

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 28 was amended by R.1971 d.222, effective December 10, 1971. See: 3 N.J.R. 226(a), 4 N.J.R. 10(c).

Subchapter 29, Mobile Inspection Unit, was adopted as new rules by R.1972 d.106, effective June 1, 1972. See: 4 N.J.R. 105(b), 4 N.J.R. 165(b).

Subchapter 30, Supplemental Inspection of School Buses, was adopted as new rules by R.1972 d.154, effective August 7, 1972. See: 4 N.J.R. 163(a), 4 N.J.R. 223(b).

Subchapter 31, Alcohol Countermeasures Regulations, was adopted as new rules by R.1972 d.255, effective December 15, 1972. See: 4 N.J.R. 273(a), 5 N.J.R. 18(c).

Subchapter 32, Motor Vehicle Reinspection Centers, was adopted as new rules by R.1975 d.333, effective November 3, 1975. See: 7 N.J.R. 433(b), 7 N.J.R. 570(c).

Subchapter 33, Enforcement Service: Standards and Procedures To Be Used By Licensed Reinspection Centers, was adopted as new rules by R.1975 d.334, effective November 3, 1975. See: 7 N.J.R. 469(d), 7 N.J.R. 570(d).

Subchapter 34, Identifying Marks, was adopted as new rules by R.1976 d.302, effective September 24, 1976. See: 8 N.J.R. 400(b), 8 N.J.R. 532(a).

Subchapter 35, Inspection of State-Owned Vehicles by the Central Motor Pool, was adopted as new rules by R.1977 d.480, effective December 21, 1977. See: 9 N.J.R. 486(b), 10 N.J.R. 71(c).

Subchapter 31, Alcohol Countermeasures Regulations, was amended by R.1979 d.4, effective January 8, 1979. See: 10 N.J.R. 508(a), 11 N.J.R. 78(b).

Subchapter 28, Inspection of New Motor Vehicles, was amended by R.1980 d.345, effective August 5, 1980. See: 12 N.J.R. 280(c), 12 N.J.R. 551(c).

Subchapter 36, Special National Guard Plates, was adopted as new rules by R.1981 d.31, effective January 28, 1981. See: 12 N.J.R. 427(a), 13 N.J.R. 150(e).

Pursuant to Executive Order No. 66(1978), Subchapter 31, Alcohol-Countermeasures Regulations, was readopted as R.1984 d.7, effective January 4, 1984. See: 15 N.J.R. 1923(a), 16 N.J.R. 247(b).

Pursuant to Executive Order No. 66(1978), Subchapter 33, Enforcement Service: Standards and Procedures To Be Used By Licensed Reinspection Centers, was readopted as R.1984 d.173, effective April 25, 1984. See: 16 N.J.R. 503(a), 16 N.J.R. 1280(d).

Subchapter 12, Accident Prevention Clinic, was adopted as new rules by R.1984 d.492, effective October 16, 1984. See: 16 N.J.R. 2347(a), 16 N.J.R. 3054(b).

Subchapter 28, Inspection of New Motor Vehicles, was amended by R.1984 d.622, effective January 21, 1985 (operative July 1, 1985). See: 16 N.J.R. 2500(a), 17 N.J.R. 203(a).

Subchapter 38, Dimensional Standards for Automobile Transporters, was adopted as new rules by R.1985 d.23, effective February 4, 1985. See: 16 N.J.R. 3176(a), 17 N.J.R. 313(b).

Subchapter 37, Standards for Motor Vehicles with Modified Chassis Height, was adopted as new rules by R.1985 d.100, effective March 4, 1985. See: 16 N.J.R. 2501(a), 17 N.J.R. 603(a).

Pursuant to Executive Order No. 66(1978), Subchapter 28, Inspection of New Motor Vehicles, was adopted as new rules by R.1985 d.379, effective June 27, 1985. See: 17 N.J.R. 1059(a), 17 N.J.R. 1901(a).

Pursuant to Executive Order No. 66(1978), Subchapter 36, Special National Guard Plates, was readopted as R.1985 d.678, effective December 18, 1985. See: 17 N.J.R. 2602(a), 18 N.J.R. 203(a).

Pursuant to Executive Order No. 66(1978), Subchapter 25, Safety Glazing Material; Other Equipment, expired on January 16, 1986, and Subchapter 25, Safety Glazing Material, was adopted as new rules by R.1986 d.80, effective April 7, 1986. See: 18 N.J.R. 47(a), 18 N.J.R. 703(a).

Subchapter 39, Special Registration Plates for Non-Profit Organizations, was adopted as new rules by R.1988 d.537, effective November 7, 1988. See: 20 N.J.R. 2033(a), 20 N.J.R. 2788(a).

Pursuant to P.L. 1984, c.243 (N.J.S.A. 26:2B-9.1), Subchapter 31, Alcohol Countermeasures Regulations, was recodified to N.J.A.C. 8:66-1. See: 21 N.J.R. 70(a).

Subchapter 1, Enforcement Officer, was repealed by R.1989 d.518, effective October 2, 1989. See: 21 N.J.R. 1500(b), 21 N.J.R. 3176(a).

Subchapter 3, Identification Lights, was repealed and recodified as new rules at N.J.A.C. 13:24-5 by R.1989 d.542, effective October 16, 1989. See: 21 N.J.R. 2460(a), 21 N.J.R. 3299(c).

Subchapter 40, Reflectorized Registration Plates, was adopted as new rules by R.1990 d.322, effective June 18, 1990. See: 22 N.J.R. 1230(b), 22 N.J.R. 1940(b).

Pursuant to Executive Order No. 66(1978), Subchapter 10, Automatic Vehicle Identification Systems, was readopted as R.1990 d.491, effective October 1, 1990. See: 22 N.J.R. 2133(a), 22 N.J.R. 3151(b).

Pursuant to Executive Order No. 66(1978), Chapter 20, Enforcement Service, was readopted as R.1991 d.20, effective December 13, 1990. See: 22 N.J.R. 3307(a), 23 N.J.R. 207(b).

Subchapter 31, Private Inspection Center Licensing, was adopted as new rules by R.1991 d.253, effective May 6, 1991. See: 23 N.J.R. 387(a), 23 N.J.R. 1417(b).

Subchapter 41, Persian Gulf War Commemorative License Plates, was adopted as new rules by R.1992 d.20, effective January 6, 1992. See: 23 N.J.R. 2916(a), 24 N.J.R. 108(a).

Subchapter 42, Purple Heart Emblems on License Plates, was adopted as new rules by R.1992 d.168, effective April 6, 1992. See: 24 N.J.R. 219(a), 24 N.J.R. 1365(a).

Subchapter 43, Enhanced Motor Vehicle Inspection and Maintenance Program, Subchapter 44, Private Inspection Facility Licensing, and Subchapter 45, Motor Vehicle Emission Repair Facility Registration, were adopted as emergency new rules by R.1995 d.410, effective June 29, 1995 (expires August 28, 1995). See: 27 N.J.R. 2777(a). The concurrent proposal of Subchapters 43, 44 and 45 was adopted as R.1995 d.528, effective August 28, 1995. See: 27 N.J.R. 3820(a).

Subchapter 31, Private Inspection Center Licensing, was repealed by R.1995 d.664, effective December 18, 1995. See: 27 N.J.R. 3911(a), 27 N.J.R. 5033(a).

Pursuant to Executive Order No. 66(1978), Chapter 20, Enforcement Service, was readopted effective December 13, 1995, and Subchapter 2, Vehicle Construction, Subchapter 8, Motor Vehicles Transporting Flammable Liquids, Subchapter 11, School Bus Warning Lamps, Subchapter 16, Concrete Ready-Mix Transit Vehicles, Subchapter 18, Flashing Warning Signals, Subchapter 19, Seat Belts, Subchapter 20, New Tires, Subchapter 21, Retread Tires, Subchapter 23, Fastening Loads on Commercial Flat Bed Vehicles, and Subchapter 41, Persian Gulf War Commemorative License Plates, were repealed effective January 16, 1996 by R.1996 d.28. See: 27 N.J.R. 4140(a), 28 N.J.R. 272(a).

Subchapter 46, Diesel Emission Inspection and Maintenance Program, was adopted as new rules, and Subchapter 47, Diesel Emission Inspection Center Licensing, was adopted as new rules by R.1997 d.392, effective September 15, 1997. See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).

Subchapter 48, Inspection Standards and Test Procedures to be Used by Licensed Diesel Emission Inspection Centers, was adopted as new rules by R.1998 d.310, effective June 15, 1998. See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

Subchapter 32, Motor Vehicle Reinspection Centers, was repealed and Subchapter 32, Inspection Standards and Test Procedures to be Used by Official Inspection Facilities, was adopted as new rules, Subchapter 33, Enforcement Service: Standards and Procedures to be Used by Licensed Reinspection Centers, was repealed and Subchapter 33, Inspection Standards and Test Procedures to be Used by Licensed Private Inspection Facilities, was adopted as new rules by R.1999 d.422, effective December 6, 1999. See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Subchapter 41, Silver Star Insignias on License Plates, was adopted as new rules by R.2000 d.72, effective February 22, 2000. See: 31 N.J.R. 4223(b), 32 N.J.R. 711(b).

N.J.A.C. 13:20-49C.5, Capacity, Subchapter 49, Standards for School Buses Manufactured July 1985 through May 1993, Subchapter 49 Appendix, Subchapter 49A, Standards for Buses Used for Pupil Transportation Manufactured June, 1993 or Thereafter, Subchapter 49B, Chassis Standards, Subchapter 49C, Body Standards, Subchapter 49D, Specially Equipped School Bus Standards, 13:20-49E, Use of Vehicles as School Buses under the Jurisdiction of the Department of Transportation, Subchapter 49F, Small Vehicle Standards, Subchapter 49G, Inspection, Subchapter 49H, Insurance, were recodified from N.J.A.C. 6:21-4.1, Capacity, N.J.A.C. 6:21-5, Standards for School Buses Manufactured July 1985 through May 1993, N.J.A.C. 6:21 Appendix, N.J.A.C. 6:21-6, Standards for Buses used For Pupil Transportation Manufactured June, 1993 or Thereafter, N.J.A.C. 6:21-6A, Chassis Standards, N.J.A.C. 6:21-6B, Body Standards, N.J.A.C. 6:21-6C, Specially Equipped School Bus Standards, N.J.A.C. 6:21-8, Use of Vehicles as School Buses under the Jurisdiction of the Department of Transportation, N.J.A.C. 6:21-9, Small Vehicle Standards, N.J.A.C. 6:21-18, Inspection, and N.J.A.C. 6:21-17, Insurance, respectively, by administrative change. See: 32 N.J.R. 3090(a).

Pursuant to Executive Order No. 66(1978), Chapter 20, Enforcement Service, was readopted by R. 2001 d.20, effective December 13, 2000, and Subchapter 40, Reflectorized Registration Plates, was repealed by R.2001 d.20, effective January 16, 2001. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. STANDARDS AND SPECIFICATIONS GOVERNING THE TYPES OF SUN-SCREENING MATERIALS AND PRODUCTS THAT MAY BE INSTALLED OR APPLIED TO WINDSHIELDS AND FRONT SIDE WINDOWS OF MOTOR VEHICLES FOR WHICH MEDICAL EXEMPTION CERTIFICATES HAVE BEEN ISSUED; STANDARDS GOVERNING THE ISSUANCE OF MEDICAL EXEMPTION CERTIFICATES

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

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

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

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. POWER STEERING INSTALLATION

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

SUBCHAPTER 5. MANUAL DOOR EQUIPMENT

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

ENFORCEMENT SERVICE

13:20-5.3 Exceptions

SUBCHAPTER 6. MUFFLER DEVICES

13:20-6.1 Prohibitory muffler devices

SUBCHAPTER 7. VEHICLE INSPECTION

13:20-7.1 Definitions

13:20-7.2 Inspection of motor vehicles; test frequency; exempt vehicles

13:20-7.3 Inspection facilities

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

13:20-7.5 Adjustments, corrections, or repairs

13:20-7.6 Immediate repairs

13:20-7.7 through 13:20-7.13 (Reserved)

SUBCHAPTER 8. (RESERVED)

SUBCHAPTER 9. HANDICAPPED PARKING PRIVILEGES

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

13:20-9.2 Medical evidence by handicapped persons

13:20-9.3 (Reserved)

