and a Class I-A or Class II-A licensed private inspection facility shall not certify the on-board diagnostics of any motor vehicle that has been rejected because of an OBD inspection failure," and substituted "43.8 and/or 33.21" for "43".

13:20-44.11 Responsibility of licensees

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

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

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" throughout.

13:20-44.12 Notice and recordkeeping requirements

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

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

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

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

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

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

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

(f) The licensee shall notify the Chief Administrator in writing within 30 days of any change in address of the private inspection facility or of any change in address of persons or entities required to be listed on the application by N.J.A.C. 13:20-44.4.

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

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

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

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

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

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

In (a), substituted "Class II licensed private" for "private fleet" following "except a", and substituted "Official" for "Licensed: State of" following "read:".

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" throughout; in (h) and (j), substituted "Motor Vehicle Commission" for "Division"; and in (f), substituted "30" for "10".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (a), inserted "or Class II-A" and substituted "that" for "which"; and in (c)1, substituted "three" for "four" and "regular" for "normal" and deleted a comma following "Police".

13:20-44.13 Records; inspection reports

(a) A licensee shall maintain copies of motor vehicle inspection reports and motorcycle inspection cards in an order corresponding to the date on which the inspection certificate of approval was issued.

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

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

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

(e) Records required to be maintained by a licensee pursuant to this section shall be made available by the licensee for examination by authorized representatives of the 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 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 from the Motor Vehicle 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 private inspection facility license. Such investigations may include, but shall not be limited to, discussions with customers, examination of motor vehicle emission testing and OBD inspection equipment, and other equipment specified in N.J.A.C. 13:20-44.9, questioning of employees and the employment of such other investigatory techniques as may be necessary for the enforcement of this subchapter and the provisions of Title 39, Title 26 and Title 56 of the Revised Statutes and the regulations adopted thereunder by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 43, the Department of Environmental Protection at N.J.A.C. 7:27-15

and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable and the Division of Consumer Affairs at N.J.A.C. 13:45A-26C.

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

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

Rewrote (a) and (b); in (c), added a reference to motorcycle inspection cards; in (d), substituted a reference to inspection certificates of approval for a reference to base inspection stickers; in (e), substituted "or" for "and" following "Protection" throughout; in (f), changed N.J.A.C. references.

Administrative change.

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

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

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

Inserted "and OBD inspection" following "emission testing".

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.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (d), substituted "three" for "four"; and in (f), deleted a comma following the first occurrence of "Protection", inserted "33 and" and substituted "or 7:27-14 and 7:27B-4, whichever are applicable" for a comma.

13:20-44.14 Certification of inspection

(a) Each Class I or Class II licensed private inspection facility shall have the authority to perform inspections in all motor vehicle inspection categories established by the Motor Vehicle Commission and to certify that specific items for which a motor vehicle was rejected at inspection have been corrected so that the motor vehicle is in proper operating condition and that it conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable.

(b) Each Class I-A or Class II-A licensed private inspection facility shall have the authority to perform inspections in motor vehicle inspection categories established by the Motor Vehicle Commission, other than the engine emissions inspection category, and to certify that specific items for which a motor vehicle was rejected at inspection, other than a rejection for engine emissions, have been corrected so that the OBD-equipped and OBD-eligible motor vehicle is in proper operating condition and that it conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable.

(c) Each Class III licensed private inspection facility shall have the authority to perform inspections in all motorcycle inspection categories established by the Motor Vehicle Commission and to certify that specific items for which a motorcycle was rejected at inspection have been corrected so that the motorcycle is in proper operating condition.

(d) A Class I, Class I-A, Class II or Class II-A licensed private inspection facility shall not certify that items for which a motor vehicle was rejected at inspection have been

corrected unless the licensee, or a licensed emission inspector or mechanic acting as an employee or agent of the licensee, has inspected the motor vehicle in accordance with N.J.A.C. 13:20-33 and has determined that all defects detected at inspection have been corrected so that the motor vehicle is in proper operating condition and that it conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable.

(e) A Class III licensed private inspection facility shall not certify that items for which a motorcycle was rejected at inspection have been corrected unless the licensee has inspected the motorcycle and has determined that all defects detected at inspection have been corrected so that the motorcycle is in proper operating condition and that it conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33.

(f) Certification shall be evidenced by the affixation of a certificate of approval on a motor vehicle as specified in N.J.A.C. 13:20-43.11(a) and 33.2(k), or by the affixation of a certificate of approval on a motorcycle as specified in N.J.A.C. 13:20-33.2(n).

(g) Certification of a motor vehicle by a Class I, Class I-A, Class II or Class II-A licensed private inspection facility or an employee thereof shall constitute the licensee's representation that the licensee, or a licensed emission inspector or mechanic, has inspected the motor vehicle in accordance with N.J.A.C. 13:20-33 and has determined that the motor vehicle is in proper operating condition and conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable.

(h) Certification of a motorcycle by a Class III licensed private inspection facility or an employee thereof shall constitute the licensee's representation that the licensee has inspected the motorcycle and has determined that the motorcycle is in proper operating condition and conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33.

(i) The fee which a licensee may charge the consumer for affixing a certificate of approval shall not exceed \$2.50.

(j) The fee which a licensee may charge for reinspection of items for motor vehicles having a GVWR of 8,500 pounds or less, motor vehicles having a GVWR greater than 8,500 pounds, and motorcycles rejected after inspection and which have been repaired by the motor vehicle owner or lessee or someone not under the direction of the licensee shall not exceed that portion of the licensee's established hourly labor charge for repair service as specified by the Chief Administrator to be the average time required to reinspect a particular item of equipment. A licensee shall inform the

consumer in advance that the licensee's charge for such reinspection shall not exceed that portion of the hourly labor rate.

(k) Every licensee who performs inspection certification services for the general public shall conspicuously display a schedule of inspection charges at his or her place of business and shall file a copy thereof with the Private Inspection Facility Licensing Unit of the Motor Vehicle Commission. The schedule of inspection charges for a Class I licensed private inspection facility shall specifically set forth the inspection charge for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less and the inspection charge for the initial inspection of motor vehicles having a GVWR greater than 8,500 pounds. The schedule of inspection charges for a Class I-A licensed private inspection facility shall specifically set forth the inspection charge for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less. The posted schedule shall not be smaller than one square foot.

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

Deleted provisions which prohibited vehicles over four years old or which failed two initial emission tests from inspection at private facilities.

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

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

Rewrote the section.

Administrative change.

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

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 (i), substituted "Chief Administrator" for "Director".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (a), inserted "or 7:27-14 and 7:27B-4, whichever are applicable"; added new (b); recodified former (b) through (j) as (c) through (k); in (d) and (g), substituted " , Class I-A," for "or" and inserted "or Class II-A" and "or 7:27-14 and 7:27B-4, whichever are applicable"; and in (k), inserted "for a Class I licensed private inspection facility" and the third sentence.

13:20-44.15 Advertising

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

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

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

13:20-44.16 Storage rates

Every private inspection facility which charges a per diem fee to store a motor vehicle on its premises shall disclose in writing, prior to initiating inspection certification services, the amount of such storage charge to the customer.

