

2. The rolling acceleration smoke opacity test, as described at N.J.A.C. 7:27B-4.3(b); or

3. The stall smoke opacity test, for a vehicle with an automatic transmission, only, as described at N.J.A.C. 7:27B-4.3(c).

(e) A person testing a diesel-powered motor vehicle, as part of either the roadside enforcement program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-46 or the periodic inspection program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17, or the self-inspection program established pursuant to N.J.A.C. 13:20-26 and 16:53-3, shall conduct an examination of the emission control apparatus as described at N.J.A.C. 7:27B-4.8(d).

New Rule, R.1997 d.393, effective September 15, 1997 (operative October 7, 1997).

See: 29 N.J.R. 971(a), 29 N.J.R. 4108(a).

Amended by R.1998 d.309, effective July 6, 1998 (operative July 21, 1998).

See: 30 N.J.R. 901(a), 30 N.J.R. 2476(b).

Inserted new (b)4; deleted (c); and recodified former (d) through (f) as (c) through (e).

7:27-14.6 Inspection standards

(a) No diesel-powered motor vehicle shall be deemed to have passed an inspection unless it meets:

1. The general public highway standards set forth at N.J.A.C. 7:27-14.4; and

2. The applicable smoke opacity standards set forth in (b), (c), (d) and (e) below.

(b) A heavy-duty diesel vehicle, tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test, or the stall smoke opacity test set forth at N.J.A.C. 7:27B-4, shall not emit smoke in the exhaust emissions which exceeds the following opacity standards:

1. For model years 1973 and older, the level of peak smoke opacity shall not exceed 70 percent;

2. For model years 1974 through 1990, the level of peak smoke opacity shall not exceed 55 percent;

3. For model years 1991 and newer, the level of peak smoke opacity shall not exceed 40 percent; and

4. (Reserved)

(c) A diesel bus, tested using the snap acceleration smoke opacity test, or the stall smoke opacity test, set forth at N.J.A.C. 7:27B-4, shall not emit smoke in the exhaust emissions which exceeds the following opacity standards:

1. For model years 1987 and older, the level of peak smoke opacity shall not exceed 40 percent;

2. For model years 1988 and newer, the level of peak smoke opacity shall not exceed 30 percent; and

3. (Reserved)

(d) A retrofitted diesel bus, tested using the snap acceleration smoke opacity test, or the stall smoke opacity test, set forth at N.J.A.C. 7:27B-4, shall not emit smoke in the exhaust emissions which exceeds a peak smoke opacity standard of 30 percent;

(e) A diesel-powered motor vehicle, tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test or the stall smoke opacity test, set forth at N.J.A.C. 7:27B-4, and for which an alternative smoke opacity standard has been established in accordance with the procedures set forth at N.J.A.C. 7:27B-4.13, shall not emit smoke in the exhaust emissions which exceeds the smoke opacity standard established as the alternative smoke opacity standard for that vehicle.

New Rule, R.1997 d.393, effective September 15, 1997 (operative October 7, 1997).

See: 29 N.J.R. 971(a), 29 N.J.R. 4108(a).

Amended by R.1998 d.309, effective July 6, 1998 (operative July 21, 1998).

See: 30 N.J.R. 901(a), 30 N.J.R. 2476(b).

Inserted new (b)4 and (c)3.

7:27-14.7 Non-interference with the motor vehicle codes

Nothing in this subchapter is intended to limit or deny any existing authority to inspect diesel-powered motor vehicles in accordance with regulations established pursuant to N.J.S.A. 39:8-2, 39:3-70, 39:3-76, 39:10-26 and 48:4-2.1a.

New Rule, R.1997 d.393, effective September 15, 1997 (operative October 7, 1997).

See: 29 N.J.R. 971(a), 29 N.J.R. 4108(a).