13:20-9.4 Limitation on number of certificates

13:20-9.5 Passenger vehicles or motorcycles

13:20-9.6 Temporary certificates

13:20-9.7 Display of placards and temporary placards

SUBCHAPTER 10. AUTOMATIC VEHICLE IDENTIFICATION SYSTEMS

13:20-10.1 Definitions

13:20-10.2 Application

13:20-10.3 Placement

SUBCHAPTER 11. (RESERVED)

SUBCHAPTER 12. DRIVER REEXAMINATION

13:20-12.1 Definitions

13:20-12.2 Reexamination; categories

13:20-12.3 Vision examination

SUBCHAPTER 13. (RESERVED)

SUBCHAPTER 14. PARKING ON STATE PROPERTY

13:20-14.1 Vehicle registration and parking permit

13:20-14.2 Application

13:20-14.3 Affixing permit

13:20-14.4 Infringement on reserved spaces

13:20-14.5 Duration of parking privilege

13:20-14.6 Suspension

13:20-14.7 Penalty

SUBCHAPTER 15. STUD TIRES

13:20-15.1 Definitions

13:20-15.2 Federal requirements

13:20-15.3 Application for product approval

13:20-15.4 Provisional certificate

SUBCHAPTER 16. (RESERVED)

SUBCHAPTER 17. DRIVER IMPROVEMENT SCHOOLS

13:20-17.1 Purpose

13:20-17.2 Attendance

13:20-17.3 Amount of fee

13:20-17.4 Manner of payment

13:20-17.5 Penalty

SUBCHAPTERS 18 THROUGH 21. (RESERVED)

SUBCHAPTER 22. BRAKE LININGS

13:20-22.1 Standards and specifications

13:20-22.2 Approval

13:20-22.3 Requirements for product approval

13:20-22.4 Procedure for securing approval

13:20-22.5 Notice of approval

13:20-22.6 Withdrawal of approval

13:20-22.7 Brake linings manufactured prior to effective date

SUBCHAPTER 23. (RESERVED)

SUBCHAPTER 24. MOTORCYCLES

13:20-24.1 Approval of goggles

13:20-24.2 Goggles test procedure

13:20-24.3 Goggle approval requirements

13:20-24.4 Mark on goggles

13:20-24.5 Test procedure for face shields

13:20-24.6 Face shield approval requirements

13:20-24.7 Identification mark on face shield

13:20-24.8 Windscreen approval requirements

13:20-24.9 Mark on windscreen

13:20-24.10 Adoption and incorporation of Federal Motor Vehicle Safety Standard for motorcycle helmets

13:20-24.11 Reflectorized surface on helmets

13:20-24.12 Helmets approved by the Director

13:20-24.13 (Reserved)

13:20-24.14 (Reserved)

13:20-24.15 Test reports

13:20-24.16 Samples

13:20-24.17 Notice of approval

13:20-24.18 Temporary approval

13:20-24.19 Withdrawal of approval

13:20-24.20 Inspection of motorcycles

13:20-24.21 Motorcycle license plates and tabs

SUBCHAPTER 25. SAFETY GLAZING MATERIAL; OTHER EQUIPMENT

13:20-25.1 Letter requesting approval

13:20-25.2 Application for approval; report

13:20-25.3 Samples

13:20-25.4 Determination of approval

13:20-25.5 Safety glazing material approval procedure

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

13:20-26.1 Applicability

13:20-26.2 Definitions

13:20-26.3 Inspection and maintenance

13:20-26.4 Unsafe operations

13:20-26.5 Inspection of motor vehicles

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

13:20-26.7 Notice to owner or lessee

13:20-26.8 Inspection of damaged vehicles

13:20-26.9 Vehicle condition report

13:20-26.10 Recommended forms

13:20-26.11 Required inspection and maintenance

13:20-26.12 Standards of inspection

13:20-26.13 Certification

13:20-26.14 Additional inspection

13:20-26.15 Penalties

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

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

SUBCHAPTER 27. (RESERVED)

SUBCHAPTER 28. INSPECTION OF NEW MOTOR VEHICLES

- 13:20-28.1 Purpose
- 13:20-28.2 Applicability
- 13:20-28.3 Definitions
- 13:20-28.4 Manufacturers' new motor vehicle inspection procedure
- 13:20-28.5 Motor vehicle equipment standards
- 13:20-28.6 Decal; period of validity
- 13:20-28.7 Compliance
- 13:20-28.8 Evidence of compliance
- 13:20-28.9 Pre-delivery checklist form; required information
- 13:20-28.10 Additional inspection
- 13:20-28.11 Determination of compliance by Director
- 13:20-28.12 Violations; suspension or revocation of motor vehicle dealer license; suspension or revocation of privilege of performing inspections of new motor vehicles

SUBCHAPTER 29. MOBILE INSPECTION UNIT

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

SUBCHAPTER 30. SUPPLEMENTAL INSPECTION OF SCHOOL BUSES

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

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

- 13:20-31.1 Scope
- 13:20-31.2 Brake system
- 13:20-31.3 Drive shaft
- 13:20-31.4 Exhaust system
- 13:20-31.5 Frame; tire and wheel clearance; bumpers
- 13:20-31.6 Fuel system
- 13:20-31.7 Headlights, back-up lamps, back-up alarm, red signal warning lamps, amber signal warning lamps, taillamps, stoplamps, and turn signals
- 13:20-31.8 Instruments and instrument panel
- 13:20-31.9 Power steering belt
- 13:20-31.10 Steering system
- 13:20-31.11 Suspension
- 13:20-31.12 Tires
- 13:20-31.13 Wheels and rims
- 13:20-31.14 Back-up warning alarm
- 13:20-31.15 Battery
- 13:20-31.16 Doors, emergency
- 13:20-31.17 Doors, service
- 13:20-31.18 Emergency exits
- 13:20-31.19 Fire extinguishers

- 13:20-31.20 Heater hoses and lines
- 13:20-31.21 Mirrors
- 13:20-31.22 Seat belts for driver and students
- 13:20-31.23 Seats and crash barriers
- 13:20-31.24 Steps
- 13:20-31.25 Stop signal arm
- 13:20-31.26 Crossing control arm
- 13:20-31.27 Windshield wipers
- 13:20-31.28 Wiring
- 13:20-31.29 Doors; specially equipped school buses
- 13:20-31.30 Restraining devices; specially equipped school buses
- 13:20-31.31 Wheelchairs and other mobile seating devices; specially equipped school buses
- 13:20-31.32 Credentials; insurance
- 13:20-31.33 Placement out-of-service
- 13:20-31.34 Duration of out-of-service order
- 13:20-31.35 Operation of school bus prohibited
- 13:20-31.36 Direction to inspection site
- 13:20-31.37 Examination of driver's operating credentials
- 13:20-31.38 Driver out-of-service violations
- 13:20-31.39 Provision of notice to driver
- 13:20-31.40 Coercion of driver by operator

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

- 13:20-32.1 Definitions
- 13:20-32.2 General provisions; official inspection facilities
- 13:20-32.3 Credentials; official inspection facilities
- 13:20-32.4 License plates; official inspection facilities
- 13:20-32.5 Steering and suspension; official inspection facilities
- 13:20-32.6 Front parking lights; official inspection facilities
- 13:20-32.7 Glazing; official inspection facilities
- 13:20-32.8 Obstruction to driver's vision; official inspection facilities
- 13:20-32.9 Horn; official inspection facilities
- 13:20-32.10 Windshield wipers; official inspection facilities
- 13:20-32.11 Clearance lights; official inspection facilities
- 13:20-32.12 Turn signals and hazard warning signals; official inspection facilities
- 13:20-32.13 Reflectors; official inspection facilities
- 13:20-32.14 Identification lights; official inspection facilities
- 13:20-32.15 Side-marker lights; official inspection facilities
- 13:20-32.16 Taillights and license plate light; official inspection facilities
- 13:20-32.17 Stoplights; official inspection facilities
- 13:20-32.18 Wheels; official inspection facilities
- 13:20-32.19 Tires; official inspection facilities
- 13:20-32.20 Exhaust system; official inspection facilities
- 13:20-32.21 Prescribed emission test(s); official inspection facilities
- 13:20-32.22 Emission test equipment calibration; official inspection facilities
- 13:20-32.23 Headlights; official inspection facilities
- 13:20-32.24 Rear view mirrors; official inspection facilities
- 13:20-32.25 Miscellaneous lights; official inspection facilities
- 13:20-32.26 Wiring and switching; official inspection facilities
- 13:20-32.27 Headlight beam indicator light; official inspection facilities
- 13:20-32.28 Turn signal and hazard warning signal indicator lights; official inspection facilities
- 13:20-32.29 Antenna; official inspection facilities
- 13:20-32.30 Body; official inspection facilities
- 13:20-32.31 Bumpers; official inspection facilities
- 13:20-32.32 Doors; official inspection facilities
- 13:20-32.33 Fenders and fender flaps; official inspection facilities
- 13:20-32.34 Fuel system; official inspection facilities
- 13:20-32.35 Hood; official inspection facilities
- 13:20-32.36 Lettering; official inspection facilities
- 13:20-32.37 Ornaments; official inspection facilities
- 13:20-32.38 Pedals; official inspection facilities
- 13:20-32.39 Racks or carriers; official inspection facilities
- 13:20-32.40 Reflective tape; official inspection facilities
- 13:20-32.41 Seats; official inspection facilities
- 13:20-32.42 Seat belts; air bags; official inspection facilities

ENFORCEMENT SERVICE

13:20-32.43	Gear shift indicator; official inspection facilities	13:20-33.22	Emission test equipment calibration; Class I and II licensees
13:20-32.44	Transmission; official inspection facilities	13:20-33.23	Headlights; Class I and II licensees
13:20-32.45	Television; official inspection facilities	13:20-33.24	Rear view mirrors; Class I and II licensees
13:20-32.46	Trunk lid; official inspection facilities	13:20-33.25	Miscellaneous lights; Class I and II licensees
13:20-32.47	Service brakes (including service brake equalization and service brake pedal reserve); official inspection facilities	13:20-33.26	Wiring and switching; Class I and II licensees
13:20-32.48	Parking brake; official inspection facilities	13:20-33.27	Headlight beam indicator light; Class I and II licensees
13:20-32.49	Speed recording instrument (speedometer); mileage recording instrument (odometer); official inspection facilities	13:20-33.28	Turn signal and hazard warning signal indicator lights; Class I and II licensees
13:20-32.50	Credentials; motorcycles; official inspection facilities	13:20-33.29	Antenna; Class I and II licensees
13:20-32.51	License plate; motorcycles; official inspection facilities	13:20-33.30	Body; Class I and II licensees
13:20-32.52	Frame, wheels, steering, handlebars, and suspension; motorcycles; official inspection facilities	13:20-33.31	Bumpers; Class I and II licensees
13:20-32.53	Windscreen, glazing, and obstruction to driver's vision; motorcycles; official inspection facilities	13:20-33.32	Doors; Class I and II licensees
13:20-32.54	Horn; motorcycles; official inspection facilities	13:20-33.33	Fenders and fender flaps; Class I and II licensees
13:20-32.55	Windshield wipers; motorcycles; official inspection facilities	13:20-33.34	Fuel system; Class I and II licensees
13:20-32.56	Clearance lights; motorcycles; official inspection facilities	13:20-33.35	Hood; Class I and II licensees
13:20-32.57	Taillight, reflector, and license plate light; motorcycles; official inspection facilities	13:20-33.36	Lettering; Class I and II licensees
13:20-32.58	Stoplight; motorcycles; official inspection facilities	13:20-33.37	Ornaments; Class I and II licensees
13:20-32.59	Tires; motorcycles; official inspection facilities	13:20-33.38	Pedals; Class I and II licensees
13:20-32.60	Exhaust system; motorcycles; official inspection facilities	13:20-33.39	Racks or carriers; Class I and II licensees
13:20-32.61	Headlights; motorcycles; official inspection facilities	13:20-33.40	Reflective tape; Class I and II licensees
13:20-32.62	Rear view mirrors; motorcycles; official inspection facilities	13:20-33.41	Seats; Class I and II licensees
13:20-32.63	Miscellaneous lights; motorcycles; official inspection facilities	13:20-33.42	Seat belts; air bags; Class I and II licensees
13:20-32.64	Wiring, switching, and electrical equipment; motorcycles; official inspection facilities	13:20-33.43	Gear shift indicator; Class I and II licensees
13:20-32.65	Headlight beam indicator light; motorcycles; official inspection facilities	13:20-33.44	Transmission; Class I and II licensees
13:20-32.66	Miscellaneous items; motorcycles; official inspection facilities	13:20-33.45	Television; Class I and II licensees
13:20-32.67	Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); motorcycles; official inspection facilities	13:20-33.46	Trunk lid; Class I and II licensees
13:20-32.68	Helmets; motorcycles; official inspection facilities	13:20-33.47	Service brakes (including service brake equalization and service brake pedal reserve); Class I and II licensees
13:20-32.69	Goggles or face shields; motorcycles; official inspection facilities	13:20-33.48	Parking brake; Class I and II licensees
13:20-32.70	Seats; motorcycles; official inspection facilities	13:20-33.49	Speed recording instrument (speedometer); mileage recording instrument (odometer); Class I and II licensees
13:20-32.71	Foot rests; motorcycles; official inspection facilities	13:20-33.50	Credentials; Class III licensees
		13:20-33.51	License plate; Class III licensees
		13:20-33.52	Frame, wheels, steering, handlebars, and suspension; Class III licensees
		13:20-33.53	Windscreen, glazing, and obstruction to driver's vision; Class III licensees
		13:20-33.54	Horn; Class III licensees
		13:20-33.55	Windshield wipers; Class III licensees
		13:20-33.56	Clearance lights; Class III licensees
		13:20-33.57	Taillight, reflector, and license plate light; Class III licensees
		13:20-33.58	Stoplight; Class III licensees
		13:20-33.59	Tires; Class III licensees
		13:20-33.60	Exhaust system; Class III licensees
		13:20-33.61	Headlights; Class III licensees
		13:20-33.62	Rear view mirrors; Class III licensees
		13:20-33.63	Miscellaneous lights; Class III licensees
		13:20-33.64	Wiring, switching, and electrical equipment; Class III licensees
		13:20-33.65	Headlight beam indicator light; Class III licensees
		13:20-33.66	Miscellaneous items; Class III licensees
		13:20-33.67	Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); Class III licensees
		13:20-33.68	Helmets; Class III licensees
		13:20-33.69	Goggles or face shields; Class III licensees
		13:20-33.70	Seats; Class III licensees
		13:20-33.71	Foot rests; Class III licensees