13:20-44.17 Additional violations

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

1. Has made a false statement or concealed a fact in connection with the application for a license or a renewal thereof;
2. Is not the owner of, or possessor of a controlling interest in, the private inspection facility;
3. Has been found to have tampered with emission control apparatus in violation of N.J.A.C. 7:27-15.7;
4. Has been found to have violated or conducted fraudulent or deceptive practices concerning the inspection, reinspection, certification and/or repair of motor vehicles in violation of N.J.S.A. 39:8-1 et seq., 56:8-1 et seq., N.J.A.C. 13:45A-26C or this subchapter;
5. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which would be:
 - i. Any of the following offenses under the "New Jersey Code of Criminal Justice," P.L. 1978, c.95 (Title 2C of the New Jersey Statutes) as amended and supplemented:
 - All crimes of the first degree;
 - N.J.S.A. 2C:5-1 (attempt to commit an offense which is listed in this subparagraph);
 - N.J.S.A. 2C:5-2 (conspiracy to commit an offense which is listed in this subparagraph);
 - N.J.S.A. 2C:11-4b (manslaughter);
 - N.J.S.A. 2C:11-5 (vehicular homicide);
 - N.J.S.A. 2C:12-1b (aggravated assault);
 - N.J.S.A. 2C:13-1 (kidnapping);
 - N.J.S.A. 2C:14-1 et seq. (sexual offenses);
 - N.J.S.A. 2C:15-1 (robberies);
 - N.J.S.A. 2C:17-1a and b (crimes involving arson and related offenses);
 - N.J.S.A. 2C:17-2a and b (causing or risking widespread injury or damage);
 - N.J.S.A. 2C:18-2 (burglary);
 - N.J.S.A. 2C:20-1 et seq. (theft and related offenses);
 - N.J.S.A. 2C:21-4a (falsifying or tampering with records);
 - ii. Any other offense under New Jersey or Federal law which indicates that licensure of the applicant or continued licensure of the licensee would be inimical to the licensing standards set forth in P.L. 1995, c.112 and this subchapter;
6. Demonstrates a pattern of conduct whereby inspections, reinspections, certifications and/or repairs made by the private inspection facility were not made in the prescribed manner;
7. Issues a check in payment of any fees required by this subchapter which is subsequently dishonored;
8. Has failed to comply with any of the provisions of this subchapter;
9. Fails to maintain an approved place of business in accordance with this subchapter;
10. Fails to pay any fee required by law or regulation;
11. Does not have valid permits, as provided in N.J.A.C. 13:20-44.4(c) 6, or other authorization from the appropriate Federal, State or other governmental agency authorizing operation of the business or operation of any equipment, service or process on the premises;
12. Fails to notify the Chief Administrator in writing as required by N.J.A.C. 13:20-44.12(e), (f) and (g);

N.J.S.A. 2C:27-1 et seq. (bribery and corrupt influence);

N.J.S.A. 2C:28-1 et seq. (perjury and other falsification in official matters);

N.J.S.A. 2C:30-2 and N.J.S.A. 2C:30-3 (misconduct in office and abuse of office);

N.J.S.A. 2C:35-5 (manufacturing, distributing or dispensing a controlled dangerous substance or a controlled dangerous substance analog);

N.J.S.A. 2C:35-6 (employing a juvenile in a drug distribution scheme);

N.J.S.A. 2C:35-7 (distributing, dispensing, or possessing a controlled dangerous substance or controlled substance analog on or within 1,000 feet of school property or bus);

N.J.S.A. 2C:35-10 (possession, use or being under the influence of a controlled dangerous substance or a controlled substance analog, or failure to make lawful disposition of same);

N.J.S.A. 2C:35-11 (distribution, possession or manufacture of imitation controlled dangerous substances);

N.J.S.A. 2C:35-13 (acquisition of controlled dangerous substances by fraud); or

- ii. Any other offense under New Jersey or Federal law which indicates that licensure of the applicant or continued licensure of the licensee would be inimical to the licensing standards set forth in P.L. 1995, c.112 and this subchapter;
6. Demonstrates a pattern of conduct whereby inspections, reinspections, certifications and/or repairs made by the private inspection facility were not made in the prescribed manner;
7. Issues a check in payment of any fees required by this subchapter which is subsequently dishonored;
8. Has failed to comply with any of the provisions of this subchapter;
9. Fails to maintain an approved place of business in accordance with this subchapter;
10. Fails to pay any fee required by law or regulation;
11. Does not have valid permits, as provided in N.J.A.C. 13:20-44.4(c) 6, or other authorization from the appropriate Federal, State or other governmental agency authorizing operation of the business or operation of any equipment, service or process on the premises;
12. Fails to notify the Chief Administrator in writing as required by N.J.A.C. 13:20-44.12(e), (f) and (g);

13. Has in its possession any motor vehicle, major motor vehicle component part or component part as defined in N.J.S.A. 39:10B-1 or replacement parts on which the vehicle identification number or other identification affixed thereto in accordance with Federal theft prevention standards has been removed, altered, defaced, destroyed, or so covered as to be concealed;

14. Has performed an emission-related or OBD-related repair without being registered as a motor vehicle emission repair facility; or

15. For other good cause.

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

In (a), changed N.J.A.C. references in 4 and 11, and substituted a reference to vehicular homicide for a reference to death by auto in 5i.
Amended by R.2001 d.358, effective October 15, 2001.

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

In (a), added a new 14 and recodified former 14 as 15.
Amended by R.2003 d.206, effective May 19, 2003.

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

In (a)14, inserted "or OBD-related" following "emission-related".

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" throughout.

13:20-44.18 Emission inspector

A Class I, Class I-A, Class II and Class II-A licensed private inspection facility shall employ an emission inspector licensed in accordance with N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-43.17.

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

Rewrote the section.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Substituted ", Class I-A," for "or" and inserted "and Class II-A".

13:20-44.19 Mechanic qualifications

(a) If the private inspection facility performs safety equipment repairs, the licensee or someone in his or her employment shall meet one of the following criteria:

1. One year experience as a paid automotive mechanic and successful completion of advanced courses in automotive mechanics specifically designed for professionals engaged in the trade; or

2. Three or more years paid experience in general automotive repair and service or at least one year paid experience and completion of an automotive repair course at a vocational school, provided the applicant has successfully passed the National Institute for Automotive Service Excellence Test for engine tuneup and at least one other test from the following areas:

- i. Brakes;
- ii. Front end; or
- iii. Automotive electrical systems.

13:20-44.20 Additional penalties; schedule of penalties

(a) Where, pursuant to N.J.S.A. 39:8-1 et seq., or any regulation adopted thereunder, the Chief Administrator has the authority to suspend, revoke or refuse to grant or renew the license of a private inspection facility, the Chief Administrator shall also have the authority to impose, as an alternative or in addition to such suspension, revocation or refusal to grant or renew, an official warning.

(b) The following penalty schedule shall apply to private inspection facilities that violate P.L. 1995, c. 112, N.J.S.A. 39:8-1 et seq., N.J.A.C. 13:20-33, or this subchapter.

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

- i. Six month license suspension; plus \$1,000.00 civil penalty first violation
- ii. Two year license suspension; plus \$5,000.00 civil penalty second violation
- iii. Lifetime license revocation; plus \$7,500.00 civil penalty third violation

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

- i. Six month license suspension; plus \$500.00 civil penalty first violation
- ii. One year license suspension; plus \$1,000.00 civil penalty second violation
- iii. Two year license suspension; plus \$2,000.00 civil penalty third violation
- iv. Lifetime license revocation; plus \$5,000.00 civil penalty fourth violation

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

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

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

- i. Three-year license denial

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

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

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

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

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

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

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

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

9. For failing to produce inspection records:

- i. Immediate license suspension until compliance

10. For an unlicensed person performing an emission test or OBD inspection:

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

11. For fraudulent recordkeeping:

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

12. For improper recordkeeping:

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

13. For certifying a motor vehicle that does not meet State safety equipment standards:

- | | |
|---|---------------------------------|
| i. Six-month license suspension; plus \$500.00 civil penalty | first violation |
| ii. Six-month license suspension; plus \$750.00 civil penalty | second violation |
| iii. One-year license suspension; plus \$1,000 civil penalty | third and subsequent violations |

14. For improper security of certificates of approval and/or rejection stickers:

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

15. For lost or stolen certificates of approval, and/or rejection stickers for which the licensee does not properly account. A licensee can "properly account" for such documents by demonstrating, to the satisfaction of the Chief

Administrator, that they were lost or stolen under circumstances beyond the reasonable control of the licensee:

- | | |
|--|---------------------------------|
| i. One-month license suspension; plus \$100.00 civil penalty per certificate | first violation |
| ii. Two-month license suspension plus \$250.00 civil penalty per certificate | second violation |
| iii. One-year license suspension plus \$500.00 civil penalty per certificate | third and subsequent violations |

16. For overcharging on inspection/reinspection:

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

17. For failing to maintain insurance coverage:

- i. Minimum 15-day license suspension and until compliance

18. For failure to provide a motor vehicle inspection report, repair order, invoice, and/or Emission Repair Facility list to a customer:

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

19. For failure to post license:

- | | |
|-----------------------------------|---------------------------------|
| i. Written warning | first violation |
| ii. 20-day license suspension | second violation |
| iii. Two-month license suspension | third and subsequent violations |

20. For failure to post outdoor sign:

- | | |
|-----------------------------------|---------------------------------|
| i. Written warning | first violation |
| ii. 20-day license suspension | second violation |
| iii. Two-month license suspension | third and subsequent violations |

21. For failure to post hourly rate and/or inspection fees:

- | | |
|-----------------------------------|---------------------------------|
| i. Written warning | first violation |
| ii. 20-day license suspension | second violation |
| iii. Two-month license suspension | third and subsequent violations |

22. For failure to pay fee(s):

- i. License suspension until compliance

23. For criminal conviction which is disqualifying:

- i. Indefinite license denial/suspension

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

24. For failing to cooperate with an audit or investigation:

- i. Minimum 15-day license suspension and until compliance

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

the defendant provides a certification of the smoke opacity-related repairs to the vehicle that is satisfactory to the court and in compliance with emission standards. The certification of compliance and repairs shall consist of the following:

1. The repair order indicating the emission-related repairs performed on the vehicle, identifying the vehicle by vehicle identification number and license plate number, and signed by the person who performed the emission-related repairs;

2. Invoices documenting the purchase of parts, if any, that were installed on the vehicle to effect the emission-related repairs; and

3. If a diesel emission inspection has been performed by a licensed diesel emission inspection center on the heavy-duty diesel truck or diesel bus subsequent to the emission-related repairs performed on the vehicle, the diesel vehicle inspection report issued by the licensed diesel emission inspection center identifying the vehicle by vehicle identification number and license plate number, and confirming that the vehicle has been brought into compliance with the diesel emission standards set forth in N.J.A.C. 7:27-14.6.

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

(f) A defendant who is charged with a violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck or diesel bus and who is permitted to waive appearance and plead guilty by mail shall also be permitted to submit the certification of emission-related repairs and compliance with emission standards by mail. If the court deems the certification to be inadequate, it shall afford the defendant the option to withdraw the guilty plea.

(g) The Chief Administrator may suspend the registration privileges of an owner or lessee for failure to pay a civil penalty imposed pursuant to P.L. 1995, c. 157 and this subchapter.

(h) The operator of a heavy-duty diesel truck or diesel bus as herein defined who fails to comply with any direction given by an enforcement officer or who refuses to submit or resists submitting a vehicle under the operator's control for roadside inspection, or who fails to comply with any other obligation imposed upon that person as part of the roadside diesel emission inspection program shall be jointly and severally liable with the owner and the lessee, if any, of the vehicle for a civil penalty of \$500.00; provided, however, that the New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(i) The owner and the lessee, if any, of a heavy-duty diesel truck or diesel bus subject to periodic inspection who fails to submit such vehicle for periodic inspection or who fails to effect repairs on a vehicle that has failed periodic inspection shall be liable for a civil penalty of \$500.00. The New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(j) The owner and the lessee, if any, of a heavy-duty diesel truck or diesel bus who disconnects, detaches, deactivates, or in any way renders inoperable or less effective an element of design or the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, except temporarily for the purpose of diagnosis, repair, replacement, or maintenance, shall be liable for a civil penalty of \$500.00. The New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

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

Deleted references to diesel-powered motor vehicles throughout section.

Amended by R.2004 d.133, effective April 5, 2004.
See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

Rewrote (d); added (i) and (j).
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 (g).

13:20-46.7 Out-of-service orders

The Division of State Police may order out-of-service any vehicle that is registered or present in this State if the civil penalty imposed pursuant to P.L. 1995, c.157 and this subchapter remains unpaid after the date on which it became due and owing. A vehicle placed out-of-service pursuant to this section shall not be operated until all civil penalties that are due and owing are paid to the Motor Vehicle Commission, or the owner or lessee has made an arrangement, approved by the Chief Administrator, for payment in accordance with a payment schedule. When a vehicle is placed out-of-service, an administrative out-of-service order shall be prepared on a form or forms specified by the Chief Administrator and a copy served upon the operator of the vehicle or upon the owner or lessee of the vehicle. The operator of a vehicle served with an out-of-service order pursuant to this section shall report the issuance of the out-of-service order to the owner and the lessee, if any, of the vehicle within 24 hours. When a vehicle is placed out-of-service pursuant to this section it shall be the responsibility of the owner or lessee of that vehicle to arrange for the prompt removal of that vehicle, by means other than operating the vehicle, and to pay all costs associated therewith. The vehicle shall be removed to a secure storage place where the Division of State Police can readily confirm its non-operation. If the owner or lessee

fails to comply, or is otherwise incapable of complying with this section, the Division of State Police shall make such **arrangements for the removal** of the vehicle to a secure storage place where the Division of State Police can readily confirm its non-operation, with all attendant charges and expenses to be paid by the owner, lessee, or bailee. Upon payment by cashier's check or money order, or an agreement approved by the 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 that 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 and 7:27B-4, 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".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), substituted the third occurrence of "that" for "which" and inserted "and 7:27B-4"

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 a diesel bus as defined pursuant to section 2 of P.L. 1995, c. 157 (N.J.S.A. 39:8-60), except that “diesel bus” shall include only diesel buses with a gross vehicle weight rating in excess of 14,000 pounds, and shall not include school buses or buses under the inspection jurisdiction of the Commission’s Commercial Bus Inspection and Investigation Unit.

“Diesel emission inspection center” means any person who for compensation engages in the business of inspecting and certifying heavy-duty diesel trucks or diesel buses, including emission control apparatus and emission control systems. For purposes of this subchapter, an employee of a diesel emission inspection center who engages in the business of inspecting and certifying diesel motor vehicles, including emission control apparatus and emission control systems, solely by reason of his or her employment is not deemed to be a diesel emission inspection center and is not required to be licensed as such.

“Diesel emission inspection center license” means a license issued to a diesel emission inspection center which evidences the 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-powered motor vehicle” means any diesel-powered motor vehicle that is self-propelled by a compression ignition type of internal combustion engine using diesel fuel and that:

1. Is designed or used for transporting persons or property on any public road, street or highway or any public or quasi-public property in this State;
2. Is 10,000 pounds gross vehicle weight rating or more;
3. Is not a diesel bus or heavy-duty diesel truck; and
4. Is not a heavy-duty diesel truck or other diesel-powered motor vehicle owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization for first aid, emergency, ambulance, rescue, or fire fighting purposes.

“Diesel solid waste vehicle” means any on-road diesel vehicle with a gross vehicle weight rating in excess of 14,000 pounds that is used for the purposes of collecting or transporting residential or commercial solid waste, including vehicles powered by a diesel engine used for transporting waste containers, including, but not necessarily limited to, open boxes, dumpsters or compactors, which may be removed from the tractor. “Diesel solid waste vehicle” shall include solid waste cabs and solid waste single-unit vehicles.

“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.

“Regulated solid waste vehicle” means any diesel solid waste vehicle registered in the State that is owned by the State, or any political subdivision thereof, or a county or municipality or any political subdivision thereof, or that is owned by a person who has entered into a contract in effect on or after the effective date of P.L. 2005, c. 219 (N.J.S.A. 26:2C-8.26 et al.), with the State or any political subdivision thereof, or a county or municipality or any political subdivision thereof, to provide solid waste services.

