

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

"Heavy-duty diesel vehicle" or "HDDV" means a diesel-powered motor vehicle, other than a diesel bus, that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or property.

"High speed diesel engine" means any diesel engine with a maximum governed engine speed over 2,800 RPM.

"Idle" means an operating mode where the vehicle engine is in operation while the vehicle is stationary at any location.

"Light-duty diesel vehicle" or "LDDV" means a diesel-powered motor vehicle, other than a diesel bus, that has a GVWR of 8,500 pounds or less and is designed primarily for transporting persons or property.

"Low speed diesel engine" means any diesel engine with a maximum governed engine speed of no more than 2,200 RPM.

"Malfunction indicator light" or "MIL" means the light located on the dashboard instrument panel of an OBD-equipped motor vehicle that indicates a malfunction detected by the OBD system by illuminating the words "check engine," "service engine" or an engine pictograph with the word "check" or "service."

"Medium speed diesel engine" means any diesel engine with a maximum governed engine speed of 2,201 RPM to 2,800 RPM.

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

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

"MVC" means the New Jersey Motor Vehicle Commission.

"NJ DEIC Inspection Form" means the form issued by the MVC to document inspections performed in connection with the periodic inspection program established pursuant to N.J.A.C. 13:20-26.

"OBD-eligible" means capable of receiving an OBD inspection as determined by the Department in accordance with N.J.A.C. 7:27-14.5(g).

"On board diagnostics" or "OBD" means an automotive diagnostic system complying with California OBD regulations at Title 13 California Code section 1968.1 or EPA OBD regulations at 40 CFR Part 86.

"Opacity" means the property of a substance whereby it partially or wholly obstructs the transmission of visible light expressed as the percentage to which light is obstructed.

"Peak smoke opacity" means the highest numerical value of smoke opacity obtained through the testing procedures for the snap acceleration smoke opacity test at N.J.A.C. 7:27B-4.3(a), or the rolling acceleration smoke opacity test at N.J.A.C. 7:27B-4.3(b), or the stall smoke opacity test at N.J.A.C. 7:27B-4.3(c).

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

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

"Regulated emission" means any solid, liquid or gaseous substance which is emitted from a motor vehicle or motor vehicle engine and which is regulated by the EPA pursuant to 40 C.F.R. Part 86.

"Retrofit device" means any emissions control apparatus, including exhaust aftertreatment device, that has been installed on the vehicle or engine after the original manufacturing date of the complete vehicle.

"Retrofitted EPA urban diesel bus" means a diesel bus which is equipped with an engine which has been retrofitted or rebuilt to meet a particulate emission standard of 0.10 g/bhp-hr (grams per brake horsepower per hour) in conformance with the requirements set forth at 40 C.F.R. 85.1403(b) or (c).

"Smoke" means the emissions, including airborne solid and/or liquid particles, exclusive of water vapor, released into the atmosphere from a process of combustion.

R.1970 d.148, eff. June 19, 1971.

See: 2 N.J.R. 54(c), 3 N.J.R. 4(a).

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

See: 16 N.J.R. 2888, 17 N.J.R. 189(b).

Section substantially amended.

## Administrative Corrections.

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

Amended by R.1997 d.393, effective September 15, 1997 (operative October 7, 1997).

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

Added "Alternative smoke opacity standard", "Black smoke", "Blue smoke", "California Air Resources Board", "Certified configuration", "Diesel bus", "Division of Motor Vehicles", "Element of design", "Emission control apparatus", "EPA", "Gross vehicle weight rating", "Heavy-duty diesel vehicle", "Light-duty diesel vehicle", "Low speed engine", "Model year", "Peak smoke opacity", "Quasi-public roadway", "Regulated emission", "Retrofitted diesel bus" and "Smokemeter"; amended and changed the name of "Diesel-powered engine" to read "Diesel engine" and "Diesel-powered motor vehicle" to read "Diesel powered"; deleted "Autobus"; and amended "Department", "Exhaust emissions", "Idle", "Opacity", "Person" and "Smoke".

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

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

Deleted "Smokemeter" definition.

Amended by R.1999 d.210, effective July 6, 1999 (operative August 10, 1999).

See: 31 N.J.R. 828(a), 31 N.J.R. 1803(b).

Inserted "High speed diesel engine" and "Medium speed diesel engine"; and rewrote "Low speed engine" as "Low speed diesel engine".

Administrative change.

See: 33 N.J.R. 3550(a).

Amended by R.2007 d.201, effective July 2, 2007.

