

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

Chapter 20, Enforcement Service, expires on June 8, 2011.

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 by 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). See, also, section annotations.

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 by R.2006 d.249, effective June 8, 2006. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

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

- 13:20-1.1 Definitions
- 13:20-1.2 Light transmittance standard; motor vehicle windshield and front side windows
- 13:20-1.3 Visible light reflectance standard; motor vehicle windshield and front side windows
- 13:20-1.4 Sun-screening materials or products; color
- 13:20-1.5 Medical exemption certificate application procedure; application contents
- 13:20-1.6 Medical exemption certificate; period of validity; renewal; certificate void upon sale or termination of lease of motor vehicle; removal of sun-screening materials or products prior to sale or termination of lease of motor vehicle
- 13:20-1.7 Medical exemption certificate; exhibition to police or upon inspection of motor vehicle
- 13:20-1.8 Label; attachment; size; content; representation of compliance with subchapter

ENFORCEMENT SERVICE

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

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

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. POWER STEERING INSTALLATION

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

SUBCHAPTER 5. MANUAL DOOR EQUIPMENT

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

SUBCHAPTER 6. MUFFLER DEVICES

- 13:20-6.1 Prohibitory muffler devices

SUBCHAPTER 7. VEHICLE INSPECTION

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

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

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

SUBCHAPTER 9. HANDICAPPED PARKING PRIVILEGES

- 13:20-9.1 Handicapped person identification vehicle registration plates and placards
- 13:20-9.2 Medical evidence by handicapped persons
- 13:20-9.3 (Reserved)
- 13:20-9.4 Limitation on number of certificates
- 13:20-9.5 Passenger vehicles or motorcycles
- 13:20-9.6 Temporary certificates

- 13:20-9.7 Display of placards and temporary placards

SUBCHAPTER 10. AUTOMATIC VEHICLE IDENTIFICATION SYSTEMS

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

SUBCHAPTER 11. (RESERVED)

SUBCHAPTER 12. DRIVER REEXAMINATION

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

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. PARKING ON STATE PROPERTY

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

SUBCHAPTER 15. STUD TIRES

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

SUBCHAPTER 16. (RESERVED)

SUBCHAPTER 17. DRIVER IMPROVEMENT SCHOOLS

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

SUBCHAPTERS 18 THROUGH 21. (RESERVED)

SUBCHAPTER 22. BRAKE LININGS

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

SUBCHAPTER 23. (RESERVED)

SUBCHAPTER 24. MOTORCYCLES

- 13:20-24.1 Approval of goggles
- 13:20-24.2 Goggles test procedure
- 13:20-24.3 Goggle approval requirements
- 13:20-24.4 Mark on goggles
- 13:20-24.5 Test procedure for face shields
- 13:20-24.6 Face shield approval requirements
- 13:20-24.7 Identification mark on face shield
- 13:20-24.8 Windscreen approval requirements
- 13:20-24.9 Mark on windscreen
- 13:20-24.10 Adoption and incorporation of Federal Motor Vehicle Safety Standard for motorcycle helmets
- 13:20-24.11 Reflectorized surface on helmets
- 13:20-24.12 Helmets approved by the Chief Administrator
- 13:20-24.13 (Reserved)
- 13:20-24.14 (Reserved)

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

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

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

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

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

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

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

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

- 13:20-28.1 Purpose
- 13:20-28.2 Applicability
- 13:20-28.3 Definitions
- 13:20-28.4 Manufacturers' new motor vehicle inspection procedure
- 13:20-28.5 Motor vehicle equipment standards
- 13:20-28.6 Decal; period of validity

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

SUBCHAPTER 29. MOBILE INSPECTION UNIT

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

SUBCHAPTER 30. INSPECTION OF SCHOOL BUSES

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

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

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

ENFORCEMENT SERVICE

- 13:20-31.28 Wiring
- 13:20-31.29 Doors; specially equipped school buses
- 13:20-31.30 Restraining devices; specially equipped school buses
- 13:20-31.31 Wheelchairs and other mobile seating devices; specially equipped school buses
- 13:20-31.32 Credentials; insurance
- 13:20-31.33 Placement out-of-service
- 13:20-31.34 Duration of out-of-service order
- 13:20-31.35 Operation of school bus prohibited
- 13:20-31.36 Direction to inspection site
- 13:20-31.37 Examination of driver's operating credentials
- 13:20-31.38 Driver out-of-service violations
- 13:20-31.39 Provision of notice to driver
- 13:20-31.40 Coercion of driver by operator

SUBCHAPTER 32. INSPECTION STANDARDS AND TEST PROCEDURES TO BE USED BY OFFICIAL INSPECTION FACILITIES

- 13:20-32.1 Definitions
- 13:20-32.2 General provisions; official inspection facilities
- 13:20-32.3 Credentials; official inspection facilities
- 13:20-32.4 License plates; official inspection facilities
- 13:20-32.5 Steering and suspension; official inspection facilities
- 13:20-32.6 Front parking lights; official inspection facilities
- 13:20-32.7 Glazing; official inspection facilities
- 13:20-32.8 Obstruction to driver's vision; official inspection facilities
- 13:20-32.9 Horn; official inspection facilities
- 13:20-32.10 Windshield wipers; official inspection facilities
- 13:20-32.11 Clearance lights; official inspection facilities
- 13:20-32.12 Turn signals and hazard warning signals; official inspection facilities
- 13:20-32.13 Reflectors; official inspection facilities
- 13:20-32.14 Identification lights; official inspection facilities
- 13:20-32.15 Side-marker lights; official inspection facilities
- 13:20-32.16 Taillights and license plate light; official inspection facilities
- 13:20-32.17 Stoplights; official inspection facilities
- 13:20-32.18 Wheels; official inspection facilities
- 13:20-32.19 Tires; official inspection facilities
- 13:20-32.20 Exhaust system; official inspection facilities
- 13:20-32.21 Prescribed emission or on-board diagnostics test(s); official inspection facilities
- 13:20-32.22 Emission test equipment and on-board diagnostics inspection equipment maintenance; official inspection facilities
- 13:20-32.23 Headlights; official inspection facilities
- 13:20-32.24 Rear view mirrors; official inspection facilities
- 13:20-32.25 Miscellaneous lights; official inspection facilities
- 13:20-32.26 Wiring and switching; official inspection facilities
- 13:20-32.27 Headlight beam indicator light; official inspection facilities
- 13:20-32.28 Turn signal and hazard warning signal indicator lights; official inspection facilities
- 13:20-32.29 Antenna; official inspection facilities
- 13:20-32.30 Body; official inspection facilities
- 13:20-32.31 Bumpers; official inspection facilities
- 13:20-32.32 Doors; official inspection facilities
- 13:20-32.33 Fenders and fender flaps; official inspection facilities
- 13:20-32.34 Fuel system; official inspection facilities
- 13:20-32.35 Hood; official inspection facilities
- 13:20-32.36 Lettering; official inspection facilities
- 13:20-32.37 Ornaments; official inspection facilities
- 13:20-32.38 Pedals; official inspection facilities
- 13:20-32.39 Racks or carriers; official inspection facilities
- 13:20-32.40 Reflective tape; official inspection facilities
- 13:20-32.41 Seats; official inspection facilities
- 13:20-32.42 Seat belts; air bags; official inspection facilities
- 13:20-32.43 Gear shift indicator; official inspection facilities
- 13:20-32.44 Transmission; official inspection facilities
- 13:20-32.45 Television; official inspection facilities
- 13:20-32.46 Trunk lid; official inspection facilities
- 13:20-32.47 Service brakes (including service brake equalization and service brake pedal reserve); official inspection facilities
- 13:20-32.48 Parking brake; official inspection facilities
- 13:20-32.49 Speed recording instrument (speedometer); mileage recording instrument (odometer); official inspection facilities
- 13:20-32.50 Credentials; motorcycles; official inspection facilities
- 13:20-32.51 License plate; motorcycles; official inspection facilities
- 13:20-32.52 Frame, wheels, steering, handlebars, and suspension; motorcycles; official inspection facilities
- 13:20-32.53 Windscreen, glazing, and obstruction to driver's vision; motorcycles; official inspection facilities
- 13:20-32.54 Horn; motorcycles; official inspection facilities
- 13:20-32.55 Windshield wipers; motorcycles; official inspection facilities
- 13:20-32.56 Clearance lights; motorcycles; official inspection facilities
- 13:20-32.57 Taillight, reflector, and license plate light; motorcycles; official inspection facilities
- 13:20-32.58 Stoplight; motorcycles; official inspection facilities
- 13:20-32.59 Tires; motorcycles; official inspection facilities
- 13:20-32.60 Exhaust system; motorcycles; official inspection facilities
- 13:20-32.61 Headlights; motorcycles; official inspection facilities
- 13:20-32.62 Rear view mirrors; motorcycles; official inspection facilities
- 13:20-32.63 Miscellaneous lights; motorcycles; official inspection facilities
- 13:20-32.64 Wiring, switching, and electrical equipment; motorcycles; official inspection facilities
- 13:20-32.65 Headlight beam indicator light; motorcycles; official inspection facilities
- 13:20-32.66 Miscellaneous items; motorcycles; official inspection facilities
- 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
- 13:20-32.68 Helmets; motorcycles; official inspection facilities
- 13:20-32.69 Goggles or face shields; motorcycles; official inspection facilities
- 13:20-32.70 Seats; motorcycles; official inspection facilities
- 13:20-32.71 Foot rests; motorcycles; official inspection facilities

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

APPENDIX G

APPENDIX H

SUBCHAPTER 33. INSPECTION STANDARDS AND TEST PROCEDURES TO BE USED BY LICENSED PRIVATE INSPECTION FACILITIES

- 13:20-33.1 Definitions
- 13:20-33.2 General provisions; Class I, II, and III licensees
- 13:20-33.3 Credentials; Class I and II licensees
- 13:20-33.4 License plates; Class I and II licensees
- 13:20-33.5 Steering and suspension; Class I and II licensees
- 13:20-33.6 Front parking lights; Class I and II licensees
- 13:20-33.7 Glazing; Class I and II licensees
- 13:20-33.8 Obstruction to driver's vision; Class I and II licensees
- 13:20-33.9 Horn; Class I and II licensees
- 13:20-33.10 Windshield wipers; Class I and II licensees
- 13:20-33.11 Clearance lights; Class I and II licensees

- 13:20-33.12 Turn signals and hazard warning signals; Class I and II licensees
- 13:20-33.13 Reflectors; Class I and II licensees
- 13:20-33.14 Identification lights; Class I and II licensees
- 13:20-33.15 Side-marker lights; Class I and II licensees
- 13:20-33.16 Taillights and license plate light; Class I and II licensees
- 13:20-33.17 Stoplights; Class I and II licensees
- 13:20-33.18 Wheels; Class I and II licensees
- 13:20-33.19 Tires; Class I and II licensees
- 13:20-33.20 Exhaust system; Class I and II licensees
- 13:20-33.21 Prescribed emission or on-board diagnostics test(s); Class I and II licensees
- 13:20-33.22 Emission test equipment and on-board diagnostics inspection equipment maintenance; Class I and II licensees
- 13:20-33.23 Headlights; Class I and II licensees
- 13:20-33.24 Rear view mirrors; Class I and II licensees
- 13:20-33.25 Miscellaneous lights; Class I and II licensees
- 13:20-33.26 Wiring and switching; Class I and II licensees
- 13:20-33.27 Headlight beam indicator light; Class I and II licensees
- 13:20-33.28 Turn signal and hazard warning signal indicator lights; Class I and II licensees
- 13:20-33.29 Antenna; Class I and II licensees
- 13:20-33.30 Body; Class I and II licensees
- 13:20-33.31 Bumpers; Class I and II licensees
- 13:20-33.32 Doors; Class I and II licensees
- 13:20-33.33 Fenders and fender flaps; Class I and II licensees
- 13:20-33.34 Fuel system; Class I and II licensees
- 13:20-33.35 Hood; Class I and II licensees
- 13:20-33.36 Lettering; Class I and II licensees
- 13:20-33.37 Ornaments; Class I and II licensees
- 13:20-33.38 Pedals; Class I and II licensees
- 13:20-33.39 Racks or carriers; Class I and II licensees
- 13:20-33.40 Reflective tape; Class I and II licensees
- 13:20-33.41 Seats; Class I and II licensees
- 13:20-33.42 Seat belts; air bags; Class I and II licensees
- 13:20-33.43 Gear shift indicator; Class I and II licensees
- 13:20-33.44 Transmission; Class I and II licensees
- 13:20-33.45 Television; Class I and II licensees
- 13:20-33.46 Trunk lid; Class I and II licensees
- 13:20-33.47 Service brakes (including service brake equalization and service brake pedal reserve); Class I and II licensees
- 13:20-33.48 Parking brake; Class I and II licensees
- 13:20-33.49 Speed recording instrument (speedometer); mileage recording instrument (odometer); Class I and II licensees
- 13:20-33.50 Credentials; Class III licensees
- 13:20-33.51 License plate; Class III licensees
- 13:20-33.52 Frame, wheels, steering, handlebars, and suspension; Class III licensees
- 13:20-33.53 Windscreen, glazing, and obstruction to driver's vision; Class III licensees
- 13:20-33.54 Horn; Class III licensees
- 13:20-33.55 Windshield wipers; Class III licensees
- 13:20-33.56 Clearance lights; Class III licensees
- 13:20-33.57 Taillight, reflector, and license plate light; Class III licensees
- 13:20-33.58 Stoplight; Class III licensees
- 13:20-33.59 Tires; Class III licensees
- 13:20-33.60 Exhaust system; Class III licensees
- 13:20-33.61 Headlights; Class III licensees
- 13:20-33.62 Rear view mirrors; Class III licensees
- 13:20-33.63 Miscellaneous lights; Class III licensees
- 13:20-33.64 Wiring, switching, and electrical equipment; Class III licensees
- 13:20-33.65 Headlight beam indicator light; Class III licensees
- 13:20-33.66 Miscellaneous items; Class III licensees
- 13:20-33.67 Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); Class III licensees
- 13:20-33.68 Helmets; Class III licensees
- 13:20-33.69 Goggles or face shields; Class III licensees

- 13:20-33.70 Seats; Class III licensees
- 13:20-33.71 Foot rests; Class III licensees

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

APPENDIX B AVERAGE LENGTH OF TIME REQUIRED TO REINSPECT A SPECIFIC ITEM ON A MOTOR VEHICLE HAVING A GVWR GREATER THAN 8,500 POUNDS

APPENDIX C AVERAGE LENGTH OF TIME REQUIRED TO REINSPECT A SPECIFIC ITEM ON A MOTORCYCLE

APPENDIX D

APPENDIX E

APPENDIX F

APPENDIX G

APPENDIX H

APPENDIX I

APPENDIX J

APPENDIX K

SUBCHAPTER 34. IDENTIFYING MARKS

- 13:20-34.1 Definitions
- 13:20-34.2 Registration numbers reserved
- 13:20-34.3 Registration numbers excluded
- 13:20-34.4 Denial, suspension or revocation
- 13:20-34.5 Fees
- 13:20-34.6 Transfers to survivor
- 13:20-34.7 Reissue

SUBCHAPTER 35. INSPECTION OF STATE-OWNED VEHICLES BY THE CENTRAL MOTOR POOL

- 13:20-35.1 Application of subchapter
- 13:20-35.2 Inspection by the central motor pool
- 13:20-35.3 Inspection standards and frequency
- 13:20-35.4 Inspection decal
- 13:20-35.5 Facilities
- 13:20-35.6 Instruction of mechanics
- 13:20-35.7 Certification