“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”.

Amended by R.2007 d.233, effective August 6, 2007.

See: 38 N.J.R. 5318(a), 39 N.J.R. 3387(a).

Rewrote definition “Diesel bus”; and added definitions “Diesel-powered motor vehicle”, “Diesel solid waste vehicle” and “Regulated solid waste vehicle”.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Added definition “Diesel emission inspection center”.

13:20-47.3 Scope; license required; vehicle classes; inspection services; license classes; compliance inspection and verification of installation of best available retrofit technology device(s)

(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, including a compliance inspection for the installation of best available retrofit technology device(s) on heavy-duty diesel trucks, diesel-powered motor vehicles, diesel buses, and regulated solid waste vehicles, 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 10 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 transmitted to the Commission by e-mail. The e-mail address is HDDV.unit@dot.state.nj.us. Such notice may be amended following its submission to the Commission provided that the amended notice is transmitted by e-mail to the Commission's Heavy-Duty Diesel Audit Unit at the e-mail address 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 diesel emission inspection centers shall inspect heavy-duty diesel trucks, diesel-powered motor vehicles, diesel buses, and regulated diesel solid waste vehicles to verify the installation of a best available retrofit technology device(s) on such diesel vehicles. Verification of the installation shall be provided by Class I and Class II diesel emission inspection centers on the compliance form issued by the Department of Environmental Protection for the vehicle pursuant to N.J.S.A. 26:2C-8.31, 8.32, 8.41 or 8.42. The inspection shall be performed in accordance with the procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14.5(e), 32.21 and 7:27B-4.4(c). Compliance with the requirements of this subsection shall mean that the heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus, or regulated diesel solid waste vehicle has been inspected by the diesel emission inspection center and that such center has confirmed and verified that the retrofit device(s) has been installed on such diesel vehicle.

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

(m) 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".

Amended by R.2007 d.233, effective August 6, 2007.

See: 38 N.J.R. 5318(a), 39 N.J.R. 3387(a).

Section was "Scope; license required; vehicle classes; inspection services; license classes". Rewrote (d)4; in (g)2, substituted "10" for "20"; added new (k); and recodified former (k) and (l) as (l) and (m).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (j), substituted the first occurrence of "transmitted" for "provided", the first occurrence of "e-mail" for "either mail, telephone, or facsimile", the second occurrence of "e-mail" for "mailing", "HDDV.unit@dot.state.nj.us" for "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.", the third occurrence of "e-mail" for "facsimile", and the second occurrence of "e-mail address" for "facsimile number"; and in (k), substituted "compliance form" for "NJ DEIC Inspection Form" and "14.5(e), 32.21" for "14.5(f), 7:27-32.21," and deleted a comma following "8.41".

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;

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

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

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

1. The New Jersey Sales Tax Identification Number;

2. The New Jersey Unemployment Registration Number;

3. The Federal Employer Identification Number;

4. The corporation code, if one has been issued by the Motor Vehicle Commission;

5. Proof in such form as the Chief Administrator may require that the applicant meets the requirements of N.J.A.C. 13:20-47.9; and

6. Proof of valid permits or other authorization from the appropriate Federal, State or other governmental agencies authorizing operation of the business or any equipment, service or process on the premises. These permits shall include, but are not limited to, proof of registration with the New Jersey Division of Taxation and the Department of Environmental Protection.

(d) Each initial application for a diesel emission inspection center license shall be accompanied by a color photograph of each natural person required to be listed on the application by this section. Each natural person required to be listed on the application by this section shall submit documentation con-

firming that such individual has submitted to a criminal history record check in accordance with rules promulgated by the New Jersey Division of State Police at N.J.A.C. 13:59.

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

1. For injury to, or death of any one person in any one occurrence: \$100,000;
2. For injury to, or death of two or more persons in any one occurrence: \$300,000; and
3. For damage to property in any one occurrence: \$50,000.

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

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

(h) Each initial application for a diesel emission inspection center license shall be accompanied by proof that the applicant owns or leases equipment as set forth in N.J.A.C. 13:20-47.9(b), which is used in the inspection and certification of diesel vehicles, including the inspection of emission control apparatus and emission control systems.

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

(j) Upon preliminary approval of each initial license application, a license shall be issued to the diesel emission inspection center. Each initial license issued to a diesel emission inspection center on or after September 15, 1997 shall be effective on the date of issuance and shall continue in force and effect until June 30, 1999, and shall, thereafter, be renewed on an annual basis, unless such license is suspended or revoked by the Chief Administrator. If there are multiple places of business for a diesel emission inspection center, a

separate license shall be issued for each such place of business.

(k) The Chief Administrator may grant a conditional license to an applicant who submits proof that all of the requirements for licensing will be met in accordance with a schedule set by the Chief Administrator, and who agrees that the conditional license will be surrendered immediately if proof is not provided in accordance with the schedule. The Chief Administrator may suspend the license of an applicant who does not surrender the conditional license when so required.

(l) All diesel emission inspection centers that apply to renew a diesel emission inspection center license on or after September 15, 1997 must satisfy all of the requirements of (c)5 above. A diesel emission inspection center whose license has been suspended by the Chief Administrator and which applies for reinstatement on or after September 15, 1997 must satisfy the requirements of (c)5 above prior to restoration of the license.

(m) The Motor Vehicle Commission shall not issue a diesel emission inspection center license to an applicant who is the holder of a private inspection center license or a private inspection facility license while any type of **enforcement** action, either judicial or administrative, is in force against the applicant's private inspection center license or private inspection facility license.

Amended by R.1998 d.314, effective June 15, 1998.

See: 30 N.J.R. 1372(a), 30 N.J.R. 2262(a).

In (i), substituted "September 15, 1997" for "the effective date of this subchapter" and changed "June 30, 1998" to "June 30, 1999".

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

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

In (a), substituted "Chief Administrator" for "Director" and substituted "Commission" for "Division", and amended the address; in (d), amended the N.J.A.C. reference in 1.

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

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

Rewrote the section.

13:20-47.5 Applicant qualifications

(a) Each applicant shall be a proper person to hold a diesel emission inspection center license. In assessing whether an applicant is a proper person, the Chief Administrator shall consider the character, financial responsibility, prior record while operating as a principal of a business entity licensed or regulated by the Motor Vehicle Commission, and criminal record of the individual applicant, the individual partners, the officers, directors and/or persons possessing a controlling interest, and anyone employed by, or otherwise associated in business with, the applicant. The Chief Administrator shall also consider whether the diesel emission inspection center has maintained acceptable levels of customer satisfaction, the nature and number of all valid customer complaints against the diesel emission inspection center, and the manner and extent by which those complaints have been resolved by the diesel emission inspection center.

(b) Each applicant shall be at least 18 years old, and shall have the legal capacity to contract, to be sued and to be liable for all debts.

(c) Each applicant shall have knowledge of proper test procedures and skill in operating test equipment.

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" for "Division" and "Chief Administrator" for "Director" in two places.

13:20-47.6 License fee

Each initial or renewal application for a diesel emission inspection center license shall be accompanied by a license fee of \$250.00 payable to the Motor Vehicle Commission. Such license fee shall be returned to the applicant only in the event that the Chief Administrator refuses to grant or renew a diesel emission inspection center license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the diesel emission inspection center license is *suspended* or *revoked* pursuant to P.L. 1995, c. 157 or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.

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".

13:20-47.7 License renewals

(a) Each licensee shall, no later than 30 days before the expiration of the license, submit to the Chief Administrator an application to renew its current license provided that such licensee is not prohibited from applying for a license as specified in N.J.A.C. 13:20-47.24. An application to renew a diesel emission inspection center license may be obtained from the Diesel Emission Inspection Center Licensing Unit of the Motor Vehicle Commission at the address specified in N.J.A.C. 13:20-47.4(a).

