

**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, 39:3-33.9, 39:3-43, 39:3-63, 39:3-75, 39:3-76.6, 39:3-77, 39:3-81, 39:3-84a(10), 39:3B-5, 39:4-208, 39:5-30, 39:8-1, 39:8-2, 39:8-4, 39:8-4.1, 39:8-10, 39:8-57, 39:8-77, and 39:10-4.

**Source and Effective Date**

R.2001 d.20, effective December 13, 2000.  
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 20, Enforcement Service, expires on December 13, 2005.

**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 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 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 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 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 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: Source and Effective Date. See, also, section annotations.

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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

Authority  
N.J.S.A. 39:3-75.2.

Source and Effective Date

R.2001 d.341, effective September 17, 2001.  
Sec: 33 N.J.R. 2450(a), 33 N.J.R. 3343(a).

13:20-1.1 Definitions

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

“Action spectra” means those portions of the electromagnetic spectrum, such as UVA, UVB, near UV, and visible light, which elicit an adverse medical condition as specified in N.J.S.A. 39:3-75.1 and this subchapter.

“AS-1 line” means the mark at the edge of a sheet of glazing material that delineates the area of the windshield requisite for driving visibility and indicates that portion of the sheet of glazing material having a luminous transmittance of not less than 70 percent.

“Clear film” means a material that, when applied over factory-installed glazing, has a neutral gray appearance.

“Director” means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“Division” means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“Near UV” means the portion of the visible electromagnetic spectrum that appears violet to blue in color, having wavelengths that range from 400 nanometers to 492 nanometers.

“Optical properties” means the percentage of visible light and/or UV transmittance, visible light reflection, and other parameters of approved sun-screening materials and products as supplied by the manufacturer and installed or applied by registered sun-screening material installation facilities.

“Reflectance” means the percentage of visible light reflected by the sun-screening material or product.

“Tinted film” means a material of any color that is applied over factory-installed glazing.

“Transmittance” means the percentage of visible light and/or UV radiation that passes through a sun-screening material or product and the factory-installed glazing to which it is attached.

“Ultraviolet” or “UV” means the ultraviolet portion of the electromagnetic spectrum, having wavelengths that range from 290 nanometers to 400 nanometers.

“UVA” means the portion of the UV spectrum that ranges from 320 nanometers to 400 nanometers in wavelength.

8. Has in its possession any motor vehicle, major motor vehicle component part or component part as defined in N.J.S.A. 39:10B-1 or replacement parts on which the vehicle identification number or other identification affixed thereto in accordance with Federal theft prevention standards has been removed, altered, defaced, destroyed, or so covered as to be concealed; or

9. For other good cause.

#### **13:20-2.15 Additional penalties**

Where, pursuant to N.J.S.A. 39:3-75.1 et seq. or any regulation adopted thereunder, the Director has the authority to suspend, revoke, or refuse to renew the registration of a sun-screening material installation facility, the Director shall also have the authority to impose an official warning as an alternative or in addition to such suspension, revocation, or refusal to renew.

#### **13:20-2.16 Investigations**

(a) The Director, or any person designated by him or her, shall have the power to investigate and gather evidence of violations of N.J.S.A. 39:3-75.1 et seq., or of any regulation adopted thereunder, by a sun-screening material installation facility.

(b) The Director, 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. 13:20-2.11(k), 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 pursuant to 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 Director, 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 and Division of Consumer Affairs investigators are hereby authorized to enforce the provisions of this subchapter.

#### **13:20-2.17 Written notice of suspension or revocation or refusal to issue or renew registration**

(a) The Director shall notify the applicant, in writing by certified mail, of any refusal to issue or renew a sun-screening material installation 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 Division.

(b) The Director shall notify the registrant, in writing by certified mail, of any proposed suspension or revocation of the sun-screening material installation facility registration and the grounds thereof. Written notice shall be mailed to the place of business on record with the Division. Unless the registrant files with the Director a written request for a hearing in accordance with N.J.A.C. 13:20-2.18, the sun-screening material installation facility registration shall be suspended or revoked on the date specified in such notice.

#### **13:20-2.18 Request for hearing**

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-2.17(a) that the Director refuses to issue or renew a sun-screening material installation facility registration, the applicant shall be entitled to an administrative hearing concerning such refusal provided that the applicant has filed and the Director has received a written request for a hearing within 15 days. The 15-day period shall commence on the date such notice was mailed to the applicant by the Division in accordance with N.J.A.C. 13:20-2.17(a).

(b) If a registrant has been notified in accordance with N.J.A.C. 13:20-2.17(b) of a proposed suspension or revocation of its sun-screening material installation 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 Director has received a written request for a hearing within 15 days. The 15-day period shall commence on the date such notice was mailed to the registrant by the Division 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 Division 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 Division in its notice or order to show cause, or if without knowledge thereof, a statement to that effect; any allegation in the Division'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.

**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 of \$50.00 shall be payable to the Division 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 Division 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 Director.

(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 Director, in such form as the Director may determine, and pay the registration restoration fee specified in (a) above. The Director 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.

**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, must be approved by the Director.

(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.)

**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.

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**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.

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**SUBCHAPTER 7. VEHICLE INSPECTION**
**13:20-7.1 Definitions**

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

“Certificate of approval” means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, 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-4 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 inspection standards have been waived by the Division for the particular inspection cycle for which the waiver is granted.

“Director” means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“Division” means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“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.

“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.

“Private inspection facility” means any person, partnership, or corporation licensed by the Division 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 Division 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.

**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, 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;
9. Omnibuses having a seating capacity of 10 passengers or more and which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit; and

10. 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.

### 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 Division, 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 Division'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 Division), 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 Division'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, 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 Division, any motor vehicle which the Director 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, 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, 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).

### 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 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.

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

Repeal and New Rule, R.1999 d.422, effective December 6, 1999.  
See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Section was "Inspection period of passenger vehicles".

### 13:20-7.5 Adjustments, corrections, or repairs

If a motor vehicle inspection as required by N.J.S.A. 39:8-1 discloses the necessity of adjustments, corrections, or repairs, it shall be incumbent upon the owner or lessee of such motor vehicle to have such adjustments, corrections, or repairs made and to present the motor vehicle for reinspection no later than the last day of the calendar month following the calendar month in which the motor vehicle was due for inspection, except as otherwise provided at N.J.A.C. 13:20-7.6(a). However, if an on-road inspection required by N.J.S.A. 39:8-2 discloses the necessity of adjustments, corrections, or repairs, it shall be incumbent upon the owner or lessee of such motor vehicle to have such adjustments, corrections, or repairs made and to present the motor vehicle for reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.6(a).

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

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

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

### 13:20-7.6 Immediate repairs

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

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

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

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

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

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

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

### 13:20-7.7 (Reserved)

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

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

Section was "Initial passenger vehicle inspection procedure".

### 13:20-7.8 (Reserved)

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

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

Section was "Initial inspection certification data".

### 13:20-7.9 (Reserved)

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

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

Section was "Definitions".

### 13:20-7.10 (Reserved)

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

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

Section was "Inspection procedure".

### 13:20-7.11 (Reserved)

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

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

Section was "New vehicle purchaser procedure".

### 13:20-7.12 (Reserved)

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

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

Section was "Motor vehicle tires".

### 13:20-7.13 (Reserved)

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

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

Section was "Expired inspection certificates".

## SUBCHAPTER 8. (RESERVED)

## SUBCHAPTER 9. HANDICAPPED PARKING PRIVILEGES

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

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

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

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

3. The Director may require the applicant to be examined by a physician, podiatrist, or chiropractic physician licensed in New Jersey or a bordering state, or by such physician, podiatrist, or chiropractic physician appointed by the State for the purpose of determining that the applicant's stated disability qualifies him or her under the definition of "handicapped person" as it appears in N.J.S.A. 39:4-204 and this subchapter. The cost of such examination will be borne by the applicant.

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

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

i. Cannot walk 200 feet without stopping to rest;

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

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

iv. Use portable oxygen;

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

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

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

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

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

Rewrote the section.

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 Division 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.

### 13:20-26.13 Certification

Every owner or lessee shall certify to the Director 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".

### 13:20-26.14 Additional inspection

This subchapter shall not be construed to limit or deny the Director 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.

### 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 registered at a gross weight 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.

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

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

(b) On or after July 1, 1998, 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 Division 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.

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

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

1. Diesel-powered motor vehicles, as defined in N.J.S.A. 39:8-60, that are registered as contractor equipment in-transit vehicles pursuant to N.J.S.A. 39:4-30;
2. Heavy-duty diesel trucks and other diesel-powered motor vehicles, as defined in N.J.S.A. 39:8-60, which are designed for farming purposes and registered pursuant to N.J.S.A. 39:3-24 or 39:3-25; and
3. Heavy-duty diesel trucks and other diesel-powered motor vehicles, as defined in P.L. 1995, c.157, which are owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization and used for first aid, emergency, ambulance, rescue, or fire-fighting purposes.

New Rule, R.1997 d.392, effective September 15, 1997.  
See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).  
Amended by R.1998 d.310, effective June 15, 1998.

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

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

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

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

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

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**SUBCHAPTER 27. (RESERVED)**

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**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.