SUBCHAPTER 36. SPECIAL NATIONAL GUARD PLATES

- 13:20-36.1 Application; certification; fees
- 13:20-36.2 Surrender of special plates

SUBCHAPTER 37. STANDARDS FOR MOTOR VEHICLES WITH ELEVATED CHASSIS HEIGHT

- 13:20-37.1 Definitions
- 13:20-37.2 Elevation of original vehicle height of motor vehicle restricted; elevated vehicle approval certificate; special windshield decal; inspection
- 13:20-37.3 Requirements for elevated vehicle approval certificate
- 13:20-37.4 Standards for vehicles with elevated height
- 13:20-37.5 Testing
- 13:20-37.6 Maximum lift
- 13:20-37.7 Procedure for testing elevated vehicles
- 13:20-37.8 Method of measurement
- 13:20-37.9 Elevated vehicle approval certificate; special windshield decal; possession and exhibition of elevated vehicle approval certificate; compliance requirements
- 13:20-37.10 Denial or suspension of elevated vehicle approval certificate; suspension of vehicle registration
- 13:20-37.11 Penalty for violation

ENFORCEMENT SERVICE

**SUBCHAPTER 38. DIMENSIONAL STANDARDS FOR
AUTOMOBILE TRANSPORTERS**

- 13:20-38.1 Purpose
- 13:20-38.2 Definitions
- 13:20-38.3 Vehicle combination lengths; traditional automobile transporters; stinger-steered combination
- 13:20-38.4 Automobile transporter; load overhang
- 13:20-38.5 Drive-away saddlemount vehicle transporter combinations; drive-away saddlemount with fullmount vehicle transporter combinations; overall length
- 13:20-38.6 Application of Department of Transportation standards for 102-inch trucks to automobile transporters

**SUBCHAPTER 39. SPECIAL REGISTRATION PLATES FOR
NON-PROFIT ORGANIZATIONS**

- 13:20-39.1 Purpose
- 13:20-39.2 Definitions
- 13:20-39.3 Qualifications for organization approval; final decision; right to suspend approval
- 13:20-39.4 Appointment of organization liaison
- 13:20-39.5 Certification of membership
- 13:20-39.6 Non-profit status
- 13:20-39.7 Notification of organization approval

ENFORCEMENT SERVICE

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

SUBCHAPTER 40. (RESERVED)

SUBCHAPTER 41. SILVER STAR INSIGNIAS ON LICENSE PLATES

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

SUBCHAPTER 42. PURPLE HEART EMBLEMS ON LICENSE PLATES

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

SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

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

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

SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

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

SUBCHAPTER 45. MOTOR VEHICLE EMISSION REPAIR FACILITY REGISTRATION

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

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

SUBCHAPTER 46. DIESEL EMISSION INSPECTION AND MAINTENANCE PROGRAM

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

APPENDIX A

SUBCHAPTER 47. DIESEL EMISSION INSPECTION CENTER LICENSING

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

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

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

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

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

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

APPENDIX

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

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

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

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

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

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

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".

"Certificate of approval" means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility 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 N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of motor vehicles.

"Certificate of waiver" means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with N.J.A.C. 13:20-43 and the rules adopted by the Department of Environmental Protection pertaining to emission or OBD inspection standards have been waived by the Motor Vehicle Commission for the particular inspection cycle for which the waiver is granted.

"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.

"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 OBD regulations or EPA OBD II regulations effective for model year 1996 and newer 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).

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).

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.

Substituted "Motor Vehicle Commission" for "Division" throughout the section; added definitions "Chief Administrator" and "Motor Vehicle Commission"; and deleted definitions "Director" and "Division".

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) 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 having a seating capacity of 10 passengers or more which 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.

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, modified buses with a capacity of not more than 15 passengers which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, and motorcycles. Official inspection facilities shall not perform inspections on modified buses with a capacity of more than 15 passengers, school buses, buses which are subject to inspection by the Commission's Commercial Bus Inspection and Investigation Unit, jitneys as defined in N.J.A.C. 13:20-44.2, or motor vehicles with elevated chassis height which 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 (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission), jitneys as defined in N.J.A.C. 13:20-44.2, and motorcycles. Licensed private inspection facilities shall not perform inspections on school buses, buses which are subject to inspection by the Commission's Commercial Bus Inspection and Investigation Unit, or motor vehicles with elevated chassis height which 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 which are subject to inspection in accordance with N.J.A.C. 13:20-37, motor vehicles which are operated by handicapped persons and which 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 handicapped, reconstructed vehicles as defined in N.J.A.C. 13:20-44.2, salvage motor vehicles which are subject to inspection in accordance with N.J.A.C. 13:21-22, modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, any motor vehicle which the Chief Administrator may require to be presented for inspection for auditing purposes, and any motor vehicle which has failed inspection at an official inspection facility or a licensed private inspection facility which 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 which are operated by handicapped persons and which 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

devises for the handicapped, reconstructed vehicles as defined in N.J.A.C. 13:20-44.2, and salvage motor vehicles which 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".

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

(a) Whenever a motor vehicle, which has been previously registered other than on a temporary basis in a foreign jurisdiction, 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.

(b) 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 the exit end of an official inspection facility for the issuance of a new motor vehicle 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. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(c) 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 certificate of waiver, 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 certificate of waiver affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(d) Whenever a used motor vehicle, which has been purchased in this or any other State and which does not have affixed thereto an unexpired New Jersey inspection certificate of approval or certificate of waiver, 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.

(e) Whenever a used motor vehicle, which has been purchased 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 if the registrant does not wish to retain the collector motor vehicle designation. 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 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.

Repeat 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".

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-

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 motorcycle, new or used, registered in New Jersey for the first time shall be issued a temporary authorization certificate. Such motorcycles which are registered during the calendar months April through October, inclusive, shall be presented for inspection within 14 days of the date of issuance of the temporary authorization certificate. Such motorcycles which are registered during the calendar months November through March, inclusive, shall be presented for inspection no later than the last day of the calendar month designated by the Chief Administrator of the Motor Vehicle Commission for such inspection. The motorcycle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

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".

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.

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 or 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.

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.

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 jurisdiction of the Commission’s Commercial Bus Inspection and Investigation Unit.

“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.

“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 diesel truck” means any 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.

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

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

“Regulated diesel 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.

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

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

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

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

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

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

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

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

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

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

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

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

Added definitions “Diesel bus”, “Diesel-powered motor vehicle”, “Diesel solid waste vehicle”, “Heavy-duty diesel truck” and “Regulated diesel solid waste vehicle”.

13:20-26.3 Inspection and maintenance

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

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

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

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

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

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

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

Rewrote the section.

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

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

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

13:20-26.4 Unsafe operations

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

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

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

Rewrote the section.

13:20-26.5 Inspection of motor vehicles

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

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

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

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

Substituted "Division of Motor Vehicles" for "Bureau of Motor Carrier Safety".

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

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

Rewrote the section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rewrote the section.

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

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

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

13:20-26.7 Notice to owner or lessee

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

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

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

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

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

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

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

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

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

Rewrote the section.

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

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

13:20-26.8 Inspection of damaged vehicles

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

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

Rewrote the section.

13:20-26.9 Vehicle condition report

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

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

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

Rewrote the section.

13:20-26.10 Recommended forms

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

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

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

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

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

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

13:20-26.11 Required inspection and maintenance

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

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

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

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

13:20-26.12 Standards of inspection

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

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

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

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

Rewrote the section.

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

Substituted "Motor Vehicle Commission" for "Division".

13:20-26.13 Certification

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

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

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

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

Substituted "Chief Administrator" for "Director".

13:20-26.14 Additional inspection

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

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

Rewrote the section.

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

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

Substituted "Chief Administrator" for "Director".

13:20-26.15 Penalties

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

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

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

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

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

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

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

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

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

Rewrote the section.

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

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

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

13:20-26.17 Compliance with diesel emission standards, equipment requirements, and test procedures; 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, as defined by that Act, operating in New Jersey shall be subject to applicable diesel emission standards established by the Department of Environmental

Protection at N.J.A.C. 7:27-14, an examination of the muffler and diesel emission control apparatus pursuant to N.J.A.C. 7:27-14, and diesel test procedures set forth in N.J.A.C. 7:27B-4.

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

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

(d) The 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-codified former (d) as (e).

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 main-

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

“EPA” means the United States Environmental Protection Agency.

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

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

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

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

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

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

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

(a) Except as to new heavy-duty diesel trucks inspected by a motor vehicle leasing company in accordance with (b) below, a new motor vehicle dealer shall, prior to delivery

to an ultimate purchaser of a new heavy-duty diesel truck, inspect the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, on such motor vehicle and perform such services, both required or recommended by the manufacturer, so that such motor vehicle conforms to the specifications established by the manufacturer.

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

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

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

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

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

(b) Notwithstanding (a) above, if a new heavy-duty diesel truck subject to inspection pursuant to this subchapter is equipped with a 2005 or subsequent model year heavy-duty diesel engine, such engine shall be certified by the CARB.

13:20-27.6 Inspection decal; period of validity

(a) A new motor vehicle dealer or a motor vehicle leasing company shall, after satisfactory completion of an inspection of a new heavy-duty diesel truck pursuant to this subchapter, affix a decal upon such motor vehicle as an indication of same. The decal shall be affixed to the lower right corner of the windshield inside the passenger compartment of the motor

vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the right side of the windshield, but in every case, the decal shall be completely visible from the front of the motor vehicle. The decal shall be affixed in an upright position.

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

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

13:20-27.7 Compliance

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

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

13:20-27.8 Evidence of compliance

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

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

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

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

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

13:20-27.10 Additional inspection

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

13:20-27.11 Determination of compliance by Chief Administrator

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

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

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

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

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

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

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

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

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

13:20-28.2 Applicability

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

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

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

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

13:20-28.3 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

Rewrote the section.

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

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

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

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

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

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

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

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

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

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

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

Rewrote (c).

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

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

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

Rewrote section.

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

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

13:20-28.5 Motor vehicle equipment standards

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

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

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

Rewrote section.

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

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

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 motorcycle, 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.

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).

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".

13:20-28.11 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.

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 "designees" and deleted "any section of" preceding "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.

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

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

Section was "Determination of compliance by Director". Substituted "Chief Administrator" for "Director".

13:20-28.12 Violations; suspension or revocation of motor vehicle dealer license; suspension or revocation of privilege of performing inspections of new motor vehicles

(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 motor vehicles 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 motor vehicles pursuant to 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 "opportunity to be heard" for "hearing" preceding "to the suspension" and inserted "or her" preceding "New Jersey dealer license".

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).

SUBCHAPTER 29. MOBILE INSPECTION UNIT

13:20-29.1 Mobile Inspection Unit

There is hereby created in the Motor Vehicle Commission a Mobile Inspection Unit that is authorized to conduct on-road inspections of motor vehicles registered in New Jersey in accordance with the procedures set forth at N.J.A.C. 13:20-43.14 for the purpose of fostering highway safety.

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

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

Substituted "conduct on-road inspections of vehicles registered in New Jersey in accordance with the procedures set forth at N.J.A.C. 13:20-43.14" for "set-up and conduct random roadside".

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 reference to the Bureau of Vehicle Inspection, and substituted a reference to motor vehicles for a reference to vehicles.

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" and substituted "that" for "which" following "Unit".

Case Notes

Record was insufficient to properly address constitutionality of random roadside examination of vehicles for safety violations. *State v. Kadelak*, 258 N.J.Super. 599, 610 A.2d 916 (A.D.1992).

13:20-29.2 Procedures

(a) Motor vehicles inspected pursuant to N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14 that are found to be in proper operating condition shall retain the existing inspection certificate of approval or certificate of waiver issued therefor. If a motor vehicle passes an on-road inspection, including the emission or on-board diagnostic test(s) applicable to such motor vehicle pursuant to N.J.A.C. 13:20-43.8, and such motor vehicle 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, such motor vehicle may be presented at the exit end of an official inspection facility for the issuance of a certificate of approval for the biennial inspection cycle applicable to such motor vehicle.

(b) Motor vehicles inspected pursuant to N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14 which are found to be defective shall have the existing inspection certificate of approval or certificate of waiver issued therefor, if any, removed and an inspection rejection sticker shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. Motor vehicles which are found to be defective shall be repaired and presented 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.1996 d.28, effective January 16, 1996.

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

In (b) replaced inspection stickers with rejection stickers and added licensed private inspection centers and 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.

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.

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), inserted "or on-board diagnostic" preceding "test(s)" in the second sentence.

Case Notes

Record was insufficient to properly address constitutionality of random roadside examination of vehicles for safety violations. *State v. Kadelak*, 258 N.J.Super. 599, 610 A.2d 916 (A.D.1992).

13:20-29.3 Penalty

Motor vehicles inspected pursuant to N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14 which are found to be defective and which have not been presented for reinspection in accordance with N.J.A.C. 13:20-29.2(b) shall be subject to the penalties provided in N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-43.16(b).

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.

Case Notes

Record was insufficient to properly address constitutionality of random roadside examination of vehicles for safety violations. *State v. Kadelak*, 258 N.J.Super. 599, 610 A.2d 916 (A.D.1992).

SUBCHAPTER 30. INSPECTION OF SCHOOL BUSES

13:20-30.1 Scope

(a) This subchapter shall apply to all school buses registered in this State, except buses that are also used for the transportation of passengers for hire and that are subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit.

(b) Children shall not be transported in a school bus unless the school bus has been subjected to an in-terminal inspection by the Motor Vehicle Commission's School Bus Inspection Unit pursuant to N.J.A.C. 13:20-30.15 and has been determined to be in compliance with all applicable inspection standards set forth for school buses in N.J.A.C. 13:20-49 through 53C.

(c) A school bus inspection certificate of approval that has been issued to a school bus shall be deemed void upon the transfer of ownership of the school bus, and such school bus shall not be used for the transportation of children unless the school bus has been subjected to an in-terminal inspection by the Motor Vehicle Commission's School Bus Inspection Unit pursuant to N.J.A.C. 13:20-30.15 and has been determined to be in compliance with all applicable inspection standards set forth for school buses in N.J.A.C. 13:20-49 through 53C.

(d) A school bus shall not be used for the transportation of children when the school bus displays an inspection decal issued by a new motor vehicle dealer pursuant to N.J.A.C. 13:20-28.6 or when the school bus displays a temporary authorization certificate issued pursuant to N.J.A.C. 13:20-7.4.

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

Rewrote the section.

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

Added designation (a); in (a), substituted "Motor Vehicle Commission's" for "Division's"; and added (b) through (d).

13:20-30.2 Definitions

The following words and terms, when used in this subchapter and in N.J.A.C. 13:20-31, shall have the following meanings unless the context clearly indicates otherwise.

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

"Driver" means the authorized licensed operator of a school bus.

"FMVSS" means the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 CFR Part 571). Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, (202) 783-3238.

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

"In-terminal inspection" means an inspection conducted by the Motor Vehicle Commission at the operator's terminal or at a location designated by the Chief Administrator of any motor vehicle required to meet the safety regulations for school buses adopted by the Motor Vehicle Commission pursuant to N.J.S.A. 39:3B-5 and 39:3B-5.4 and vehicle emission standards established for engine type pursuant to N.J.S.A. 39:8-2 and 39:8-61.

"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).

"Operator" means the owner or person responsible for the day-to-day operation and maintenance of a school bus.

"SAE" means the Society of Automotive Engineers, Inc. Copies of the Standards and Recommended Practices of the Society of Automotive Engineers may be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096, (724) 776-4841.