(b) Each application to renew a diesel emission inspection center license shall be accompanied by the applicable fee specified in N.J.A.C. 13:20-47.6 and proof of liability insurance coverage as specified in N.J.A.C. 13:20-47.4(e) and (f).

(c) Upon approval of each renewal application, a license shall be issued to the diesel emission inspection center. Each renewal license issued to a diesel emission inspection center effective on or after July 1 of any year shall continue in force and effect until June 30 of the following year, unless such license is suspended or revoked by the Chief Administrator.

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

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

In (a), amended the N.J.A.C. reference in the first sentence.

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" throughout; and in (a), substituted "Motor Vehicle Commission" for "Division".

13:20-47.8 Surrender of license

(a) Each diesel emission inspection center license, although issued and delivered to a licensee, shall at all times be the property of the State of New Jersey.

(b) Upon any suspension, revocation, refusal or failure to renew or other termination of a diesel emission inspection center license, the license shall no longer be in force and effect and the license shall be surrendered forthwith upon demand of a Motor Vehicle Commission representative.

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 (b).

13:20-47.9 Facilities and equipment

(a) Licensed diesel emission inspection centers shall be located in a permanent structure, except that licensed diesel emission inspection centers which perform inspections and certifications exclusively at the business locations of owners or lessees of fleet diesel vehicles shall be exempted from the provisions of this subsection.

(b) Diesel vehicle emission testing equipment, approved by the Department of Environmental Protection as provided at N.J.A.C. 7:27B-4.2(c), shall be owned or leased by a diesel emission inspection center and shall be located on the business premises of the center.

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

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

In (b), changed the N.J.A.C. reference.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), updated the N.J.A.C. reference.

13:20-47.10 Diesel emission inspection certificates of approval

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

(b) Diesel emission inspection certificates of approval shall be purchased by a licensee, by mail or in person, from the Diesel Emission Inspection Center Licensing Unit of the Commission at the address specified in N.J.A.C. 13:20-47.4(a).

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

(d) A diesel emission inspection certificate of approval shall be issued for heavy-duty diesel trucks and diesel buses that meet emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14. The diesel emission inspection certificate of approval shall be affixed to the lower right corner of the windshield inside the passenger compartment of the diesel vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the right side of the windshield, but in every

case, the diesel emission inspection certificate of approval shall be completely visible from the front of the diesel vehicle. The diesel emission inspection certificate of approval shall be affixed in an upright position. A diesel emission inspection certificate of approval shall be affixed to a diesel vehicle immediately upon inspection approval. The diesel emission inspection certificate of approval shall be valid for one year.

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

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

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

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

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

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

(k) A licensee shall retain defective or voided diesel emission inspection certificates of approval and diesel vehicle inspection reports and shall surrender them to a Motor Vehicle Commission representative at the time of a periodic audit conducted by the Motor Vehicle Commission.

(l) A licensee shall notify the local law enforcement agency upon determining that a diesel emission inspection

certificate(s) of approval has been stolen and shall file a copy of such report with the Motor Vehicle Commission.

(m) A licensee shall return all unused or expired diesel emission inspection certificates of approval and diesel vehicle inspection reports to a Motor Vehicle Commission representative upon the licensee's discontinuation of inspection certification services.

(n) A licensee shall be solely responsible for diesel emission inspection certificates of approval and diesel vehicle inspection reports issued to it by the Motor Vehicle Commission.

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

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

In (d), deleted reference to diesel-powered motor vehicles.

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

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

Rewrote (b) and (d).

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.

13:20-47.11 Responsibility of licensees

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

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

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) and (b), substituted "Chief Administrator" for "Director".

13:20-47.12 Notice and recordkeeping requirements

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

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

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

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

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

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

(e) The licensee shall notify the Chief Administrator in writing within 10 days whenever any person acquires ownership or control of 10 percent or more of the stock of a diesel emission inspection center, or whenever a person becomes a partner or limited partner in a diesel emission inspection center.

(f) The licensee shall notify the Chief Administrator in writing within 30 days of any change in address of the diesel emission inspection center or of any change in address of persons or entities required to be listed on the application by N.J.A.C. 13:20-47.4.

(g) The licensee shall notify the Chief Administrator in writing within 10 days whenever any person or entity required to be listed on the application by N.J.A.C. 13:20-47.4 is no longer associated with the diesel emission inspection center.

(h) All written notifications required by this subchapter, unless otherwise specified, shall be made by either personal delivery or sent by certified mail to the Diesel Emission Inspection Center Licensing Unit of the Commission at the address specified in N.J.A.C. 13:20-47.4(a).

(i) An amended application shall be filed by the licensee with the Chief Administrator when there is a substitution

and/or addition of persons or entities required to be listed on the application by N.J.A.C. 13:20-47.4. The licensee shall also comply with the requirements of N.J.A.C. 13:20-47.6 and 47.4(d).

(j) Any process issued to a licensee pursuant to the statutory authority of the Chief Administrator including, but not limited to, subpoenas, orders, and orders to show cause, may be served upon a licensee or counsel of record, by sending said process by certified or ordinary mail, to the business address of the diesel emission inspection center or to counsel's address on record with the Motor Vehicle Commission.

Amended by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

In (h), inserted ", unless otherwise specified," following "by this subchapter" and substituted "Commission" for "Division" preceding "at the address specified".

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" throughout; in (c), inserted comma after "certifications"; in (f), substituted "30" for "10"; and in (j), substituted "Motor Vehicle Commission" for "Division".

13:20-47.13 Records; inspection reports

(a) A licensee shall maintain copies of diesel vehicle inspection reports in order corresponding to the date on which the diesel emission inspection certificate of approval was issued.

(b) A licensee shall maintain repair orders and invoices (bills for parts and labor), 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 \$2.50.

(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 and for a compliance inspection of a heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus, or regulated diesel solid waste vehicle shall be set by the diesel emission inspection center. The fee for an initial inspection and a compliance 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".

Amended by R.2007 d.233, effective August 6, 2007.

See: 38 N.J.R. 5318(a), 39 N.J.R. 3387(a).

Rewrote (e).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (c), substituted "\$2.50" for "\$1.50".

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 power brake 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).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (c), substituted "power brake" for "stall".

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);

- (9) N.J.S.A. 2C:15-1 (robberies);
 - (10) N.J.S.A. 2C:17-1a and b (crimes involving arson and related offenses);
 - (11) N.J.S.A. 2C:17-2a and b (causing or risking widespread injury or damage);
 - (12) N.J.S.A. 2C:18-2 (burglary);
 - (13) N.J.S.A. 2C:20-1 et seq. (theft and related offenses);
 - (14) N.J.S.A. 2C:21-4a (falsifying or tampering with records);
 - (15) N.J.S.A. 2C:27-1 et seq. (bribery and corrupt influence);
 - (16) N.J.S.A. 2C:28-1 et seq. (perjury and other falsification in official matters);
 - (17) N.J.S.A. 2C:30-2 and 2C:30-3 (misconduct in office and abuse of office);
 - (18) N.J.S.A. 2C:35-5 (manufacturing, distributing or dispensing a controlled dangerous substance or a controlled dangerous substance analog);
 - (19) N.J.S.A. 2C:35-6 (employing a juvenile in a drug distribution scheme);
 - (20) N.J.S.A. 2C:35-7 (distributing, dispensing, or possessing a controlled dangerous substance or controlled substance analog on or within 1,000 feet of school property or bus);
 - (21) N.J.S.A. 2C:35-10 (possession, use or being under the influence of a controlled dangerous substance or a controlled substance analog, or failure to make lawful disposition of same);
 - (22) N.J.S.A. 2C:35-11 (distribution, possession or manufacture of imitation controlled dangerous substances); and
 - (23) N.J.S.A. 2C:35-13 (acquisition of controlled dangerous substances by fraud); or
- ii. Any other offense under New Jersey or Federal law which indicates that licensure of the applicant or continued licensure of the licensee would be inimical to the licensing standards set forth in P.L. 1995, c.157 and this subchapter;
6. Demonstrates a pattern of conduct whereby inspections, reinspections, certifications and/or repairs made by the diesel emission inspection center were not made in the prescribed manner;
7. Issues a check in payment of any fees required by this subchapter which is subsequently dishonored;
8. Has failed to comply with any of the provisions of this subchapter;