(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.

**13:20-28.2 Applicability**

The provisions of this subchapter shall be applicable to all new motor vehicle dealers licensed by the Director.

**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.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation.

"Mileage recording instrument" means an instrument mounted in the passenger compartment of a vehicle which will accurately measure and record the mileage traversed by the vehicle.

"New car dealer" or "new motorcycle dealer" means a dealer licensed pursuant to N.J.S.A. 39:10-19, to sell new passenger vehicles or new motorcycles, his or her employees and/or agents.

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

“New passenger vehicle” means every new vehicle, regardless of registration class, used and designed for the transportation of passengers, except motorcycles, omnibuses, school buses and vehicles that run upon rails or tracks.

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

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

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”.

#### **13:20-28.4 Manufacturers’ new vehicle inspection procedure**

(a) Every new motor vehicle dealer shall, prior to delivery to an ultimate purchaser of any new motor vehicle, inspect the safety devices on such vehicles and perform such services as may be necessary so that such vehicle conforms to certain specifications established by the manufacturer and contained in its pre-delivery check list.

(b) Completion of the pre-delivery inspection procedure required or recommended by a manufacturer shall be deemed by the Director, unless and until otherwise stated, to render that vehicle safe for operation on the highways, roadways and other quasi-public areas of New Jersey.

(c) 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”.

#### **13:20-28.5 United States Transportation Department standards**

(a) All new motor vehicles subject to inspection shall meet the standards now or hereafter prescribed by the manufacturer or by statute or by regulation of the Director or by the standards prescribed by the U.S. Department of Transportation.

(b) In the event of any inconsistency or conflict between the manufacturer’s specifications and any standard or rule adopted by the U.S. Department of Transportation or by statute or by regulation of the Director, the standard or rule adopted by the U.S. Department of Transportation or by statute or by regulation of the Director shall take precedence.

#### **13:20-28.6 Decal; period of validity**

(a) Every new motor vehicle dealer shall, after satisfactory completion of inspection, affix a decal or other indication of successful inspection as the Director may prescribe, upon such vehicle.

(b) Any new motor vehicle receiving a decal or other indication of successful inspection pursuant to this subchapter shall next be inspected not later than two years from the last day of the calendar month in which the vehicle was inspected by the new motor vehicle dealer, and the decal or other indication of successful inspection affixed to the vehicle by the new motor vehicle dealer 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).

#### **13:20-28.7 Compliance**

No new motor vehicle dealer may deliver a vehicle to an ultimate purchaser until such vehicle has been found to be in safe operating condition as determined by compliance with the inspection standards established by the provisions of this subchapter.

#### **13:20-28.8 Evidence of compliance**

(a) Completion by a new motor vehicle dealer of a manufacturer’s pre-delivery check list or report shall be evidence of compliance with the provisions of this subchapter.

(b) Such pre-delivery check list or report shall be retained by the new motor vehicle dealer for a period of at least three years from the date of inspection.

#### **13:20-28.9 Recommended practices and forms**

The pre-delivery check list used by a new motor vehicle dealer shall indicate the place and date of inspection, the person or persons performing such inspection, and compliance with the standards of safety established by this subchapter.

#### **13:20-28.10 Additional inspection**

Nothing in this subchapter shall be construed to limit or deny the Director 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 to abridge 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" 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)".

### 13:20-28.11 Determination of compliance by Director

The Director or any of his or her designees may enter upon the premises of any new motor vehicle dealer to determine compliance with 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".

### 13:20-28.12 Violation

Any new motor vehicle dealer who violates any provision of this subchapter shall be subject, after notice and opportunity to be heard, to the suspension or revocation of his or her New Jersey dealer license.

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".

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## SUBCHAPTER 29. MOBILE INSPECTION UNIT

### 13:20-29.1 Mobile Inspection Unit

There is hereby created in the Division of Motor Vehicles a Mobile Inspection Unit which 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.

#### 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 which are found to be in proper operating condition shall retain the existing inspection certificate of approval or certificate of waiver issued therefor.

(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.

#### 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).

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## SUBCHAPTER 30. SUPPLEMENTAL INSPECTION OF SCHOOL BUSES

### 13:20-30.1 Applicability

The provisions of this Subchapter shall be applicable to all school buses registered in this State, except buses which are also used for the transportation of passengers for hire and which are subject to inspection by the New Jersey Department of Public Utilities.

**13:20-30.2 Definitions**

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

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

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

(b) Diesel-powered school buses registered in New Jersey shall be subject to periodic inspection in accordance with N.J.A.C. 13:20-30.5(a) at the premises or places of business of the owner or lessee of such vehicles to determine compliance with (a) above.

New Rule, R.1997 d.392, effective September 15, 1997.  
 Sec: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).

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 SUBCHAPTER 31. (RESERVED)  
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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.

“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-4 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 inspection standards have been waived by the Division for the particular inspection cycle for which the waiver is granted.

“Director” means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“Division” means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“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.

“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.

“Private inspection facility” means any person, partnership, or corporation licensed by the Division 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 Division to inspect certain motor vehicles as specified in N.J.A.C. 13:20-7.3(d).

**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 Division, 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 Division, 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 Division’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-4, 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 inspection 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-4, 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. 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-4 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, 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) have 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-4, and if there are no obvious safety or emission-related defects, provided the motor vehicle is presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable. If the motor vehicle is presented for reinspection after such date, or if there are obvious safety or emission-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-4, 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-4, 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-4, 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 which 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 or emission-related defects.

### 13:20-32.3 Credentials; official inspection facilities

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.

#### 13:20-32.4 License plates; official inspection facilities

(a) A motor vehicle shall not be certified if the license plates are not in the possession of the operator when the motor vehicle is presented for inspection, or if the letters and/or numbers on the license plates are illegible.

(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 or defaced; or
8. The registration plate decal(s) issued by the Division 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 be firmly attached to the front and rear license plates.

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

(a) A motor vehicle which is equipped with a steering or suspension system in a condition not equivalent to the motor vehicle manufacturer's specifications shall not be certified.

(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) 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.

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

(h) 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.

(i) 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.

#### 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 for 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 lens; however, if the lens is cracked and a portion of the lens is separated or missing, the motor vehicle shall be refused certification.

### 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 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. The high-mounted rear stoplight on motor vehicles required to be equipped with such a light shall not be obstructed by such add-on material.

(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.

### 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 Director in accordance with N.J.A.C. 13:20-10, or any other sticker approved by the Director, 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.

**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 Director 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.

**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.

**13:20-32.11 Clearance lights; official inspection facilities**

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) All turn signal light systems and components shall be in proper operating condition. Certification of a motor vehicle shall not be refused because a turn signal light has a cracked 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.

#### **13:20-32.13 Reflectors; official inspection facilities**

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

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

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

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

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

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

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

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

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

#### **13:20-32.14 Identification lights; official inspection facilities**

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

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

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

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

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

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

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

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

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

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

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

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

(c) Taillights shall exhibit a red light visible from a distance of 500 feet to the rear of the vehicle. 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 be refused if the license plate light is inoperative. 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.

**13:20-32.17 Stoptlights; official inspection facilities**

(a) Every motor vehicle, other than a motorcycle, shall be equipped on the rear with at least two stoptlights, 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 stoptlight. All passenger automobiles manufactured on or after September 1, 1985, shall, in addition, be equipped with a high-mounted rear stoptlight 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 stoptlight 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 stoptlight 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 stoptlights.

(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, including high-mounted rear 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) If a motor vehicle is equipped with a high-mounted rear stoplight(s) with multiple bulbs, it shall not be refused certification because some of the stoplight bulbs are not operative, provided at least one such high-mounted rear stoplight bulb is operative. However, the motorist shall be advised to have the defect corrected.

(g) Certification of a motor vehicle which is equipped with a high-mounted rear stoplight shall be refused if the stoplight is so wired that it illuminates when the turn signal lights are activated.

#### **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 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 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-4.

#### **13:20-32.22 Emission test equipment calibration; official inspection facilities**

The emission test equipment 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.

#### **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 cracked, broken, or missing lens, or a headlight with insufficient light intensity, shall not be certified; provided, however, that a motor vehicle shall not be refused certification because the headlight has a bullseye-type hole which has been repaired in a proper manner.

(e) There shall be no auxiliary equipment, such as colored spray, on the lens, visor, reflector, or other attachment which 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. A motor vehicle which is equipped with recessed headlights shall, when such headlights are illuminated, have nothing covering them or in front of them except clear glass. A 1969 or later model year motor vehicle equipped with headlights which, when in use, have any styling or other features, such as a glass cover or grille in front of the lens, shall not be certified.

(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) 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.

#### **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) A motor vehicle shall not be certified if a mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges.

(e) Mirrors shall be capable of adjustment to a fixed horizontal and vertical position.

**13:20-32.25 Miscellaneous lights; official inspection facilities**

(a) All miscellaneous lights used on motor vehicles shall be of a type and color approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name and trademark, are often on the lens of such lights. In addition, the letters listed below often appear on the following lights:

1. Fog lights = F;
2. Spot lights = O;
3. Emergency warning lights = W or W1 or W3; or
4. Supplemental driving or passing lights = Y or Z.