"School bus" or "bus" means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education, school-connected activity, day camp, summer day camp, nursery school, child-care center, preschool center or other similar places of education and shall be classified in the following manner:

1. A "Type A" school bus is a conversion or body constructed and installed upon a van-type compact truck or a front-section vehicle chassis, with a GVWR of 10,000 pounds or less, originally designed by the manufacturer for carrying 10 to 16 passengers;

2. A "Type B" school bus is constructed utilizing a stripped or cutaway chassis with a GVWR of more than 10,000 pounds, originally designed by the manufacturer for carrying 10 to 54 passengers. Part of the engine is beneath and/or behind the windshield and beside the driver's seat. The service door is behind the front wheels;

3. A "Type C" school bus is a body installed upon a flat back cowl chassis with a GVWR of more than 10,000 pounds, originally designed by the manufacturer for carrying 10 to 54 passengers. The engine is in front of the windshield, or part of the engine is beneath and/or behind the windshield and beside the driver's seat. The service door is behind the front wheels;

4. A "Type D" school bus is a body installed upon a chassis, with the engine mounted in the front, middle, or rear, with a GVWR of more than 10,000 pounds, originally designed by the manufacturer for carrying 10 to 54 passengers. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the school bus, behind the rear wheels; or it may be in the middle of the school bus between the front and rear axles. The service door is ahead of the front wheels; and

5. A "Type S" school bus is a motor vehicle with a GVWR of 3,000 pounds or more, originally designed by the manufacturer with a maximum seating capacity of nine passengers or less excluding the driver.

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

Rewrote the section.

Amended by R.2005 d.249, effective January 18, 2005.
See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

Added "Chief Administrator" and "Commission"; in "School bus" or "bus" added 1 through 5.

Amended by R.2006 d.24, effective July 3, 2006.
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Deleted definitions "Commission", "Director" and "Division"; in definition "In-terminal inspection", substituted "Motor Vehicle Commission" for "Division" and "Chief Administrator" for "Director"; and added definition "Motor Vehicle Commission".

13:20-30.3 Inspection and maintenance

(a) Every school bus that is registered in this State shall be systematically inspected and maintained by the operator to insure that such school bus is in safe and proper operating condition.

(b) An operator of a school bus shall maintain a systematic inspection and maintenance record for each school bus owned or leased by such operator.

(c) An operator shall inspect each school bus owned or leased by such operator in accordance with the vehicle manufacturer's maintenance requirements.

(d) The inspection and maintenance records shall include the following:

1. An identification of the school bus including the New Jersey registration plate number, make, model, model year, vehicle identification number, number of tires, tire size, and number of tire ply;

2. A record of inspection and repairs indicating the nature of the repairs and the date of completion;

3. A lubrication record;

4. A systematic means for indicating for each school bus the nature and due date of the next inspection and maintenance operations to be performed for all systems;

5. The name of the lessor or contractor furnishing the school bus if a school bus is leased or otherwise contracted for; and

6. A daily school bus condition report by the driver.

(e) The inspection and maintenance records shall be maintained by the operator for the life of the school bus; provided, however, that the daily school bus condition reports by the driver shall be maintained by the operator for a period of one year. The inspection and maintenance records shall be available for inspection by the Commission or the Office of Student Transportation in the Department of Education.

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

Rewrote the section.

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

In (d)6, substituted "school bus" for "vehicle"; rewrote (e).

13:20-30.4 Unsafe operation prohibited

An operator shall not operate or permit or require a driver to operate any school bus determined by the inspection or operation thereof to be in such condition that its operation would be hazardous or likely to result in the breakdown of the vehicle, nor shall any driver operate a school bus which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident, a breakdown of the vehicle, or an unsafe condition for the occupants thereof.

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

Rewrote the section.

13:20-30.5 Inspection of school buses in operation

(a) Every State Police officer and every school bus inspector of the Motor Vehicle Commission, at the direction of the Chief Administrator, or at the request of the Office of Student Transportation in the Department of Education, may enter upon and perform inspections of school buses in operation upon the highways of this State or at the premises or places of business of the operator of such vehicles provided, however, that such State Police officer or Motor Vehicle Commission school bus inspector has been authorized so to inspect by the Chief Administrator and has been trained with regard to school bus inspection standards and test procedures.

(b) Reports of the inspection described in (a) above shall be submitted to the Chief Administrator or his or her designee. Such reports shall remain on file at the Motor Vehicle Commission for two years from the date of the inspection. The right of examination of such reports may be denied pursuant to N.J.S.A. 47:1A-3 in cases where the reports being sought for examination pertain to any

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

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

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

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

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

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

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

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

Amended by R.1996 d.28, effective January 16, 1996.
See: 27 N.J.R. 4140(a), 28 N.J.R. 272(a).
Amended by R.2003 d.36, effective January 21, 2003.
See: 34 N.J.R. 829(a), 35 N.J.R. 450(a).

Rewrote the section.

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

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

13:20-30.6 Inspection of damaged school buses

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

determined that the school bus is in safe and proper operating condition.

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

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

Rewrote the section.

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

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

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

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

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

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

19. Special transportation equipment.

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

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

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

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

Amended by R.2005 d.24, effective January 18, 2005.

See: 35 N.J.R. 5483(a), 37 N.J.R. 321(a).

In (c), deleted the last sentence.

13:20-30.8 Required practices

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

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

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

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

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

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

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

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

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

13:20-30.9 Standards

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

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

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

Rewrote the section.

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

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

Substituted "Motor Vehicle Commission" for "Division".

13:20-30.10 Certification

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

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

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

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

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

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

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

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

13:20-30.11 Penalties

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

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

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

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

13:20-30.12 Compliance with diesel emission standards, equipment requirements, and test procedures; periodic inspection; inspection and verification of closed crankcase ventilation system installation

(a) Except as otherwise provided in P.L. 1995, c. 157, diesel-powered school buses registered in New Jersey shall be subject to applicable diesel-emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14, an examination of the muffler and diesel emission control apparatus pursuant to N.J.A.C. 7:27-14, diesel test procedures set forth in N.J.A.C. 7:27B-4, and an inspection and verification of closed crankcase ventilation system installation in accordance with the procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14.5(g), 7:27-32.6, and 7:27B-4.4(d).

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

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

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

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

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

Rewrote (b).

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

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

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

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". Rewrote (a).

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

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

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

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

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

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

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

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

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

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

(b) A school bus driver shall submit to a criminal history record check at the time of his or her initial application and any renewal application for a Commercial Driver License with School Bus Endorsement authorizing the driver to operate a school bus by providing to the Department of Education his or her name, address, and fingerprints taken on standard

fingerprint cards by a law enforcement agency as designated by the Superintendent of the New Jersey State Police.

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

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

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

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

1. The driver's name, social security number, driver license number, driver license type, and the issuing state of the driver's commercial motor vehicle operator's license with appropriate endorsement authorizing the driver to operate a school bus;

2. A medical examiner's certificate of the driver's physical qualification to drive a school bus in the form of a satisfactory medical report completed by a licensed physician;

3. The date of the driver's criminal history record check; and

4. A Motor Vehicle Commission's driver history abstract of the driver that is updated on an annual basis.

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

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

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

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

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

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

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

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

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

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

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

13:20-30.16 Inspection fees

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

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

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

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

13:20-30.17 Schedule of fines

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

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

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

13:20-30.18 Collection of fines

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

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

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

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

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

13:20-31.2 Brake system

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

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

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

13:20-31.27 Windshield wipers

(a) The following are the out-of-service criteria pertaining to windshield wipers:

1. Any power unit has a missing windshield wiper or missing part that renders it ineffective; or
2. Any power unit has an inoperative windshield wiper or damaged part that renders it ineffective.

13:20-31.28 Wiring

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

1. Wires passing through metal openings are not protected by grommets;
2. Wires are not fastened securely at intervals of not more than 18 inches; or
3. Wire connectors are exposed.

13:20-31.29 Doors; specially equipped school buses

(a) The following are the out-of-service criteria pertaining to doors on specially equipped school buses:

1. A door is not equipped with a warning device that is actuated when the door is not securely closed and the ignition is in the "on" position;
2. A door is equipped with such a warning device that is not in proper operating condition;
3. A door is not equipped with a switch that prevents the lifting mechanism from operating when the power lift platform door is closed; or
4. A door is equipped with such a switch that is not in proper operating condition.

13:20-31.30 Restraining devices; specially equipped school buses

(a) The following are the out-of-service criteria pertaining to restraining devices on specially equipped school buses:

1. The attachment framework or anchorage devices for seat belts, restraining harnesses, or other restraining devices do not conform to FMVSS No. 209 (49 CFR § 571.209), incorporated herein by reference, as amended and supplemented, and FMVSS No. 210 (49 CFR § 571.210), incorporated herein by reference, as amended and supplemented; or
2. The wheelchair occupant restraint system does not conform to FMVSS No. 222 (49 CFR § 571.222), incorporated herein by reference, as amended and supplemented.

13:20-31.31 Wheelchairs and other mobile seating devices; specially equipped school buses

(a) The following is the out-of-service criterion pertaining to wheelchairs and other mobile seating devices on specially equipped school buses:

1. A school bus that has in its passenger compartment an electric-powered wheelchair equipped with liquid electrolyte batteries.

13:20-31.32 Credentials; insurance

(a) The following are the out-of-service criteria pertaining to insurance credentials:

1. An insurance identification card is not presented for the school bus;
2. An expired insurance identification card is presented for the school bus;
3. An altered insurance identification card is presented for the school bus;
4. A mutilated insurance identification card, which renders the card illegible, is presented for the school bus;
5. A photocopy or facsimile of an insurance identification card is presented for the school bus;
6. An insurance identification card not in the form specified by the Department of Banking and Insurance in N.J.A.C. 11:3-6 is presented for the school bus;
7. An insurance identification card that has an expiration date of more than 14 months from the effective date is presented for the school bus;
8. A temporary insurance identification card without an effective date is presented for the school bus; or
9. An expired insurance binder is presented for the school bus.

13:20-31.33 Placement out-of-service

When an inspection of a school bus discloses the existence of an out-of-service violation(s), such school bus shall be placed out-of-service by authorized representatives of the Motor Vehicle Commission or by law enforcement authorities.

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".

13:20-31.34 Duration of out-of-service order

(a) The school bus shall be placed out-of-service:

1. Until all school bus out-of-service violations are repaired on-site; or

2. Until the school bus is towed by the operator to a repair facility or maintenance garage and all school bus out-of-service violations are repaired.

13:20-31.35 Operation of school bus prohibited

The school bus shall not be operated until all out-of-service violations are remedied and such remedial action is either certified or approved by representatives 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 "Motor Vehicle Commission" for "Division".

13:20-31.36 Direction to inspection site

Any authorized representative of the Motor Vehicle Commission may direct any school bus operated in this State to proceed immediately to a designated inspection site for inspection; provided, however, this section shall not apply to a school bus with school children on board.

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".

13:20-31.37 Examination of driver's operating credentials

Any authorized representative of the Motor Vehicle Commission may demand and examine the driver's operating credentials.

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".

13:20-31.38 Driver out-of-service violations

(a) A driver shall be immediately placed out-of-service and shall not be permitted to continue driving a school bus if such driver:

1. Does not have a commercial driver license (CDL);
2. Has been issued a CDL, but said license is suspended or revoked;
3. Is in possession of an improper class of CDL;
4. Is in possession of a CDL without proper endorsement(s), including the required School Bus Endorsement;
5. Has been issued a CDL with proper endorsement(s), but said endorsement(s) is suspended or revoked;
6. Is operating a school bus in violation of a CDL restriction;
7. Is not in possession of satisfactory evidence of continuing physical fitness or such evidence is not on file with the Motor Vehicle Commission; or

8. Does not have on file with the Motor Vehicle Commission proof of good character.

(b) In addition to (a) above, the driver shall be subject to the penalties set forth in N.J.S.A. 39:3-10.18.

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)4, substituted "School Bus Endorsement" for "passenger endorsement"; and in (a)7 and (a)8, substituted "Motor Vehicle Commission" for "Division".

13:20-31.39 Provision of notice to driver

A school bus operator shall annually provide to each driver employed by the operator a notice containing a copy of N.J.A.C. 13:20-30 and this subchapter.

13:20-31.40 Coercion of driver by operator

No school bus operator shall compel, coerce, or otherwise cause a driver to include false information on a daily school bus inspection report.

SUBCHAPTER 32. INSPECTION STANDARDS AND TEST PROCEDURES TO BE USED BY OFFICIAL INSPECTION FACILITIES

13:20-32.1 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 A 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, or a State specialty inspection facility 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, this subchapter or N.J.A.C. 13:20-33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of motor vehicles.

"Certificate of waiver" means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with N.J.A.C. 13:20-43 and the rules adopted by the Department of Environmental Protection pertaining to emission or OBD inspection standards

have been waived by the Motor Vehicle Commission for the particular inspection cycle for which the waiver is granted.

“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 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.

“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 OBD regulations or EPA OBD II regulations effective for model year 1996 and newer 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).

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”.

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, modified buses with a capacity of not more than 15 passengers which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, 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, modified buses with a capacity of not more than 15 passengers which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, and motorcycles; provided, however, official inspection facilities shall not inspect modified buses with a capacity of more than 15 passengers, school buses, buses which are subject to inspection by the Motor Vehicle Commission’s Commercial Bus Inspection and Investigation Unit, jitneys as defined in N.J.A.C. 13:20-44.2, or motor vehicles with elevated chassis height which 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) An official inspection facility shall be authorized to affix a certificate of waiver on a motor vehicle which satisfies all of the requirements of N.J.A.C. 13:20-43.13.

(e) If an automobile, truck, or modified bus with a capacity of not more than 15 passengers 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, the motor vehicle shall be certified by an official inspection facility by removing the previous inspection certificate of approval, certificate of waiver, 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 in-

spection certificate of approval shall be affixed in an upright position.

(f) If an automobile, truck, or modified bus with a capacity of not more than 15 passengers 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, an official inspection facility shall present the motor vehicle inspection report or inspection card 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 previous certificate of approval or certificate of waiver, if any, affixed to the windshield. If there is no previous certificate of approval or certificate of waiver 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 used motor vehicle that has been presented for inspection upon transfer of ownership in accordance with N.J.A.C. 13:20-7.4(c)1, 7.4(d), or 7.4(e)1, an official inspection facility shall remove the previous inspection certificate of approval, certificate of waiver, 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 which 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.

(g) Notwithstanding (f) above, if an automobile, truck, or modified bus with a capacity of not more than 15 passengers 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 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 previous inspection certificate of approval, certificate of waiver 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 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 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).

(h) If a motor vehicle registered in New Jersey satisfies all of the requirements of N.J.A.C. 13:20-43.13 for the issuance of a certificate of waiver, an official inspection facility shall remove the previous inspection certificate of approval, certificate of waiver and/or inspection rejection sticker and shall replace it with a current certificate of waiver. The certificate of waiver 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 certificate of waiver shall be completely visible from the front of the motor vehicle. The certificate of waiver shall be affixed in an upright position.

(i) 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.

(j) 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.

(k) 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.

(l) 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, and if there are no obvious safety, emission-related, or OBD-related defects, provided the motor vehicle is presented for reinspection within 45 days of the date of the most recent inspection rejection. If the motor vehicle is presented for reinspection after such date, or if there are obvious safety, emission-related, or OBD-related defects, the motor vehicle shall be subject to a complete reinspection.

(m) 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, 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 certificate of waiver 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.

(n) 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.

(o) Notwithstanding (m) 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, 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, 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.

(p) 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.