9. Fails to maintain an approved place of business in accordance with this subchapter;

10. Fails to pay any fee required by law or regulation;

11. Does not have valid permits, as provided for in N.J.A.C. 13:20-47.4(c) 6, or other authorization from the appropriate Federal, State or other governmental agency authorizing operation of the business or operation of any equipment, service or process on the premises;

12. Fails to notify the Chief Administrator in writing as required by N.J.A.C. 13:20-47.12(e), (f) and (g);

13. Has in its possession any motor vehicle, major motor vehicle component part or component part as defined in N.J.S.A. 39:10B-1 or replacement parts on which the vehicle identification number or other identification affixed thereto in accordance with Federal theft prevention standards has been removed, altered, defaced, destroyed, or so covered as to be concealed; or

14. For other good cause.

Amended by R.1998 d.310, effective June 15, 1998.
See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

In (a)4, deleted reference to diesel-powered motor vehicles.
Amended by R.2001 d.20, effective January 16, 2001.
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (a)4 and (a)11, amended the N.J.A.C. references.
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" throughout.

13:20-47.19 Additional penalties; schedule of penalties

(a) Where, pursuant to N.J.S.A. 39:8-1 et seq., or any regulation adopted thereunder, the Chief Administrator has the authority to suspend, revoke or refuse to grant or renew the license of a diesel emission inspection center, the Chief Administrator shall also have the authority to impose, as an alternative or in addition to such suspension, revocation or refusal to grant or renew, an official warning.

(b) The following penalty schedule shall apply to diesel emission inspection centers that violate P.L. 1995, c.157 or this subchapter.

1. For improperly passing a diesel vehicle for any required portion of the diesel emission test in violation of rules or procedural requirements:

i. First violation: six month license suspension, plus \$1,500 civil penalty;

ii. Second violation: two year license suspension, plus \$1,500 civil penalty;

iii. Third violation: lifetime license revocation, plus \$1,500 civil penalty.

2. For misrepresentation on application (fraud or misrepresentation in securing the license): three-year license denial, plus \$1,500 civil penalty.

3. For fraudulently affixing diesel emission inspection certificate of approval:

- i. First violation: immediate two-year license suspension, plus \$1,500 civil penalty;
- ii. Second violation: immediate four-year license suspension, plus \$1,500 civil penalty;
- iii. Third violation: lifetime license revocation, plus \$1,500 civil penalty.

4. For fraud or misrepresentation in the conduct of the licensed activity:

- i. First violation: immediate two-year license suspension, plus \$1,500 civil penalty;
- ii. Second violation: immediate four-year license suspension, plus \$1,500 civil penalty;
- iii. Third violation: lifetime license revocation, plus \$1,500 civil penalty.

5. For issuance or possession of altered, forged, stolen, or counterfeit diesel emission inspection certificate of approval:

- i. First violation: two-year license suspension, plus \$1,500 civil penalty;
- ii. Second violation: four-year license suspension, plus \$1,500 civil penalty;
- iii. Third violation: lifetime license revocation, plus \$1,500 civil penalty.

6. For furnishing, lending, giving or selling a diesel emission inspection certificate of approval without performing the required inspection or reinspection:

- i. First violation: two-year license suspension, plus \$1,500 civil penalty;
- ii. Second violation: four-year license suspension, plus \$1,500 civil penalty;
- iii. Third violation: lifetime license revocation, plus \$1,500 civil penalty.

7. For failing to produce inspection records: immediate license suspension until compliance plus \$500.00 civil penalty.

8. For fraudulent recordkeeping:

- i. First violation: immediate two-year license suspension, plus \$500.00 civil penalty;
- ii. Second violation: immediate four-year license suspension, plus \$500.00 civil penalty;
- iii. Third violation: lifetime license revocation, plus \$500.00 civil penalty.

9. For improper recordkeeping:

i. First violation: one-month license suspension, plus \$500.00 civil penalty;

ii. Second violation: two-month license suspension, plus \$500.00 civil penalty;

iii. Third and subsequent violations: six-month license suspension, plus \$500.00 civil penalty.

10. For improper security of diesel emission inspection certificates of approval:

i. First violation: written warning, plus \$500.00 civil penalty;

ii. Second violation: two-month license suspension, plus \$500.00 civil penalty;

iii. Third and subsequent violations: six-month license suspension, plus \$500.00 civil penalty.

11. For lost or stolen diesel emission inspection certificates of approval for which the licensee does not properly account. A licensee can "properly account" for such documents by demonstrating, to the satisfaction of the Chief Administrator, that they were lost or stolen under circumstances beyond the reasonable control of the licensee:

i. First violation: one-month license suspension, plus \$500.00 civil penalty per certificate;

ii. Second violation: two-month license suspension, plus \$500.00 civil penalty per certificate;

iii. Third and subsequent violations: one-year license suspension, plus \$500.00 civil penalty per certificate.

12. For failing to maintain insurance coverage: minimum 15-day license suspension and until compliance plus \$500.00 civil penalty.

13. For failure to provide vehicle inspection report and/or work order to the customer:

i. First violation: 30-day license suspension, plus \$500.00 civil penalty;

ii. Second violation: 60-day license suspension, plus \$500.00 civil penalty;

iii. Third and subsequent violations: one-year license suspension, plus \$500.00 civil penalty.

14. For failure to post license:

i. First violation: written warning, plus \$500.00 civil penalty;

ii. Second violation: 20-day license suspension, plus \$500.00 civil penalty;

iii. Third and subsequent violations: two-month license suspension, plus \$500.00 civil penalty.

15. For failure to post outdoor sign:

- i. First violation: written warning, plus \$500.00 civil penalty;
- ii. Second violation: 20-day license suspension, plus \$500.00 civil penalty;
- iii. Third and subsequent violations: two-month license suspension, plus \$500.00 civil penalty.

16. For failure to pay fee(s): license suspension until compliance.

17. For criminal conviction which is disqualifying: indefinite license denial/suspension license issuance/restoration predicated on standards set forth in the Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.).

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" throughout.

13:20-47.20 Investigations

(a) The Chief Administrator, or any person designated by him or her, shall have the power to investigate and gather evidence of violations of P.L. 1995, c. 157, or of any regulation adopted thereunder, by a diesel emission inspection center.

(b) The Chief Administrator, or any person designated by him or her, shall have the power to conduct investigations, administer oaths, interrogate licensees, issue subpoenas, summonses and/or complaints and compel witnesses to appear at any hearing.

(c) Except as set forth in N.J.A.C. 13:20-47.12(j), subpoenas shall be served in the same manner, and witnesses shall be entitled to the same fees, as in the case of subpoenas issued out of the Superior Court of New Jersey.

(d) In the case of a failure of any person to comply with any subpoena issued under these rules or to testify with respect to any matter concerning which he or she may be lawfully interrogated, the Superior Court, on application of the Chief Administrator, may be requested to issue an order requiring the attendance of such person and the giving of testimony or production of evidence. Any person failing to obey the order of the court may be punished by the court for contempt.

(e) In addition to the authority set forth in (a) above, Department of Transportation investigators, New Jersey State Police officers, Department of Environmental Protection investigators and Division of Consumer Affairs investigators are hereby authorized to enforce the provisions of this subchapter.

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" and "Motor Vehicle Commission" for "Division" throughout; and in (c), deleted "the" preceding "witnesses".

13:20-47.21 Written notice of suspension or revocation or refusal to grant or renew license

(a) The Chief Administrator shall notify the applicant, in writing by certified mail, of any refusal to grant or renew a diesel emission inspection center license to the applicant and the grounds thereof. Written notice shall be mailed to the applicant at the address listed on the application or to the place of business on record with the Motor Vehicle Commission.