(b) Any motor vehicle may be equipped with not more than two auxiliary driving lights mounted on the front of the vehicle at a height of not less than 12 inches nor more than 42 inches above the level surface upon which the vehicle stands. Auxiliary driving lights include, but are not limited to, fog lights, passing lights, and supplemental driving lights. Auxiliary driving lights shall be properly installed so that their aim is not grossly misaligned nor readily disturbed by ordinary vehicle operation.

1. Fog lights are auxiliary driving lights which may be used with the low beam headlights to provide general illumination ahead of a motor vehicle. A fog light shall be white, yellow, or amber in color. Approved fog lights shall meet the requirements of SAE J-583d, incorporated herein by reference. The Standards of the Society of Automotive Engineers (SAE) may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

2. Passing lights are also known as auxiliary low beam driving lights and are designed to supplement the lower beam of a standard headlight system. Approved lights shall meet the requirements of SAE J-582a, incorporated herein by reference. Passing lights shall be wired so that they are controlled by a switch separate from the headlight switch.

3. Supplemental driving lights are auxiliary driving lights which may be used to supplement the upper beam of a standard headlight system. Approved lights shall meet the requirements of SAE J-581, incorporated herein by reference. Supplemental driving lights shall be wired so that they are controlled by a switch separate from the headlight switch.

(c) A spot light is a light which can be aimed at will. Any motor vehicle may be equipped with not more than one spot

light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O," along with the manufacturer's name or trademark, are often on the lens of approved type spot lights. Approved spot lights shall meet the requirements of SAE J-591b, incorporated herein by reference.

(d) Any motor vehicle may be equipped with not more than two side cowl or fender lights which shall emit a white or yellow light without glare.

(e) Any motor vehicle may be equipped with not more than one running board courtesy light on each side thereof which shall emit a white or yellow light without glare.

(f) Any motor vehicle may be equipped with one or more back-up lights, either separately or in combination with other lights. No back-up light shall be 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 Director 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) 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.

(k) 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.

(l) 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.

**13:20-32.26 Wiring and switching; official inspection facilities**

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

1. The wiring is not in proper condition, is improperly installed, or is so located as to cause damage;
2. Any connection that is not secure or shows signs of corrosion;
3. The switches are not in proper condition or do not function properly;
4. Any light circuit that does not light the proper filament when the appropriate switch position is applied; or
5. Any defect in wiring and/or switching which adversely affects the lighting performance of any exterior light.

(b) Certification of a motor vehicle shall not be refused if replacement switches are present which perform the same function as the original switches, provided the safe operation of the motor vehicle is not adversely affected.

(c) Certification of a motor vehicle shall not be refused if replacement switches are present which perform the same function as the original switches but are not located in the original switch position(s), provided the safe operation of the motor vehicle is not adversely affected.

**13:20-32.27 Headlight beam indicator light; official inspection facilities**

Certification of a motor vehicle shall not be refused because the headlight beam indicator light is inoperative or does not operate properly; however, the motorist shall be advised to have the defect corrected.

**13:20-32.28 Turn signal and hazard warning signal indicator lights; official inspection facilities**

(a) Certification of a motor vehicle shall not be refused because of an inoperative turn signal indicator light and/or an inoperative hazard warning signal indicator light; however, the motorist shall be advised to have the defect corrected.

(b) If any turn signal indicator light is not readily visible to the driver, there shall be an illuminated indicator to give the driver a clear and unmistakable indication that the turn signal system is turned "on."

(c) In motor vehicles equipped with a single turn signal indicator, a separate hazard warning signal indicator shall flash and the turn signal indicator may flash while the hazard warning signal system is turned "on."

(d) In motor vehicles equipped with right and left turn signal indicators, both indicators or separate indicators shall flash simultaneously while the hazard warning signal system is turned "on."

(e) If a separate indicator light is used for the hazard warning signal system, it shall emit a red color and have a minimum area equivalent to a one-half inch diameter circle.

**13:20-32.29 Antenna; official inspection facilities**

Any antenna mounted on a motor vehicle shall be securely attached so as not to swing or project in a hazardous manner. Certification of a motor vehicle shall not be refused because of an insecure antenna; however, the motorist shall be advised to have the condition corrected.

**13:20-32.30 Body; official inspection facilities**

The motor vehicle body panels, floor pan and other sections shall be in good condition, and shall not be rusted out or missing. The motor vehicle body shall be free of rips and sharp edges which could cause injury.

**13:20-32.31 Bumpers; official inspection facilities**

Bumpers, if present, shall be securely mounted on a motor vehicle and in good condition with no sharp or protruding parts or edges which could cause injury. Front and rear bumper heights shall be in accordance with the motor vehicle manufacturer's specifications.

**13:20-32.32 Doors; official inspection facilities**

(a) The motor vehicle doors and all door operating devices, handles, buttons, hinges, and latches shall be in proper operating condition. A method of opening the door from the outside is not required on motor vehicles with fabric tops which are equipped with glazing material which can be readily removed without the use of tools.

(b) Motor vehicles designed and manufactured with doors shall be equipped with doors.

(c) Motor vehicles designed and manufactured without doors shall be equipped with seat belts or a strap, chain, or restraining device of some type across the openings.

**13:20-32.33 Fenders and fender flaps; official inspection facilities**

(a) The motor vehicle fenders shall be securely mounted and shall have no rips or sharp edges which could cause injuries to persons.

(b) Fenders shall cover the width of the tire tread. The rear fenders shall be designed and installed so as to prevent the wheels of the motor vehicle from throwing dirt, water, or other material onto other motor vehicles. Fender flaps may be attached to the rear fenders to provide the necessary wheel coverage.

**13:20-32.34 Fuel system; official inspection facilities**

Fuel leakage at any point in the motor vehicle fuel system shall be cause for rejection. The fuel tank and piping shall be securely mounted and in proper condition, and the fuel tank shall be properly capped.

**13:20-32.35 Hood; official inspection facilities**

Motor vehicles shall be equipped with an engine hood. The hood shall be properly secured and latched, and all hinges, latches, and other components shall be in proper operating condition.

**13:20-32.36 Lettering; official inspection facilities**

(a) Vehicles used for commercial purposes on a street or highway, except for passenger automobiles and vehicles owned or leased by a pharmacy and utilized for the transportation or delivery of drugs, shall have conspicuously displayed on the vehicle, or on a name plate attached to the vehicle, the name of the owner, lessee, or lessor of the vehicle, and the name of the municipality in which the owner, lessee, or lessor has his or her principal place of business. Franchised public utilities and operators of fleets of 50 or more commercial vehicles shall be exempted from displaying the name of the municipality, provided that their vehicles display a corporate identification number. The sign or the name plate shall be in plain view and the lettering shall be as close as possible to three inches high. Certification of a commercial vehicle shall not be refused because the vehicle fails to display the owner's name and business address; however, the motorist shall be advised to have the condition corrected.

(b) A noncommercial truck, registered as a passenger vehicle pursuant to N.J.S.A. 39:3-8.1, is issued passenger vehicle license plates by the Division. 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.

**13:20-32.37 Ornaments; official inspection facilities**

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

**13:20-32.38 Pedals; official inspection facilities**

Brake, clutch, and accelerator pedals shall have rubber pads or some other method of providing the pedals with a non-skid surface. All pedals shall be in proper operating condition.

**13:20-32.39 Racks or carriers; official inspection facilities**

A motor vehicle may be equipped with racks or carriers provided the maximum vehicle dimensional limits set forth in N.J.S.A. 39:3-84 are not exceeded and provided they do not create a dangerous condition which may cause injury to persons.

**13:20-32.40 Reflective tape; official inspection facilities**

Reflective tape of a color amber to white may be displayed on the front of a motor vehicle. Reflective tape of a color red or amber to white may be displayed on the rear of a motor vehicle.

**13:20-32.41 Seats; official inspection facilities**

All motor vehicle seats shall be securely mounted and free of hazardous conditions. The driver's seat shall lock securely in a position that permits the safe operation of the motor vehicle.

**13:20-32.42 Seat belts; 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 208 and 209, incorporated herein by reference. Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 C.F.R. Part 571) may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238, and are available for review, during regular business hours, at:

Office of the Director  
New Jersey Division of Motor Vehicles  
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.

**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 and the allowable rear brake bias margin shall be 15 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.

**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**

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.

**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, or if the letters and/or numbers on the license plate are illegible.

(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 or defaced; or
7. The registration plate decal(s) issued by the Division 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.

**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 Director in accordance with N.J.A.C. 13:20-10, or any sticker approved by the Director, is permitted.

**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 Director 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.

**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.

**13:20-32.67 Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); motorcycles; official inspection facilities**

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

1. The motorcycle is not equipped with front and rear brakes adequate to control the movement of and stop the motorcycle within a safe distance; or, for 1973 and earlier model year motorcycles, the motorcycle is not equipped with at least one brake adequate to control the movement of and stop the motorcycle within a safe distance;
2. Levers (foot and hand) do not have at least one-third of their average travel distance as reserve after the brakes are fully applied;
3. Any leak in a hydraulic brake system; or
4. Any defect in mechanical components.