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

13:20-33.1	Definitions
13:20-33.2	General provisions; Class I, II, and III licensees
13:20-33.3	Credentials; Class I and II licensees
13:20-33.4	License plates; Class I and II licensees
13:20-33.5	Steering and suspension; Class I and II licensees
13:20-33.6	Front parking lights; Class I and II licensees
13:20-33.7	Glazing; Class I and II licensees
13:20-33.8	Obstruction to driver's vision; Class I and II licensees
13:20-33.9	Horn; Class I and II licensees
13:20-33.10	Windshield wipers; Class I and II licensees
13:20-33.11	Clearance lights; Class I and II licensees
13:20-33.12	Turn signals and hazard warning signals; Class I and II licensees
13:20-33.13	Reflectors; Class I and II licensees
13:20-33.14	Identification lights; Class I and II licensees
13:20-33.15	Side-marker lights; Class I and II licensees
13:20-33.16	Taillights and license plate light; Class I and II licensees
13:20-33.17	Stoplights; Class I and II licensees
13:20-33.18	Wheels; Class I and II licensees
13:20-33.19	Tires; Class I and II licensees
13:20-33.20	Exhaust system; Class I and II licensees
13:20-33.21	Prescribed emission test(s); Class I and II licensees

APPENDIX A. AVERAGE LENGTH OF TIME REQUIRED TO REINSPECT A SPECIFIC ITEM ON A MOTOR VEHICLE HAVING A GVWR OF 8,500 POUNDS OR LESS

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

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

SUBCHAPTER 34. IDENTIFYING MARKS

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

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

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

SUBCHAPTER 36. SPECIAL NATIONAL GUARD PLATES

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

SUBCHAPTER 37. STANDARDS FOR MOTOR VEHICLES WITH ELEVATED CHASSIS HEIGHT

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

SUBCHAPTER 38. DIMENSIONAL STANDARDS FOR AUTOMOBILE TRANSPORTERS

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

SUBCHAPTER 39. SPECIAL REGISTRATION PLATES FOR NON-PROFIT ORGANIZATIONS

- 13:20-39.1 Purpose
- 13:20-39.2 Definitions
- 13:20-39.3 Qualifications for organization approval; final decision; right to suspend approval
- 13:20-39.4 Appointment of organization liaison
- 13:20-39.5 Certification of membership
- 13:20-39.6 Non-profit status
- 13:20-39.7 Notification of organization approval
- 13:20-39.8 Plate design
- 13:20-39.9 Fees; plate ordering; authenticity of membership
- 13:20-39.10 Denial, suspension or revocation

SUBCHAPTER 40. (RESERVED)

SUBCHAPTER 41. SILVER STAR INSIGNIAS ON LICENSE PLATES

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

SUBCHAPTER 42. PURPLE HEART EMBLEMS ON LICENSE PLATES

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

SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

- 13:20-43.1 Definitions
- 13:20-43.2 Inspection requirements for motor vehicles; exempt vehicles; designation of collector motor vehicles; designation of low utilization modified performance vehicles; designation of low mileage vehicles
- 13:20-43.3 Inspection facilities
- 13:20-43.4 Federal motor vehicles
- 13:20-43.5 Motor vehicles registered in other states
- 13:20-43.6 Fleet motor vehicles
- 13:20-43.7 Test frequency
- 13:20-43.8 Tests for emissions
- 13:20-43.9 Inspection reports; emission-related repair forms
- 13:20-43.10 Reinspections
- 13:20-43.11 Inspection certificates of approval; inspection rejection stickers
- 13:20-43.12 Inspection extensions
- 13:20-43.13 Waivers; criteria for issuance; denial of warranty form; repair receipt form; waiver valid for inspection cycle; waiver issuance
- 13:20-43.14 On-road inspections; scope; inspection procedures; criteria for selecting vehicles; procedures upon inspection failure
- 13:20-43.15 Recall compliance procedures; purpose; applicability; notice to owner; recall compliance form; transfer of ownership; denial and suspension of registration
- 13:20-43.16 Registration denial; suspension of registration; motor vehicles not inspected by certificate of approval or certificate of waiver expiration date; motor vehicles which have failed inspection and have not been presented for reinspection; conditional registration restoration; reinstatement of registration suspension due to noncompliance; conditional registration; suspension of conditional registration due to noncompliance; penalties
- 13:20-43.17 Emission inspector training and licensing; training administration; testing; application process; license fee; renewal of license; refresher training and testing; conflicts of interest
- 13:20-43.18 Suspension or revocation of emission inspector license; retraining and retesting; suspension pending hearing; schedule of penalties
- 13:20-43.19 Quality assurance; auditor training
- 13:20-43.20 Surrender of emission inspector license
- 13:20-43.21 Emission inspector training programs administered by third parties; fee; approval process; auditing of programs
- 13:20-43.22 Records; third party emission inspector training programs
- 13:20-43.23 Change of address of principal place of business; change of instructors; third party emission inspector training programs
- 13:20-43.24 Audits; third party emission inspector training programs
- 13:20-43.25 Additional violations; third party emission inspector training programs

ENFORCEMENT SERVICE

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

SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

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

SUBCHAPTER 45. MOTOR VEHICLE EMISSION REPAIR FACILITY REGISTRATION

- 13:20-45.1 Purpose
- 13:20-45.2 Scope
- 13:20-45.3 Definitions
- 13:20-45.4 Initial application for registration
- 13:20-45.5 Applicant qualification
- 13:20-45.6 Registration fee
- 13:20-45.7 Registration renewals
- 13:20-45.8 Surrender of registration
- 13:20-45.9 Responsibility of registrants
- 13:20-45.10 Deceptive practices concerning emission-related repairs
- 13:20-45.11 Notice and recordkeeping requirements
- 13:20-45.12 Advertising
- 13:20-45.13 Storage rates
- 13:20-45.14 Additional violations
- 13:20-45.15 Mechanic qualifications
- 13:20-45.16 Repair technician; certification
- 13:20-45.17 Additional penalties
- 13:20-45.18 Investigations
- 13:20-45.19 Written notice of suspension or revocation or refusal to grant or renew registration
- 13:20-45.20 Request for hearing
- 13:20-45.21 Hearing procedures
- 13:20-45.22 Limitations on issuance of registration after suspension, revocation or refusal to renew
- 13:20-45.23 Registration restoration

SUBCHAPTER 46. DIESEL EMISSION INSPECTION AND MAINTENANCE PROGRAM

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

APPENDIX A

SUBCHAPTER 47. DIESEL EMISSION INSPECTION CENTER LICENSING

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

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

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

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

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

- 13:20-49.1 School bus standards; incorporated by reference
- 13:20-49.2 Chassis standards supplement to the 1985 National Minimum Standards

- 13:20-49.3 Bus body standards supplement to the 1985 National Minimum Standards
- 13:20-49.4 Standards supplement to the 1985 National Minimum Standards for buses used to transport special needs students

APPENDIX

SUBCHAPTER 49A. STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION MANUFACTURED JUNE 1993 AND THEREAFTER

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

SUBCHAPTER 49B. CHASSIS STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION MANUFACTURED JUNE 1993 AND THEREAFTER

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

SUBCHAPTER 49C. BODY STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION MANUFACTURED JUNE 1993 AND THEREAFTER

- 13:20-49C.1 Aisle
- 13:20-49C.2 Back-up warning alarm
- 13:20-49C.3 Battery
- 13:20-49C.4 Bumpers
- 13:20-49C.5 Capacity
- 13:20-49C.6 Color
- 13:20-49C.7 Communications
- 13:20-49C.8 Construction
- 13:20-49C.9 Defrosters
- 13:20-49C.10 Doors, entrance
- 13:20-49C.11 Doors, emergency
- 13:20-49C.12 Emergency exits
- 13:20-49C.13 Emergency equipment
- 13:20-49C.14 Fire extinguishers
- 13:20-49C.15 First aid kit
- 13:20-49C.16 Floor
- 13:20-49C.17 Heaters
- 13:20-49C.18 Identification
- 13:20-49C.19 Inside height
- 13:20-49C.20 Insulation

- 13:20-49C.21 Interior
- 13:20-49C.22 Lamps and signals
- 13:20-49C.23 Metal treatment
- 13:20-49C.24 Mirrors
- 13:20-49C.25 Mounting
- 13:20-49C.26 Overall length
- 13:20-49C.27 Overall width
- 13:20-49C.28 Reflectors
- 13:20-49C.29 Rub rails
- 13:20-48C.30 Sanders and traction device
- 13:20-49C.31 Seat belt for driver and students
- 13:20-49C.32 Seats and crash barriers
- 13:20-49C.33 Spray suppressant and mud flaps
- 13:20-49C.34 Steps
- 13:20-49C.35 Step treads
- 13:20-49C.36 Stirrup steps
- 13:20-49C.37 Stop signal arm
- 13:20-49C.38 Storage compartment
- 13:20-49C.39 Sun shield
- 13:20-49C.40 Tailpipe
- 13:20-49C.41 Tow eyes or hooks
- 13:20-49C.42 Undercoating
- 13:20-49C.43 Ventilation
- 13:20-49C.44 Walking control arm
- 13:20-49C.45 Wheelhousing
- 13:20-49C.46 Windows and windshield
- 13:20-49C.47 Windshield washers
- 13:20-49C.48 Windshield wipers
- 13:20-49C.49 Wiring

SUBCHAPTER 49D. SPECIALLY EQUIPPED SCHOOL BUS STANDARDS FOR BUSES USED FOR PUPIL TRANSPORTATION MANUFACTURED JUNE 1993 AND THEREAFTER

- 13:20-49D.1 Scope
- 13:20-49D.2 Aisle
- 13:20-49D.3 Communications
- 13:20-49D.4 Doors
- 13:20-49D.5 Glass
- 13:20-49D.6 Identification
- 13:20-49D.7 Lights
- 13:20-49D.8 Power Lift
- 13:20-49D.9 Ramp
- 13:20-49D.10 Restraining devices
- 13:20-49D.11 Seating arrangements
- 13:20-49D.12 Securement system for mobile seating device and occupant
- 13:20-49D.13 Steps
- 13:20-49D.14 Support equipment and accessories
- 13:20-49D.15 Wheelchair and other mobile seating device requirements

SUBCHAPTER 49E. USE OF VEHICLES AS SCHOOL BUSES UNDER THE JURISDICTION OF THE DEPARTMENT OF TRANSPORTATION

- 13:20-49E.1 Scope of exceptions and exemptions
- 13:20-49E.2 Exceptions and exemptions
- 13:20-49E.3 Certificate of inspection
- 13:20-49E.4 Inspection by county superintendent

SUBCHAPTER 49F. (RESERVED)