(q) Any motor vehicle for which the current inspection certificate of approval or certificate of waiver has been lost, stolen, destroyed, or defaced, or any motor vehicle that has had its windshield replaced, may be presented at the exit end of an official inspection facility for the issuance of a replacement inspection certificate of approval or certificate of waiver. Such a replacement inspection certificate of approval or certificate of waiver 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 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(b) shall be presented at the exit end of an official inspection facility for the issuance of a new motor vehicle inspection decal. A new motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(b) 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(b) 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.

(s) 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 the exit end of an official inspection facility for the issuance of an inspection certificate of approval for the biennial 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".

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. However, the motorist shall be advised to contact the Motor Vehicle Commission's Inspection Support Unit at (609) 633-9460.

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).

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 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,".

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) A motor vehicle having a GVWR of 8,500 pounds or less shall be subject to a steering wheel lash test. Certification of a motor vehicle shall be refused if the steering wheel lash test results in a steer-ahead change of less than .1 degree.

(c) A motor vehicle having a GVWR of 8,500 pounds or less shall be subject to a steering linkage test. Certification of a motor vehicle shall be refused if the steering linkage test results in a difference between total front toe left and right of .4 degrees or more.

(d) With the front wheels of a motor vehicle having a GVWR of more than 8,500 pounds 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.

(e) With the front end of a motor vehicle having a GVWR of more than 8,500 pounds 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.

(f) A motor vehicle that is inspected in an inspection lane that is not equipped with automated electronic steering test equipment shall be inspected in accordance with (d) and (e) above regardless of the motor vehicle's GVWR.

(g) 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.

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

(i) There shall be no wear or breakage of components of the steering or suspension system which adversely affects the safe operation of the motor vehicle. There shall be no visible caster or camber.

(j) 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.

(k) 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).

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, the inspection certificate of approval, certificate of waiver, 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) 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).

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 "I" 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 ve-

hicle. 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. The lights shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material.

(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".

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) 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.

(d) 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.

(e) 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.

(f) 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.

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

With respect to each gasoline-fueled or bi-fueled motor vehicle 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.

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”.

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.

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".

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.

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; official inspection facilities

A motor vehicle shall not have a television installed in such a manner that the viewing screen is visible to the driver while he or she is operating the motor vehicle.

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. 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.

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. However, the motorcyclist shall be advised to contact the Motor Vehicle Commission's Inspection Support Unit at (609) 633-9460.

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).

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

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, or a State specialty inspection facility 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, N.J.A.C. 13:20-32 or this subchapter, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of motor vehicles.

“Certificate of waiver” means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with N.J.A.C. 13:20-43 and the rules adopted by the Department of Environmental Protection pertaining to emission or OBD inspection standards have been waived by the Motor Vehicle Commission for the particular inspection cycle for which the waiver is granted.

“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.

“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 OBD regulations or EPA OBD II regulations effective for model year 1996 and newer 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).

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”.

13:20-33.2 General provisions; Class I, II, 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, trucks, buses (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission), and jitneys as defined in N.J.A.C. 13:20-44.2 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 which may be charged by a Class I 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 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.

(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 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.

(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. 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, 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 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 (including a modified bus regardless of passenger capacity which has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission), 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, the motor vehicle shall be certified by a Class I or Class II licensee by removing the previous inspection certificate of approval, certificate of waiver, 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 or Class II 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 (including a modified bus regardless of passenger capacity which has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission), 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, a Class I licensee shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, and a Class I or Class II licensee shall deface the inspection certificate of approval or certificate of waiver 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 which 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 previous certificate of approval or certificate of waiver affixed to the windshield, the motor vehicle inspection report or inspection card 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 which 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 (including a modified bus regardless of passenger capacity which has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission), 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 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 licensee shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, shall remove the previous inspection certificate of approval, certificate of waiver 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 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 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, and if there are no obvious safety, emission-related, or OBD-related defects, provided the motor vehicle is presented for reinspection within 45 days of the date of the most recent inspection rejection. If the motor vehicle is presented for reinspection after such date, or 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) 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, 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 certificate of waiver 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, 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, 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, and hereby choose to have such 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) Licensed private inspection facilities shall not be authorized to issue certificates of waiver. Certificates of waiver shall only be issued by official inspection facilities in accordance with N.J.A.C. 13:20-32.2 for motor vehicles which satisfy all of the requirements of N.J.A.C. 13:20-43.13.

(z) A licensed private inspection facility shall not issue a replacement inspection certificate of approval or certificate of waiver for any motor vehicle for which the current inspection certificate of approval or certificate of waiver has been lost, stolen, destroyed, or defaced, or for any motor vehicle which has had its windshield replaced. Such a replacement inspection certificate of approval or certificate of waiver shall only be issued by an official inspection facility in accordance with N.J.A.C. 13:20-32.2(q).

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".

13:20-33.3 Credentials; Class I and II 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. However, the motorist shall be advised to contact the Motor Vehicle Commission's Inspection Support Unit at (609) 633-9460.

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).

13:20-33.4 License plates; Class I and II 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,".

13:20-33.5 Steering and suspension; Class I and II 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 which 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).

13:20-33.6 Front parking lights; Class I and II 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.

13:20-33.7 Glazing; Class I and II 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).

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 and II 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, the inspection certificate of approval, certificate of waiver, 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) 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).

13:20-33.9 Horn; Class I and II 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.

13:20-33.10 Windshield wipers; Class I and II 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.

13:20-33.11 Clearance lights; Class I and II 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.

13:20-33.12 Turn signals and hazard warning signals; Class I and II 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.

13:20-33.13 Reflectors; Class I and II 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.

13:20-33.14 Identification lights; Class I and II 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.

13:20-33.15 Side-marker lights; Class I and II 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.

13:20-33.16 Taillights and license plate light; Class I and II 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. The lights shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material.

(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.

13:20-33.17 Stoplights; Class I and II 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 manufac-

ured 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 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).

13:20-33.18 Wheels; Class I and II 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.

13:20-33.19 Tires; Class I and II 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) 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.

(d) 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.

(e) 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.

(f) 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.

13:20-33.20 Exhaust system; Class I and II 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.

13:20-33.21 Prescribed emission or on-board diagnostics test(s); Class I and II licensees

With respect to each gasoline-fueled or bi-fueled motor vehicle 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.

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".

13:20-33.22 Emission test equipment and on-board diagnostics inspection equipment maintenance; Class I and II 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.

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".

13:20-33.23 Headlights; Class I and II 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).

13:20-33.24 Rear view mirrors; Class I and II 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."

13:20-33.25 Miscellaneous lights; Class I and II 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).

13:20-33.26 Wiring and switching; Class I and II 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.

13:20-33.27 Headlight beam indicator light; Class I and II 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.

13:20-33.28 Turn signal and hazard warning signal indicator lights; Class I and II 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.

13:20-33.29 Antenna; Class I and II 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.

13:20-33.30 Body; Class I and II 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).

13:20-33.31 Bumpers; Class I and II 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).

13:20-33.32 Doors; Class I and II 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.

13:20-33.33 Fenders and fender flaps; Class I and II 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.

13:20-33.34 Fuel system; Class I and II 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.

13:20-33.35 Hood; Class I and II 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.

13:20-33.36 Lettering; Class I and II 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).

13:20-33.37 Ornaments; Class I and II licensees

All motor vehicle ornaments shall be free of sharp parts or edges which could cause injury to persons.

13:20-33.38 Pedals; Class I and II 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.

13:20-33.39 Racks or carriers; Class I and II 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.

13:20-33.40 Reflective tape; Class I and II 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.

13:20-33.41 Seats; Class I and II 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.

13:20-33.42 Seat belts; air bags; Class I and II 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).

13:20-33.43 Gear shift indicator; Class I and II 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.

13:20-33.44 Transmission; Class I and II 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.

13:20-33.45 Television; Class I and II licensees

A motor vehicle shall not have a television installed in such a manner that the viewing screen is visible to the driver while he or she is operating the motor vehicle.

13:20-33.46 Trunk lid; Class I and II 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.

13:20-33.47 Service brakes (including service brake equalization and service brake pedal reserve); Class I and II 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 1/32 of an inch over the rivet heads. The thickness of a bonded lining or pad shall be not less than 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)1, 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.

13:20-33.48 Parking brake; Class I and II 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.

13:20-33.49 Speed recording instrument (speedometer); mileage recording instrument (odometer); Class I and II 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.

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. However, the motorcyclist shall be advised to contact the Motor Vehicle Commission's Inspection Support Unit at (609) 633-9460.

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).

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;

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

<u>Item Reinspected</u>	<u>Time Required</u>
Credentials .....	.1 hour*
License Plates .....	.1 hour*
Steering and Suspension .....	.5 hour
Front Parking Lights .....	.1 hour*
Glazing .....	.2 hour
Obstruction to Driver's Vision .....	.1 hour*
Horn .....	.1 hour*
Windshield Wipers .....	.2 hour
Turn Signals and/or Hazard Warning Signals .....	.2 hour
Clearance Lights, Reflectors, Identification Lights and/or Side-Marker Lights .....	.2 hour
Taillights .....	.1 hour*
Stoplights .....	.1 hour*
Wheels and/or Tires .....	.2 hour
Exhaust System .....	.2 hour
Engine Emissions (CO, HC, NO _x and/or Smoke) ....	.5 hour
Fuel Cap Leak Test .....	.2 hour
On-Board Diagnostics (OBD) Inspection .....	.3 hour
Catalytic Converter .....	.2 hour
Headlights .....	.3 hour
Rear View Mirrors .....	.1 hour*
Miscellaneous Lights .....	.2 hour
Wiring and/or Switching .....	.2 hour
Miscellaneous Items .....	.3 hour
Service Brakes .....	.5 hour
Parking Brake and Reserve .....	.2 hour
Service Brake Equalization .....	.5 hour
Service Brake Pedal Reserve .....	.2 hour

* 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".

APPENDIX B

AVERAGE LENGTH OF TIME REQUIRED TO REINSPECT A SPECIFIC ITEM ON A MOTOR VEHICLE HAVING A GVWR GREATER THAN 8,500 POUNDS

<u>Item Reinspected</u>	<u>Time Required</u>
Credentials .....	.1 hour*
License Plates .....	.1 hour*
Steering and Suspension .....	.7 hour
Front Parking Lights .....	.1 hour*
Glazing .....	.2 hour
Obstruction to Driver's Vision .....	.1 hour*
Horn .....	.1 hour*
Windshield Wipers .....	.2 hour
Turn Signals and/or Hazard Warning Signals .....	.2 hour
Clearance Lights, Reflectors, Identification Lights and/or Side Marker Lights .....	.2 hour
Taillights .....	.1 hour*
Stoplights .....	.1 hour*
Wheels and/or Tires .....	.2 hour
Exhaust System .....	.4 hour
Engine Emissions (CO, HC and/or Smoke) .....	.5 hour
Fuel Cap Leak Test .....	.2 hour
Catalytic Converter .....	.2 hour
Headlights .....	.3 hour
Rear View Mirrors .....	.1 hour*
Miscellaneous Lights .....	.2 hour
Wiring and/or Switching .....	.2 hour
Miscellaneous Items .....	.3 hour
Service Brakes .....	.7 hour
Parking Brake and Reserve .....	.4 hour
Service Brake Equalization .....	.7 hour
Service Brake Pedal Reserve .....	.4 hour

* 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

<u>Item Reinspected</u>	<u>Time Required</u>
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, or a State specialty inspection facility certifying that a motor vehicle complies with the require-

ments of Title 39 and Title 26 of the Revised Statutes, this subchapter, N.J.A.C. 13:20-32 or 13:20-33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of motor vehicles.

“Certificate of waiver” means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with this subchapter and the rules adopted by the Department of Environmental Protection pertaining to emission or OBD inspection standards have been waived by the Motor Vehicle Commission for the particular inspection cycle for which the waiver is granted.

“Certified configuration” means a vehicle-engine-chassis design for light-duty gasoline-fueled vehicles and light-duty gasoline-fueled trucks certified by either of the following agencies as meeting the applicable emission standards for motor vehicles manufactured in a given model year:

1. EPA for model year 1968 or for a more recent model year; or
2. California Air Resources Board for model year 1966 or for a more recent model year.

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

“Collector motor vehicle” means a motor vehicle, not otherwise qualified for designation as an “historic vehicle,” or “street rod,” which was either: originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity; or at the time of qualification for designation exists in such limited numbers; either one or the other or both of the above, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner to the 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 which 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, liquified petroleum gas, and propane, and also powered by alcohol fuels and hydrocarbon-alcohol fuel blends.

“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.

“Inspector” means an individual who is licensed by the Motor Vehicle Commission to perform motor vehicle emission and OBD inspections.

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

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

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

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

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

“Low utilization modified performance vehicle” means a vehicle that has been modified for performance and that is driven less than 10,000 miles during the biennial inspection

period, provided, however, that any such performance modification shall comply with all of the anti-tampering requirements of N.J.A.C. 7:27-15.7(a).

“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 and which repairs may qualify for consideration in determining whether a certificate of waiver may be granted.

“Official inspection facility” means a test-only inspection facility that 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 OBD regulations or EPA OBD II regulations effective for model year 1996 and newer 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).

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”.

13:20-43.2 Inspection requirements for motor vehicles; exempt vehicles; designation of collector motor vehicles; designation of low utilization modified performance vehicles; designation of low mileage vehicles

(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, 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;
10. Omnibuses having a seating capacity of 10 passengers or more and 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 which provides evidence of the following:

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

2. The vehicle is 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 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, by an authorized representative of the Motor Vehicle Commission, indicating that said vehicle is a "collector motor vehicle" that is exempt from the inspection requirements of N.J.S.A. 39:8-1. The windshield sticker shall be valid for the inspection test cycle.

(f) The 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.

(i) To qualify for designation as a "low utilization modified performance vehicle," a motor vehicle shall be driven less than 10,000 miles during the biennial inspection period and the owner or lessee of a motor vehicle shall submit a certification in the form specified by the Motor Vehicle Commission to the effect that the motor vehicle's emission control apparatus conforms to the standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(j) The Chief Administrator or his or her designee shall verify the odometer reading of a "low utilization modified performance vehicle." 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 "low utilization modified performance vehicle."

(k) A motor vehicle which is denied designation as a "low utilization modified performance vehicle" in accordance with this section shall not be eligible for such designation for one inspection cycle.

(l) To qualify for designation as a "low mileage vehicle" a motor vehicle shall be driven less than 10,000 miles during the biennial inspection period.

(m) The Chief Administrator or his or her designee shall verify the odometer reading of a "low mileage vehicle." 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 "low mileage vehicle."

(n) A motor vehicle which is denied designation as a "low mileage vehicle" in accordance with this section shall not be eligible for such designation for one inspection cycle.

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.

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 which are inspected pursuant to this section shall be inspected by a Class I or Class II private inspection facility licensed by the Motor Vehicle Commission pursuant to N.J.A.C. 13:20-44.

(c) A Class I 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. NO_x 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.

(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).

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 which are inspected pursuant to this section shall be inspected by a Class I or Class II private inspection facility licensed by the Motor Vehicle Commission pursuant to N.J.A.C. 13:20-44.

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

(d) The owner or lessee of a motor vehicle shall transmit a report of inspections conducted 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. NO_x results, if applicable;
9. OBD inspection results, if applicable;
10. Fuel cap leak test results, if applicable; and
11. 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".

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 vehicle shall be inspected at an official inspection facility or by a Class I or Class II 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 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".