(b) The Chief Administrator shall notify the licensee, in writing by certified mail, of any proposed suspension or revocation of the diesel emission inspection center license and the grounds thereof. Written notice shall be mailed to the place of business on record with the Motor Vehicle Commission. Unless the licensee files with the Chief Administrator a written request for a hearing in accordance with N.J.A.C. 13:20-47.22, the diesel emission inspection center license shall be suspended or revoked on the date specified in such notice.

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" and "Motor Vehicle Commission" for "Division" throughout.

13:20-47.22 Request for hearing

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-47.21(a) that the Chief Administrator refuses to grant or renew a diesel emission inspection center license to him or her, the applicant shall be entitled to an administrative hearing concerning such refusal provided that the applicant has filed and the Chief Administrator has received a written request for a hearing within 25 days. The 25-day period shall commence on the date such notice was mailed to the applicant by the Motor Vehicle Commission in accordance with N.J.A.C. 13:20-47.21(a).

(b) If a licensee has been notified in accordance with N.J.A.C. 13:20-47.21(b) of a proposed suspension or revocation of his or her diesel emission inspection center license, the licensee shall be entitled to an administrative hearing concerning such proposed suspension or revocation provided that the licensee has filed and the Chief Administrator has received a written request for a hearing within 25 days. The 25-day period shall commence on the date such notice was mailed to the licensee by the Motor Vehicle Commission in accordance with N.J.A.C. 13:20-47.21(b).

(c) Any written request for a hearing by an applicant or licensee shall be sent to the Diesel Emission Inspection Center Licensing Unit of the Motor Vehicle Commission at the address specified in N.J.A.C. 13:20-47.4(a). The hearing request shall contain the following information:

1. The name, license number, place of business and telephone number of the diesel emission inspection center;

2. A concise statement of facts constituting each ground of defense;

3. A specific admission, denial or explanation of each fact alleged by the Motor Vehicle Commission in its notice or order to show cause, or if without knowledge thereof, a statement to that effect; any allegation in the Motor Vehicle Commission's notice or order to show cause that is not answered in accordance with this paragraph shall be deemed to have been admitted; and

4. A statement requesting a hearing.

(d) If the applicant or licensee does not file a written request for a hearing in accordance with (a), (b), or (c) above, the suspension, revocation or refusal to grant or renew the diesel emission inspection center license shall be effective on the date specified in such notice. The diesel emission inspection center shall cease all activities of the business of a diesel emission inspection center effective on the date specified in such notice.

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" and "Motor Vehicle Commission" for "Division" throughout; in (a) and (b), substituted "25" for "15"; and in (c)3, substituted "Motor Vehicle Commission's" for "Division's" and "that" for "which".

13:20-47.23 Hearing procedures

Any hearing concerning the suspension, revocation or refusal to grant or renew a diesel emission inspection center license shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

13:20-47.24 Limitations on issuance of license after suspension, revocation or refusal to grant or renew

(a) No person whose application for a diesel emission inspection center license is refused shall be entitled to apply for a license under this subchapter for a period of one year from the effective date of such refusal.

(b) No person whose license is suspended or revoked shall be entitled to apply for a license under this subchapter during the period of suspension or revocation.

13:20-47.25 License restoration

(a) A fee of \$100.00 shall be payable to the Commission for the restoration of a diesel emission inspection center license that is suspended or revoked pursuant to P.L. 1995, c.157 or this subchapter. Such license restoration fee shall be paid to the Commission before the license may be restored.

(b) Each suspension or revocation of any diesel emission inspection center license, pursuant to P.L. 1995, c.157 or any regulation adopted thereunder, shall continue in force and

effect until such license is restored by the Chief Administrator.

(c) In the case of every suspension or revocation of a diesel emission inspection center license for a fixed period of time, the licensee, as a condition precedent to restoration, shall make application to the Chief Administrator, in such form as the Chief Administrator may determine, and pay the license restoration fee specified in (a) above. The Chief Administrator may, upon notice and an opportunity to be heard, deny any application for restoration of a diesel emission inspection center license for good cause.

Amended by R.2004 d.133, effective April 5, 2004.
See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

In (a), substituted "\$ 100.00" for "\$ 50.00", substituted "that" for "which" following "diesel emission inspection center license", and substituted "Commission" for "Division" throughout.
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" throughout.

SUBCHAPTER 48. INSPECTION STANDARDS AND TEST PROCEDURES TO BE USED BY LICENSED DIESEL EMISSION INSPECTION CENTERS

13:20-48.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Diesel bus" means any diesel-powered autobus or motor-bus of any size or configuration, whether registered in this State or elsewhere, that is designed or used for intrastate or interstate transportation of passengers for hire or otherwise on a public road, street or highway or any public or quasi-public property in this State, including, but not limited to, autobuses under the jurisdiction of the 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" means any person who for compensation engages in the business of inspecting and certifying heavy-duty diesel trucks or diesel buses, including emission control apparatus and emission control systems. For purposes of this subchapter, an employee of a diesel emission inspection center who engages in the business of inspecting and certifying diesel motor vehicles, including emission

control apparatus and emission control systems, solely by reason of his or her employment is not deemed to be a diesel emission inspection center and is not required to be licensed as such.

“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).

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”; in definition “Diesel bus”, substituted “Commission’s Commercial Bus Inspection and Investigation Unit” for “Department of Transportation” throughout; and deleted definitions “Director” and “Division”.

13:20-48.2 General provisions; Class I and II licensees

(a) This subchapter contains the standards and procedures to be used by Class I and II licensed diesel emission inspection centers when inspecting heavy-duty diesel trucks and diesel buses for compliance with diesel emission inspection standards.

(b) A diesel emission inspection center license authorizes the placement of a diesel emission inspection certificate of approval on a heavy-duty diesel truck or diesel bus upon:

1. Initial inspection as certification of compliance with diesel emission inspection requirements; and
2. Reinspection as certification that emission-related defects for which the vehicle was initially rejected have been repaired, adjusted or corrected to bring the vehicle into compliance with diesel emission inspection requirements.

(c) A diesel emission inspection center licensee shall perform a reinspection and certification of a vehicle when the repairs, adjustments or corrections have been made or caused to be made by the owner or lessee elsewhere than the diesel emission inspection center conducting the inspection. In such cases, the diesel emission inspection center shall physically

inspect the rejected emission-related defects to determine whether such defects have been repaired, adjusted or corrected to conform to the inspection standards set forth in this subchapter. If such emission-related defects have been brought into compliance with the inspection standards, a certificate of approval may be affixed to the vehicle. The diesel emission inspection center may charge a fee for the reinspection service based on the center’s established hourly labor charge but only for that portion of an hour which the Motor Vehicle Commission has established to be the average time for the reinspection of specific rejected items as set forth in the subchapter Appendix, which is incorporated herein by reference.

(d) If the emission-related repairs are made at a diesel emission inspection center, each mechanic who repaired a specific rejected item shall sign his or her name on the center’s Repair Invoice/Certification of Diesel Emissions next to the applicable rejection category. If the repairs were made or caused to be made elsewhere by the vehicle owner or lessee, or by another repair facility upon request by the diesel emission inspection center, each mechanic who reinspected the rejected item(s) shall sign his or her name on the center’s Repair Invoice/Certification of Diesel Emissions.

(e) When a certificate of approval is affixed to a vehicle, the diesel emission inspection center shall cause to be imprinted on the Repair Invoice a stamp with the following:

NEW JERSEY
MOTOR VEHICLE COMMISSION
DIESEL EMISSION INSPECTION CENTER
LICENSE NO.
STICKER NO.
DATE:

(f) The diesel emission inspection center license number, the certificate of approval number and the date of inspection shall be contained on the stamp. The size of the stamp shall be approximately 1½ inches high and approximately 2½ inches wide. Each diesel emission inspection center shall purchase the above stamp from a commercial source.