(b) A three-wheeled motorcycle shall be equipped with a parking brake in proper operating condition.

(c) The parking brake shall be able to hold the motorcycle stationary on any up or down grade upon which it can be operated, whether the motorcycle is empty or loaded.

(d) The parking brake shall be equipped with an automatic locking device which will hold the brake in the applied position.

(e) When the parking brake is applied, there shall be a minimum of one-third of the total average travel (as per the motorcycle manufacturer's specifications) remaining.

(f) The service brakes on a three-wheeled motorcycle shall be properly equalized.

**13:20-32.68 Helmets; motorcycles; official inspection facilities**

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

1. There is not an approved type of safety helmet in the possession of the motorcycle operator. An approved type of safety helmet is marked to meet Standard Z90.1 of the American National Standards Institute or Federal Motor Vehicle Safety Standard 218, along with the manufacturer's or distributor's trademark;
2. The safety helmet is not equipped with either a neck or chin strap; or
3. The safety helmet is not reflectorized over an area of at least four square inches on each side of the helmet. Red, white, or amber reflectorized safety tape shall be used and shall be securely affixed to the helmet in a permanent waterproof manner. Helmets manufactured

with built-in reflectorization shall also have affixed thereto the reflectorized tape.

**13:20-32.69 Goggles or face shields; motorcycles; official inspection facilities**

(a) A motorcycle operator is not required to have goggles or a face shield in his or her possession if the motorcycle is equipped with an approved type of windscreen in accordance with N.J.A.C. 13:20-32.53. If the motorcycle is not equipped with an approved type of windscreen, it shall not be certified unless the operator has in his or her possession either an approved type of goggles or an approved type of face shield.

(b) Approved type goggles and approved type face shields are marked to meet Standard Z2.1 or Standard Z87.1 of the American National Standards Institute or Regulation V-8. The letters and numbers Z2.1 or Z87.1 or V-8 appear on such goggles and face shields, along with the trademark of the manufacturer or distributor.

**13:20-32.70 Seats; motorcycles; official inspection facilities**

(a) Motorcycles designed for occupancy by two people shall have either one permanent seat designed for two persons, or a separate passenger seat located to the rear or side of the seat for the operator.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The seats are not equivalent in quality and safety to the original manufacturer's equipment;
2. Each seat is not securely mounted; or
3. The seats are not of sufficient strength or are mounted in such a manner that the operator and passenger cannot ride without crowding or interfering with the operation of the motorcycle.

**13:20-32.71 Foot rests; motorcycles; official inspection facilities**

(a) Motorcycles designed to carry more than one person shall be equipped with adequate foot rests for each passenger.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The foot rests are not equivalent in quality and performance to the original manufacturer's equipment;
2. The foot rests are not securely mounted;
3. The foot rests are not capable of supporting the full weight of the user; or

4. The foot rests for passengers are mounted in such a manner as to interfere with the operation of the motorcycle.

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

#### 13:20-33.1 Definitions

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

“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-4 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 inspection standards have been waived by the Division for the particular inspection cycle for which the waiver is granted.

“Director” means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“Division” means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“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.

“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.

“Private inspection facility” means any person, partnership, or corporation licensed by the Division 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 Division to inspect certain motor vehicles as specified in N.J.A.C. 13:20-7.3(d).

#### 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 Division), 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 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 Division of Motor Vehicles’ 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 Division of Motor Vehicles' Private Inspection Facility Licensing Unit.

(f) A Class I licensed private inspection facility shall not perform emission-related motor vehicle repairs unless it is registered with the Division 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-4.

(h) A private inspection facility license also requires reinspection and certification of a motor vehicle when the motor vehicle owner or lessee, or any other person authorized by the motor vehicle owner or lessee, 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-4. 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-4, 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 Division 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 Division 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 Division 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  
DIVISION OF MOTOR VEHICLES  
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 Division), 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-4, 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 Division), 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-4, 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 Division), 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-4 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, 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) have 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-4, and if there are no obvious safety or emission-related defects, provided the motor vehicle is presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable. If the motor vehicle is presented for reinspection after such date, or if there are obvious safety or emission-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-4, 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-4, 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-4, 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, re inspections, 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).

**13:20-33.3 Credentials; Class I and II licensees**

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.

**13:20-33.4 License plates; Class I and II licensees**

(a) A motor vehicle shall not be certified if the license plates are not in the possession of the operator when the motor vehicle is presented for inspection, or if the letters and/or numbers on the license plates are illegible.

(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 or defaced; or

8. The registration plate decal(s) issued by the Division 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 be firmly attached to the front and rear license plates.

#### 13:20-33.5 Steering and suspension; Class I and II licensees

(a) A motor vehicle which is equipped with a steering or suspension system in a condition not equivalent to the motor vehicle manufacturer's specifications shall not be certified.

(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.

#### 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 for 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 lens; however, if the lens is cracked and a portion of the lens is separated or missing, the motor vehicle shall be refused certification.

#### 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 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. The high-mounted rear spotlight on motor vehicles required to be equipped with such a light shall not be obstructed by such add-on material.

(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 buses and 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.

### **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 Director in accordance with N.J.A.C. 13:20-10, or any other sticker approved by the Director, 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.

### **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 Director 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.

### **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 "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, 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 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.

#### **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 State 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 be refused if the license plate light is inoperative. 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.

#### 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 manufactured before July 2, 1954, may be equipped with one stoplight. All passenger automobiles manufactured on or after September 1, 1985, shall, in addition, be equipped with a high-mounted rear stoplight on the vertical centerline. All multipurpose passenger vehicles, trucks, and buses whose overall width is less than 80 inches and whose GVWR is 10,000 pounds or less, manufactured on or after September 1, 1993, shall, in addition, be equipped with a high-mounted rear stoplight on the vertical centerline. All multipurpose passenger vehicles, trucks, and buses whose overall width is less than 80 inches and whose GVWR is 10,000 pounds or less and whose vertical centerline, when the vehicle is viewed from the rear, is not located on a fixed body panel but separates one or two moveable body sections, such as doors, and which lacks sufficient space to install a single high-mounted stoplight on the centerline above such body sections, and which is manufactured on or after September 1, 1993, shall, in addition, be equipped with two high-mounted rear stoplights.

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

(c) Stoplights shall exhibit a red or amber color and shall be visible from a distance of 500 feet to the rear of the vehicle when activated by application of the brake. The stoplights, including high-mounted rear 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) If a motor vehicle is equipped with a high-mounted rear stoplight(s) with multiple bulbs, it shall not be refused certification because some of the stoplight bulbs are not operative, provided at least one such high-mounted rear stoplight bulb is operative. However, the motorist shall be advised to have the defect corrected.

(g) Certification of a motor vehicle which is equipped with a high-mounted rear stoplight shall be refused if the stoplight is so wired that it illuminates when the turn signal lights are activated.

#### 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  $\frac{3}{32}$  of an inch deep.

(b) Many tires have tread depth indicators that become exposed when the tread depth is less than  $\frac{1}{32}$  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 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 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-4.

#### **13:20-33.22 Emission test equipment calibration; Class I and II licensees**

The emission test equipment 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.

#### **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 cracked, broken, or missing lens, or a headlight with insufficient light intensity, shall not be certified; provided, however, that a motor vehicle shall not be refused certification because the headlight has a bullseye-type hole which has been repaired in a proper manner.

(i) There shall be no auxiliary equipment, such as colored spray, on the lens, visor, reflector, or other attachment which 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. A motor vehicle which is equipped with recessed headlights shall, when such headlights are illuminated, have nothing covering them or in front of them except clear glass. A 1969 or later model year motor vehicle equipped with headlights which, when in use, have any styling or other features, such as a glass cover or grille in front of the lens, shall not be certified.

(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) 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.

#### 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) A motor vehicle shall not be certified if a mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges.

(e) Mirrors shall be capable of adjustment to a fixed horizontal and vertical position.

#### 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.

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. No back-up light shall be 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 Director 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) 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.

(k) 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.

(l) 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.

**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**

The motor vehicle body panels, floor pan and other sections shall be in good condition, and shall not be rusted out or missing. The motor vehicle body shall be free of rips and sharp edges which could cause injury.

**13:20-33.31 Bumpers; Class I and II licensees**

Bumpers, if present, shall be securely mounted on a motor vehicle and in good condition with no sharp or protruding parts or edges which could cause injury. Front and rear bumper heights shall be in accordance with the motor vehicle manufacturer's specifications.

**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 Division. 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.

**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; 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 208 and 209, incorporated herein by reference. Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 C.F.R. Part 571) may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238, and are available for review, during regular business hours, at:

Office of the Director  
New Jersey Division of Motor Vehicles  
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.

**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  $\frac{1}{32}$  of an inch over the rivet heads. The thickness of a bonded lining or pad shall be not less than  $\frac{1}{32}$  of an inch over the brake shoe or shoe plate. Brake linings and pads shall not have cracks or breaks that extend to rivet holes except minor cracks that do not impair attachment. Drum brake linings shall be securely attached to brake shoes. Disc brake pads shall be securely attached to shoe plates.

(j) Backing plates and caliper assemblies shall not be deformed or cracked. Brake system parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled properly and installed correctly.