13:20-43.7 Test frequency

Motor vehicles subject to inspection pursuant to this subchapter shall be inspected on a biennial basis, except as otherwise provided by law or regulation.

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.

13:20-43.8 On-board diagnostics inspection; tests for emissions

(a) On and after June 1, 2003, an OBD inspection shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.7 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 and 30.13, on and after June 1, 2003, a biennial 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-5.7 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 Protection.

(b) A loaded-mode (dynamometer-based) test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.5 on all gasoline-fueled and bi-fueled motor vehicles with model years 1981 and later having a GVWR of 8,500 pounds or less; provided, however, no such test shall be required for any full-time four-wheel drive vehicle regardless of weight class, for a low mileage vehicle, for a low utilization modified performance vehicle, for a motor vehicle that is operated by a handicapped person and that has been modified so that such motor vehicle is fully controlled by specially designed mechanical devices for the handicapped, for a motor vehicle that is equipped with non-disengagable traction control, for any other motor vehicle originally manufactured with a particular design characteristic that makes its operation on a dynamometer either impractical or hazardous, as shall be

determined in the discretion of the Chief Administrator, or for any other motor vehicle with a chassis height that has been modified so as to make its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Chief Administrator. In such exceptional cases, a 2,500 RPM emission test, conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.4, shall be administered. All motor vehicles that are subject to a loaded-mode (dynamometer-based) 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), carbon monoxide (CO), and oxides of nitrogen (NO_x). On and after June 1, 2003, this subsection shall not apply to 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 that are subject to an OBD inspection in accordance with (a) above.

(c) An idle emission 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 2,500 RPM emission test, as shall be determined in the discretion of the Chief Administrator. A 2,500 RPM emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.4 on all low-mileage vehicles with model years 1981 and later, on all low utilization modified performance vehicles with model years 1981 and later, on all full-time four-wheel drive vehicles with model years 1981 and later, on all motor vehicles that are operated by handicapped persons and have been modified so that such motor vehicles are fully controlled by specially designed mechanical devices for the handicapped with model years 1981 and later, on motor vehicles with model years 1981 and later that are equipped with non-disengagable traction control, on any other motor vehicle with model years 1981 and later originally manufactured with a particular design characteristic that makes its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Chief Administrator, and on any other motor vehicle with model years 1981 and later with a chassis height that has been modified so as to make its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Chief Administrator. All motor vehicles that are subject to an idle test or a 2,500 RPM emission 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). On and after June 1, 2003, this subsection shall not apply to 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 that are subject to an OBD inspection in accordance with (a) above.

(d) A fuel cap leak test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.8 on all motor vehicles 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 and 7:27B-5.8.

(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".

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

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

1. The inspection facility number;
2. The type of test(s) performed;
3. The date of the inspection;
4. The inspection serial number;
5. The inspection certificate number;

6. The vehicle model year, make, and body type;
7. The vehicle license plate number;
8. The fuel type;
9. The gross vehicle weight rating;
10. The vehicle identification number;
11. The vehicle odometer reading to the nearest 1,000 miles;
12. The category of inspection (that is, initial inspection, first reinspection, second reinspection, etc.);
13. The pass/fail result of applicable visual inspections;
14. Results of the fuel cap leak test;
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. Instructions for waiver applicants;
22. Such advisory diagnostic information as may be made available;
23. Space to indicate repair by a registered motor vehicle emission repair facility;
24. Space to indicate the name, address, and registration number of the motor vehicle emission repair facility that performed the emission-related or OBD-related repair(s);
25. Space to indicate the cost of parts and labor for emission-related or OBD-related repair(s);
26. Space to indicate the emission-related or OBD-related repair(s) performed;
27. Space to indicate technician-recommended repair(s) performed;
28. 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.

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

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".

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, and the pre-inspection repair form (if applicable), which has/have been completed by such registered motor vehicle emission repair facility and invoice(s) issued 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, and the pre-inspection repair form (if applicable), which has/have been completed by such owner or lessee and invoices for emission-related parts. 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, and the pre-inspection repair form (if applicable), which has/have been completed by such owner or lessee and invoices for emission control system parts and/or emission-related processes. 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 noncompliance 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 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. If the motor vehicle fails the reinspection for an emission-related or OBD-related problem and the owner or lessee requests a waiver of compliance, the Motor Vehicle Commission or its authorized representatives shall review the request and shall approve or deny the request in accordance with N.J.A.C. 13:20-43.13. Requests for waiver shall be presented at such locations as are designated by the Chief Administrator and approved or denied only by such persons as designated 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).

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.

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(e) 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(f) or, if applicable, N.J.A.C. 13:20-32.2(g), 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 certificate of waiver 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.

13:20-43.12 Inspection extensions

(a) A motor vehicle which is registered in New Jersey that cannot be presented for inspection in this State prior to the expiration of the certificate of approval or certificate of waiver issued for the 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 two year 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 which cannot be presented for inspection in this or another State prior to the expiration of the certificate of approval or certificate of waiver issued for the 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 two year 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 which 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 which 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 two year inspection cycle established for the motor vehicle.

(d) The owner or lessee of a motor vehicle registered in New Jersey which 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 which 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 two year 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.

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

(a) A motor vehicle that fails to satisfy the applicable emission or OBD inspection standards as set forth in the rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 shall be eligible for a certificate of waiver if the following requirements are satisfied:

1. The motor vehicle has failed to pass a loaded-mode emission reinspection or an OBD reinspection, whichever is applicable, after all qualifying repairs have been completed;

2. The motor vehicle has passed an idle emission test conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.3(b);

3. The motor vehicle has passed a safety inspection conducted in accordance with N.J.A.C. 13:20-32 or 33, whichever is applicable, and this subchapter;

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

5. Repairs were appropriate to the cause of the test failure and were performed 60 days or less prior to the date on which the initial enhanced test was due;

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

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

8. The owner or lessee has expended no less than \$450.00 for emission-related or OBD-related repairs of the motor vehicle excluding any repairs made under warranty coverage.

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

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

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

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".

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, an inspection for the presence and integrity of the motor vehicle's catalytic converter, including a tap test thereof, an examination of the driver's license, motor vehicle registration certificate and insurance identification card, and such other tests as may be determined by the 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-5.9.

(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 certificate of waiver;
3. Motor vehicles with an expired inspection certificate of approval or certificate of waiver;
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".

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 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

(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 certificate of waiver 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 certificate of waiver 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 or certificate of waiver 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 13:20-43.14(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 or certificate of waiver 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 which 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 Class I or Class II 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 or certificate of waiver 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 Class I or Class II 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 or certificate of waiver 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 previous inspection certificate of approval, certificate of waiver, collector motor vehicle windshield sticker, and/or inspection rejection sticker, if any, affixed to the windshield and shall present the motor vehicle inspection report or inspection card 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".

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
9. Personal safety and health issues related to the inspection process.

(b) The Motor Vehicle Commission shall either administer the training program or approve, monitor and evaluate the training programs administered by third parties as set forth in N.J.A.C. 13:20-43.21.

(c) An applicant for licensure as a motor vehicle emission inspector shall submit to the Motor Vehicle Commission a license fee of \$50.00 and a certificate confirming that the applicant has successfully completed training and testing at a Motor Vehicle Commission-approved emission inspector training program. The applicant shall have attained a score of at least 80 percent of correct responses on a written examination covering all aspects of the training. In addition, a hands-on test shall have been administered in which the applicant demonstrated, without assistance, the ability to conduct a proper inspection, to properly utilize equipment, and to follow other procedures adopted by the Motor Vehicle Commission. Inability to properly conduct any emission test or OBD inspection procedure shall constitute failure of the test.

(d) A motor vehicle emission inspector license shall be valid for two years. Refresher training and testing shall be required prior to renewal of the license, and each application for license renewal shall be accompanied by the applicable fee specified in (c) above. For purposes of this subsection, "refresher training and testing" shall mean either a training program as set forth in (a) above or an on-the-job evaluation of the licensee's inspection performance and knowledge of current inspection requirements by the Chief Administrator or his or her designee.

(e) No person licensed as an emission inspector shall, while in the employment of an official inspection facility, own, operate, or be employed by any motor vehicle repair or service facility, motor vehicle parts sales business, or any motor vehicle sales or leasing business. An emission inspector, other than an emission inspector employed at an official inspection facility, may be employed by a private inspection facility which is licensed by the Motor Vehicle Commission in accordance with Chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-44.

(f) No person licensed as an emission inspector, while in the employment of an official inspection facility, shall refer motor vehicle owners, lessees, or operators to particular providers of motor vehicle repair service except as may be permitted by Federal law.

(g) The Chief Administrator, upon presentation of a statement stating that the original emission inspector license has been destroyed, lost, or stolen, may, if he or she is satisfied that the facts as set forth in the statement are substantially true, issue a duplicate emission inspector license to the original holder thereof, upon payment of a fee of \$5.00 for each duplicate emission inspector license so issued.

(h) A person shall not be licensed as a motor vehicle emission inspector, nor perform the duties of a motor vehicle emission inspector, unless such person possesses a valid driver license.

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 (g).

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); in (e) and (f), inserted "emission" preceding "inspector"; 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).

Rewrote (a); in (c), inserted "or OBD inspection" following "emission test".

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 (e), substituted "Chapter" for "chapter".

13:20-43.18 Suspension or revocation of emission inspector license; retraining and retesting; suspension pending hearing; schedule of penalties

(a) A motor vehicle emission inspector license may be suspended or revoked for any of the following:

1. Fraudulently, willfully, or negligently conducting an improper emission or OBD inspection of a motor vehicle;
2. Violation of any provision of N.J.S.A. 39:8-1 et seq., N.J.A.C. 13:20-7, 13:20-32, 13:20-33, 13:20-44, 13:20-45, or this subchapter;
3. Violation of any procedure established by the Motor Vehicle Commission or the Department of Environmental Protection for the conduct of emission or OBD inspections;
4. Fraudulently, willfully or negligently issuing an improper certificate of approval or certificate of waiver; or
5. Other good cause.

(b) An emission inspector who fraudulently or willfully conducts an improper emission or OBD inspection of a motor vehicle shall be subject to a suspension of his or her emission inspector license for a period of at least six months. An emission inspector whose license is suspended pursuant to this section shall successfully complete refresher training and testing in accordance with N.J.A.C. 13:20-43.17(d) before such license is restored pursuant to this subchapter.

(c) Any applicant who submits false information when applying for a motor vehicle emission inspector license may be disqualified from receiving the license. In addition, any licensee whose eligibility for a license was based on the submission of false information is subject to license suspension or revocation by the Motor Vehicle Commission.

(d) A motor vehicle emission inspector license may be suspended immediately by the Chief Administrator upon a charge of a violation that directly affects emission reduction benefits or compromises the integrity of the inspection system. If the Chief Administrator determines that the public interest requires suspension of a license pursuant to this subchapter prior to hearing, the Chief Administrator may do so, provided that notice containing the reasons for such suspension and the effective date of the suspension is provided to the licensee in person, or by certified or regular mail, prior thereto and the licensee is afforded the opportunity to request in writing a hearing within 10 days of the effective date of the suspension. When a licensee requests an administrative adjudication it shall be held as soon thereafter as practicable. If the Chief Administrator determines it necessary to suspend a license prior to hearing and the licensee submits a request for a hearing within the time prescribed by this section, the Chief Administrator may require that a preliminary hearing be held or may refer the matter to the Office of Administrative Law for a preliminary hearing to determine whether sufficient cause exists to

continue such suspension until a plenary hearing can be conducted.

(e) Any hearing concerning the suspension, revocation, or refusal to issue or renew a motor vehicle emission inspector 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.

(f) The following penalty schedule shall apply to emission inspector licensees who violate P.L. 1995, c.112, N.J.S.A. 39:8-1 et seq., N.J.A.C. 13:20-7, 13:20-32, 13:20-33, 13:20-44, 13:20-45, or this subchapter.

1. For intentionally or willfully improperly passing or waiving 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; plus mandatory retraining and retesting first violation
- ii. Two year license suspension; plus \$1,000.00 civil penalty; plus mandatory retraining and retesting second violation
- iii. Lifetime license revocation; plus \$2,000.00 civil penalty third violation

2. For gross negligence in passing or waiving a motor vehicle for any required portion of the emission test or OBD inspection in violation of rules or procedural requirements:

- i. Three month license suspension; plus \$500.00 civil penalty; plus mandatory retraining and retesting first violation
- ii. Six month license suspension; plus \$750.00 civil penalty; plus mandatory retraining and retesting second violation
- iii. Two year license suspension; plus \$1,000.00 civil penalty; plus mandatory retraining and retesting third violation
- iv. Lifetime license revocation; plus \$2,000.00 civil penalty fourth violation

3. For simple negligence in passing or waiving a motor vehicle for any required portion of the emission test or OBD inspection in violation of rules or procedural requirements:

- i. Two week license suspension; plus \$500.00 civil penalty; plus mandatory retraining and retesting first violation
- ii. One month license suspension; plus \$500.00 civil penalty; plus mandatory retraining and retesting second violation
- iii. Three month license suspension; plus \$750.00 civil penalty; plus mandatory retraining and retesting third violation
- iv. Six month license suspension; plus \$750.00 civil penalty; plus mandatory retraining and retesting fourth violation
- v. Two year license suspension; plus \$1,000.00 civil penalty; plus mandatory retraining and retesting fifth and subsequent violations

4. For misrepresentation on application (fraud or misrepresentation in securing the license):

i. Three-year license denial or suspension

5. For fraudulently affixing certificate of approval, certificate of waiver 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, certificate of waiver, rejection sticker, or emission inspector license:

- 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, certificate of waiver 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 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, certificates of waiver 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, certificates of waiver, 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 on 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

(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.

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.

(d) The classroom facility shall be subject to inspection by the Chief Administrator or his or her designee and shall meet the following requirements:

1. There shall be a minimum of 15 square feet per student; provided, however, a third party administering an emission inspector training program prior to October 15, 2001 shall be exempted from this requirement;

2. Seating facilities and writing surfaces shall be available for each student;

3. Lighting, heating, ventilation, and toilet facilities shall be provided which meet municipal housing code ordinance requirements;

4. Instructional materials including manuals, workbooks, videos, charts, diagrams, pictures, and other training materials related to the enhanced motor vehicle inspection and maintenance program rules and inspection procedures shall be provided; and

5. Chalkboards or display apparatus that are visible from all seating areas shall be provided.

(e) The hands-on emission and OBD test demonstration area, including the emission and OBD test equipment (that is, the dynamometer, exhaust gas analyzer, OBD scanner and analyzer, and fuel cap leak tester) shall be subject to inspection by the Chief Administrator or his or her designee. If a simulator is used, a written explanation of its design and function shall be required.

(f) If a third party emission inspector training program provider conducts the hands-on emission and OBD test demonstration at its own facility, the provider shall furnish a motor vehicle for such hands-on emission and OBD test demonstration and an instructor for the written test.

(g) A third party emission inspector training program provider shall present a certificate to all students who successfully complete its program. This certificate shall be in the following form:

Emission Inspector Training Program Name

MVC CERTIFICATE No. _____

This is to certify that

Name of Student
Has successfully completed
Emission Inspector Training

Date

Signature of Instructor

This emission inspector training program certificate is valid for two years from the date of issuance

(h) A third party emission inspector training program provider shall submit to the Chief Administrator or his or her designee a class roster that includes the name and social security number of all students prior to emission inspector license testing.

(i) A third party emission inspector training program provider shall submit a curriculum or syllabus to the Chief Administrator or his or her designee for approval covering the following:

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. OBD system function, configuration, and inspection;
8. Quality control procedures and their purpose;
9. Public relations; and
10. Personal safety and health issues related to the enhanced motor vehicle emission and OBD inspection process.

