

8. For furnishing, lending, giving or selling a certificate of approval or rejection sticker without performing the required inspection or reinspection or an inspection decal or collector motor vehicle windshield sticker for a motor vehicle that does not qualify for the issuance of such decal or sticker:

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

9. For fraudulent recordkeeping:

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

10. For failing to produce inspection records:

- i. Immediate license suspension until compliance

11. For improper recordkeeping:

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

12. For improper security of certificates of approval, inspection decals, collector motor vehicle windshield stickers and/or rejection stickers:

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

13. For lost or stolen certificates of approval, inspection decals, collector motor vehicle windshield stickers 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 first violation
- ii. Two-month license suspension second violation
- iii. One-year license suspension third and subsequent violations

14. For overcharging on inspection/reinspection:

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

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

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

16. For criminal conviction which is disqualifying:

- i. Indefinite denial/suspension

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

17. For lending an emission inspector license to another person:

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

18. For failing to produce an emission inspector license:

- i. Immediate cessation of licensed activity until compliance; plus written warning first violation
- ii. Immediate cessation of licensed activity until compliance; plus \$25.00 civil penalty second violation
- iii. Immediate cessation of licensed activity until compliance; plus \$50.00 civil penalty; plus 30-day license suspension third and subsequent violations

19. For failing to cooperate with an audit or investigation:

- i. Minimum 15-day license suspension and until compliance

(g) 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 issue or renew a motor vehicle emission inspector license, the Chief Administrator shall also have the authority to impose an official warning, as an alternative or in addition to such suspension, revocation or refusal to issue or renew.

(h) A motor vehicle emission inspector whose license is suspended pursuant to this section or who receives an official warning from the Chief Administrator shall be required to successfully complete refresher training and testing in accordance with N.J.A.C. 13:20-43.17(d).

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, inserted "or certificate of waiver" following "certificate of approval".

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

In (a), rewrote 2; rewrote (b); in (e), substituted "issue" for "grant"; in (f), rewrote the introductory paragraph and 7, inserted 17 and 18; added (g) and (h).

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

Inserted reference to OBD inspection following reference to emission test 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 (a)3 and (c), substituted "Motor Vehicle Commission" for "Division"; and in (d), substituted "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).

In (a)4, substituted ", inspection decal, collector motor vehicle windshield sticker or rejection sticker;" for " or certificate of waiver; or"; added new (a)5 and (a)6; recodified former (a)5 as (a)7; in the introductory paragraph of (f), deleted "13:20-" preceding "32", preceding "33", preceding "44", and preceding "45" and deleted a comma following "45"; in the introductory paragraphs of (f)1, (f)2, and (f)3, deleted "or waiving" following "passing"; in the introductory paragraph of (f)5, inserted "a" and substituted "inspection decal, collector motor vehicle windshield sticker" for "certificate of waiver"; in the introductory paragraph of (f)7, deleted a comma following "stolen" and following "rejection sticker" and substituted "inspection decal, collector motor vehicle windshield sticker," for "certificate of waiver"; in the introductory paragraph of (f)8, deleted ", certificate of waiver" following "approval" and inserted "or an inspection decal or collector motor vehicle windshield sticker for a motor vehicle that does not

qualify for the issuance of such decal or sticker"; in the introductory paragraph of (f)12, substituted "inspection decals, collector motor vehicle windshield stickers" for "certificates of waiver"; in the introductory paragraph of (f)13, substituted "inspection decals, collector motor vehicle windshield stickers" for "certificates of waiver,"; in (f)18i, deleted "on" following "until"; and added (f)19.

13:20-43.19 Quality assurance; auditor training

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

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

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

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

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

In (b), inserted a new 6 and recodified former 6 through 9 as 7 through 10.

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.

13:20-43.20 Surrender of emission inspector license

(a) Each motor vehicle emission inspector 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 to renew or other termination of a motor vehicle emission inspector 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.

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" in (b).

13:20-43.21 Emission inspector training programs administered by third parties; fee; approval process; auditing of programs

(a) The Chief Administrator, as required by 40 CFR §51.367, shall monitor and evaluate emission inspector training programs administered by third parties.

(b) The Motor Vehicle Commission shall charge a fee of \$100.00 for the approval of emission inspector training programs administered by third parties. If a third party provider has multiple training sites, an approval fee shall be charged for each site.

(c) Each applicant for approval of an emission inspector training program 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 emission inspector training program;
2. The name, residence address(es), driver's license number, and telephone number(s) of:
 - i. The owner and/or possessor of a controlling interest of the emission inspector training program, 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 name, residence address(es), driver's license number, professional credentials, and training experience of trainers employed by the emission inspector training program;
4. Accreditation;
5. The number of years the emission inspector training program has been in operation; and
6. Whether the emission inspector training program intends to develop its own curriculum or use a curriculum that has been already developed.