(k) The vacuum brake hoses shall be examined visually and aurally with the motor vehicle engine running. The hoses shall not be collapsed, abraded, broken, improperly mounted, or audibly leaking.

(l) The motor vehicle engine shall be turned off and the service brake applied several times to destroy vacuum in the system. The brake pedal shall be depressed with 25 pounds of force and, while maintaining such force, the engine started. The brake pedal shall fall slightly under force when the engine starts. This test is not applicable to motor vehicles equipped with full power (central hydraulic) brake systems, as the service brake performance test shall be considered an adequate test of system performance for such motor vehicles.

(m) After insuring that the tires are properly inflated, a Type 1, Type 2, or Type 3 brake performance test shall be conducted:

1. Type 1: If the brakes are tested on a drive-on platform or roller-type brake tester, the results shall show some brake force produced by each wheel brake and the total brake force shall be equal to at least 43.5 percent of the gross vehicle weight. This is equivalent to a deceleration of 14 feet per second, which shall produce a stop from a speed of 20 miles per hour in 30 feet. The braking force on a front wheel or on a rear wheel shall not be less than 65 percent of the braking force developed on the other front wheel or rear wheel, respectively. The service brake shall have a minimum front to rear brake ratio of 40 percent and a maximum front to rear brake ratio of 95 percent. The allowable front brake bias margin shall be 25 percent and the allowable rear brake bias margin shall be 15 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 Division 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.

#### 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**

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.

**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, or if the letters and/or numbers on the license plate are illegible.

(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 or defaced; or
7. The registration plate decal(s) issued by the Division 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.

**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 Director in accordance with N.J.A.C. 13:20-10, or any sticker approved by the Director, is permitted.

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

### 13:20-33.61 Headlights; Class III licensees

(a) Every motorcycle shall be equipped with a headlight on the front on the vertical centerline, except that if two headlights are present they shall be symmetrically disposed about the vertical centerline. Motorcycle headlights shall emit only a white light and shall be tested for proper operation. Headlights shall not be tested for aim unless they have been previously rejected at inspection for one of the reasons set forth in this section. If headlight aim testing is required, the headlight shall be aimed straight ahead with the center of the hot spot of the high beam dropped the following distance in 25 feet, as measured with the operator seated on the motorcycle:

1. Multiple beam: Four inch drop ( $\pm 2\frac{1}{2}$  inches).
2. Single beam: Nine inch drop ( $\pm 2\frac{1}{2}$  inches).

(b) Notwithstanding (a) above, if headlight aim testing is required and if seven inch or  $5\frac{3}{4}$  inch sealed beam headlight units are present on the motorcycle being tested, such headlights shall meet the headlight aim requirements set forth in N.J.A.C. 13:20-33.23.

(c) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with at least one approved type of motorcycle headlight. All headlights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "M," along with the manufacturer's name or trademark, often appear on approved type motorcycle headlights;
2. A motorcycle shall not have more than two headlights. If two headlights are installed, both shall operate properly and be of an approved type. Motorcycles having motors not over five horsepower may have either multiple beam or single beam headlights; all other motorcycles shall have multiple beam headlights. One seven inch sealed beam passenger automobile headlight unit of an approved type, or one  $5\frac{3}{4}$  inch Type 1 and one  $5\frac{3}{4}$  inch Type 2 sealed beam passenger automobile headlight unit of an approved type, may be used if desired;
3. The headlight is not securely mounted, cannot be aimed vertically or its aim is grossly misaligned, the wiring is not in proper condition, or the headlight switch (if the motorcycle is so equipped) does not operate properly;
4. The lens is cracked, missing, broken, or improperly installed;

5. There is dirt, excessive moisture, discoloration, contamination, or reflector deterioration; or

6. The light intensity is not sufficient; provided, however, that the engine speed of the motorcycle may be increased in an attempt to obtain sufficient light intensity.

(d) Certification of a motorcycle shall not be refused because the headlight rim is missing; however, the motorcyclist shall be advised to have the defect corrected.

(e) Certification of a motorcycle shall not be refused because a headlight switch is not present provided the headlight is illuminated when the ignition switch is turned on.

### 13:20-33.62 Rear view mirrors; Class III licensees

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

1. The motorcycle is not equipped with a rear view mirror;
2. The mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges;
3. The mirror is not capable of adjustment to a fixed horizontal and vertical position;
4. The mirror is not securely or properly mounted on the motorcycle;
5. The mirror does not provide the driver adequate rear view vision; or
6. The primary rear view mirror to the left of the driver has a concave or convex shape.

### 13:20-33.63 Miscellaneous lights; Class III licensees

(a) The lights described in this section are not required on motorcycles, unless otherwise noted, but are permitted provided they comply with the requirements set forth in this section.

(b) All miscellaneous lights used on motorcycles shall be of a type and color approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name or trademark, are often on the lens of such lights. In addition, the letters listed below often appear on the following lights:

1. Fog lights = F; or
2. Supplemental driving or passing lights = Y or Z.

(c) Any motorcycle may be equipped with not more than two auxiliary driving lights which are securely mounted on the front of the motorcycle at a height of not less than 12 inches nor more than 42 inches above the level surface upon which the motorcycle stands. Auxiliary driving lights include, but are not limited to, fog lights, passing lights, and supplemental driving lights. Auxiliary driving lights shall be aimed

as set forth in N.J.A.C. 13:20-33.61. Auxiliary driving lights shall be properly installed so that their aim is not grossly misaligned nor readily disturbed by ordinary motorcycle operation. Fog lights shall be wired so that they can only be used in conjunction with the low beam headlights.

(d) The following concern turn signal lights required on three-wheeled motorcycles:

1. Two turn signal lights shall be visible from the front of the motorcycle, and two turn signal lights shall be visible from the rear of the motorcycle.
2. The entire turn signal system shall be of an approved type. All turn signal lights, flashers and operating units shall be of a type approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE," along with the manufacturer's name or trademark, are often on such devices. In the case of front and rear turn signal lights, the letter "I" or the letter "D" is often on the lens of such lights.
3. The turn signal lights showing to the front of the motorcycle shall be amber or white in color.
4. The turn signal lights showing to the rear of the motorcycle shall be amber or red in color.
5. All turn signal lights, systems and components shall be in proper operating condition. Certification of a motorcycle shall not be refused because a turn signal light has a cracked lens, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected.

(e) A spot light is a light which can be aimed at will. Any motorcycle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O," along with the manufacturer's name or trademark, are often on the lens of approved type spot lights. Approved spot lights shall meet the requirements of SAE J-591b, incorporated herein by reference. The Standards of the Society of Automotive Engineers (SAE) may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

(f) Flashing lights are prohibited on motorcycles (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24) except as a means for indicating right or left turns or for hazard warning signals.

(g) A motorcycle driven by an active member in good standing of a volunteer fire company or a volunteer first aid or rescue squad may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-5. An identification card (permit) issued pursuant to N.J.A.C. 13:24-5 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motorcycle.

(h) All miscellaneous lights shall be permanently and securely mounted on a permanent part of the motorcycle in such a manner as to reduce the likelihood of their being obscured by mud or dirt thrown up by the wheels.

(i) Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

1. A turn signal with a headlight; or
2. A clearance light with a taillight or an identification light.

(j) Motorcycles may be equipped with other lights in addition to those which are specified in this subchapter. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights, along with the identification letters shown below:

1. E: Side turn signal lights (mounted on motorcycle sides);
2. K: Cornering lights;
3. M: Motorcycle and motor driven cycle headlights (motorcycle type);
4. N: Motorcycle and motor driven cycle headlights (motor driven cycle type);
5. R: Back-up lights;
6. U: Supplemental high-mounted stop and turn signal lights;
7. Liquid burning emergency flares;
8. W4: Emergency reflex reflectors; or
9. X: Electric emergency lanterns.

#### **13:20-33.64 Wiring, switching, and electrical equipment; Class III licensees**

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

1. The wiring and/or switches are not in proper condition, are improperly installed, or are so located as to cause damage;
2. The switches do not function properly;
3. A connection is not secure or shows signs of damage;
4. The power for lights is not provided by a generator, alternator, or magneto. Dry cell batteries are not acceptable as a source of electrical energy except for parking lights; or
5. Any defect in wiring or switching which adversely affects the lighting performance of any exterior light.

(b) Certification of a motorcycle shall not be refused because a headlight switch is not present provided the headlight is illuminated when the ignition switch is turned on.

(c) Certification of a motorcycle shall not be refused if replacement switches are present which perform the same function as original switches, provided the safe operation of the motorcycle is not adversely affected.

(d) Certification of a motorcycle shall not be refused if replacement switches are present which perform the same function as the original switches but are not located in the original switch position(s), provided the safe operation of the motorcycle is not adversely affected.

**13:20-33.65 Headlight beam indicator light; Class III licensees**

(a) Certification of a motorcycle shall not be refused because the headlight beam indicator light is inoperative or does not operate properly; however, the motorcyclist shall be advised to have the defect corrected.

(b) A headlight beam indicator light is not required on motorcycles equipped with single beam headlights.