SUBCHAPTER 15. CONTROL AND PROHIBITION OF AIR POLLUTION FROM GASOLINE-FUELED MOTOR VEHICLES

Authority

N.J.S.A. 13:D-1 et seq. and 26:2C-1 et seq.

Subchapter Historical Note

Adopted as R.1972 d.1, effective July 5, 1972. See: 3 N.J.R. 103(a), 4 N.J.R. 21(c). Amended by R.1974 d.169, eff. July 1, 1974. See: 76 N.J.R. 173(a), 6 N.J.R. 305(b).

On September 2, 1983 the standards referenced at N.J.A.C. 7:27-15.1 were adopted by the Department of Environmental Protection on an emergency basis as R.1983 d.407. On November 2, 1983 they were readopted without change as R.1983 d.536, and are exempt from the expiration provisions of Executive Order 66(1978) since the application of this order would be in violation of the Clean Air Act, as amended August 1977 (42 USC 7401 et seq.). See: 15 N.J.R. 1607(a), 15 N.J.R. 1943(b).

7:27-15.1 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 contaminant emissions, including motor vehicles, pursuant to California Health & Safety Code, Sections 39500 et seq.

“Carbon monoxide” or “CO” means a gas having a molecular composition of one carbon atom and one oxygen atom.

“Certified configuration” means a vehicle-engine-chassis design for LDGVs and LDGTs or an engine design for HDGVs 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. CARB for model year 1966 or for a more recent model year.

“Clean Air Act” or “CAA” means the Federal Clean Air Act (42 U.S.C. 7401 et seq.) which consists of Public Law 159 (July 14, 1955; Stat. 322) and all subsequent amendments thereto.

“Commissioner” means the Commissioner of the Department of Environmental Protection.

“Crankcase emissions” means substances emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication system.

“Department” means the Department of Environmental Protection.

“Division of Motor Vehicles” or “DMV” means the Division of Motor Vehicles within the New Jersey Department of Transportation.

“Element of design” means any automotive part or system on a motor vehicle that is subject to the Federal emission standards at 40 CFR Part 86 or California emission standards at California Code of Regulations Title 13 which:

1. Is included in the motor vehicle’s certified configuration; and
2. Could affect the emission of any regulated air contaminant from the motor vehicle.

“Emission control apparatus” means any device employed by the vehicle manufacturer which prevents or controls the emission of any air contaminant, including associated components which monitor the function and maintenance of these devices.

“EPA” means the United States Environmental Protection Agency.

“EPA Memorandum 1A” means the memorandum dated June 25, 1974, and issued by the EPA’s Office of Enforcement and General Counsel, which sets forth the EPA’s interim tampering enforcement policy. This term also includes any revisions to the policy set forth in the June 25, 1974 memorandum that are subsequently issued by the EPA. A copy of this EPA memorandum has been filed with the Office of Administrative Law and may be obtained from the Bureau of Transportation Control in the Department of Environmental Protection.

“Exhaust emissions” means substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

“G/mi” means grams per mile.

“Gasoline-fueled” means powered by a hydrocarbon fuel other than diesel fuel, including, but not limited to, gasoline, natural gas, liquified 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 vehicle.

“Heavy-duty gasoline-fueled vehicle” or “HDGV” means a gasoline-fueled motor vehicle that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or property.

“Hydrocarbons (HC)” means any compound or mixture of compounds whose molecules consist of atoms of hydrogen and carbon only.

“Idle” means an operating mode where the vehicle engine is not engaged in gear and where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer.

“Light-duty gasoline-fueled vehicle” or “LDGV” 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 no more than 12 passengers.

“Light-duty gasoline-fueled truck” or “LDGT” 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:

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

"Light-duty gasoline-fueled truck 1" or "LDGT1" means a light-duty gasoline-fueled truck with a GVWR of 6,000 pounds or less.

"Light-duty gasoline-fueled truck 2" or "LDGT2" means a light-duty gasoline-fueled truck with a GVWR of more than 6,000 pounds.