SUBCHAPTER 49G. INSPECTION

- 13:20-49G.1 Applicability
- 13:20-49G.2 Division of Motor Vehicles inspection
- 13:20-49G.3 Department of Transportation inspection
- 13:20-49G.4 Responsibility for reports and records

SUBCHAPTER 49H. (RESERVED)

SUBCHAPTERS 50 THROUGH 50C. (RESERVED)

SUBCHAPTER 51. STANDARDS FOR TYPE S SCHOOL BUSES

- 13:20-51.1 Scope
- 13:20-51.2 Definitions
- 13:20-51.3 Capacity
- 13:20-51.4 Chains or snow tires
- 13:20-51.5 Emergency equipment
- 13:20-51.6 Fire extinguisher
- 13:20-51.7 First aid kit
- 13:20-51.8 Floor covering
- 13:20-51.9 Heater capacity
- 13:20-51.10 Lettering
- 13:20-51.11 Rear view mirrors
- 13:20-51.12 Rear window
- 13:20-51.13 Seats and backrests
- 13:20-51.14 Sun visor
- 13:20-51.15 Windshield wipers

SUBCHAPTER 52. INSURANCE

- 13:20-52.1 General provisions

SUBCHAPTER 53. STANDARDS FOR ALTERNATIVELY FUELED SCHOOL BUSES

- 13:20-53.1 Scope and purpose
- 13:20-53.2 Definitions
- 13:20-53.3 Installation requirements
- 13:20-53.4 Fuel supply container requirements
- 13:20-53.5 Markings
- 13:20-53.6 Venting
- 13:20-53.7 Manifold shut-off valve
- 13:20-53.8 Pipes, tubing, hoses, and fittings
- 13:20-53.9 Supply lines
- 13:20-53.10 Shut-off valve
- 13:20-53.11 Carburetor flows
- 13:20-53.12 Dual fuel systems
- 13:20-53.13 Relief device
- 13:20-53.14 Electrical equipment
- 13:20-53.15 Road clearance
- 13:20-53.16 Gasoline tank
- 13:20-53.17 Certified fuel tanks
- 13:20-53.18 Fuel system
- 13:20-53.19 Fuel containers

SUBCHAPTER 53A. STANDARDS FOR SCHOOL BUSES HAVING FUEL SYSTEMS USING LIQUEFIED PETROLEUM GAS

- 13:20-53A.1 General provision
- 13:20-53A.2 Fuel supply container
- 13:20-53A.3 Back-flow check valve
- 13:20-53A.4 Fuel supply container markings
- 13:20-53A.5 Valves
- 13:20-53A.6 Safety relief valves
- 13:20-53A.7 Safety relief valve markings
- 13:20-53A.8 Excess flow valve
- 13:20-53A.9 Check valves
- 13:20-53A.10 Vapor equalizing valve
- 13:20-53A.11 Shut-off valve
- 13:20-53A.12 Liquid volume gauge
- 13:20-53A.13 Pressure reducing regulator and vaporizer regulator
- 13:20-53A.14 Vents
- 13:20-53A.15 LPG hose for high pressure liquid or vapor use

SUBCHAPTER 53B. STANDARDS FOR SCHOOL BUSES HAVING FUEL SYSTEMS USING COMPRESSED NATURAL GAS

- 13:20-53B.1 General provision
- 13:20-53B.2 Fuel supply container

- 13:20-53B.3 Markings
- 13:20-53B.4 Shut-off valve
- 13:20-53B.5 Safety relief devices
- 13:20-53B.6 Gauges
- 13:20-53B.7 Automatic pressure reducing regulators
- 13:20-53B.8 Vents

SUBCHAPTER 53C. STANDARDS FOR SCHOOL BUSES HAVING FUEL SYSTEMS USING LIQUEFIED NATURAL GAS

- 13:20-53C.1 General provision
- 13:20-53C.2 Fuel supply container
- 13:20-53C.3 Markings
- 13:20-53C.4 Valve certification
- 13:20-53C.5 Safety relief valves
- 13:20-53C.6 Shut-off valves
- 13:20-53C.7 Control valve
- 13:20-53C.8 Gauges
- 13:20-53C.9 Pressure reducing regulators
- 13:20-53C.10 Vents

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.
See: 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.

SUBCHAPTER 6. MUFFLER DEVICES**13:20-6.1 Prohibitory muffler devices**

Pursuant to the provisions of N.J.S.A. 39:3-43, the use upon any motor vehicle of a straight exhaust pipe, or a muffler or mufflers lacking interior baffle plates or other effective muffling devices is expressly prohibited.

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

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

“Certificate of approval” means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, N.J.A.C. 13:20-43, 32 or 33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of motor vehicles.

“Certificate of waiver” means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with N.J.A.C. 13:20-43 and the rules adopted by the Department of Environmental Protection pertaining to emission 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.
Administrative change.
See: 33 N.J.R. 4388(a).

13:20-7.2 Inspection of motor vehicles; test frequency; exempt vehicles

(a) Motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1 shall be inspected on a biennial basis, except as otherwise provided by law or regulation.

(b) The following vehicles, some of which may be subject to inspection under other provisions of law or regulation, shall be exempt from the inspection requirements of this subchapter.

1. Historic motor vehicles registered pursuant to N.J.S.A. 39:3-27.4;
2. Collector motor vehicles;
3. Motorized bicycles;
4. Farm tractors and traction equipment;
5. Farm machinery and implements;
6. Fire trucks having a GVWR of more than 8,500 pounds;
7. In-transit construction equipment registered pursuant to N.J.S.A. 39:4-30;
8. Diesel-fueled motor vehicles having a GVWR of 10,000 pounds or more that are required to be inspected by the owner or lessee of the vehicle in accordance with N.J.A.C. 13:20-26;
9. Omnibuses having a seating capacity of 10 passengers or more which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit;
10. School buses which are subject to inspection by the Division's School Bus Inspection Unit in accordance with N.J.S.A. 39:3B-18 et seq.; and
11. Tactical military vehicles operated on Federal installations within this State.

New Rule, R.1999 d.422, effective December 6, 1999.

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

Former N.J.A.C. 13:20-7.2, Immediate repairs, recodified to N.J.A.C. 13:20-7.6.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

In (b), substituted “having” for “, other than omnibuses and school buses, have” following “vehicles” in 8, added a new 10, and recodified former 10 as 11.

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 at the exit end of an official inspection facility for the issuance of a new motor vehicle inspection decal within 14 days of the date of issuance of the temporary authorization certificate. A new motor vehicle receiving a decal pursuant to this subsection shall be subject to inspection not later than two years from the last day of the calendar month in which the decal was issued for such motor vehicle, and the decal affixed to such motor vehicle pursuant to this subsection shall so indicate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(c) Whenever a used motor vehicle, which has been purchased in this or any other State and which has affixed thereto an unexpired New Jersey inspection certificate of approval or certificate of waiver, is initially registered by the purchaser in this State, the registrant thereof shall either:

1. Present such motor vehicle for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation; or
2. Present such motor vehicle for inspection at an official inspection facility or a licensed private inspection facility no later than the expiration date of the New Jersey inspection certificate of approval or certificate of waiver affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(d) Whenever a used motor vehicle, which has been purchased in this or any other State and which does not have affixed thereto an unexpired New Jersey inspection certificate of approval or certificate of waiver, is initially registered by the purchaser in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(e) Whenever a used motor vehicle, which has been purchased in this State and which has affixed thereto a collector motor vehicle windshield sticker issued pursuant to N.J.A.C. 13:20-43.2(e), is initially registered by the purchaser in this State, the windshield sticker shall be deemed void and the registrant thereof shall be issued a temporary authorization certificate and shall either:

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

13:20-26.1 Applicability

This subchapter shall apply to all vehicles registered in this State.

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

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

Rewrote the section.

13:20-26.2 Definitions

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

“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.

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

"Vehicle" means every trailer, semitrailer, pole-trailer, truck registered at a gross weight in excess of 6,000 pounds, truck-tractor as defined in N.J.S.A. 39:1-1, and every vehicle registered in this State engaged in interstate commerce which is now or hereafter subject to regulation and license by the Interstate Commerce Commission or its successor agency and/or the Bureau of Motor Carrier Safety of the Federal Highway Administration.

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

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

13:20-26.3 Inspection and maintenance

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

1. An identification of the vehicle including the New Jersey registration plate number, make, model, vehicle identification number, and number of tires, tire size, and number of ply;
2. A record of inspection and repairs indicating the nature of the repairs and the date of completion;
3. A lubrication record;
4. A systematic means for indicating for each vehicle the nature and due date of the inspection and maintenance operations to be performed; and
5. If a vehicle is leased or otherwise contracted for, the inspection and maintenance records shall also include the name of the lessor or contractor furnishing the motor vehicle.

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

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

13:20-26.4 Unsafe operations

An owner or lessee shall not operate or permit or require a driver to operate any motor vehicle determined by the inspection or operation thereof to be in such condition that its operation would be hazardous or likely to result in the

breakdown of the vehicle; nor shall any driver operate a motor vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown of the vehicle.

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

13:20-26.5 Inspection of motor vehicles

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

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

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

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

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

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

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

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

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

(d) If a vehicle is declared "out-of-service-limited movement authorized," the inspecting State Police officer or examiner, in his or her discretion, may permit the vehicle to proceed to the nearest acceptable place of repair. The inspecting State Police officer or examiner shall record the location of the place of repair, the vehicle's authorized route

of movement and the estimated date and time of arrival at the place of repair on the inspection form. Upon arrival at the designated place of repair, a vehicle marked "out-of-service-limited movement authorized" shall be considered "out-of-service" as described in (b) above.

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

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

As amended, R.1971 d.179, effective October 15, 1971.
See: 3 N.J.R. 180(d), 3 N.J.R. 227(a).
Amended by R.2001 d.20, effective January 16, 2001.
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).
Rewrote the section.

13:20-26.7 Notice to owner or lessee

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

1. Deliver such notice to the owner or lessee operating the vehicle upon his or her arrival at the next terminal, maintenance facility, or place of business of the owner or lessee, if such arrival occurs within 24 hours.
2. Immediately mail the notice to the owner or lessee if the driver does not arrive at a terminal, maintenance facility, or place of business of the owner or lessee operating the vehicle within 24 hours.

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

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

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

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

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

13:20-26.8 Inspection of damaged vehicles

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

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

13:20-26.9 Vehicle condition report

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

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

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

13:20-26.10 Recommended forms

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

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

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

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

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

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

13:20-26.11 Required inspection and maintenance

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

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

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

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

13:20-26.12 Standards of inspection

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

SUBCHAPTER 27. (RESERVED)

SUBCHAPTER 28. INSPECTION OF NEW MOTOR VEHICLES

13:20-28.1 Purpose

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

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

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

In (a), added the second sentence.

13:20-28.2 Applicability

The provisions of this subchapter shall be applicable to all new motor vehicle dealers licensed by the Director. The provisions of this subchapter shall also be applicable to those motor vehicle leasing companies that take delivery of new motor vehicles from franchised New Jersey licensed new motor vehicle dealers and that inspect such new motor vehicles in accordance with this subchapter.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Added the second sentence.

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.

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

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

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

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

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

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

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

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

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

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

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote the section.

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

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

(b) A motor vehicle leasing company that takes delivery of a new motor vehicle from a franchised New Jersey licensed new motor vehicle dealer may, prior to delivery of such motor vehicle to a lessee, inspect the safety and emission control devices on such motor vehicle and perform such services as may be necessary so that such motor vehicle

conforms to specifications established by the manufacturer and contained in its pre-delivery checklist.

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

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

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

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

Rewrote (c).

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

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

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

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote section.

13:20–28.5 Motor vehicle equipment standards

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

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

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote section.

13:20–28.6 Decal; period of validity

(a) A new motor vehicle dealer or a motor vehicle leasing company shall, after satisfactory completion of an inspection of a new motor vehicle pursuant to this subchapter, affix a decal upon such motor vehicle as an indication of same. The decal shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the decal shall be completely visible from the front of the motor vehicle. The decal shall be affixed in an upright position. In the case of a new motorcycle, the decal shall be affixed to the right side of the rear license plate, equally centered between the upper right and lower right corners of the license plate, in such a position as to be easily visible for enforcement purposes.

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

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

Rewrote (b); and deleted former (c) and (d).
Amended by R.2001 d.358, effective October 15, 2001.
See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote (a); in (b), substituted "A" for "Any" and "as an" for "or other", inserted "motor" following "in which the" and "affixed to the", deleted "or other indication of successful inspection", and inserted references to motor vehicle leasing companies.