See: 38 N.J.R. 3728(b), 39 N.J.R. 2531(a).

Added definitions "Diesel particulate filter" and "Electrification technology"; and in definition "Idle", substituted "the vehicle engine is in operation while the vehicle is stationary at any location" for "the vehicle engine is not engaged in gear and where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer".

Amended by R.2007 d.235, effective August 6, 2007 (operative September 8, 2007).

See: 38 N.J.R. 5244(a), 39 N.J.R. 3352(a).

Added definitions "Closed crankcase ventilation system", "Diesel emission inspection center", "MVC", "NJ DEIC Inspection Form" and "Retrofit device"; deleted definition "Division of Motor Vehicles"; and substituted definition "Retrofitted EPA urban diesel bus" for definition "Retrofitted diesel bus".

Amended by R.2009 d.343, effective November 16, 2009 (operative December 18, 2009).

See: 41 N.J.R. 1606(a), 41 N.J.R. 4195(b).

Deleted definitions "Black smoke" and "Blue smoke"; added definitions "Data link connector", "Diagnostic Trouble Code", "Diesel emissions testing equipment", "EPA Memorandum 1A", "Malfunction indicator light", "OBD-eligible" and "On board diagnostics"; and rewrote definitions "Emission control apparatus" and "Retrofit device".

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

For inspection standards formerly codified at this section see N.J.A.C. 7:27-14.6.

Amended by R.2009 d.159, effective May 4, 2009 (operative June 2, 2009).

See: 40 N.J.R. 3541(a), 40 N.J.R. 4478(a), 41 N.J.R. 2009(a).

Rewrote (b).

Amended by R.2009 d.343, effective November 16, 2009 (operative December 18, 2009).

See: 41 N.J.R. 1606(a), 41 N.J.R. 4195(b).

Deleted (c).

**7:27-14.3 General prohibitions**

(a) No person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, except:

1. A motor vehicle that has been stopped for three or more hours may idle for up to 15 consecutive minutes when the ambient temperature is below 25 degrees Fahrenheit; and

2. A diesel bus while it is actively discharging or picking up passengers may idle for 15 consecutive minutes in a 60-minute period.

(b) The provisions of (a) above shall not apply to:

1. Any motor vehicle idling in traffic, or a motor vehicle other than a school bus idling in a queue of motor vehicles, that are intermittently motionless and moving because the progress of the motor vehicles in the traffic or the queue has been stopped or slowed by the congestion of traffic on the roadway or by other conditions over which the driver of the idling motor vehicle has no control;

2. A motor vehicle whose primary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion. This use includes, but is not limited to, operating lift gate pumps and controlling cargo temperature. This exemption does not apply to passenger compartment heating or passenger compartment air conditioning;

3. A motor vehicle being or waiting to be examined by a State or Federal motor vehicle inspector;

4. Vehicles that are actively performing emergency services. Examples include fire vehicles, police vehicles, public utility vehicles, military tactical vehicles and snow removal vehicles, during the time that such vehicles are actively performing emergency services;

5. A motor vehicle while it is being repaired or serviced, provided that operation of the engine is essential to the proper repair or service;

6. Subject to (b)7i below, on or before April 30, 2010, a motor vehicle, manufactured with a sleeper berth, while it is being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting, unless the vehicle is equipped with a functional auxiliary power system de-

**7:27-14.2 Applicability**

(a) Except as provided in (b) and (c) below, this subchapter applies to all diesel-powered motor vehicles.

(b) This subchapter shall not apply to a diesel-powered motor vehicle that is owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization for first aid, emergency, ambulance, rescue, or fire-fighting purposes; and that is generally held in ready status, and only brought into service during an emergency requiring immediate action. Such vehicles do not include multi-purpose utility vehicles, such as dump trucks, highway construction vehicles, or other vehicles used to perform temporary emergency service.

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

signed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather start-up difficulties;

7. Beginning May 1, 2010, a vehicle equipped with a sleeper berth, which vehicle is equipped with a model year 2007 or newer engine, or has been retrofitted with a diesel particulate filter that is connected and properly functioning.

i. If the Commissioner, after consulting with the New Jersey Department of Transportation and the State Police, determines that public safety would be adversely affected if the exemption in (b)7 above were to take effect on May 1, 2010, the Commissioner may, by notice published in the New Jersey Register on or before May 1, 2010, delay the operative date of the exemption in (b)7 above, and extend the exemption in (b)6 above, for up to one year, but in no case may the exemption of (b)6 above be extended beyond April 30, 2011; or

8. The operation of technology designed to reduce engine idling, such as auxiliary or alternate power units (APUs), generator sets, and bunk heaters, provided the vehicle's main engine is not operating.