(j) The training curriculum or syllabus shall meet or exceed the performance standard for emission inspector training as set forth in this subsection. A student who has successfully completed an emission inspector training program shall be able to properly perform each emission and OBD inspection procedure and shall have knowledge of the subject matters set forth below.

1. Overview information:

- i. Plain English guide to the Federal Clean Air Act and the Clean Air Act Amendments of 1990;
- ii. Understanding of the air pollution problem, its causes and effects;
- iii. The purpose, function, and goals of the New Jersey enhanced motor vehicle emission inspection and maintenance program;
- iv. Motor vehicle emissions;
- v. Program requirements;
- vi. Consumer benefits; and
- vii. Public relations and customer interaction;

2. Exhaust emission testing:

i. General information:

- (1) Understanding emission theory;
- (2) Understanding five gas theory (HC, CO, O₂, CO₂, and NO);
- (3) Understanding and utilizing exhaust gas analyzers; and
- (4) Oxides of nitrogen (NO_x) production and control; and

ii. Detailed information:

- (1) Knowledge of how to perform New Jersey's enhanced exhaust gas emission test, known as the ASM 5015 exhaust emission test, as well as the basic idle test and 2500 RPM test;
- (2) Knowledge of the inspection regulations and procedures needed to perform all exhaust emission tests;
- (3) Knowledge of the test equipment operation, calibration, and maintenance for exhaust emission testing;
- (4) Quality control procedures for exhaust emission testing and their purpose;
- (5) Safety and health issues related to the exhaust emission inspection process; and
- (6) Public relations and customer interaction;

3. Emission control apparatus compliance testing:

i. General information:

- (1) Understanding catalytic converters; and
- (2) Understanding and utilizing fuel cap leak and emission control apparatus testing equipment; and

ii. Detailed information:

- (1) Knowledge of how to perform the fuel cap leak test;
- (2) Knowledge of how to perform the inspection for the presence of a catalytic converter;
- (3) Knowledge of the inspection regulations and procedures for emission control apparatus testing;
- (4) Quality control procedures for emission control apparatus testing and their purpose;
- (5) Safety and health issues related to the emission control apparatus inspection process; and
- (6) Public relations and customer interaction;

4. OBD-I and OBD-II:

i. General information:

- (1) Understanding the theory of and the concepts behind On Board Diagnostics (OBD); and
- (2) Understanding and utilizing the OBD testing equipment; and

ii. Detailed information:

- (1) Description of the differences between OBD-I and OBD-II;
- (2) Explanation of how OBD-II systems monitoring is similar to the exhaust test procedures;
- (3) Explanation of OBD-II terminology; and
- (4) Explanation of OBD-II diagnostic codes.

(k) A third party emission inspector training program provider shall:

1. Provide a minimum of eight hours of classroom instruction, including hands-on emission and OBD test demonstrations;
2. Provide trained instructor(s) in a number sufficient to insure that each student is provided with adequate attention. The ratio of students to instructors shall not exceed 25 to one per class; and
3. Provide a student with a certificate stating that such student has successfully completed the emission inspector training program.

(l) An applicant for approval as a third party emission inspector training program shall have a minimum of two years of training experience in either the development of an emission inspector training program or the administration of an emission inspector training program for either a basic or an enhanced motor vehicle inspection and maintenance program.

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.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), deleted space following "§"; in (b), substituted "Motor Vehicle Commission" for "Division"; and in (g)20, substituted "MVC" for "DMV" in the certificate.

13:20-43.22 Records; third party emission inspector training programs

(a) An approved third party emission inspector training program provider shall maintain a record of every person receiving emission inspector training, whether the person successfully completed the course or not, the name of the instructor giving the course, and the dates instruction was given. Such records shall be maintained at the provider's principal place of business for a period of two years.

(b) The records of the third party emission inspector training program provider may be electronically stored.

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

13:20-43.23 Change of address of principal place of business; change of instructors; third party emission inspector training programs

(a) A third party emission inspector training program provider shall notify the Chief Administrator in writing within seven days of a change of the provider's principal place of business.

(b) A third party emission inspector training program provider shall notify the Chief Administrator in writing within seven days of a change of instructors employed by such provider.

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 "Chief Administrator" for "Director" throughout.

13:20-43.24 Audits; third party emission inspector training programs

A third party emission inspector training program provider shall permit representatives from the Motor Vehicle Commission or the Department of Environmental Protection access to training sessions for the purpose of auditing and shall upon request furnish the dates, times, and locations of such training sessions.

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".

13:20-43.25 Additional violations; third party emission inspector training programs

(a) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Chief Administrator may refuse to approve, or withdraw approval of, a third party emission inspector training program if he or she determines that the applicant has made a false statement or concealed a fact in connection with the application for approval.

(b) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Chief Administrator may refuse to approve, or withdraw approval of, a third party emission inspector training program if he or she determines that the applicant at any time following submission of the application for approval:

1. Has been found to have violated or conducted fraudulent or deceptive practices concerning the repair of motor vehicles in violation of N.J.S.A. 56:8-1 et seq. or N.J.A.C. 13:45A-26C;

2. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which indicates that approval of the applicant or continued approval of the training program would be inimical to the standards set forth in P.L. 1995, c.112 and this subchapter;

3. Demonstrates a pattern of conduct wherein emission inspector training was not conducted in a professional manner;

4. Issues a check in payment of any fee required by this subchapter which is subsequently dishonored;

5. Has failed to comply with any of the provisions of this subchapter;

6. Fails to maintain an approved classroom in accordance with this subchapter;

7. Fails to pay any fee required by law or regulation;

8. Fails to notify the Chief Administrator in writing as required by N.J.A.C. 13:20-43.23;

9. Has 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

10. For other good cause.

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 "Chief Administrator" for "Director" throughout.

13:20-43.26 Additional penalties; third party emission inspector training programs

When, pursuant to N.J.S.A. 39:8-1 et seq. or any regulation adopted thereunder, the Chief Administrator has the authority to withdraw the approval of a third party emission inspector training program provider, the Chief Administrator shall also

have the authority to impose an official warning as an alternative to such withdrawal of approval.

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 "Chief Administrator" for "Director" two times.

13:20-43.27 Investigations; third party emission inspector training programs

(a) The Chief Administrator, or any person designated by him or her, shall have the power to investigate and gather evidence of violations of N.J.S.A. 39:8-1 et seq., or of any regulation adopted thereunder, by an approved third party emission inspector training program provider.

(b) The Chief Administrator, or any person designated by him or her, shall have the power to conduct investigations, administer oaths, interrogate third party emission inspector training program providers, issue subpoenas, summonses and/or complaints and compel witnesses to appear at any hearing.

(c) 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 this subchapter 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, 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.

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 "Chief Administrator" for "Director" throughout.

13:20-43.28 Written notice of refusal to approve or withdrawal of approval; third party emission inspector training programs

(a) The Chief Administrator shall notify the applicant, in writing by certified mail, of any refusal to approve a third party emission inspector training program 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 third party emission inspector training program provider, in writing by certified mail, of any proposed withdrawal of approval of its emission inspector training program and the grounds thereof. Written notice shall be mailed to the place of business on record with the Motor Vehicle Commission. Unless the third party emission inspector training program files with the Chief Administrator a written request for a hearing in accordance with N.J.A.C. 13:20-43.29, the emission inspector training program approval shall be withdrawn 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 "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division" throughout.

13:20-43.29 Request for hearing; third party emission inspector training programs

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-43.28(a) that the Chief Administrator refuses to approve a third party emission inspector training program, 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. 13:20-43.28(a).

(b) If a third party emission inspector training program provider has been notified in accordance with N.J.A.C. 13:20-43.28(b) of a proposed withdrawal of approval of its emission inspector training program, the provider shall be entitled to an administrative hearing concerning such proposed withdrawal of approval provided that the emission inspector training program provider 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 provider by the Motor Vehicle Commission in accordance with N.J.A.C. 13:20-43.28(b).

(c) Any written request for a hearing by a third party emission inspector training program shall be sent to the Motor Vehicle Commission's Emission Inspector Training Program Approval Unit. The address of the Emission Inspector Training Program Approval Unit is Motor Vehicle Commission, 225 East State Street, PO Box 170, Trenton, New Jersey 08666-0170. The hearing request shall contain the following information:

1. The name, certificate number, place of business and telephone number of the third party emission inspector training program;
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 if without knowledge thereof, a statement to that effect; any allegation in the Motor Vehicle Commission's notice 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 third party emission inspector training program provider does not file a written request for a hearing in accordance with (a), (b) or (c) above, the withdrawal of approval of the emission inspector training program shall be effective on the date specified in such notice. The third party emission inspector training program provider shall cease all 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 re-inspections 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 which 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 13:20-43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, 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".

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.

“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-5.9. The equipment shall include all devices used for performing a motor vehicle emission inspection, including, but not limited to, exhaust gas analyzers, dynamometers, OBD scanners and analyzers, fuel cap leak testers, and computers and related software.

“On-board diagnostics” or “OBD” means an automotive diagnostic system complying with California OBD regulations or EPA OBD II regulations effective for model year 1996 and newer 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.

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".

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, reinspections 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 (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission), and jitneys; provided, however, private inspection facilities shall not inspect school buses, buses which are subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit, or motor vehicles with elevated chassis height which 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 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).

(f) 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.

(g) 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, and jitneys.

2. 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, or diesel-fueled trucks having a GVWR of less than 10,000 pounds to engage in the inspection and certification of such motor vehicles.

3. Class III licenses shall be issued to private inspection facilities to engage in the inspection and certification of motorcycles.

(h) 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".

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, 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 or Class II 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".

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 which perform inspections, reinspections and certifications exclusively at the business locations of owners or lessees of fleet motor vehicles 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 or Class II 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 or Class II 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.

(f) Electronic medium for retrieval of motor vehicle inspection information from, and for transmission of motor vehicle inspection information to, the Motor Vehicle Commission's data base shall be available on the business premises of a Class I or Class II licensed private inspection 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".

13:20-44.10 Inspection certificates of approval

(a) The inspection certificate of approval issued 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 insert shall contain a bar-coded identifier linked to the motor vehicle. 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 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 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. 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 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".

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 licensed private inspection facility, shall display an outdoor sign which 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 four 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 normal business hours.

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

(d) Every private inspection facility shall, upon request of the 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".

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 four 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. 13:20-43, the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, 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.

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.

(b) 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.

(c) A Class I or Class II 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.

(d) 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.

(e) 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).

(f) Certification of a motor vehicle by a Class I or Class II 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.

(g) 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.

(h) The fee which a licensee may charge the consumer for affixing a certificate of approval shall not exceed \$2.50.

(i) 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.

(j) 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 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 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".

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);

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 or Class II 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.

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.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 certificate of approval or certificate of waiver:

- 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 altered, forged, stolen, or counterfeit certificate of approval, certificate of waiver 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, certificate of waiver 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 vehicle that does not meet State equipment safety standards:

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

14. For improper security of certificates of approval, certificates of waiver 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.).

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), inserted N.J.A.C reference following c.112 in the introductory paragraph and rewrote 18.

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

See: 34 N.J.R. 2523(a), 34 N.J.R. 2551(b).

In (b), inserted "motor" preceding "vehicle" and "or OBD inspection" following "emission test" throughout, rewrote 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 "Chief Administrator" for "Director" throughout; and in (b)15, deleted "certificates of waiver".

13:20-44.21 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 N.J.S.A. 39:8-1 et seq., or of any regulation adopted thereunder, by a private inspection facility.

(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. 13:20-44.12(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, 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" throughout; and in (c), deleted "the".

13:20-44.22 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 private inspection facility 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 private inspection facility 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. 13:20-44.23, the private inspection facility 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 "Motor Vehicle Commission" for "Division" and "Chief Administrator" for "Director" throughout.

13:20-44.23 Request for hearing

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-44.22(a) that the Chief Administrator refuses to grant or renew a private inspection facility 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. 13:20-44.22(a).

(b) If a licensee has been notified in accordance with N.J.A.C. 13:20-44.22(b) of a proposed suspension or revocation of his or her private inspection facility 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. 13:20-44.22(b).

(c) Any written request for a hearing by an applicant or licensee shall be sent 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). The hearing request shall contain the following information:

1. The name, license number, place of business and telephone number of the private inspection 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 Motor Vehicle 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 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 private inspection facility license shall be effective on the date specified in such notice. The private inspection facility shall cease all activities of the business of a private inspection facility effective on the date specified in such notice.

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 "licensee" for "license" preceding "has been notified".

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 (a) and (b), substituted "25" for "15" throughout.

13:20-44.24 Hearing procedures

Any hearing concerning the suspension, revocation or refusal to grant or renew a private inspection facility 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.

13:20-44.25 Limitations on issuance of license after suspension, revocation or refusal to grant or renew

(a) No person whose application for a private inspection facility 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.

13:20-44.26 License 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 private inspection facility license which is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter. Such license restoration fee shall be paid to the Motor Vehicle Commission before the license may be restored.

(b) Each suspension or revocation of any private inspection facility license, pursuant to N.J.S.A. 39:8-1 et seq. 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 private inspection facility 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 private inspection facility license 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" in two places; and in (b) and (c), substituted "Chief Administrator" for "Director" throughout.

SUBCHAPTER 45. MOTOR VEHICLE EMISSION
REPAIR FACILITY REGISTRATION

13:20-45.1 Purpose

(a) P.L. 1995, c. 112 provides for the registration of motor vehicle emission repair facilities by the Chief Administrator of the Motor Vehicle Commission. The purpose of this subchapter is to establish a system for the registration of motor vehicle emission repair facilities that perform emission and OBD repairs for compensation on "gasoline-fueled" or "bi-fueled" motor vehicles as defined in N.J.A.C. 13:20-43.1 that have failed an emission or OBD inspection so that the Motor Vehicle Commission may track emission and OBD repairs for monitoring purposes and document emission and OBD repair costs for purposes of issuance of certificates of waiver pursuant to N.J.A.C. 13:20-43.13.

(b) The purpose of this subchapter is also to establish a system for the registration of motor vehicle emission repair facilities which perform diesel emission repairs for compensation pursuant to the provisions of P.L. 1995, c. 157.

Amended by, R.1997 d.392, effective September 15, 1997.
See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).

In (a), inserted "gasoline-fueled" and N.J.A.C. references; and added (b).

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), inserted a reference to bi-fueled motor vehicles.

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 OBD following "emission" 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), substituted "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division" and "Division of Motor Vehicles".

13:20-45.2 Scope

(a) This subchapter shall apply to every person engaged in the business of a motor vehicle emission repair facility.

(b) No person shall, on or after June 29, 1995, engage in the business of a motor vehicle emission repair facility unless registered by the Chief Administrator in accordance with 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" in (b).

13:20-45.3 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 the motor vehicle

emission repair 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 registration to engage in the business of a motor vehicle emission repair facility 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 motor vehicle emission repair 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 motor vehicle emission repair 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.

"Department" means the Department of Environmental Protection in the State of New Jersey.

"Emission repair facility registration" means a registration issued to a motor vehicle emission repair facility that evidences the Chief Administrator's authorization for the facility to engage in emission and OBD repairs, including diesel repairs pursuant to P.L. 1995, c. 157, on motor vehicles that have failed an emission or OBD inspection.