13:20-28.7 Compliance

(a) A new motor vehicle dealer shall not deliver a new motor vehicle to an ultimate purchaser unless such motor vehicle has been inspected pursuant to this subchapter and found to be in compliance with the equipment standards set forth in N.J.A.C. 13:20-28.5(a).

(b) A motor vehicle leasing company that performs inspections of new motor vehicles pursuant to this subchapter shall not lease a new motor vehicle to a lessee unless such motor vehicle has been found to be in compliance with the equipment standards set forth in N.J.A.C. 13:20-28.5(a).

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

Designated existing paragraph as (a) and rewrote; added (b).

13:20-28.8 Evidence of compliance

(a) Completion by the new motor vehicle dealer or motor vehicle leasing company of the manufacturer's pre-delivery checklist shall be evidence of compliance with this subchapter.

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

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

Rewrote (a); in (b), substituted "checklist" for "check list or report", and inserted "or the motor vehicle leasing company" following "dealer".

13:20-28.9 Pre-delivery checklist form; required information

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

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

13:20-28.10 Additional inspection

This subchapter shall not be construed to limit the Director's authority to require any additional inspection, including an inspection to assure the proper functioning of emission control devices or systems of new motor vehicles, nor shall this subchapter be construed as abrogating any code, rule or regulation now or hereafter promulgated pursuant to the "Air Pollution Control Act (1954) (N.J.S.A. 26:2C-1 et seq.) or the New Jersey "Federal Clean Air Mandate Compliance Act" (P.L. 1995, c.112).

Amended by R.1996 d.28, effective January 16, 1996.
See: 27 N.J.R. 4140(a), 28 N.J.R. 257(a).

Added "or the New Jersey "Federal Clean Air Mandate Compliance Act" (P.L. 1995, c.112)".

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

Rewrote the section.

13:20-28.11 Determination of compliance by Director

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

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

Inserted "or her" preceding "designees" and deleted "any section of" preceding "this subchapter".

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

Rewrote the section.

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

(a) A new motor vehicle dealer that violates any provision of this subchapter shall be subject, upon notice and an opportunity to be heard, to the suspension or revocation of its New Jersey motor vehicle dealer license and/or its privilege of performing inspections of new motor vehicles pursuant to this subchapter.

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

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

Substituted "opportunity to be heard" for "hearing" preceding "to the suspension" and inserted "or her" preceding "New Jersey dealer license".

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

Designated existing paragraph as (a) and rewrote; added (b).

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. If a motor vehicle passes an on-road inspection, including the emission test(s) applicable to such motor vehicle pursuant to N.J.A.C. 13:20-43.8, and such motor vehicle is due for inspection pursuant to N.J.S.A. 39:8-1 within the two-month period following the calendar month of the on-road inspection approval, such motor vehicle may be presented at the exit end of an official inspection facility for the issuance of a certificate of approval for the biennial inspection cycle applicable to such motor vehicle.

(b) Motor vehicles inspected pursuant to N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14 which are found to be defective shall have the existing inspection certificate of approval or certificate of waiver issued therefor, if any, removed and an inspection rejection sticker shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. Motor vehicles which are found to be defective shall be repaired and presented for reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.6(a).

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

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

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

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

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

Rewrote the section.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

In (a), added the second sentence.

Case Notes

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

13:20-29.3 Penalty

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

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

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

Rewrote the section.

Case Notes

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

SUBCHAPTER 30. SUPPLEMENTAL INSPECTION OF SCHOOL BUSES

13:20-30.1 Scope

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

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

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

Rewrote the section.

13:20-30.2 Definitions

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

"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.

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

"FMVSS" means the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 CFR Part 571). Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations may be purchased from the Superintendent of Documents, Unit-

ed States Government Printing Office, Washington, DC 20402, (202) 783-3238.

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

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

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

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

“School bus” or “bus” means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for compensation for the transportation of children to or from school for secular or religious education, school-connected activity, day camp, summer day camp, nursery school, child-care center, pre-school center or other similar places of education, including a “Type S” school bus as defined in N.J.A.C. 13:20-51.2.

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

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

Rewrote the section.

13:20-30.3 Inspection and maintenance

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

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

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

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

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

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

3. A lubrication record;

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

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

6. A daily vehicle condition report by the driver.

(e) The inspection and maintenance records shall be maintained by the operator for the life of the school bus and shall be available for inspection by the Division or the Office of Student Transportation in the Department of Education.

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

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

Rewrote the section.

13:20-30.4 Unsafe operation prohibited

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

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

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

Rewrote the section.

13:20-30.5 Inspection of school buses in operation

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

(b) Reports of the inspection described in (a) above shall be submitted to the Director or his or her designee. Such reports shall remain on file at the Division for two years from the date of the inspection. The right of examination of such reports may be denied pursuant to N.J.S.A. 47:1A-3 in cases where the reports being sought for examination pertain to any investigation in progress, if the inspection, copying, or publication of the reports is not in the public interest.

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

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

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

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

(b) A school bus driver shall submit to a criminal history record check at the time of his or her initial application and any renewal application for a Commercial Driver License with Passenger Endorsement authorizing the driver to operate a school bus by providing to the Department of Education his or her name, address, and fingerprints taken on standard fingerprint cards by a law enforcement agency as designated by the Superintendent of the New Jersey State Police.

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

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

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

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

1. The driver's name, social security number, driver license number, driver license type, and the issuing state of the driver's commercial motor vehicle operator's license with appropriate endorsement authorizing the driver to operate a school bus;
2. A medical examiner's certificate of the driver's physical qualification to drive a school bus in the form of a satisfactory medical report completed by a licensed physician;
3. The date of the driver's criminal history record check; and
4. A Division of Motor Vehicles' driver history abstract of the driver that is updated on an annual basis.

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

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

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

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

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

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

13:20–30.16 Inspection fees

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

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

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

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

13:20–30.17 Schedule of fines

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

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

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

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

13:20–30.18 Collection of fines

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

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

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

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

Authority

N.J.S.A. 39:3B–5, 39:3B–10, 39:3B–24, and
Reorganization Plan No. 005–1998.

Source and Effective Date

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

13:20–31.1 Scope

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

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

13:20–31.2 Brake system

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

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

i. Absence of effective braking action upon application of the service brakes, such as brake linings' failing to move or to contact the braking surface upon application;

ii. Missing or broken mechanical components, including shoes, linings, pads, springs, anchor pins, spiders, cam rollers, pushrods, and air chamber mounting bolts;

iii. Loose brake components, including air chambers, spiders, and cam shaft support brackets;

iv. Audible air leak at brake chamber;

v. Brake adjustment limits:

(1) One brake at $\frac{1}{4}$ inch or more above the adjustment limit;

(2) Two brakes less than $\frac{1}{4}$ inch beyond the adjustment limit also equal one defective brake;

(3) Any wedge brake where the combined brake lining movement of both the top and bottom shoe exceeds $\frac{1}{8}$ inch;

vi. Brake linings or pads, except on power unit steering axles:

(1) Cracked, loose, or missing brake lining:

(A) Lining cracks or voids of $\frac{1}{16}$ inch in width observable on the edge of the lining;

(B) Portions of a lining segment missing such that a fastening device (rivet or bolt) is exposed when viewing the lining from the edge;

(C) Cracks that exceed $1\frac{1}{2}$ inches in length;

(D) Loose fitting segments (approximately $\frac{1}{16}$ inch or more movement); or

(E) Complete lining segment missing.

(2) The following chart shall be adhered to in determining brake adjustment limits, and is incorporated herein.

COMMERCIAL VEHICLE SAFETY ALLIANCE

NORTH AMERICAN UNIFORM OUT-OF-SERVICE CRITERIA

BRAKE ADJUSTMENT REFERENCE CHART

Reference: Paragraph 1.a. of Part II of the Out-of-Service Criteria
Brake Adjustment: Shall not exceed those specifications contained hereunder relating to "Brake Adjustment Limit." (Dimensions are in inches.)

CLAMP-TYPE BRAKE CHAMBER DATA

Type	Outside Diameter	Brake Adjustment Limit
6	4½	1¼
9	5¼	1
12	5½	1
16	6	1¾
20	6½	1¾
24	7	1¾
30	8	2
36	9	2¼

NOTE: A brake found at the adjustment limit is not a violation.

'LONG STROKE' CLAMP-TYPE BRAKE CHAMBER DATA

Type	Outside Diameter	Brake Adjustment Limit
16	6	2.0
20	6½	2.0
24	7	2.0
24*	7½	2.5
30	8½	2.5

* For 3-inch maximum stroke type 24 chambers

NOTE: A brake found at the adjustment limit is not a violation.

TIE ROD STYLE PISTON BRAKE CHAMBER DATA

Type	Outside Diameter	Brake Adjustment Limit
30	6½ (165mm)	2.5 (64mm)

NOTE: A brake found at the adjustment limit is not a violation.

BOLT-TYPE BRAKE CHAMBER DATA

Type	Outside Diameter	Brake Adjustment Limit
A	6½	1
B	9½	1¾
C	8½	1¾
D	5¼	1¼
E	6¾	1
F	11	1¼
G	9	2

NOTE: A brake found at the adjustment limit is not a violation.

ROTOCHAMBER DATA

Type	Outside Diameter	Brake Adjustment Limit
9	4½	1½
12	4¾	1½
16	5½	2
20	5¾	2
24	6½	2
30	7½	2¼
36	7	2¾
50	8	3

NOTE: A brake found at the adjustment limit is not a violation.

DD-3 BRAKE CHAMBER DATA

Type	Outside Diameter	Brake Adjustment Limit
30	8	2¼

NOTE: A brake found at the adjustment limit is not a violation.

WEDGE BRAKE DATA

The combined movement of both brake shoe lining scribe marks shall not exceed ½ inch (3.18mm).

(3) Evidence of oil seepage into or out of the brake lining/drum interface area, including wet con-

tamination of the lining edge accompanied by evidence that further contamination will occur, such as oil running from the drum or a bearing seal. Grease on the lining edge, the back of the shoe, or the drum edge and oil stains with no evidence of fresh oil leakage are not conditions for out-of-service.

(4) Air brakes: Lining with a thickness of less than ¼ inch or to the wear indicator, if the lining is so marked, measured at the shoe center for drum brakes or less than ¼ inch for disc brakes.

(5) Hydraulic and electric brakes: Lining with a thickness of ⅛ inch or less at the shoe center for disc or drum brakes; or

vii. Missing brake on any axle required to have brakes.

2. In addition to being included in the 20 percent criterion, the following criteria pertaining to steering axle brakes place a school bus in an out-of-service condition:

i. An absence of effective braking action on any steering axle of any school bus required to have steering axle brakes;

ii. A mismatch across any power unit steering axle of:

(1) Air chamber sizes; or

(2) Slack adjuster length; or

iii. Brake linings or pads on the steering axle of any power unit:

(1) Cracked, loose, or missing lining.

(A) Lining cracks or voids ⅛ inch in width are observable on the edge of the lining.

(B) Portions of a lining segment are missing such that a fastening device (rivet or bolt) is exposed when viewing the lining from the edge.

(C) Cracks that exceed 1½ inches in length.

(D) Loose lining segments (approximately ⅛ inch or more movement).

(E) A complete lining segment is missing.

(2) Evidence of oil seepage into or out of the brake lining/drum interface area, including wet contamination of the lining edge accompanied by evidence that further contamination will occur, such as oil running from the drum or a bearing seal. Grease on the lining edge, the back of the shoe, or the drum edge and oil stains with no evidence of fresh oil leakage are not conditions for out-of-service.

(3) Lining with a thickness of less than ⅜ inch for a shoe with a continuous strip of lining or one-quarter inch for a shoe with two pads for drum brakes or to the wear indicator if the lining is so

marked, or less than inch for air disc brakes, and $\frac{1}{16}$ inch or less for hydraulic disc, drum, and electric brakes.

3. The following is the out-of-service criterion pertaining to parking brakes:

i. Any non-manufactured holes or cracks in the spring brake housing section of a parking brake.

4. The following are the out-of-service criteria pertaining to brake drums or rotors (discs):

i. Drums with any external crack or cracks that open upon brake application; or

ii. Any portion of the drum or rotor (disc) is missing or in danger of falling away.

5. The following are the out-of-service criteria pertaining to a brake hose:

i. A hose with any damage extending through the outer reinforcement ply;

ii. A hose that bulges or swells when air pressure is applied;

iii. A hose with an audible leak at other than a proper connection;

iv. Two hoses are improperly joined, such as a splice made by sliding the hose ends over a piece of tubing and clamping the hose to the tube; or

v. An air hose is cracked, broken, or crimped in such a manner as to restrict air flow.