(g) If the emission-related defects have been repaired, adjusted or corrected so as to conform to the applicable diesel emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14, the vehicle shall be certified by affixing a certificate of approval to the vehicle. The certificate of approval shall be affixed to the vehicle in accordance with N.J.A.C. 13:20-47.10(d).

(h) The owner or lessee of a heavy-duty diesel truck or diesel bus rejected at a diesel emission inspection center for failing to meet the Department of Environmental Protection diesel emission standards set forth in N.J.A.C. 7:27-14 is required to have the vehicle repaired, adjusted or corrected within 45 days in order to legally operate it in New Jersey.

(i) A fee which a licensed diesel emission inspection center may charge for an initial inspection shall not exceed the center’s hourly labor charge. The maximum fee for an

initial inspection shall be posted in a prominent place on the business premises. A copy of the diesel emission inspection center's fee schedule shall be provided to the Motor Vehicle Commission at the address specified in N.J.A.C. 13:20-47.4(a).

(j) Charges for initial inspections, reinspections, and repairs shall be listed separately on the Repair Invoice.

(k) A diesel emission inspection center shall not require, as a condition of performing the initial inspection, that any repairs, adjustments or corrections be performed at the diesel emission inspection center performing the inspection.

(l) Repairs, adjustments or corrections shall not be performed on a vehicle at the licensed diesel emission inspection center where the vehicle was inspected unless the customer signs a written acknowledgment and waiver that he or she understands his or her right to have the repairs, adjustments or corrections performed elsewhere and expressly waives his or her rights. The acknowledgment/waiver shall contain at least the following information:

I understand my right to have inspection repairs, adjustments, and corrections performed elsewhere.

Customer's Signature _____ Date _____

I choose to have such inspection repairs, adjustments, and corrections performed at this facility.

Customer's Signature _____ Date _____

(m) A heavy-duty diesel truck or diesel bus presented for initial inspection shall undergo a complete inspection. Once the inspection has commenced it shall not be terminated unless the motor vehicle is either certified or rejected. An inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection.

(n) The diesel emission inspection center shall maintain certificates of approval for the applicable inspection cycle(s).

(o) A heavy-duty diesel truck or diesel bus for which the current diesel emission inspection certificate of approval has been lost, stolen, destroyed, or defaced, or any heavy-duty diesel truck or diesel bus that has had its windshield replaced, may be presented at a diesel emission inspection center for the issuance of a replacement diesel emission inspection certificate of approval. Such a replacement inspection certificate of approval shall be affixed to the heavy-duty diesel truck or diesel bus provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated; a valid motor vehicle registration certificate; International Registration Plan (IRP) documentation, if any; a valid insurance identification card for the vehicle, if applicable; a printout of the diesel emission inspection bearing the stamp of the licensed diesel emission inspection center that performed the inspection, or a Repair Invoice/Certification of Diesel Emissions bearing the stamp of the licensed diesel emission inspection center that performed the

reinspection, whichever is applicable, confirming that the diesel vehicle passed a diesel emission inspection; the diesel emission inspection certificate of approval, if available; and further provided that there are no obvious emission-related defects.

(p) The fee that a licensed diesel emission inspection center may charge for the issuance of a replacement diesel emission inspection certificate of approval in accordance with (o) above shall not exceed .2 of the center's hourly labor charge. A licensed diesel emission inspection center that issues a replacement diesel emission inspection certificate of approval in accordance with (o) above may also charge the fee specified in N.J.A.C. 13:20-47.14(c) for affixing a diesel emission inspection certificate of approval to a diesel vehicle.

Amended by R.2004 d.133, effective April 5, 2004.

See: 35 N.J.R. 2575(a), 36 N.J.R. 1821(a).

In (f), added the second sentence; added a new (m) and recodified former (m) as (n); added (o) and (p).

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) and (i), substituted "Motor Vehicle Commission" for "Division"; and in (e), substituted "MOTOR VEHICLE COMMISSION" for "DIVISION OF MOTOR VEHICLES".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In the waiver form in (l), inserted a comma following "adjustments", and inserted "I choose to have such inspection repairs, adjustments, and corrections performed at this facility." and the second occurrence of the "Customer's Signature" and "Date" entries, and deleted ", and hereby choose to have such repairs, adjustments and corrections performed at this facility" following "elsewhere".

13:20-48.3 Credentials; Class I and II licensees

The driver shall present a valid driver's license, a valid motor vehicle registration certificate, International Registration Plan (IRP) documentation, if any, and a valid insurance identification card for the vehicle, if applicable. Photocopies of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

13:20-48.4 Exhaust system; Class I and II licensees

(a) The following shall not be certified:

1. A heavy-duty diesel truck or diesel bus if there is evidence of exhaust gas leakage at any point in the exhaust system;
2. An exhaust system which has loose or worn components or has been patched; provided, however, that an exhaust system which has been properly welded and is in good condition may be certified;
3. An exhaust system in which all parts are not properly mounted. The entire exhaust system must be in such condition that it cannot burn or cause injury to any person. Exposed exhaust pipes, stacks or other parts of the exhaust system which might burn a person or cause injury must be protected in some manner; or
4. A heavy-duty diesel truck or diesel bus with any part of the exhaust system passing through the passenger

compartment. The exit point for the exhaust gas shall be located so that dangerous amounts of exhaust gas will not enter the passenger compartment under normal vehicle use even with the windows open or the outside air inlets to the heater or air conditioner open. A replacement exhaust system is acceptable provided it is specifically manufactured for the vehicle by a company which guarantees that the exhaust system has a safe exhaust gas exit location.

(b) Notwithstanding (a) above, certification shall not be refused because a muffler has drain holes which were placed in it at the time of manufacture for drainage purposes.

Amended by R.2001 d.20, effective January 16, 2001.
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (a)4, substituted "provided" for "providing" preceding "it is specifically manufactured".

13:20-48.5 Prescribed emission test procedures; Class I and II licensees; snap acceleration test

The snap acceleration test shall be conducted in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

13:20-48.6 Prescribed emission test procedures; Class I and II licensees; rolling acceleration test

The rolling acceleration test shall be conducted in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

13:20-48.7 Prescribed emission test procedures; Class I and II licensees; power brake test

The power brake test shall be conducted in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

Amended by R.2007 d.233, effective August 6, 2007.
See: 38 N.J.R. 5318(a), 39 N.J.R. 3387(a).

Section was "Prescribed emission test procedures; Class I and II licensees; stall acceleration test". Substituted "power brake" for "stall".
Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Prescribed emission test procedures; Class I and II licensees; power brake acceleration test". Deleted "acceleration" following "brake".

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 opacity meter 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(a).

Amended by R.2009 d.312, effective October 19, 2009.
See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Substituted "opacity meter" for "opacimeter" and updated the N.J.A.C. reference.

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 the transportation of children to or from school for secular or religious education, school-connected activity, day camp, summer day camp, nursery school, child care center, preschool center or other similar places of education. All such motor vehicles shall be registered as school buses in accordance with N.J.S.A. 39:3-19.2 and shall comply with the rules set forth in this subchapter and all applicable Federal standards. A motor vehicle shall not be used for the purposes set forth in this subsection unless it has been registered as a school bus in accordance with N.J.S.A. 39:3-19.2 and complies with the rules set forth in this subchapter and all applicable Federal standards.

(b) The 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 Inspection Services Bus 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 Inspection Services Bus 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.

Amended by R.2012 d.023, effective February 6, 2012.

See: 43 N.J.R. 1831(a), 44 N.J.R. 287(b).

In (a), deleted "for compensation" following "privately operated"; in (c), substituted "Inspection Services Bus" for "School Bus Inspection"; and in (d), substituted "Inspection Services Bus" for "Commercial Bus Inspection and Investigation".

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, de-

spite 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