"Engaged in the business" means performing emission-related or OBD-related repair(s) for compensation and includes:

1. Any person performing emission or OBD repair(s) on motor vehicles that have failed an emission or OBD inspection required by the Chief Administrator;
2. Any person who subcontracts or has any type of business arrangement with a motor vehicle emission repair facility or other person to perform emission or OBD repairs on motor vehicles that have failed an emission or OBD inspection required by the Chief Administrator;
3. Any person who prepares an estimate to be used by a motor vehicle emission repair facility or other person to perform emission or OBD repairs on motor vehicles that

have failed an emission or OBD inspection required by the Chief Administrator; or

4. Any person who negotiates in any manner with any customer to perform emission or OBD repairs on motor vehicles that have failed an emission or OBD inspection required by the Chief Administrator.

“EPA” means the United States Environmental Protection Agency.

“Estimate” means any written determination prepared by a motor vehicle emission repair facility of the approximate cost of the parts and labor needed to perform the requested repair services.

“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.

“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 who for compensation engages in the business of repairing motor vehicles that have failed an emission or OBD inspection required by the Chief Administrator. For the purpose of this subchapter, the following are not deemed to be a motor vehicle emission repair facility and are not required to be registered:

1. Any employee of a motor vehicle emission repair facility who engages in the business of repairing motor vehicles that have failed an emission or OBD inspection solely by reason of his or her employment;

2. Any person who is solely engaged in the business of repairing motor vehicles that have failed an emission or OBD inspection and who is employed by a single commercial or industrial establishment that is the owner or lessee of such motor vehicles; or

3. Any person whose activities consist solely of fueling, changing oil, water, batteries or tires, replacing fan belts, air filters or oil filters, installing windshield wiper blades, light bulbs, communication equipment, or such other repair and servicing functions that are not related to motor vehicle emission or OBD inspection failures.

“On-board diagnostics” or “OBD” means an automotive diagnostic system complying with California OBD regulations or EPA OBD II regulations effective for model year 1996 and newer 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 motor vehicle emission repair facility are offered or ordinarily performed.

“Suspension, revocation or refusal to 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 renew a motor vehicle emission repair facility registration or to suspend or revoke a registration.

Amended by, R.1997 d.392, effective September 15, 1997.

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

Amended “Emission repair facility registration”.

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

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

Amended “Emission repair facility registration”, “Engaged in the business”, and “Motor vehicle emission repair facility”; 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 “Chief Administrator” for “Director” throughout; added definitions “Chief Administrator” and “Motor Vehicle Commission”; deleted definitions “Director” and “Division”; and in definition “Emission repair facility registration”, substituted “Chief Administrator’s” for “Director’s”.

13:20-45.4 Initial application for registration

(a) Any person seeking to engage in the business of a motor vehicle emission repair facility shall apply, in accordance with the provisions of this subchapter, to the Chief Administrator for a registration authorizing him or her to engage in such business. An application for a motor vehicle emission repair facility registration may be obtained from the Motor Vehicle Emission Repair Facility Registration Unit of the Motor Vehicle Commission. The address of the Motor Vehicle Emission Repair Facility Registration Unit is:

Motor Vehicle Commission
Business License Services
Motor Vehicle Emission Repair Facility
Registration Unit
225 East State Street
PO Box 170
Trenton, New Jersey 08666-0170

(b) Each applicant for a motor vehicle emission repair facility registration 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 motor vehicle emission repair 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. Whether the applicant has ever been convicted of a crime;

4. 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;

5. 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

6. Whether the applicant has any interest in any other motor vehicle emission repair facility or any motor vehicle-related business.

(c) Each initial application for a motor vehicle emission repair facility registration shall include 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; and
4. The corporation code, if one has been issued by the Motor Vehicle Commission.

(d) Each initial application for a motor vehicle emission repair facility registration shall be accompanied by the applicable fee as specified in N.J.A.C. 13:20-45.6.

(e) If there are multiple locations for motor vehicle emission repair facilities owned by the same applicant, a separate application, accompanying documents, and registration fee as specified in N.J.A.C. 13:20-45.6 shall be submitted for each such place of business. A separate registration shall be issued for each such place of business.

(f) Upon preliminary approval of each initial registration application, a registration shall be issued to the motor vehicle emission repair facility. Each initial registration issued to a motor vehicle emission repair facility on or after June 29, 1995 shall be effective on the date of issuance and shall continue in force and effect until December 31, 2000, and shall, thereafter, be renewed on a biennial basis, unless such registration 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 (f), substituted a reference to 2000 for a reference to 1998.
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" and "Division of Motor Vehicles" throughout; in (a), substituted "Services" for "Compliance"; in (b)6, inserted hyphen; and in (c), inserted "proof of".

13:20-45.5 Applicant qualification

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.

13:20-45.6 Registration fee

Each initial or renewal application for a motor vehicle emission repair facility registration shall be accompanied by a registration fee of \$50.00 payable to the Motor Vehicle Commission. Such registration fee shall be returned to the applicant only in the event that the Chief Administrator refuses to grant or renew a motor vehicle emission repair facility registration. Such registration fee, or any portion thereof, shall not be refunded to the registrant in the event that the motor vehicle emission repair facility registration is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the registrant voluntarily surrenders the registration at any time during the registration 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".

13:20-45.7 Registration renewals

(a) Each registrant shall, no later than 30 days before the expiration of the registration, submit to the Chief Administrator an application to renew its current registration provided that such registrant is not prohibited from applying for a registration as specified in N.J.A.C. 13:20-45.22. An application to renew a motor vehicle emission repair facility registration may be obtained from the Motor Vehicle Emission Repair Facility Registration Unit of the Motor Vehicle Commission at the address specified in N.J.A.C. 13:20-45.4(a).

(b) Each application to renew a motor vehicle emission repair facility registration shall be accompanied by the fee specified in N.J.A.C. 13:20-45.6.

(c) Upon approval of each renewal application, a registration shall be issued to the motor vehicle emission repair facility. Each renewal registration issued to a motor vehicle emission repair facility on or after January 1 of any year shall continue in force and effect until December 31 of the following year, unless such registration 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).

Rewrote (c).
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 (c); and in (a), substituted "Motor Vehicle Commission" for "Division".

13:20-45.8 Surrender of registration

(a) Each motor vehicle emission repair facility registration, although issued and delivered to a registrant, 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 repair facility registration, the registration shall no longer be in force and effect and the registration 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).

13:20-45.9 Responsibility of registrants

(a) In the case of a sole proprietorship, the owner and/or possessor of a controlling interest in the motor vehicle emission repair facility shall be responsible to the Chief Administrator for the conduct of the business of the facility and for all actions performed by his or her employees in connection with the business of the facility concerning violations of P.L. 1995, c. 112, or 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 and jointly 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 P.L. 1995, c. 157, or this subchapter.

Amended by, R.1997 d.392, effective September 15, 1997.

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

Inserted references to P.L. 1995, c.157.

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.

13:20-45.10 Deceptive practices concerning emission-related repairs

Motor vehicle emission repair facilities shall be subject to the provisions of 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).

Changed N.J.A.C. reference.

13:20-45.11 Notice and recordkeeping requirements

(a) Each registrant shall display an outdoor sign which shall read: "Registered: State of New Jersey Motor Vehicle Emission Repair Facility". The sign shall include the registration number of the motor vehicle emission repair facility. The sign must contain letters at least two inches high with a stroke of approximately one-half inch, be visible from the road and be located in a conspicuous location for the general public to see. If zoning ordinances prohibit the posting of

such sign or such posting is otherwise impractical, the registrant shall prominently display such sign on the exterior of the motor vehicle emission repair facility.

(b) Every registration 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 motor vehicle emission repair facility.

(c) Every registered motor vehicle emission repair facility shall post in a conspicuous location accessible to the public a "Notice to Consumers" concerning violations of P.L. 1995, c. 112 and the fact that customers have a right to inspect the repaired motor vehicle before paying for the repair work. The notice shall be prepared and furnished by the Motor Vehicle Commission.

(d) Every registered motor vehicle emission repair facility shall post in a conspicuous location accessible to the public a notice stating that the names and qualifications of its certified emission repair technicians are available upon request.

(e) Every registered motor vehicle emission repair facility shall maintain copies of all motor vehicle inspection reports, estimates, work orders, invoices, parts purchase orders, appraisals and/or other documents prepared by that facility for repair work performed by that facility or by subcontractors.

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

2. Failure to permit such inspection shall subject the registrant to administrative action pursuant to this subchapter.

(f) Every motor vehicle emission repair 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 registrant to administrative action pursuant to this subchapter.

(g) The registrant 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 motor vehicle emission repair facility, or whenever a person becomes a partner or limited partner in a motor vehicle emission repair facility.

(h) The registrant shall notify the Chief Administrator in writing within 30 days of any change in address of the motor vehicle emission repair facility or of any change in address of persons or entities required to be listed on the application by N.J.A.C. 13:20-45.4.

(i) The registrant 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. 13:20-45.4 is no longer associated with the motor vehicle emission repair facility.

(j) All written notifications required by this subchapter shall be made by either personal delivery or sent by certified mail to the Motor Vehicle Emission Repair Facility Registration Unit of the Motor Vehicle Commission at the address specified in N.J.A.C. 13:20-45.4(a).

(k) An amended application shall be filed by the registrant 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. 13:20-45.4.

(l) Any process issued to a registrant 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 registrant or counsel of record, by sending said process by certified or ordinary mail, to the business address of the motor vehicle emission repair facility or to counsel's address on record with the Motor Vehicle Commission.

(m) When an emission repair or OBD repair is performed on a motor vehicle, the registered motor vehicle emission repair facility shall cause to be imprinted on the emission repair form a stamp with the following:

NEW JERSEY
MOTOR VEHICLE COMMISSION
EMISSION REPAIR FACILITY
REGISTRATION NO.
DATE:

1. The motor vehicle emission repair facility registration number and the date of emission repairs or OBD repairs shall be contained on the stamp. Each motor vehicle emission repair facility shall purchase the above stamp from a commercial source.

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

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

Added (m).

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

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

Rewrote (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 "Motor Vehicle Commission" for "Division" and "Division of Motor Vehicles" and "Chief Administrator" for "Director" throughout; in (g), inserted "emission"; and in (h), substituted "30" for "10".

13:20-45.12 Advertising

(a) Any advertising used by the motor vehicle emission repair facility in any printed or published material shall contain and prominently display the registration number of the facility.

(b) Any advertising used by the motor vehicle emission repair facility in any radio broadcast shall disclose that the facility is registered by the State of New Jersey.

(c) Any advertising used by the motor vehicle emission repair facility in any television broadcast shall prominently display the registration number of the facility at the end of such broadcast.

13:20-45.13 Storage rates

Every motor vehicle emission repair facility which charges a per diem fee to store a motor vehicle on its premises shall disclose in writing, prior to initiating emission-related repair(s), the amount of such storage charge to the customer.

13:20-45.14 Additional violations

(a) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Chief Administrator may refuse to renew a registration or suspend or revoke the registration of any motor vehicle emission repair facility if he or she determines that the applicant or registrant:

1. Has made a false statement or concealed a fact in connection with the application for a registration or a renewal thereof; or
2. Is not the owner of, or possessor of a controlling interest in, the motor vehicle emission repair facility.

(b) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Chief Administrator may refuse to renew a registration or suspend or revoke the registration of any motor vehicle emission repair facility if he or she determines that the applicant or registrant at any time following submission of the application for initial registration:

1. Has been found to have violated or conducted fraudulent or deceptive practices concerning the repair of motor vehicles in violation of N.J.S.A. 56:8-1 et seq. or N.J.A.C. 13:45A-26C or this subchapter;
2. Has been found to have violated N.J.A.C. 7:27-15.7 pertaining to tampering with emission control apparatus;
3. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which indicates that registration of the applicant or continued registration of the registrant would be inimical to the registration standards set forth in P.L. 1995, c.112 and this subchapter;
4. Demonstrates a pattern of conduct whereby emission-related or OBD-related repairs made by the motor vehicle emission repair facility were not made in a workmanlike manner;
5. Issues a check in payment of any fees required by this subchapter which is subsequently dishonored;

6. Has failed to comply with any of the provisions of this subchapter;

7. Fails to maintain an approved place of business in accordance with N.J.A.C. 13:20-45.4(b)(1);

8. Fails to pay any fee required by law or regulation;

9. Fails to notify the Chief Administrator in writing as required by N.J.A.C. 13:20-45.11(f), (g) and (h);

10. 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;

11. Has 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;

12. Has failed to properly secure Pre-inspection Emission Repair Forms;

13. Has failed to properly account for lost or stolen Pre-inspection Emission Repair Forms. A registrant 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 registrant; or

14. 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 (b)1, changed N.J.A.C. reference.

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)2, inserted "emission" preceding "repair facility".

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)4, inserted "-related or OBD-related" following "emission".

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.

13:20-45.15 Mechanic qualifications

If the motor vehicle emission repair facility performs safety equipment repairs, the registrant or someone in his or her employment must meet the mechanic qualification standard as set forth in N.J.A.C. 13:20-44.19.

13:20-45.16 Repair technician; certification

(a) The registrant or someone in his or her employment shall be certified as a repair technician.

(b) No emission-related or OBD-related repairs to "gasoline-fueled" or "bi-fueled" motor vehicles as defined in N.J.A.C. 13:20-43.1 may be performed for compensation of any kind by any person or facility unless the repairs are made by, or under the supervision of, a certified repair technician

employed by the facility. For purposes of this subsection, "employed by" shall be construed to include any business relationship between the certified repair technician and the facility including actual or equitable ownership, in whole or in part, of the individual facility by the technician or a partnership interest in the facility.

(c) Repair technician certification shall be predicated upon a person's satisfactory completion of an approved repair technician certification program of instruction in emission-related and OBD-related repairs on motor vehicles that fail an emission test or OBD inspection.

(d) An approved repair technician program of instruction shall include:

1. Diagnosis and repair of malfunctions in computer controlled, close-loop vehicles;

2. The application of emission control theory and diagnostic data to the diagnosis and repair of failures on OBD, loaded-mode and idle tests and the fuel cap leak test;

3. Utilization of diagnostic information on systematic or repeated failures observed in the OBD, loaded-mode and idle tests and the fuel cap leak test; and

4. General training in the various subsystems related to engine emission control.

(e) Upon the satisfactory completion of a course of instruction, the provider of the repair technician program shall issue to each person a Certificate of Repair Technician Course Completion.

Amended by, R.1997 d.392, effective September 15, 1997.

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

In (b), inserted "to 'gasoline-fueled' vehicles as defined in N.J.A.C. 13:20-43.1".

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), deleted "On or after July 1, 1998" at the beginning; and in (b), deleted "On or after July 1, 1998" at the beginning, and inserted a reference to bi-fueled motor vehicles.

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.

13:20-45.17 Additional penalties

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 renew the registration of a motor vehicle emission repair facility, the Chief Administrator shall also have the authority to impose, as an alternative or in addition to such suspension, revocation or refusal to renew, an official warning.

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.

13:20-45.18 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 N.J.S.A. 39:8-1 et seq., or of any regulation adopted thereunder, by a motor vehicle emission repair facility.

(b) The Chief Administrator, or any person designated by him or her, shall have the power to conduct investigations, administer oaths, interrogate registrants, issue subpoenas, summonses and/or complaints and compel witnesses to appear at any hearing.

(c) Except as set forth in N.J.A.C. 13:20-45.11(l), 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 this subchapter 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, 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.2001 d.358, effective October 15, 2001.

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

In (c), amended 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.