6. The following are the out-of-service criteria pertaining to brake tubing:

i. Tubing with an audible leak at other than a proper connection; or

ii. Tubing is cracked, damaged by heat, broken, or crimped.

7. The following is the out-of-service criterion pertaining to the low pressure warning device:

i. The low pressure warning device is missing, inoperative, or does not operate at 55 pounds per square inch and below, or at one-half of the governor cut-out pressure, whichever is less.

8. The following is the out-of-service criterion pertaining to air loss rate:

i. If an air leak is discovered and the reservoir pressure is not maintained when the governor is cut-in, the reservoir pressure is between 80 and 90 pounds per square inch, the engine is at idle, and the service brakes are fully applied.

9. The following are the out-of-service criteria pertaining to the air reservoir security:

i. The reservoir is separated from its original attachment points by metal fatigue, is broken, or is missing a bolt; or

ii. The reservoir is separated from its original attachment points and the strap securing the reservoir is rotted out or the reservoir is improperly secured with bailing wire, coat hanger-type wire, or other like material.

10. The following are the out-of-service criteria pertaining to the air compressor (normally to be inspected when it is readily visible or when conditions indicate compressor problems):

i. Loose compressor mounting bolts;

ii. Cracked, broken, or loose pulley; or

iii. Cracked or broken mounting brackets, braces, or adapters.

11. The following are the out-of-service criteria pertaining to hydraulic brakes (including power assist over hydraulic and engine-driven hydraulic booster):

i. No brake pedal reserve with the engine running;

ii. The master cylinder is less than one-fourth full;

iii. The power assist unit fails to operate;

iv. Seeping or swelling of a brake hose under application of pressure;

v. A hydraulic hose is abraded or chafed through the outer cover-to-fabric layer;

vi. Fluid lines or connections are restricted, crimped, cracked, or broken;

vii. Any visually observed leaking hydraulic fluid in the brake system upon full brake application; or

viii. Hydraulic system: The brake failure/low fluid warning light is on and/or inoperative.

12. The following are the out-of-service criteria pertaining to the vacuum system:

i. Insufficient vacuum reserve exists to permit one full brake application after the engine is shut off; or

ii. A vacuum hose or line is restricted, is abraded or chafed through the outer cover-to-cord ply, is crimped, cracked, or broken, or a vacuum hose collapses when vacuum is applied.

13:20-31.3 Drive shaft

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

1. The drive shaft or a section thereof is not equipped with a metal guard around its circumference; or

2. The drive shaft guard is loose.

13:20-31.4 Exhaust system

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

1. Any part of the school bus exhaust system is leaking or discharging under the chassis more than six inches forward of the rearmost part of the school bus when powered by a gasoline or diesel engine, or more than 15 inches forward of the rearmost part of the school bus when powered by other than a gasoline or diesel engine; or
2. Any part of the school bus exhaust system is located so as to be likely to result in the burning, charring, or damaging of the electrical wiring, the fuel supply, or any combustible part of the school bus.

13:20-31.5 Frame; tire and wheel clearance; bumpers

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

1. Any cracked, loose, sagging, or broken frame siderail permitting shifting of the school bus body onto moving parts or any other condition indicating an imminent collapse of the frame;
2. Any cracked, loose, or broken frame member adversely affecting support of functional components including, but not limited to, the steering gear, engine, transmission, body parts, or suspension;
3. A crack one and one-half inches long or longer in the frame siderail web that is directed toward the bottom flange;
4. Any crack extending from the frame siderail web around the radius and into the bottom flange;
5. A crack one inch or longer in the siderail bottom flange;
6. Any cracked, loose, sagging, or broken frame siderail resulting from rust, corrosion, or other deteriorating condition, or any improperly welded frame member that permits shifting of the school bus body onto moving parts, or any other condition indicating an imminent collapse of the frame or affecting support of functional components such as the steering gear, engine, transmission, body parts, or suspension;
7. A school bus is not equipped with body fasteners as required by N.J.A.C. 13:20-49.1 or 49C.25, whichever is applicable;
8. A school bus is not equipped with cross members as required by N.J.A.C. 13:20-49.1 or 49C.25, whichever is applicable; or
9. Any cross member, outrigger, or other structural support is missing, broken, cracked, deformed, shifted, or corroded so as to adversely affect the safe operation of the school bus.

(b) The following is the out-of-service criterion pertaining to tire and wheel clearance:

1. Any condition, including loading, that causes the school bus body or frame to be in contact with a tire or any part of the wheel assemblies at the time of inspection.

(c) The following is the out-of-service criterion pertaining to the bumpers:

1. Any bumper is missing or not properly secured.

13:20-31.6 Fuel system

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

1. A fuel system with a fuel leak at any point, including refrigeration or heater fuel systems;
2. A fuel tank or any part of the fuel system is not properly secured or fastened to the school bus in accordance with the school bus chassis manufacturer's specifications;
3. A fuel tank improperly attached to the school bus by use of bailing wire, coat hanger-type wire, or other like material;
4. A fuel tank is not filled or vented to the outside of the school bus body so that fuel may drip or drain onto any part of the exhaust system;
5. Except for the filler tube, a portion of the fuel system that is located to the rear of the engine compartment extends above the top of the chassis frame rail;
6. A fuel line is not mounted in a manner so as to obtain maximum protection from the chassis frame; or
7. A fuel tank installation is not in accordance with FMVSS No. 301 (49 CFR § 571.301), incorporated herein by reference, as amended and supplemented.

13:20-31.7 Headlights, back-up lamps, back-up alarm, red signal warning lamps, amber signal warning lamps, taillamps, stoplamps, and turn signals

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

1. A school bus does not have at least one headlight operative on low beam;
2. A school bus does not have at least one steadily burning taillamp on the rear of the vehicle visible from 500 feet;
3. A school bus does not have at least one operative stoplamp on the rear of the vehicle visible from 500 feet; or
4. A school bus does not have an operative turn signal on each side of the rear of the vehicle.

(b) The following are the out-of-service criteria pertaining to back-up lamps and back-up alarms:

1. A school bus is not equipped with back-up lamps;
2. Either back-up lamp does not illuminate when the shift control lever for the transmission is placed in reverse gear or the rear emergency door is unlatched;
3. A school bus is not equipped with a back-up alarm; or
4. A school bus is equipped with a back-up alarm that is not in proper operating condition.

(c) The following are the out-of-service criteria pertaining to red signal warning lamps and amber signal warning lamps:

1. A school bus is not equipped with red signal warning lamps and amber signal warning lamps in accordance with N.J.A.C. 13:20–49.1 or 49C.22(e), whichever is applicable;
2. A school bus is equipped with red signal warning lamps or amber signal warning lamps that are not in proper operating condition; or
3. A school bus is equipped with red signal warning lamps or amber signal warning lamps that do not conform to FMVSS No. 108 (49 CFR § 571.108), incorporated herein by reference, as amended and supplemented.

13:20–31.8 Instruments and instrument panel

(a) The following is the out-of-service criterion pertaining to instruments and the instrument panel:

1. A school bus is equipped with an air or vacuum brake indicator gauge or light that is not in proper operating condition so that such gauge or light does not provide a warning to the driver when the air pressure or vacuum is depleted below one-half of its capacity.

13:20–31.9 Power steering belt

(a) The following is the out-of-service criterion pertaining to a power steering belt:

1. A school bus is equipped with a belt that drives a power steering pump or compressor that is not in proper operating condition.

13:20–31.10 Steering system

(a) The following are the out-of-service criteria pertaining to steering wheel free play:

1. When any of the values (movement in inches, centimeters, or degrees) in the chart below are met or exceeded, a school bus shall be placed out-of-service. For power steering systems, the engine must be running. The following chart shall be adhered to in determining steering wheel free play, and is incorporated herein.

COMMERCIAL VEHICLE SAFETY ALLIANCE NORTH AMERICAN UNIFORM OUT-OF-SERVICE CRITERIA STEERING WHEEL FREE PLAY CHART

Steering Wheel Diameter	Manual System Movement 30 degrees or more	Power System Movement 45 degrees or more
16 inches (41 cm)	4½ inches (11.5 cm) (or more)	6¾ inches (17 cm) (or more)
18 inches (46 cm)	4¾ inches (12 cm) (or more)	7½ inches (18 cm) (or more)
19 inches (48 cm)	5 inches (13 cm) (or more)	7½ inches (19 cm) (or more)
20 inches (51 cm)	5½ inches (13 cm) (or more)	7¾ inches (20 cm) (or more)
21 inches (53 cm)	5½ inches (14 cm) (or more)	8½ inches (21 cm) (or more)
22 inches (56 cm)	5¾ inches (15 cm) (or more)	8¾ inches (22 cm) (or more)

(b) The following are the out-of-service criteria pertaining to the steering column:

1. Any absence of U-bolt(s) or positioning part(s);
2. Any looseness of U-bolt(s) or positioning part(s);
3. Worn universal joint;
4. Faulty universal joint;
5. Repair-welded universal joint; or
6. The steering wheel not properly secured.

(c) The following are the out-of-service criteria pertaining to the front axle beam and all steering components other than the steering column, including the hub:

1. Any crack; or
2. Any obvious welded repair.

(d) The following are the out-of-service criteria pertaining to the steering gear box:

1. Any loose or missing mounting bolt;
2. Any crack in the steering gear box or mounting brackets; or
3. Any obvious welded repair.

(e) The following are the out-of-service criteria pertaining to the pitman arm:

1. Any looseness of the pitman arm on the steering gear output shaft; or
2. Any obvious welded repair.

(f) The following are the out-of-service criteria pertaining to power steering:

1. The auxiliary power assist cylinder is loose; or
2. The power steering pump is inoperable.

(g) The following are the out-of-service criteria pertaining to ball and socket joints:

1. Any movement under steering load of a stub nut;
2. Any motion, other than rotational, between any linkage member and its attachment point of more than inch (three mm) measured with hand pressure only; or
3. Any obvious welded repair.

(h) The following are the out-of-service criteria pertaining to tie rods and drag links:

1. Loose clamp or clamp bolt on a tie rod or a drag link; or
2. Any looseness in any threaded joint.

(i) The following is the out-of-service criterion pertaining to nuts:

1. Loose or missing nut(s) on a tie rod, pitman arm, drag link, steering arm, or tie rod arm.

(j) The following are the out-of-service criteria pertaining to the steering system:

1. Any modification of the steering system that interferes with the free movement of any steering component; or
2. Any other condition that interferes with the free movement of any steering component.

Administrative correction.
See: 35 N.J.R. 1688(b).

13:20–31.11 Suspension

(a) The following are the out-of-service criteria pertaining to axle parts/members:

1. Any U-bolt or other spring-to-axle clamp bolt is cracked, broken, loose, missing, or not secured by nut(s); or
2. Any spring hanger or other axle-positioning part is cracked, broken, loose, or missing, and results in the shifting of an axle from its normal position.

(b) The following are the out-of-service criteria pertaining to the spring assembly:

1. One-fourth or more of the leaves in any spring assembly are broken;
2. Any leaf or portion of any leaf in any spring assembly is missing or separated;
3. Any broken main leaf in a leaf spring. For purposes of this out-of-service criterion:
 - i. Any leaf of a leaf spring assembly is a main leaf if it extends, at both ends, to or beyond any of (b)3i(1) through (3) below. In addition, any leaf of a helper spring assembly is a helper main leaf if it extends, at

both ends, to or beyond the load-bearing surface of its contact pad, hanger, or equalizer.

- (1) The load-bearing surface of a spring hanger or equalizer;
- (2) The spring and cap or insulator box mounted on the axle;
- (3) A spring eye.

ii. The radius rod leaf, in springs having such a leaf, shall be treated like the torque, radius, or tracking components set forth in subsection (c) below for purposes of out-of-service;

4. A broken coil spring;
5. One or more leaves displaced in a manner that could result in contact with a tire, rim, brake drum, or frame;
6. Broken torsion bar spring in torsion bar suspension;
7. Deflated air suspension resulting from system failure or leak;
8. Excessive wear of any spring saddle;
9. Any spring not aligned by a centering pin; or
10. Any worn (beyond the original manufacturer's specifications) or improperly assembled U-bolt, shock, king pin, ball joint, strut, air bag, or positioning component.

(c) The following is the out-of-service criterion pertaining to torque, radius, or tracking components:

1. Any part of a torque, radius, or tracking component assembly or any part used for attaching same to the vehicle frame or axle, including spring leaves used as a radius or torque rod, is cracked, loose, broken, or missing, or missing bushings in torque or track rods.