"Loaded vehicle weight" or "LVW" means the vehicle curb weight plus 300 pounds.

"Low mileage vehicle" means a motor vehicle that is driven less than 10,000 miles during a biennial inspection period.

"Model year" means the manufacturer's annual production period (as determined under 40 CFR section 85.2304 (60 Fed. Reg. 4738, Jan. 24, 1995), 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 the calendar year. A specific model year 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 a leap year).

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

"Motor vehicle emission testing equipment" means equipment used to conduct a test of a gasoline-fueled motor vehicle set forth at N.J.A.C. 7:27B, and which satisfies all applicable specifications set forth at N.J.A.C. 7:27B-4.14, Specifications for motor vehicle emission testing equipment for use in the New Jersey Enhanced Inspection and Maintenance Program. For motor vehicle inspections conducted pursuant to N.J.A.C. 7:27B-4 and this subchapter, this term shall include all devices used for performing a motor vehicle inspection, including, but not limited to, exhaust gas analyzers, evaporative pressure testing apparatus, evaporative purge testing apparatus, dynamometers, computers and related software.

"Motorized bicycle" means a pedal bicycle which is capable of a maximum speed of no more than 25 miles per hour on a flat surface and which has a helper motor which;

1. Has a maximum piston displacement that is less than 50 cubic centimeters; or
2. Is rated at no more than 1.5 brake horsepower.

"New motor vehicle" means a newly-manufactured motor vehicle, prior to its delivery to the ultimate purchaser.

"New motor vehicle dealer" means any person licensed pursuant to N.J.S.A. 39:10-19 to sell new motor vehicles.

"Official inspection facility" means a test-only inspection facility operated by, licensed by, or under contract with the DMV whose exclusive function is conducting emissions inspections.

"Oxides of nitrogen" or "NO_x" means all the oxides of nitrogen including, but not limited to, nitric oxide (NO) and nitrogen dioxide (NO₂), except nitrous oxide (N₂O).

"Person" means any individual or entity and shall include, without limitation, corporations, companies, associations, societies, firms, partnerships, and joint stock companies, and shall also include, without limitation, all political subdivisions of any States, and any agencies or instrumentalities thereof.

"Predelivery checklist" means a schedule of items and procedures which a new motor vehicle dealer is required or requested by a manufacturer to check or follow prior to delivery of a new motor vehicle to the ultimate purchaser.

"Private inspection facility" or "PIF" means a facility licensed by the DMV to perform emissions inspections that may also offer motor vehicle parts and repair services.

"Quasi-public property" means any property that, although under private ownership or control, is accessible to the public. This term shall include, but shall not be limited to, the New Jersey Turnpike, the Garden State Parkway, shopping mall roadways and parking lots, private business roadways and nonresidential parking lots.

“RPM” means revolutions per minute.

“Smoke” means small gasborne and airborne particles, exclusive of water vapor, arising from a process of combustion in sufficient number to be observable.

“Tier 1 Standards” means standards for LDGTs and LDGVs of model years 1994 and later, prescribed at section 202(g) of the Clean Air Act, 42 U.S.C.A. 7521(g).

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

“Vehicle curb weight” means the actual weight of a motor vehicle in operational status or the weight given by the manufacturer for such a motor vehicle. Such weight shall include the weight of all standard equipment, of the fuel at nominal tank capacity, and of optional equipment computed in accordance with 40 CFR section 86.082-24. This term, with respect to an incomplete light-duty gasoline truck, shall be the weight given by the manufacturer for such a truck.

Amended by R.1985 d.1, effective January 21, 1985 (operative July 1, 1985).

See: 16 N.J.R. 2889, 17 N.J.R. 189(b).

Administrative Corrections.

See: 23 N.J.R. 1432(d).

Emergency Amendment R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).

See: 27 N.J.R. 2752(a).

Adopted concurrent proposal, R.1995 d.527, effective August 28, 1995, (operative October 27, 1995).