13:20-45.19 Written notice of suspension or revocation or refusal to grant or renew registration

(a) The Chief Administrator shall notify the applicant, in writing by certified mail, of any refusal to renew a motor vehicle emission repair facility registration 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 registrant, in writing by certified mail, of any proposed suspension or revocation of the motor vehicle emission repair facility registration and the grounds thereof. Written notice shall be mailed to the place of business on record with the Motor Vehicle Commission. Unless the registrant files with the Chief Administrator a written request for a hearing in accordance with N.J.A.C. 13:20-45.20, the motor vehicle

emission repair facility registration 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.

13:20-45.20 Request for hearing

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-45.19(a) that the Chief Administrator refuses to renew a motor vehicle emission repair facility registration, 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. 13:20-45.19(a).

(b) If a registrant has been notified in accordance with N.J.A.C. 13:20-45.19(b) of a proposed suspension or revocation of his or her motor vehicle emission repair facility registration, the registrant shall be entitled to an administrative hearing concerning such proposed suspension or revocation 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. 13:20-45.19(b).

(c) Any written request for a hearing by an applicant or registrant shall be sent to the Motor Vehicle Emission Repair Facility Registration Unit of the Motor Vehicle Commission at the address specified in N.J.A.C. 13:20-45.4(a). The hearing request shall contain the following information:

1. The name, registration number, place of business and telephone number of the motor vehicle emission repair 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 Motor Vehicle 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 motor vehicle emission repair facility registration shall be effective on the date specified in such notice. The motor vehicle emission repair facility shall cease all activities of the

business of a motor vehicle emission repair 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" and "Motor Vehicle Commission" for "Division" throughout; substituted "25" for "15" throughout (a) and (b); and in (c)3, substituted "Motor Vehicle Commission's" for "Division's".

13:20-45.21 Hearing procedures

Any hearing concerning the suspension, revocation or refusal to renew a motor vehicle emission repair 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.

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

(a) No person whose renewal application for a motor vehicle emission repair facility registration is refused shall be entitled to apply for a registration under 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 under this subchapter during the period of suspension or revocation.

13:20-45.23 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 motor vehicle emission repair facility registration which is suspended or revoked pursuant to N.J.S.A. 39:8-1 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 motor vehicle emission repair facility registration, pursuant to N.J.S.A. 39:8-1 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 motor vehicle emission repair 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 motor vehicle emission repair 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 in (b) and (c), substituted "Chief Administrator" for "Director".

SUBCHAPTER 46. DIESEL EMISSION INSPECTION AND MAINTENANCE PROGRAM

13:20-46.1 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.

"Department" means the Department of Environmental Protection in the State of New Jersey.

"Diesel bus" means any diesel-powered autobus or motorbus of any size or configuration, whether registered in this State or elsewhere, that is designed or used for intrastate or interstate transportation of passengers for hire or otherwise on a public road, street or highway or any public or quasi-public property in this State, including, but not limited to, autobuses under the jurisdiction of the Commission's Commercial Bus Inspection and Investigation Unit pursuant to Titles 27 or 48 of the Revised Statutes; autobuses of the New Jersey Transit Corporation and its contract carriers that are under the inspection jurisdiction of the Commission's Commercial Bus Inspection and Investigation Unit; autobuses that are subject to Federal motor carrier safety regulations; autobuses under the authority of the Interstate Commerce Commission or its successor agency; school buses, as defined pursuant to N.J.S.A. 39:1-1; and hotel, casino, charter, and special buses.

"Diesel emission inspection center" means any person, partnership or corporation licensed by the Motor Vehicle Commission pursuant to N.J.A.C. 13:20-47 to perform the diesel vehicle inspections permitted by that subchapter.

"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).

“Periodic inspection program” or “periodic inspection” means a program in which diesel buses and heavy-duty diesel trucks registered in this State are periodically inspected in accordance with the provisions of P.L. 1995, c.157 (N.J.S.A. 39:8-59 et seq.).

“Person” means a corporation, company, association, society, firm, partnership, or joint stock company, or an individual, and shall also include the State and all of its political subdivisions and any agencies, authorities, corporations, or instrumentalities of the State or any political subdivision thereof.

“Roadside enforcement program” or “roadside inspection” means a roadside examination program conducted pursuant to P.L. 1995, c. 157 (N.J.S.A. 39:8-59 et seq.) and this subchapter for the inspection of exhaust emissions, emission control apparatus and such other items as the Department of Environmental Protection, in consultation with the Chief Administrator of the Motor Vehicle Commission and the Commissioner of Transportation, prescribes, of diesel buses and heavy-duty diesel trucks along any public road, street or highway or any public or quasi-public property in this State or at such other locations as may be designated by the Chief Administrator in consultation with the Commissioner of Transportation.

“Roadside inspector” means an individual who is designated by the Chief Administrator to perform roadside diesel vehicle emission inspections pursuant to this subchapter.

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

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 rewrote “Roadside enforcement program” definition.

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”, “Commission” and “Periodic inspection program” or “periodic inspection”.

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

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

Deleted definitions “Commission”, “Director”, and “Division”; 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”, substituted “Motor Vehicle Commission” for “Division”; added definition “Motor Vehicle Commission”; in definitions “Roadside enforcement program” and “Roadside inspector”, substituted “Chief Administrator” for “Director” in definition “Roadside enforcement program”, substituted “Chief Administrator” for “Director”.

13:20-46.2 Diesel emission inspection requirements; exempt vehicles

(a) Except as otherwise provided in P.L. 1995, c.157 and in (b) below, heavy-duty diesel trucks and diesel buses (as defined in this subchapter) which are operated in New Jersey shall be subject to roadside diesel emission inspections in accordance with P.L. 1995, c.157, this subchapter and the

applicable diesel emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14.

(b) The following motor vehicles, some of which may be subject to inspection under other provisions of law or regulation, shall be exempt from the roadside 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;
3. School buses, as defined in N.J.S.A. 39:1-1; and
4. Heavy-duty diesel trucks and other diesel-powered motor vehicles as defined in N.J.S.A. 39:8-60 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.

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 reference to diesel-powered motor vehicles; and in (b), inserted references to N.J.S.A. 39:8-60 in 1 and 4 and rewrote 2.

13:20-46.3 Roadside inspections; scope; inspection procedures

(a) Roadside diesel emission inspections shall, except as hereafter provided, consist of an emission inspection; a screening examination for visible black smoke; a visible blue smoke test; an examination of the muffler and emission control apparatus pursuant to N.J.A.C. 7:27-14; an examination of the driver’s license, motor vehicle registration certificate, International Registration Plan (IRP) documentation, if any, insurance identification card, if applicable, and diesel emission inspection certificate of approval, if any.

(b) Roadside diesel emission inspection procedures shall utilize emission inspection equipment designated by the Chief Administrator. Emission inspection equipment shall be approved by the Department of Environmental Protection and shall meet specifications adopted by the Department of Environmental Protection.

(c) Roadside diesel emission inspections shall be conducted using the emission inspection standards and test procedures set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4.

(d) The Commission shall conduct a roadside diesel emission inspection on those heavy-duty diesel trucks directed to the inspection area by the New Jersey State Police or other proper authority, except that in the case of any vehicle directed to the inspection area that bears a valid new heavy-duty diesel truck inspection decal issued by a licensed

New Jersey new motor vehicle dealer or motor vehicle leasing company pursuant to N.J.A.C. 13:20-27.6 or that bears a valid diesel emission inspection certificate of approval issued by a diesel emission inspection center pursuant to N.J.A.C. 13:20-47.14, the vehicle shall be waived from further emission inspection and permitted to return to the road, except where the vehicle is emitting visible black smoke; is exhibiting any other audible or visible emission or safety defect or other irregularity that in the opinion of the roadside inspector or State Police officer, as the case may be, warrants further inspection or examination; is required to be inspected for auditing purposes; or is required to be inspected as part of the Commission's training program for roadside inspectors.

(e) If a heavy-duty diesel truck or diesel bus subject to roadside emission inspection pursuant to P.L. 1995, c.157 fails to meet diesel emission inspection standards set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14, the diesel emission inspection certificate of approval displayed upon the windshield of the vehicle, if any, shall be defaced by the roadside inspector.

(f) The owner or lessee of a heavy-duty diesel truck or diesel bus registered in this State which is subject to roadside diesel emission inspection pursuant to P.L. 1995, c.157 which fails to meet diesel emission inspection standards set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14 shall have the vehicle repaired, adjusted or corrected within 45 days in order to legally operate it in New Jersey.

(g) Diesel buses shall be subject to roadside emission inspections pursuant to P.L. 1995, c.157 and this subchapter only in conjunction with roadside safety inspections conducted pursuant to law or regulation.

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 "and other diesel-powered motor vehicles" preceding "directed to the inspection area"; rewrote (e); added a new (f); and recodified former (f) as (g).

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).

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).

13:20-46.4 Certification of test

(a) The Chief Administrator shall prescribe a uniform report upon which diesel emission inspection test results and the certification thereof shall be recorded by the roadside inspector. The uniform report shall contain a statement or statements establishing the following:

1. The type of test performed;
2. The result achieved;
3. That the person completing the form is the person who performed the test;

4. That the tester has been certified by the Chief Administrator as having adequate training and competence to perform the test;

5. That the tester is an employee or agent of the State and was acting in an official capacity when the tester performed the test; a certification subscribed by the person performing the test and certifying that that person did perform the test in a proper manner and believes the test results to be valid and accurate; and

6. Any other information that the Chief Administrator may require.

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

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

Rewrote the section.

13:20-46.5 Violation information

Information pertaining to penalties for violation of N.J.S.A. 39:8-62, the repairs that may effect a reduction of penalty, and the certification necessary to substantiate those repairs and compliance with emission standards shall be served with the complaint and summons alleging a violation of N.J.S.A. 39:8-62.

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

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

Deleted the second sentence.

13:20-46.6 Civil penalty schedule; reduction of penalty

(a) The owner and the lessee, if any, of a heavy-duty diesel truck or diesel bus operated in violation of N.J.S.A. 39:8-62 shall be jointly and severally liable for a civil penalty. For a first violation, the owner or lessee shall pay a civil penalty of \$700.00, except as otherwise provided in this section. For a second or subsequent violation, the owner or lessee shall pay a civil penalty of \$1,300, except as otherwise provided in this section.

(b) A second or subsequent violation is one which occurs within one year of the occurrence of a previous violation of N.J.S.A. 39:8-62 committed with respect to the same heavy-duty diesel truck or diesel bus. This one year period shall be determined without regard to the date of the hearing that adjudicated the violation and without regard to the identity of the defendant against whom it was adjudicated.

(c) The complaint and summons alleging a violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck or diesel bus shall state whether the charges pertain to a first violation or to a second or subsequent violation, but if the complaint and summons fail to allege a second or subsequent violation, the civil penalty imposed shall be that for a first violation.

(d) The penalty for a first violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck or diesel bus may be reduced to \$150.00 and the penalty for a second or subsequent violation may be reduced to \$500.00 if 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 which are inspected and certified by a diesel emission inspection center are satisfactorily inspected and certified and are in proper condition to be operated on the highways of this State and to ensure that inspections and certifications are performed in accordance with the standards established by the Motor Vehicle Commission at N.J.A.C. 13:20-46 and 48 and the Department of Environmental Protection at N.J.A.C. 7:27-14, a diesel emission inspection center must possess certain equipment used in the inspection and certification of diesel vehicles, including the inspection of emission control apparatus and emission control systems.

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

In (a), deleted references to diesel-powered motor vehicles throughout.

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

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

13:20-47.2 Definitions

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

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

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

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

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

“Controlling interest” means possession of the power to direct or cause the direction of the management and policies of a diesel emission inspection center, whether through the ownership of voting securities or otherwise. The Chief Administrator shall presume that control in fact exists if any person or entity directly or indirectly owns, controls, holds the power to vote, or holds proxies representing 10 percent or more of the voting securities of any diesel emission inspection center. This presumption may be rebutted by showing that control does not in fact exist. The Chief Administrator may determine that control in fact exists, notwithstanding the presence or absence of a presumption to that effect.

“Department” means the Department of Environmental Protection in the State of New Jersey.

“Diesel bus” means 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 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”.

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 per-

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

inspection center from the date of the prior audit of the center's records by the Commission's Heavy-Duty Diesel Audit Unit to the date of the scheduled offsite inspection. If a licensed diesel emission inspection center charges a fee to travel to and from the location of the offsite inspection, such fee shall be separately stated on the invoice issued to the customer.

(k) Class I and Class II 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 NJ DEIC Inspection 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(f), 7:27-32.21, 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).

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 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 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(b), 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.

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 \$1.50.

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

(e) The fee which a licensed diesel emission inspection center may charge for an initial inspection of a heavy-duty diesel truck or diesel bus 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 incor-

porated 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).

13:20-47.15 Diesel emission inspector; inspector training

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

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

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

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

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

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

Added (c).

13:20-47.16 Advertising

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

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

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

13:20-47.17 Storage rates

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

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

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

Deleted reference to diesel-powered motor vehicles.

13:20-47.18 Additional violations

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

1. Has made a false statement or concealed a fact in connection with the application for a license or a renewal thereof;
2. Is not the owner of, or possessor of a controlling interest in, the diesel emission inspection center;
3. Has been found to have tampered with fuel control system or emission control apparatus, in violation of N.J.A.C. 7:27-14.3(c);
4. Has been found to have violated or conducted fraudulent or deceptive practices concerning the inspection and certification of heavy-duty diesel trucks or diesel buses in violation of P.L. 1995, c.157, or of the inspection, reinspection, certification and/or repair of motor vehicles in violation of N.J.S.A. 39:8-1 et seq., 56:8-1 et seq., or N.J.A.C. 13:45A-26C;
5. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which would be:
 - i. Any of the following offenses under the "New Jersey Code of Criminal Justice," P.L. 1978, c.95 (Title 2C of the New Jersey Statutes) as amended and supplemented:
 - (1) All crimes of the first degree;
 - (2) N.J.S.A. 2C:5-1 (attempt to commit an offense which is listed in this subparagraph (a)5i);
 - (3) N.J.S.A. 2C:5-2 (conspiracy to commit an offense which is listed in this subparagraph (a)5i);
 - (4) N.J.S.A. 2C:11-4b (manslaughter);
 - (5) N.J.S.A. 2C:11-5 (vehicular homicide);
 - (6) N.J.S.A. 2C:12-1b (aggravated assault);
 - (7) N.J.S.A. 2C:13-1 (kidnapping);
 - (8) N.J.S.A. 2C:14-1 et seq. (sexual offenses);

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, and hereby choose to have such 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".

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 acceleration test

The power brake acceleration 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".

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

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

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

APPENDIX

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

<u>Item Reinspected</u>	<u>Time Required</u>
Credentials .....	.1 hour [†]
Emission Control Apparatus .....	.2 hour
Governor .....	.2 hour
Exhaust System .....	.2 hour
Emission Control System .....	.3 hour
Engine Emissions (Opacity) .....	.3 hour

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

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

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

(a) This subchapter shall be applicable to all motor vehicles registered in New Jersey originally designed by the manufacturer to carry 10 or more passengers, excluding the driver, operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education, school-connected activity, day camp, summer day camp, nursery school, child care center, 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 School Bus Inspection Unit to ensure that such vehicle is in safe and proper operating condition. The time and location of the inspections shall be established by the Chief Administrator or his or her designee.

(d) An autobus subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) Buses shall be equipped with dual horns of standard make. Each horn shall be capable of producing a complex

sound in a band of audio frequencies between approximately 250 and 2,000 cycles per second and each having a total sound level of 110 decibels within these frequency limits. Sound shall be measured at a point on the axis of the horn, three feet from the exit of the horn.

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

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

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

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

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

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

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

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

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

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

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

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