13:20–31.12 Tires

(a) The following are the out-of-service criteria pertaining to any tire on any steering axle:

1. A front tire with less than $\frac{1}{32}$ inch tread when measured in any two adjacent major tread grooves at any location on the tire;
2. A rear tire with less than $\frac{2}{32}$ inch tread when measured in any two adjacent major tread grooves at any location on the tire;
3. Any part of the breaker strip or casing ply showing in the tread;
4. Cut, worn, or damaged sidewall to the extent that the ply cord is exposed;
5. A tire labeled "NOT FOR HIGHWAY USE" or carrying other markings that would exclude its use;

6. A visually observable bump, bulge, or knot apparently related to tread or sidewall separation, except for a bulge that does not exceed inch in height due to a section repair;

7. A tire flat or with a noticeable leak;

8. A tire so mounted or inflated that it comes in contact with any part of the school bus;

9. The weight carried exceeding the tire load limit, including an overloaded tire resulting from low air pressure;

10. A bias ply tire with more than one ply exposed in the tread area or sidewall or with the exposed area of the top ply in excess of two square inches;

11. A radial ply tire with two or more plies exposed in the tread area or damaged cords evident in the sidewall or the exposed area in excess of two square inches in the sidewall. For a single tire, one tire must meet this condition. On dual wheels, each tire must meet this condition; or

12. A regrooved or recapped tire on the front axle.

13:20–31.13 Wheels and rims

(a) The following is the out-of-service criterion pertaining to rim size:

1. The school bus is equipped with rims of improper size.

(b) The following are the out-of-service criteria pertaining to the lock or side ring:

1. Bent, broken, improperly seated, or sprung ring(s); or
2. Mismatched ring(s).

(c) The following is the out-of-service criterion for wheels and rims:

1. Any wheel/rim is cracked, improperly seated, damaged, or repair-welded.

(d) The following are the out-of-service criteria pertaining to disc wheel cracks:

1. Any single crack three inches or more in length;
2. A crack extending between any two holes including hand holes, stud holes, and center hole;
3. Two or more cracks at any location on the wheel;
4. Disc wheel crack(s) in (d)1, 2, or 3 above caused by rust or other deterioration; or
5. Fifty percent or more elongated stud holes on disc wheels with the fasteners tight.

(e) The following are the out-of-service criteria pertaining to spoke wheel cracks:

1. Two or more cracks more than one inch long across a spoke or hub section;

2. Two or more web areas with cracks; or

3. Spoke wheel crack(s) in (e)1 or 2 above caused by rust or other deterioration, or where rust is bleeding from crack(s).

(f) The following are the out-of-service criteria pertaining to tubeless demountable adapter cracks:

1. Cracks at three or more spokes; or

2. Tubeless demountable adapter cracks in (f)1 above caused by rust or other deterioration, or where rust is bleeding from crack(s).

(g) The following is the out-of-service criterion pertaining to fasteners (nuts, bolts, studs, lugs):

1. Loose, missing, broken, or cracked (both spoke and disc wheels) deemed ineffective as follows:

- i. For 10 fastener positions, three anywhere or two adjacent;
- ii. For eight fastener positions or less (including spoke wheels and hub bolts), two anywhere.

(h) The following is the out-of-service criterion pertaining to the hub:

1. Excessive wheel bearing play that exceeds the original manufacturer's specifications.

13:20–31.14 Back-up warning alarm

(a) The following are the out-of-service criteria pertaining to the back-up warning alarm:

1. A school bus is not equipped with a back-up warning alarm; or
2. A school bus is equipped with a back-up warning alarm that is not in proper operating condition.

13:20–31.15 Battery

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

1. The battery is not securely mounted in the space provided by the chassis manufacturer;
2. A battery cap is missing;
3. A battery cable is not properly insulated;
4. A battery post or a battery cable end is not secure or reasonably free of corrosion;
5. The battery is not secured by a battery hold-down(s); or
6. Wiring is exposed or loose.

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

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

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

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

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

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

13:20–31.32 Credentials; insurance

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

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

13:20–31.33 Placement out-of-service

When an inspection of a school bus discloses the existence of an out-of-service violation(s), such school bus shall be

placed out-of-service by authorized representatives of the Division or by law enforcement authorities.

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

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

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

13:20–31.35 Operation of school bus prohibited

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

13:20–31.36 Direction to inspection site

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

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

Any authorized representative of the Division may demand and examine the driver's operating credentials.

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

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

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

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

13:20–31.39 Provision of notice to driver

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

13:20-31.40 Coercion of driver by operator

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

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

13:20-32.1 Definitions

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

“Certificate of approval” means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, N.J.A.C. 13:20-43, this subchapter or N.J.A.C. 13:20-33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of motor vehicles.

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

Administrative change.
See: 33 N.J.R. 4388(a).

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-5, the motor vehicle shall be certified by an official inspection facility by removing the previous inspection certificate of approval, certificate of waiver, or inspection rejection sticker, if any, and replacing it with a current inspection certificate of approval. The inspection certificate of approval issued by an official inspection facility shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the inspection certificate of approval shall be completely visible from the front of the motor vehicle. The 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-5, an official inspection facility shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, and shall affix an inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle directly above the previous certificate of approval or certificate of waiver, if any, affixed to the windshield. If there is no previous certificate of approval or certificate of waiver affixed to the windshield, an official inspection facility shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. If the motor vehicle that has failed inspection is a used motor vehicle that has been presented for inspection upon transfer of ownership in accordance with N.J.A.C. 13:20-7.4(c)1, 7.4(d), or 7.4(e)1, an official inspection facility shall remove the previous inspection certificate of approval, certificate of waiver, collector motor vehicle windshield sticker, and/or inspection rejection sticker, if any, affixed to the windshield and shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. The inspection rejection sticker shall be an indication that adjustments, corrections, or repairs to the motor vehicle which has failed inspection must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(g) Notwithstanding (f) above, if an automobile, truck, or modified bus with a capacity of not more than 15 passengers registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 and the nature of the defect(s) found is such as to constitute a hazard to the public safety so as to require immediate repairs to such motor vehicle, an official inspection facility shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, shall remove the previous inspection certificate of approval, certificate of

waiver and/or inspection rejection sticker, if any, and shall affix a "48 hour" inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A defect which constitutes a hazard to the public safety so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the items specified in N.J.A.C. 13:20-7.6(b). The "48 hour" inspection rejection sticker shall be an indication that the defect(s) deemed to constitute a hazard to the public safety must be repaired and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.6(a).

(h) If a motor vehicle registered in New Jersey satisfies all of the requirements of N.J.A.C. 13:20-43.13 for the issuance of a certificate of waiver, an official inspection facility shall remove the previous inspection certificate of approval, certificate of waiver and/or inspection rejection sticker and shall replace it with a current certificate of waiver. The certificate of waiver issued by an official inspection facility shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the certificate of waiver shall be completely visible from the front of the motor vehicle. The certificate of waiver shall be affixed in an upright position.

(i) If a motorcycle registered in New Jersey conforms to the inspection standards set forth in this subchapter, the motorcycle shall be certified by an official inspection facility by affixing a current inspection certificate of approval to the right side of the rear license plate, equally centered between the upper right and lower right corners of the license plate, in such a position as to be easily visible for enforcement purposes. The inspection certificate of approval shall be affixed in an upright position. If there is a previous certificate of approval affixed to the rear license plate at the location specified in this subsection, the new certificate of approval shall be affixed so as to cover the previous certificate of approval. If there is a previous certificate of approval affixed to the rear license plate at a location other than that specified in this subsection, the new certificate of approval shall be affixed at the location specified in this subsection.

(j) If a motorcycle registered in New Jersey does not conform to the inspection standards set forth in this subchapter, the official inspection facility shall present the inspection report or card for such motorcycle to the operator thereof. The inspection report or card shall be an indication that adjustments, corrections, or repairs to the motorcycle which has failed inspection must be made and the motorcycle presented for reinspection within the period of time set forth in N.J.A.C. 13:20–7.5.

(k) A motor vehicle inspection report, issued to an owner or lessee of a motor vehicle with elevated chassis height, a motor vehicle which has been modified at the direction of the New Jersey Department of Labor, 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–5, and if there are no obvious safety or emission-related defects, provided the motor vehicle is presented for reinspection within 45 days of the date of the most recent inspection rejection. If the motor vehicle is presented for reinspection after such date, or if there are obvious safety 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–5, the official inspection facility shall not issue an inspection rejection sticker to replace the inspection rejection sticker previously affixed to the motor vehicle by an official inspection facility, nor shall the official inspection facility issue an inspection rejection sticker to replace the inspection certificate of approval or certificate of waiver previously defaced by a licensed private inspection facility in accordance with N.J.A.C. 13:20–33.2(l) as an indication that the motor vehicle has failed inspection.

(n) If a motor vehicle bearing a “48 hour” inspection rejection sticker is presented at an official inspection facility for reinspection and the defect(s) previously deemed to

constitute a hazard to the public safety has not been repaired, the official inspection facility shall not issue a “48 hour” inspection rejection sticker to replace the “48 hour” inspection rejection sticker previously affixed to the motor vehicle.

(o) Notwithstanding (m) above, if a motor vehicle bearing a “48 hour” inspection rejection sticker is presented at an official inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has been repaired so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27–15 and 7:27B–5, but another rejected item(s) not deemed to constitute a hazard to the public safety has not been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27–15 and 7:27B–5, the official inspection facility shall remove the “48 hour” inspection rejection sticker previously affixed to the motor vehicle and shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. The inspection rejection sticker shall be an indication that adjustments, corrections, or repairs to the motor vehicle must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20–7.5.

(p) Any motor vehicle presented for initial inspection shall undergo a complete inspection. Once the inspection has commenced it shall not be terminated until the motor vehicle is either certified or rejected. An inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection.

(q) Any motor vehicle for which the current inspection certificate of approval or certificate of waiver has been lost, stolen, destroyed, or defaced, or any motor vehicle 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.

(r) Any new motor vehicle purchased in a foreign jurisdiction for which a temporary authorization certificate has been issued by the Division in accordance with N.J.A.C. 13:20–7.4(b) shall be presented at the exit end of an official inspection facility for the issuance of a new motor vehicle inspection decal. A new motor vehicle receiving a decal

pursuant to N.J.A.C. 13:20-7.4(b) and this subsection shall be subject to inspection not later than two years from the last day of the calendar month in which the decal was issued for such motor vehicle, and the decal affixed to such motor vehicle pursuant to N.J.A.C. 13:20-7.4(b) and this subsection shall so indicate. Such a decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety or emission-related defects.

(s) Any motor vehicle which has been found to be in proper operating condition at an on-road inspection pursuant to N.J.S.A. 39:8-2g and which is due for inspection pursuant to N.J.S.A. 39:8-1 within the two-month period following the calendar month of the on-road inspection approval may, in accordance with N.J.A.C. 13:20-29.2(a), be presented at the exit end of an official inspection facility for the issuance of an inspection certificate of approval for the biennial inspection cycle applicable to such motor vehicle. Such an inspection certificate of approval shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety or emission-related defects.

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

In (f), substituted "7:27B-5" for "7:27B-4" and added the third sentence; in (l), substituted "7:27B-5" for "7:27B-4" and substituted "45 days of the date of the most recent inspection rejection" for "the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable"; added (r) and (s).

Administrative change.
See: 33 N.J.R. 4388(a).

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) The suspension system shall consist of the basic elements originally provided by the motor vehicle manufacturer and shall be geometrically arranged in accordance with the manufacturer's specifications. No suspension system component shall be replaced unless the replacement component meets or exceeds the quality and performance standards established by the vehicle manufacture. The motor vehicle shall have a suspension system that allows movement between the unsprung axles and wheels and the chassis body and shall be equipped with a shock-absorbing device at each wheel location. The suspension system shall be capable of providing a minimum relative motion of plus or minus two inches. When any corner of the motor vehicle is depressed and released, the damping device shall stop the vertical body motion within two cycles. The use of spacer blocks between the front axle and leaf springs is prohibited.

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

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

(d) With the front wheels of a motor vehicle having a GVWR of more than 8,500 pounds in the straight-ahead position, the steering wheel shall be turned in one direction until there is a perceptible movement of a front wheel. When the steering wheel is turned in the other direction, a point on the steering wheel rim shall not move more than three inches before there is a perceptible return movement of the front wheel under observation. When this test is performed on motor vehicles which are equipped with power steering, the transmission shall be in "neutral" and the engine shall be running.