**13:20-33.66 Miscellaneous items; Class III licensees**

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

1. Fuel leakage at any point in the motorcycle fuel system;
2. The fuel tank and piping are not securely mounted or are not in proper condition;
3. The fuel tank is not properly capped;
4. The chainguard does not provide sufficient protection; or
5. The speed recording instrument (speedometer) or the mileage recording instrument (odometer) is inoperative or does not operate properly.

(b) The rear fenders of three-wheeled motorcycles shall extend downward to the rear at least three-quarters of the distance from the top of the tire to the horizontal centerline of the tire. Fender flaps may be attached to the rear fenders to provide the required length.

**13:20-33.67 Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); Class III licensees**

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

1. The motorcycle is not equipped with front and rear brakes adequate to control the movement of and stop the

motorcycle within a safe distance; or, for 1973 and earlier model year motorcycles, the motorcycle is not equipped with at least one brake adequate to control the movement of and stop the motorcycle within a safe distance;

2. Levers (foot and hand) do not have at least one-third of their average travel distance as reserve after the brakes are fully applied;

3. Any leak in a hydraulic brake system; or

4. Any defect in mechanical components.

(b) A three-wheeled motorcycle shall be equipped with a parking brake in proper operating condition.

(c) The parking brake shall be able to hold the motorcycle stationary on any up or down grade upon which it can be operated, whether the motorcycle is empty or loaded.

(d) The parking brake shall be equipped with an automatic locking device which will hold the brake in the applied position.

(e) When the parking brake is applied, there shall be a minimum of one-third of the total average travel (as per the motorcycle manufacturer's specifications) remaining.

(f) The service brakes on a three-wheeled motorcycle shall be properly equalized.

**13:20-33.68 Helmets; Class III licensees**

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

1. There is not an approved type of safety helmet in the possession of the motorcycle operator. An approved type of safety helmet is marked to meet Standard Z90.1 of the American National Standards Institute or Federal Motor Vehicle Safety Standard 218, along with the manufacturer's or distributor's trademark;

2. The safety helmet is not equipped with either a neck or chin strap; or

3. The safety helmet is not reflectorized over an area of at least four square inches on each side of the helmet. Red, white, or amber reflectorized safety tape shall be used and shall be securely affixed to the helmet in a permanent waterproof manner. Helmets manufactured with built-in reflectorization shall also have affixed there-to the reflectorized tape.

**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

<u>Item Reinspected</u>	<u>Time Required</u>
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 and/or License Plate Light .....	.1 hour*
Stoplights .....	.1 hour*
Wheels and/or Tires .....	.2 hour
Exhaust System .....	.2 hour
Engine Emissions (CO, HC, NO <sub>x</sub> and/or Smoke) .....	.5 hour
Gas Cap Test .....	.2 hour
Pressure Test .....	.3 hour
On Board Diagnostic (OBD) Test .....	.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.

**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 and/or License Plate Light .....	.1 hour*
Stoplights .....	.1 hour*
Wheels and/or Tires .....	.2 hour
Exhaust System .....	.4 hour
Engine Emissions (CO, HC and/or Smoke) .....	.5 hour
Gas Cap 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.

**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*
Frame, Wheels, Steering, Handlebars and/or Suspension .....	.2 hour
Parking Lights .....	.1 hour*
Windscreen and/or Glazing .....	.2 hour
Obstruction to Driver's Vision .....	.1 hour*
Horn .....	.1 hour*
Windshield Wipers .....	.2 hour
Turn Signals and/or Hazard Warning Sig- nals .....	.2 hour
Clearance Lights, Reflectors, Identification Lights and/or Side-Marker Lights .....	.2 hour
Taillights and/or License Plate Light .....	.1 hour*
Stoplights .....	.1 hour*
Tires .....	.2 hour
Exhaust System (Including Smoke) .....	.2 hour
Headlights .....	.2 hour
Rear View Mirrors .....	.1 hour*
Miscellaneous Lights .....	.2 hour
Wiring, Switching and/or Electrical Equip- ment .....	.2 hour
Miscellaneous Items .....	.2 hour
Service Brakes .....	.2 hour
Parking Brake and Reserve .....	.2 hour
Service Brake Equalization .....	.2 hour
Service Brake Pedal Reserve .....	.2 hour
Helmets .....	.1 hour*
Goggles and/or Face Shields .....	.1 hour*
Seats and/or Foot Rests .....	.1 hour*

\*Note: If this is the only item to be reinspected on a motorcycle, the reinspection time shall be considered to be .2 hour.

**SUBCHAPTER 34. IDENTIFYING MARKS**

**13:20-34.1 Definitions**

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

“Courtesy marks” means particular identifying marks having inscribed thereon motor vehicle registration numbers comprised of three alphabetic characters and any number from 1 through 20, except those combinations hereinafter reserved.

“Legislature courtesy marks” mean courtesy marks hereinafter reserved for members of the Senate and General Assembly of the State of New Jersey.

“Particular identifying mark or marks” mean motor vehicle license plates having inscribed thereon motor vehicle registration numbers comprised of combinations of letters or numbers, or both, requested by the registrants.

“Personalized marks” mean particular identifying marks having inscribed thereon motor vehicle registration numbers comprised of any combination of alphabetic characters or numbers, or both, except combinations defined as courtesy marks.

**13:20-34.2 Registration numbers reserved**

(a) The following registration numbers are reserved as specified:

1. Registration numbers comprised of two alphabetic characters only and registration numbers comprised of one alphabetic character and a single digit for vehicles owned or leased by members of the Senate of the State of New Jersey; SP for a vehicle owned by, or leased by or for, the President of the Senate of the State of New Jersey;
2. Registration numbers comprised of two alphabetic characters and one digit for vehicles owned or leased by members of the General Assembly of the State of New Jersey; SPKR for a vehicle owned by, or leased by or for, the Speaker of the General Assembly of the State of New Jersey;
3. U.S.S. 1 and U.S.S. 2 for vehicles owned or leased by United States Senators representing the State of New Jersey;
4. U.S. 1 through U.S. 20 for vehicles owned or leased by members of Congress representing districts in the State of New Jersey;
5. MD A 1 through MD Z 999, 1 MD A through 999 MD Z, MD 1000 through MD 9999, 1000 MD through 9999 MD, and MD 1 A through MD 99 Z for vehicles owned or leased by persons licensed to practice medicine and surgery in New Jersey or neighboring states;
6. NJP 1 through NJP 999 and 1 NJP through 999 NJP for vehicles owned or leased by persons accredited as members of the “Press” in New Jersey.
7. NYP 1 through NYP 9999 and 1 NYP through 9999 NYP for vehicles owned or leased by persons accredited as members of the “Press” in the City of New York, New York;
8. PBA, PBA 1 through PBA 999 and 1 PBA through 999 PBA for incumbent officers of the State Patrolmen’s Benevolent Association, Inc.;
9. QQA 1 through QQZ 999, 1 QQA through 999 QQZ, QQ1 A through QQ999 Z, 100 AQQ through 999 ZQQ, and QQ 1000 through QQ 99999 for “historic” vehicles registered pursuant to N.J.S.A. 39:3-27.3 et seq.; Q1 through Q9999 for “historic” motorcycles;

10. DAV 1 through DAV 999, 1 DAV through 999 DAV, DV 1 through DV 9999 and 1 DV through 9999 DV for vehicles owned by members of "Disabled American Veterans" of New Jersey;

11. VFW 1 through VFW 999 and 1 VFW through 999 VFW for vehicles owned or leased by members of "Veterans of Foreign Wars of the United States, State of New Jersey";

12. DAA 1 through DZZ 99 and 1 DAA through 99 DZZ for issuance to licensed motor vehicle dealers pursuant to N.J.S.A. 39:3-18;

13. A11A through Z99Z and 1AA1 through 9ZZ9 for vehicles owned by any bona fide firefighter (paid, partially paid, or volunteer);

14. F 1000 through F 9999 and 1000 F through 9999 F for vehicles owned by any bona fide members of first aid or rescue squads;

15. P 1000 through P 9999 and 1000 P through 9999 P for vehicles owned by any person who served in the armed forces of the United States and who was held as a prisoner of war by an enemy of the United States during any armed conflict;

16. R 1000 through R 9999 and 1000 R through 9999 R for vehicles manufactured before 1949 and registered with a New Jersey street rod club affiliated with the National Street Rod Association, Inc.;

17. H 1000 through H 9999, 1000 H through 9999 H, HA 1000 through HZ 9999 and 1000 HA through 9999 HZ for vehicles that qualify under N.J.S.A. 39:4-204 through 207, A 100 through A 999 for motorcycles that qualify under N.J.S.A. 39:4-204 through 207;

18. NGA 1 through NGZ 999 and 1 NGA through 999 NGZ and any combination beginning with NG for vehicles owned by active members of or former active members who have been honorably separated from the New Jersey Air National Guard or Army National Guard;

19. A 1 AA through Z 9 ZZ, except for those combinations beginning with the letters A, K, N or W which are reserved for amateur radio call letter registrations, for vehicles owned or leased by a County Office of New Jersey. The first letter will designate the county code. Freeholder, Surrogate, County Clerk, and Sheriff will be assigned numbers one through three. All other plates will bear the title County Officer with assigned numbers four through nine;