See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).

Provisions of R.1995 d.409 readopted, with changes effective October 2, 1995.

Amended by R.1996 d.302, effective July 1, 1996 (operative July 30, 1996).

See: 28 N.J.R. 138(a), 28 N.J.R. 3413(a).

Amended “Quasi-public property”.

Amended by R.1997 d.283, effective July 7, 1997 (operative August 11, 1997).

See: 29 N.J.R. 726(a), 29 N.J.R. 2826(b).

Amended “Gasoline-fueled”, “Heavy-duty gasoline-fueled vehicle”, “Hydrocarbons (HC)”, and “Motor vehicle emission testing equipment”; and added “Idle”.

7:27-15.2 Applicability

(a) Except as provided in (b) and (c) below, this subchapter applies to all light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks and heavy-duty gasoline-fueled vehicles.

(b) This subchapter does not apply to:

1. Motor vehicles operated solely on diesel fuel; and
2. Motorcycles.

(c) N.J.A.C. 7:27-15.3, 15.4, 15.5 and 15.6 apply only to those light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks and heavy-duty gasoline-fueled vehicles that are subject to inspection in accordance with N.J.S.A. 39:8.

(d) This subchapter shall apply to any person and the United States, all political subdivisions of the United States, and any agencies or instrumentalities thereof.

Emergency New Rule, R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).

See: 27 N.J.R. 2752(a).

Adopted Concurrent Proposal, R.1995 d.527, effective August 28, 1995 (operative October 27, 1995).

See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).

7:27-15.3 General public highway standards

(a) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit the operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi-public property in the State if the vehicle emits visible smoke in the exhaust emissions or in the crankcase emissions for a period in excess of three consecutive seconds.

(b) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit the operation of the motor vehicle upon the public roads, streets, or highways of the State, or any public or quasi-public property in the State, if the vehicle emits hydrocarbons (HC), carbon monoxide (CO), or oxides of nitrogen (NO_x) in the exhaust emissions in excess of any applicable standards set forth at N.J.A.C. 7:27-15.6(b).

(c) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit the operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi-public property in the State if the motor vehicle does not satisfy and pass all applicable motor vehicle inspection testing requirements at N.J.A.C. 7:27-15.5 unless the motor vehicle has been issued a waiver in accordance with N.J.A.C. 13:20-43.13.

(d) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit the operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi-public property in the State if the motor vehicle is a 1968 or later model year vehicle (or, if the vehicle was originally sold in California, a 1966 or later model year vehicle), and the motor vehicle is not certified by either of the following agencies as meeting the applicable emission standards for motor vehicles manufactured in the model years listed below:

1. EPA for model years 1968 and later; or
2. CARB for model year 1966 and later motor vehicles originally sold in California.

Amended by R.1985 d.1, effective January 21, 1985 (operative July 1, 1985).

See: 16 N.J.R. 2889, 17 N.J.R. 189(b).

Section substantially amended.

Emergency recodification from 7:27-15.2 and amendment R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).

See: 27 N.J.R. 2752(a).

Adopted Concurrent Proposal, R.1995 d.527, effective August 28, 1995 (operative October 27, 1995).
See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).

7:27-15.4 New motor vehicle dealer inspections

(a) A new motor vehicle dealer shall ensure that, prior to delivery by the new motor vehicle dealer to the ultimate purchaser, any gasoline-fueled new motor vehicle subject to this subchapter pursuant to N.J.A.C. 7:27-15.2 conforms to the emission specifications prescribed by the manufacturer for the new motor vehicle. These specifications may be prescribed by the manufacturer in the new motor vehicle predelivery check list provided for the dealer's use in assuring proper functioning of the vehicle emission control apparatus.

(b) Whenever applicable emission specifications are not prescribed by the manufacturer, the inspection standards as set forth in N.J.A.C. 7:27-15.6(b) shall apply to the new motor vehicle.