(c) Beginning May 1, 2008, no person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes when that vehicle is parked in a parking space with available electrification technology.

(d) In no case shall the provisions of (a) and (b) above relieve any person from compliance with N.J.A.C. 7:27-5, Prohibition of Air Pollution, or any other applicable local, State or Federal law.

(e) Except as set forth in (e)1 below, no person shall cause, suffer, allow or permit any emission control apparatus or element of design installed on any diesel-powered motor vehicle or diesel engine to be disconnected, detached, deactivated or in any other way rendered inoperable or less effective, in respect to limiting or controlling emissions than it was designed to be by the original equipment or vehicle manufacturer, except for the purposes of diagnostics, maintenance, repair or replacement and only for the duration of such operations.

1. Any modification to an emission control apparatus or element of design shall be performed in accordance with EPA Memorandum 1A. A device that modifies an emission control apparatus or element of design may be installed only if it is exempt from prohibition by CARB executive order. Information on devices or modifications approved by CARB executive order may be obtained from the California Air Resources Board, 1001 "I" Street, PO Box 2815, Sacramento, CA 95812 or at [www.arb.ca.gov](http://www.arb.ca.gov).

(f) No person shall cause, suffer, allow or permit any retrofit device or any part thereof, or any closed crankcase ventilation system or any part thereof, installed on any diesel-powered motor vehicle pursuant to N.J.S.A. 26:2C-8.26 et

seq. and N.J.A.C. 7:27-32 to be disconnected, detached, deactivated, or in any other way rendered inoperable or less effective, in respect to limiting or controlling emissions, than it was designed to be by the original retrofit device or closed crankcase ventilation system manufacturer, except for the purposes of diagnostics, maintenance, repair or replacement and only for the duration of such operations.

R.1970 d.148, eff. June 19, 1971.

See: 2 N.J.R. 54(c), 3 N.J.R. 4(a).

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

See: 16 N.J.R. 2888, 17 N.J.R. 189(b).

Section recodified to 14.2 and this section repealed.

New Rule, R.1985 d.610, effective December 2, 1985 (operative May 5, 1986).

See: 16 N.J.R. 2886(a), 17 N.J.R. 2887(a).

Amended by R.1997 d.393, effective September 15, 1997 (operative October 7, 1997).

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

In (b)1, substituted "diesel bus" for "autobus"; in (b)8, added ", unless the vehicle ... start-up difficulties"; and added (c) and (d).

Amended by R.2007 d.201, effective July 2, 2007.

See: 38 N.J.R. 3728(b), 39 N.J.R. 2531(a).

Rewrote the section.

Amended by R.2007 d.235, effective August 6, 2007 (operative September 8, 2007).

See: 38 N.J.R. 5244(a), 39 N.J.R. 3352(a).

Added new (f).

Amended by R.2009 d.343, effective November 16, 2009 (operative December 18, 2009).

See: 41 N.J.R. 1606(a), 41 N.J.R. 4195(b).

In the introductory paragraph of (e), substituted "Except as set forth in (e)1 below, no" for "No", deleted a comma following "deactivated"; and added (e)1.

#### 7:27-14.4 General public highway standards

(a) No person shall cause, suffer, allow or permit the operation of any diesel-powered motor vehicle upon the public roads, streets or highways of the State or upon any public property or upon any quasi-public roadway in the State, if the vehicle:

1. Emits smoke in the exhaust emissions, the opacity of which exceeds any applicable smoke opacity standards set forth at N.J.A.C. 7:27-14.6;

2. Emits visible smoke of any color in the exhaust emissions for more than three consecutive seconds when the engine is at normal operating temperature;

3. Does not have a properly functioning and properly maintained emission control apparatus, as determined according to the emissions control apparatus examination procedures established at N.J.A.C. 7:27B-4.4;

4. Has an emission control apparatus or an element of design installed on the vehicle or diesel engine or exhaust system, which has been disconnected, detached, deactivated or in any other way rendered inoperable or less effective than designed by the original equipment or vehicle or engine manufacturer; or

5. Has a retrofit device or any part thereof, or a closed crankcase ventilation system or any part thereof, that was

installed pursuant to N.J.S.A. 26:2C-8.26 et seq. and N.J.A.C. 7:27-32 and that has been disconnected, detached, deactivated, or in any other way rendered inoperable or less effective, with respect to limiting or controlling emissions, than it was designed to be by the original retrofit device or closed crankcase ventilation system manufacturer.