20. DDS 001 through DDS 999, 001 DDS through 999 DDS and DMD 001 through DMD 999, 001 DMD through 999 DMD, and any combination of one to three letters with DDS or DMD for vehicles owned or leased by persons licensed to practice dentistry in New Jersey or neighboring states;

21. DPM 100 through DPM 999, 100 DPM through 999 DPM, and any combination of one to three letters with DPM for vehicles owned or leased by persons licensed to practice podiatry in New Jersey or neighboring states;

22. 1 DC 1 through 1 DC 999 for vehicles owned or leased by persons licensed to practice chiropractic medicine in New Jersey or neighboring states;

23. DO 1000 through DO 9999 and 1000 DO through 9999 DO for vehicles owned or leased by osteopathic physicians licensed to practice medicine and surgery in New Jersey or neighboring states;

24. AA1AA through ZZ9ZZ for vehicles owned or leased by the mayor or chief executive of a municipality in this State;

25. USS NJ, USS NJ 1 through 9 to be set aside for the members of the USS New Jersey Battleship Commission;

26. SA 1000 through SA 9999 and SA 100A through SZ 999Z, except that the letters I, O and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Coastal Protection license plates issued by the Division pursuant to N.J.S.A. 39:3-27.48;

27. IM 1000 through IM 9999 and IM 100A through IM 999Z, except that the letters O and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Animal Welfare license plates issued by the Division pursuant to N.J.S.A. 39:3-27.55;

28. CW 1000 through CW 9999, 1000 CW through 9999 CW, CW 100A through CW 999Z, CW 10AA through CW 99ZZ, WC 10AA through WC 99ZZ, and WC 100A through WC 999Z, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Wildlife Conservation license plates issued by the Division pursuant to N.J.S.A. 39:3-33.10;

29. US 1000 through US 9999, 1000 US through 9999 US, and US 100A through US 999Z, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on United States Olympic license plates issued by the Division pursuant to N.J.S.A. 39:3-27.62;

30. BB 1000 through BB 9999, 1000 BB through 9999 BB, and BB 10AA through BB 99ZZ, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Battleship U.S.S. New Jersey license plates issued by the Division pursuant to N.J.S.A. 39:3-27.67;

31. ZZ 1000 through ZZ 9999, 1000 ZZ through 9999 ZZ, and ZZ 100A through ZZ 999Z, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on Historic Preservation license plates issued by the Division pursuant to N.J.S.A. 39:3-27.73;

“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 Division to perform motor vehicle emission 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 Director shall have sole discretion to determine the model year of a vehicle for purposes of this subchapter. For purposes of this subchapter, the Director 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 emission repair facility” means any person, partnership or corporation registered by the Division to engage in the business of performing emission-related repairs on motor vehicles that have failed an emission 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.

“Private inspection facility” means any person, partnership or corporation licensed by the Division 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 Division 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.

**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 which are primarily operated in New Jersey shall be inspected in accordance with this subchapter and the applicable emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B. 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 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 which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit; and
11. 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 Division 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 Division 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 Division, as may be accepted by the Director 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 Division, as may be accepted by the Director 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 Director 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 Division a distinctive windshield sticker, of a design and dimensions to be approved by the Director, said sticker to be affixed in lieu of a certificate of approval, by an authorized representative of the Division, 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 Director 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 Division 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 Division 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-4.

(j) The Director 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 Director 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.

### 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 Division, or a State specialty inspection facility operated by the Division, 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.

### 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 standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4.

(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 Division 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 which is presented for inspection in this State a report of inspection conducted under (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;
4. CO results;
5. CO<sub>2</sub> results;
6. NO<sub>x</sub> results;
7. O<sub>2</sub> results;
8. Pressure test results;
9. Purge test results; 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 vehicles are registered in this State or in another jurisdiction, shall be inspected in accordance with this subchapter and the emission standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27 and 7:27B. 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.

### 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 standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4.

(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 Division 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 under 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 vehicle is registered;
4. HC results;
5. CO results;
6. CO<sub>2</sub> results;
7. O<sub>2</sub> results;
8. NO<sub>x</sub> results;
9. Pressure test results;
10. Purge test results; 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.

### 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 standards adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. 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 Division 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.

### 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 Tests for emissions

(a) A loaded-mode (dynamometer-based) test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4 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 which is operated by a handicapped person and which has been modified so that such vehicle is fully controlled by specially designed mechanical devices for the handicapped, for a motor vehicle which is equipped with non-disengagable traction control, or for any other motor vehicle originally manufactured with a particular design characteristic which makes its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director. In such exceptional cases, a 2,500 RPM idle emission test, conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.5, shall be administered. All motor vehicles which 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 vehicles by the Department of Environmental Protection for hydrocarbons (HC), carbon monoxide (CO), and oxides of nitrogen (NO<sub>x</sub>).

(b) An idle emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.4(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 which makes it either impractical or hazardous to conduct a 2,500 RPM idle emission test, as shall be determined in the discretion of the Director. A 2,500 RPM idle emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.5 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 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 which are equipped with non-disengagable traction control, and on any other motor vehicle with model years 1981 and later originally manufactured with a particular design characteristic which makes its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director. All motor vehicles which are subject to an idle test shall not exceed the emission levels established at N.J.A.C. 7:27-15 for such vehicles by the Department of Environmental Protection for hydrocarbons (HC) and carbon monoxide (CO).

(c) An evaporative system purge test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-4 on all post-1980 model year light-duty gasoline-fueled and bi-fueled motor vehicles and light-duty gasoline-fueled and bi-fueled trucks that were originally equipped with an evaporative emission control system when manufactured provided such vehicles are subject to a loaded-mode (dynamometer-based) test, unless a motor vehicle was originally manufactured with a particular design characteristic which makes it impractical to administer such test. All motor vehicles which are subject to the purge 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-4. Implementation of the evaporative system purge test required by this subsection shall be contingent upon the development of a Federal EPA methodology for conducting such test.

(d) An evaporative system integrity (pressure) test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-4 on all post-1980 model year light-duty gasoline-fueled and bi-fueled motor vehicles and light-duty gasoline-fueled and bi-fueled trucks that were originally equipped with an evaporative emission control system when manufactured, unless a motor vehicle was originally manufactured with a particular design characteristic which makes it impractical to administer such test. Motor vehicles subject to the pressure 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-4. A gas cap pressure test shall be conducted on all motor vehicles originally equipped with a sealed gas cap. Motor vehicles subject to the gas cap pressure 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-4.12.

(e) An inspection shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-4 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-4 on all gasoline-fueled and bi-fueled motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1.

(g) The Director, 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.

### 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 evaporative system functional tests;
  15. The type of vehicle preconditioning performed, if applicable;
  16. Results of the safety inspection;
  17. Emission inspection results and standards for the 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 which performed the emission-related repair(s);
  25. Space to indicate the cost of parts and labor for emission-related repair(s);
  26. Space to indicate the emission-related repair(s) performed;
  27. Space to indicate technician recommended repair(s) that were not performed; and
  28. Other information as the Division 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 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 vehicle to such owner or lessee.

(c) The Division 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 Division pursuant to this subsection may be reprinted as needed by registered motor vehicle emission repair facilities. The forms, as reprinted by a registered 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 Director may require.

#### 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. The owner or lessee who had a registered motor vehicle emission repair facility perform emission-related repairs on a motor vehicle that failed the emission inspection shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, 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 performed the emission-related repairs on a motor vehicle that failed the emission 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. All motor vehicles subject to a reinspection, including motor vehicles that have failed an on-road inspection in accordance with N.J.A.C. 13:20-43.14, for noncompliance with the emission inspection shall be subject to the separable portions of the inspection procedure for emissions for the vehicle model year (that is, functional testing and exhaust testing where applicable). Portions of the emission 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 Division, 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 Division, or an authorized inspector, shall issue a motor vehicle inspection report indicating noncompliance. If the motor vehicle fails the reinspection for an emission-related problem and the owner or lessee requests a waiver of compliance, the Division 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 Director and approved or denied only by such persons as designated by the Director.

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.

#### 13:20-43.11 Inspection certificates of approval; inspection rejection stickers

(a) An inspection certificate of approval shall be issued for New Jersey registered motor vehicles which meet safety and emission 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 which fail to meet safety and/or emission 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 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 which 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.

#### 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 Division 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 Director 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 Director 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 Division 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 Division 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 Director 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 Director 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 Division of such circumstance. If a current registration has been issued for the motor vehicle, the Director 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 Director 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 Division 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 Director 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.

**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 which fails to satisfy the applicable emission 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-4 shall be eligible for a certificate of waiver if the following requirements are satisfied:

1. The vehicle has failed to pass a loaded-mode emission reinspection 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-4.4(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 Director 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 Director;

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 repairs were performed by a registered motor vehicle emission repair facility or by the owner or lessee of the 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 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 Division verifying that qualifying repairs have been performed; and

8. Prior to January 1, 2002, the owner or lessee has expended no less than the applicable amount specified at 40 C.F.R. § 51.360(a)(6) for emission-related repairs of the motor vehicle excluding any repairs made under warranty coverage. Beginning on January 1, 2002, the owner or lessee has expended no less than the amount specified at 40 C.F.R. § 51.360(a)(7) for emission-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 not be issued to a motor vehicle which fails an evaporative system purge test or an evaporative system integrity (pressure) test if the cause for such failure is safety-related.