Amended by R.1985 d.1, effective January 21, 1985 (operative July 1, 1985).

See: 16 N.J.R. 2889, 17 N.J.R. 189(b).

Section substantially amended.

Emergency recodification from 7:27-15.3 and amendment R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).

See: 27 N.J.R. 2752(a).

Adopted Concurrent Proposal, R.1995 d.527, effective August 28, 1995 (operative October 27, 1995).

See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).

7:27-15.5 Motor vehicle inspections

(a) The owner of a motor vehicle subject to this section pursuant to N.J.A.C. 7:27-15.2 shall have the motor vehicle periodically inspected in accordance with this section.

(b) The motor vehicle shall be inspected at least once every two years. This biennial inspection shall be deemed an "on-cycle" inspection and shall include an initial inspection, together with any reinspections required pursuant to (h) below. In addition, in accordance with its procedures, the DMV may require the owner of a motor vehicle to have it inspected more frequently than every two years. Such more frequent inspections shall be deemed to be "off-cycle" inspections and shall also include an initial inspection together with any reinspections required pursuant to (h) below.

(c) Initial inspections and reinspections for an on-cycle or an off-cycle inspection shall be performed at either an official inspection facility or at a PIF.

(d) A motor vehicle inspection is not complete until:

1. The motor vehicle passes all of the tests and satisfies all of the requirements, as specified in (f) below, that constitute the emission inspection at an appropriate inspection facility, as specified in (c) above; or

2. The motor vehicle has been issued a waiver in accordance with N.J.A.C. 13:20-43.13.

(e) Initial inspections shall be performed without repair or adjustment, other than proper tightening of the gas cap, at the inspection facility, prior to the inspection.

(f) A motor vehicle inspection shall include the following:

1. A visible smoke test conducted in accordance with N.J.A.C. 7:27B-4.5(a);

2. Unless the motor vehicle is exempt pursuant to N.J.A.C. 7:27-15.6(e) or (f), an exhaust emission test utilizing motor vehicle emission testing equipment approved by the Department. The specific exhaust emission test to be used shall be determined in accordance with (g) below;

3. For all post-1974 model year LDGVs, LDGTs and HDGVs, an emission control apparatus compliance examination conducted in accordance with N.J.A.C. 7:27B-4.9;

4. Twelve months after the EPA's interim approval of the Enhanced I/M State Implementation Plan Revision, for all post-1980 model year LDGVs and LDGTs originally equipped with an evaporative emission control system, an evaporative pressure test utilizing motor vehicle emission testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-4.10;

5. Twelve months after the EPA's interim approval of the Enhanced I/M State Implementation Plan Revision, for all post-1980 model year LDGVs and LDGTs originally equipped with an evaporative emission control system, an evaporative purge test utilizing motor vehicle emission testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-4.11, except that those motor vehicles that, in accordance with (g) below, are subject to only the 2500 RPM test as their sole exhaust emission test, shall not be subject to an evaporative purge test;

6. For all LDGVs, LDGTs and HDGVs originally equipped with a sealed fuel filler cap (that is, not a directly vented fuel filler cap), not otherwise subject to an evaporative pressure test pursuant to (f)4, above, a fuel cap leak test utilizing motor vehicle emission testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-4.13;

7. On and after January 1, 1998, for all post-1995 LDGVs and LDGTs, an on-board diagnostics test conducted in accordance with N.J.A.C. 7:27B-4.12; and

8. For any motor vehicle that is subject to a recall notice issued to the owner on or after January 1, 1995, pursuant to either a "Voluntary Emissions Recall" as defined at 40 C.F.R. section 85.1902(d) or to a remedial plan determination made pursuant to 42 U.S.C.A. section 7541(c), the provision by the owner of the motor vehicle of documentation that all applicable recall repairs have been completed; provided, however, for any recall notice received fewer than 60 days prior to inspection, provision of this documentation may, instead, be provided at the next scheduled vehicle inspection.