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

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

Administrative change.

See: 33 N.J.R. 3550(a).

Amended by R.2007 d.235, effective August 6, 2007 (operative September 8, 2007).

See: 38 N.J.R. 5244(a), 39 N.J.R. 3352(a).

In (a)3, deleted "or" from the end; in (a)4, substituted "; or" for a period at the end; and added (a)5.

Amended by R.2009 d.159, effective May 4, 2009 (operative June 2, 2009).

See: 40 N.J.R. 3541(a), 40 N.J.R. 4478(a), 41 N.J.R. 2009(a).

Rewrote (a)2.

Amended by R.2009 d.343, effective November 16, 2009 (operative December 18, 2009).

See: 41 N.J.R. 1606(a), 41 N.J.R. 4195(b).

In (a)4, inserted "or exhaust system," and deleted a comma following "deactivated".

### 7:27-14.5 Test requirements

(a) A person testing a heavy-duty diesel vehicle as part of the roadside enforcement program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-46 shall use diesel emissions testing equipment and shall use one or more of the following tests, as designated by the Chief Administrator of the MVC in consultation with the Department and the New Jersey Department of Transportation, and with the approval of the Attorney General:

1. The snap acceleration smoke opacity test, for a vehicle with a low or a medium speed diesel engine, only, as described at N.J.A.C. 7:27B-4.3(a);
2. The rolling acceleration smoke opacity test, as described at N.J.A.C. 7:27B-4.3(b); or
3. The power brake smoke opacity test, for a vehicle with an automatic transmission, only, as described at N.J.A.C. 7:27B-4.3(c).

(b) A person testing a heavy-duty diesel vehicle as part of the periodic inspection program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17; a diesel bus as part of the periodic inspection program pursuant to N.J.A.C. 13:20-30, or N.J.S.A. 48:4-1 et seq. and N.J.A.C. 16:53; or a diesel-powered motor vehicle as part of the self-inspection programs pursuant to N.J.A.C. 13:20-26 or 16:53-3.27, shall use diesel emissions testing equipment and shall use one of the following tests:

1. The snap acceleration smoke opacity test, for a vehicle with a low or a medium speed diesel engine, only, as described at N.J.A.C. 7:27B-4.3(a);
2. The rolling acceleration smoke opacity test, as described at N.J.A.C. 7:27B-4.3(b); or

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

(c) A person testing a light-duty diesel vehicle subject to inspection in accordance with N.J.S.A. 39:8-1 shall use the following:

1. A visible smoke test conducted in accordance with N.J.A.C. 7:27B-4.7; and
2. For light-duty diesel vehicles of model year 1997 or later, an OBD inspection utilizing diesel emissions testing equipment and conducted in accordance with N.J.A.C. 7:27B-4.8.

(d) A person testing a diesel-powered motor vehicle, as part of either the roadside enforcement program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-46 or the periodic inspection program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17, or the self-inspection program established pursuant to N.J.A.C. 13:20-26 and 16:53-3, shall conduct an examination of the emission control apparatus as described at N.J.A.C. 7:27B-4.4(a).

(e) A person inspecting a diesel-powered motor vehicle as part of the one-time compliance inspection for a retrofit device required at N.J.A.C. 7:27-32.21 shall conduct an examination as described at N.J.A.C. 7:27B-4.4(c).

(f) A person inspecting a diesel bus as part of the closed crankcase ventilation system compliance inspection required at N.J.A.C. 7:27-32.6 shall conduct an examination as described at N.J.A.C. 7:27B-4.4(d).

(g) A motor vehicle that is not equipped with an OBD system is not OBD-eligible. A motor vehicle that is equipped with an OBD system is OBD-eligible, unless it meets one of the following criteria:

1. The motor vehicle has a DLC that is in a location not readily accessible during a typical inspection procedure, provided that the DLC is in its original configuration as supplied by the motor vehicle manufacturer and has not been obstructed, damaged, removed or modified;
2. The motor vehicle OBD system, as designed by the motor vehicle manufacturer, has difficulty setting or maintaining an adequate number of readiness monitors;
3. The motor vehicle OBD system, as designed by the motor vehicle manufacturer, employs a communications protocol that is currently incompatible with approved diesel emissions testing equipment; or
4. The motor vehicle is otherwise identified by the EPA or the Department as not technologically or functionally capable of OBD inspection.

(h) The Department shall maintain a list of makes and model years of motor vehicles that it has determined to not be OBD-eligible, based on the criteria set forth at (g) above. A