(d) 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.

(e) The Director, 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.

**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 inspection is intended to complement the safety and emission 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, a tailpipe emission inspection, 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 Director.

(c) On-road emission inspection procedures shall utilize the BAR 90 analyzer or such other emission inspection equipment approved by the Director after consultation with the Department of Environmental Protection in accordance with N.J.A.C. 7:27-15.5(f).

(d) On-road emission inspection shall be conducted using the emission inspection standards set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4.

(e) The Division shall use the following criteria in determining which motor vehicles shall be subjected to on-road safety and emission 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);
6. Motor vehicles with an expired registration plate decal(s);
7. Motor vehicles which fail to meet minimum emission standards as determined by a remote sensing device; or

8. Motor vehicles which correspond to a predetermined numerical sequence established by Division supervisory personnel for subjecting motor vehicles to on-road safety and emission 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 minimum safety and/or emission 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.

**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 Division with a list of vehicle identification numbers with unresolved recalls.

(d) The Division 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 Division as a precondition to the Division's issuance of a certificate of approval for the vehicle.

(e) The Division 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 Division. 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 Director 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 Division 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 Division 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 Division in an order of suspension issued to the owner or lessee.

1. The Division shall not suspend a motor vehicle registration pursuant to this section if the owner or lessee has surrendered to the Division the registration certificate and registration plates issued thereto.

2. The Division 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 Division 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.

**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 Division 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 Division 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 for the motor vehicle to be suspended. The Division 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 Division 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 Division the registration certificate and registration plates issued for the motor vehicle within the period of time provided in the Division'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 Division's notice of scheduled registration suspension.

(b) Except as otherwise provided in this section, the Division 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 Division 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 for the motor vehicle to be suspended. The Division 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 Division 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 Division the registration certificate and registration plates issued for the motor vehicle within the period of time provided in the Division'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 Division's notice of scheduled registration suspension.

(c) The Division 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 Division 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 Division 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 Division 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 Division 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) 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.

**13:20-43.17 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 inspection required by this subchapter unless licensed by the Division 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 motor vehicle emission inspection program;
3. Emission inspection regulations and procedures;
4. Technical details of emission test procedures and the rationale for their design;
5. Emission control device function, configuration, and inspection;
6. Emission test 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 Division shall either administer the training program or approve, monitor and evaluate the training programs administered by third parties as set forth in subsection (g) below. The Division shall charge a fee of \$100.00 for the approval of training programs administered by third parties.

(c) An applicant for licensure as a motor vehicle emission inspector shall submit to the Division a license fee of \$50.00 and a certificate confirming that the applicant has successfully completed training and testing at a Division 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 Division. Inability to properly conduct any emission test procedures 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 Director or his or her designee.

(e) No person licensed as an 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 inspector, other than an inspector employed at an official inspection facility, may be employed by a private inspection facility which is licensed by the Division 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 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.

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).

**13:20-43.18 Suspension or revocation of 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 inspection of a motor vehicle;
2. Violation of any provision of this subchapter;
3. Violation of any procedure established by the Division or the Department of Environmental Protection for the conduct of emission inspections;

4. Fraudulently, willfully or negligently issuing an improper certificate of approval or certificate of waiver; or

5. Other good cause.

(b) An inspector who fraudulently or willfully conducts an improper emission inspection of a motor vehicle shall be subject to a suspension of his or her inspector license for a period of at least six months. An inspector whose license is suspended under 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 under 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 Division.

(d) A motor vehicle emission inspector license may be suspended immediately by the Director upon a charge of a violation that directly affects emission reduction benefits or compromises the integrity of the inspection system. If the Director determines that the public interest requires suspension of a license pursuant to this subchapter prior to hearing, the Director 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 Director 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 Director 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 grant 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 or this subchapter.

1. For intentionally or willfully improperly passing or waiving a vehicle for any required portion of the emission test 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 vehicle for any required portion of the emission test 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 vehicle for any required portion of the emission test 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 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 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 Director, 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.).

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".

**13:20-43.19 Quality assurance; auditor training**

(a) Any person licensed or authorized by the Division to perform inspections required by this subchapter shall cooperate fully with the Division, the Department of Environmental Protection, or their authorized representatives, in the conduct of any audits or reviews authorized by the Division 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 Division or the Department of Environmental Protection at such times and at such locations as the Division or the Department may specify. The Division, 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 Division, 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 Division 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. Evidence gathering;
7. State administrative procedures laws;
8. Quality assurance practices; and
9. Covert audit procedures.

**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 Director of the Division of Motor Vehicles. The purposes of this subchapter are to:

1. Establish a system for the licensing of private inspection facilities which perform inspections and/or reinspections on motor vehicles and issue certifications for motor vehicles, including emission control system inspections; and

2. Establish standards and procedures necessary to protect the public from incompetent, dishonest, deceptive and fraudulent practices in the inspection, reinspection and certification of motor vehicles, including emission control systems, and to eliminate or exclude from licensing those persons who engage in such practices or who otherwise demonstrate unfitness.

(b) The Division 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 Division 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-4, 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.

**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.

“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 Director 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 Director 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.

“Director” means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

“Division” means the Division of Motor Vehicles in the Department of Transportation 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.

“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 Director shall have sole discretion to determine the model year of a vehicle for purposes of this subchapter. For purposes of this subchapter, the Director 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.

(f) A licensee's failure to permit investigators and other personnel from the Division, 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 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 Division at N.J.A.C. 13:20-43, the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, 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.

### 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 Division 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 Division 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-4.

(b) Each Class III licensed private inspection facility shall have the authority to perform inspections in all motorcycle inspection categories established by the Division 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 Division 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-4.

(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 in-

spected 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 Division 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 Division 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-4.

(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 Division 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 Director 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 Division. 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.

### 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 Director 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 Director 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; 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 (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.

**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 Director has the authority to suspend, revoke or refuse to grant or renew the license of a private inspection facility, the Director 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 or this subchapter.

1. For intentionally or willfully improperly passing a vehicle for any required portion of the emission test 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 vehicle for any required portion of the emission test 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 vehicle for any required portion of the emission test 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 unlicensed person performing emission 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, 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 Director, 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 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

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.).

#### 13:20–44.21 Investigations

(a) The Director, 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 Director, 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 the 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 Director, 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.

#### 13:20–44.22 Written notice of suspension or revocation or refusal to grant or renew license

(a) The Director 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 Division.

(b) The Director 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 Division. Unless the licensee files with the Director 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.

#### 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 Director 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 Director has received a written request for a hearing within 15 days. The 15–day period shall commence on the date such notice was mailed to the applicant by the Division 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 Director has received a written request for a hearing within 15 days. The 15–day period shall commence on the date such notice was mailed to the licensee by the Division 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 Division 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 Division in its notice or order to show cause, or if without knowledge thereof, a statement to that effect; any allegation in the Division'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".

#### **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 of \$50.00 shall be payable to the Division 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 Division before the license may be restored.

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 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 Division.

(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 Director.

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.

### 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 Division. Such registration fee shall be returned to the applicant only in the event that the Director 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.

### 13:20-45.7 Registration renewals

(a) Each registrant shall, no later than 30 days before the expiration of the registration, submit to the Director 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 Division 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 Director.

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).

### 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 Division representative.

### 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 Director 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 Director 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.

**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 Division.

(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 Director, 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 Director or any person designated by him or her, provide the Director or his or her designee with a list of its employees in such form and detail as may be required by the Director 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 Director 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 repair facility.

(h) The registrant shall notify the Director in writing within 10 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 Director 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 Division 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 Director 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 Director 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 Division.

**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 Director 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 Director 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 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 Director 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 Director, 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".

**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 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 repairs on vehicles that fail an emission test.

(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 loaded-mode and idle tests and the evaporative system functional tests;

3. Utilization of diagnostic information on systematic or repeated failures observed in the loaded-mode and idle tests and the evaporative system functional tests; 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.

#### 13:20-45.17 Additional penalties

Where, pursuant to N.J.S.A. 39:8-1 et seq., or any regulation adopted thereunder, the Director has the authority to suspend, revoke or refuse to renew the registration of a motor vehicle emission repair facility, the Director shall also have the authority to impose, as an alternative or in addition to such suspension, revocation or refusal to renew, an official warning.

#### 13:20-45.18 Investigations

(a) The Director, 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 Director, 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(k), subpoenas shall be served in the same manner, and the 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 Director, 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.

#### 13:20-45.19 Written notice of suspension or revocation or refusal to grant or renew registration

(a) The Director 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 Division.

(b) The Director 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 Division. Unless the registrant files with the Director 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.

#### 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 Director 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 Director has received a written request for a hearing within 15 days. The 15 day period shall commence on the date such notice was mailed to the applicant by the Division 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 Director has received a written request for a hearing within 15 days. The 15 day period shall commence on the date such notice was mailed to the registrant by the Division 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 Division 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;