(e) With the front end of a motor vehicle having a GVWR of more than 8,500 pounds lifted, the front and rear of a front tire shall be grasped and an attempt made to turn the tire and wheel assembly to the right and to the left. The free movement at the front or rear of the tire shall not exceed one-quarter inch. The top and bottom of a front tire shall then be grasped and moved in and out. The movement of the tire shall not exceed the manufacturer's specifications. Both front tires shall be tested in this manner.

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

(g) The steering wheel shall be turned through the limit of travel in both directions. There shall be no binding or jamming in the steering wheel mechanism.

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

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

(j) Shock absorbers shall be properly installed and in proper operating condition. Shock absorbers shall not exhibit oil on the shock absorber housing attributable to leakage by the seal.

(k) No portion of a motor vehicle shall extend below the bottom of the wheel rim line at maximum suspension deflection.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote (a); added a new (f) and recodified former (f) through (i) as (g) through (j); added (k).

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, other than a police vehicle or a motor vehicle for which a medical exemption certificate has been issued by the Division in accordance with N.J.S.A. 39:3-75.1 et seq., shall not be certified which has tinted spray or plastic material added to previously approved glazing in the front windshield or windows, vents, wings, deflectors, or side shields to the immediate right or left of the driver, because such condition changes the vision and light transmission properties of the glazing in areas where driver visibility shall not be obscured or obstructed; provided, however, tinted spray or plastic material may be applied to previously approved glazing in the front windshield if such spray or material extends no lower than six inches from the top of the front windshield or such spray or material does not extend below the AS-1 marking on the front windshield.

(e) A motor vehicle shall not be certified which has defrosters of the "electric element" type installed on any window which obstruct the driver's vision. Motor vehicles manufactured with the heating element as an integral part of an approved type of glazing shall not be refused certification.

(f) The window on the driver's side shall be capable of being readily opened to permit arm direction signals to be made by the driver. The presence of approved turn signals does not satisfy this requirement except on trucks over 80 inches in width.

(g) Any motor vehicle may have the rear window and/or side windows to the rear of the driver tinted or covered in some manner so as to partially obscure the driver's vision and any motor vehicle registered for commercial purposes and constructed on a truck chassis (including noncommercial trucks registered pursuant to N.J.S.A. 39:3-8.1) may have the rear window and/or side windows to the rear of the driver painted, tinted, or constructed in some manner so as to obstruct or obscure the driver's vision, provided that the motor vehicle is equipped with an exterior mirror on each side of the motor vehicle. The high-mounted rear stoplight on motor vehicles required to be equipped with such a light shall not be obstructed in any manner. 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.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote (d); in (g), added the second sentence.

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) 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-5.

Administrative change.
See: 33 N.J.R. 4388(a).

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-5.2.

Administrative change.
See: 33 N.J.R. 4388(a).

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 manu-

factured 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. Back-up lights shall be white in color. 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) A motor vehicle driven by an active member in good standing of the New Jersey Wing of the Civil Air Patrol may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-7. A permit issued pursuant to N.J.A.C. 13:24-7 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motor vehicle.

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

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

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

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

1. E: Side turn signal lights (mounted on vehicle sides);

2. K: Cornering lights;

3. R: Back-up lights;

4. U: Supplemental high-mounted stop and turn signal lights;

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.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).
In (a)3, deleted the last sentence.

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-5 regarding the inspection of motor vehicles.

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

Administrative change.
See: 33 N.J.R. 4388(a).

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 or Class II 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–5.

(h) A private inspection facility license also requires reinspection and certification of a motor vehicle when the motor vehicle owner or lessee, or someone not under the direction of the licensee, has made the repairs, adjustments, or corrections. In such cases, the private inspection facility shall reinspect the rejected item(s) to determine if they conform to the standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27–15 and 7:27B–5. If such defect(s) have been brought into compliance with the standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27–15 and 7:27B–5, an inspection certificate of approval shall be affixed to the motor vehicle. A private inspection facility may charge a fee for such reinspection service for motor vehicles having a GVWR of 8,500 pounds or less, motor vehicles having a GVWR greater than 8,500 pounds, and motorcycles based on the facility's established hourly labor charge for repair service, but only that portion of an hour which the 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–5, the motor vehicle shall be certified by a Class I or Class II licensee by removing the previous inspection certificate of approval, certificate of waiver, or inspection rejection sticker, if any, and replacing it with a current inspection certificate of approval. The inspection certificate of approval issued by a Class I or Class II licensee shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the inspection certificate of approval shall be completely visible from the front of the motor vehicle. The inspection certificate of approval shall be affixed in an upright position.

(l) If an automobile, truck, bus (including a modified bus regardless of passenger capacity which has been issued passenger, governmental, no fee, or commercial vehicle license plates by the 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–5, a Class I licensee shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, and a Class I or Class II licensee shall deface the inspection certificate of approval or certificate of waiver affixed to the motor vehicle, if any, by cutting it in a diagonal manner from the upper right corner of the certificate to the lower left corner of the certificate as viewed from inside the passenger compartment of the motor vehicle and removing the lower right half of such certificate. This shall be an indication that adjustments, corrections, or repairs to the motor vehicle which has failed inspection must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20–7.5. If there is no previous certificate of approval or certificate of waiver affixed to the windshield, the motor vehicle inspection report or inspection card issued to the operator of the motor vehicle by the licensed private inspection facility shall be an indication that adjustments, corrections, or repairs to the motor vehicle which has failed inspection must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20–7.5.

(m) Notwithstanding (l) above, if an automobile, truck, bus (including a modified bus regardless of passenger capacity which has been issued passenger, governmental, no fee, or commercial vehicle license plates by the 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-5 and the nature of the defect(s) found is such as to constitute a hazard to the public safety so as to require immediate repairs to such motor vehicle, a Class I licensee shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, shall remove the previous inspection certificate of approval, certificate of waiver and/or inspection rejection sticker, if any, and shall affix a "48 hour" inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A defect which constitutes a hazard to the public safety so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the items specified in N.J.A.C. 13:20-7.6(b). The "48 hour" inspection rejection sticker shall be an indication that the defect(s) deemed to constitute a hazard to the public safety must be repaired and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.6(a).

(n) If a motorcycle registered in New Jersey conforms to the inspection standards set forth in this subchapter, the motorcycle shall be certified by a Class III licensee by affixing a current inspection certificate of approval to the right side of the rear license plate, equally centered between the upper right and lower right corners of the license plate, in such a position as to be easily visible for enforcement purposes. The inspection certificate of approval shall be affixed in an upright position. If there is a previous certificate of approval affixed to the rear license plate at the location specified in this subsection, the new certificate of approval shall be affixed so as to cover the previous certificate of approval. If there is a previous certificate of approval affixed to the rear license plate at a location other than that specified in this subsection, the new certificate of approval shall be affixed at the location specified in this subsection.

(o) If a motorcycle registered in New Jersey does not conform to the inspection standards set forth in this subchapter, the private inspection facility shall present the inspection card for such motorcycle to the operator thereof. The inspection card shall be an indication that adjustments, corrections, or repairs to the motorcycle which has failed inspection must be made and the motorcycle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(p) A motor vehicle inspection report, issued to an owner or lessee of a motor vehicle with elevated chassis height, a motor vehicle which has been modified at the direction of the New Jersey Department of Labor, 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-5, and if there are no obvious safety or emission-related defects, provided the motor vehicle is presented for reinspection within 45 days of the date of the most recent inspection rejection. If the motor vehicle is presented for reinspection after such date, or if there are obvious safety 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-5, the licensed private inspection facility shall not remove the inspection rejection sticker previously affixed to the motor vehicle by an official inspection facility, nor shall the licensed private inspection facility remove the inspection certificate of approval or certificate of waiver previously defaced by a licensed private inspection facility in accordance with N.J.A.C. 13:20-33.2(l) as an indication that the motor vehicle has failed inspection.

(s) If a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at a licensed private inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has not been repaired, the licensed private inspection facility shall not issue a "48 hour" inspection rejection sticker to replace the "48 hour" inspection rejection sticker previously affixed to the motor vehicle.

(t) Notwithstanding (r) above, if a motor vehicle bearing a “48 hour” inspection rejection sticker is presented at a licensed private inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has been repaired so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, but another rejected item(s) not deemed to constitute a hazard to the public safety has not been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, the licensed private inspection facility shall remove the “48 hour” inspection rejection sticker previously affixed to the motor vehicle and shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof. The motor vehicle inspection report or inspection card shall be an indication that adjustments, corrections, or repairs to the motor vehicle must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(u) Charges for initial inspections, reinspections, and repairs shall be listed separately on the inspection or repair invoice.

(v) A licensed private inspection facility shall not require, as a condition of performing the initial inspection, that any repairs, adjustments, or corrections be performed at the private inspection facility performing the inspection.

(w) Repairs, adjustments, or corrections shall not be performed on a motor vehicle at the licensed private inspection facility where the motor vehicle was inspected unless the customer signs a written acknowledgment and waiver that he or she understands his or her right to have the repairs, adjustments, or corrections performed elsewhere and expressly waives his or her rights. The acknowledgment/waiver shall contain at least the following information:

I understand my right to have inspection repairs, adjustments, and corrections performed elsewhere, and hereby choose to have such repairs, adjustments, and corrections performed at this facility.
Customer's Signature _____ Date _____

(x) Any motor vehicle presented for initial inspection shall undergo a complete inspection. Once the inspection has commenced it shall not be terminated until the motor vehicle is either certified or rejected. An inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection.

(y) Licensed private inspection facilities shall not be authorized to issue certificates of waiver. Certificates of waiver shall only be issued by official inspection facilities in accordance with N.J.A.C. 13:20-32.2 for motor vehicles which satisfy all of the requirements of N.J.A.C. 13:20-43.13.

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

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

In (f), inserted “or Class II” following “Class I”; in (h), substituted “someone not under the direction of the licensee” for “any other person authorized by the motor vehicle owner or lessee” and substituted “7:27B-5” for “7:27B-4”; in (q), rewrote first sentence.

Administrative change.

See: 33 N.J.R. 4388(a).

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) The suspension system shall consist of the basic elements originally provided by the motor vehicle manufacturer and shall be geometrically arranged in accordance with the manufacturer's specifications. No suspension system component shall be replaced unless the replacement component meets or exceeds the quality and performance standards established by the vehicle manufacturer. The motor vehicle shall have a suspension system that allows movement between the unsprung axles and wheels and the chassis body and shall be equipped with a shock-absorbing device at each wheel location. The suspension system shall be capable of providing a minimum relative motion of plus or minus two inches. When any corner of the motor vehicle is depressed and released, the damping device shall stop the vertical body motion within two cycles. The use of spacer blocks between the front axle and leaf springs is prohibited.

(b) Starting with the front wheels in the straight-ahead position, the steering wheel shall be turned in one direction until there is a perceptible movement of a front wheel. When the steering wheel is turned in the other direction, a point on the steering wheel rim shall not move more than three inches before there is a perceptible return movement of the front wheel under observation. When this test is performed on motor vehicles which are equipped with power steering, the transmission shall be in "neutral" and the engine shall be running.

(c) With the front end of the motor vehicle lifted, the front and rear of a front tire shall be grasped and an attempt made to turn the tire and wheel assembly to the right and to the left. The free movement at the front or rear of the tire shall not exceed one-quarter inch. The top and bottom of a front tire shall then be grasped and moved in and out. The movement of the tire shall not exceed the manufacturer's specifications. Both front tires shall be tested in this manner.

(d) The steering wheel shall be turned through the limit of travel in both directions. There shall be no binding or jamming in the steering wheel mechanism.

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

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

(g) Shock absorbers shall be properly installed and in proper operating condition. Shock absorbers shall not exhibit oil on the shock absorber housing attributable to leakage by the seal.

(h) No portion of a motor vehicle shall extend below the bottom of the wheel rim line at maximum suspension deflection.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote (a); added (h).

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

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

(b) Front parking lights shall be white, yellow, or amber in color, and shall be securely mounted on the motor vehicle so as to reduce the likelihood of their being obscured by mud or dust thrown up by the wheels. There shall be one front parking light mounted on each side of the vertical centerline of the motor vehicle at the same height and as far apart as practicable.

(c) Certification of a motor vehicle shall not be refused 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:

(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.

(h) If the high-mounted rear stoplight is mounted inside the motor vehicle, means shall be provided to minimize reflections from the light upon the rear window glazing that may be visible to the driver when viewed in the interior rear view mirror. Certification of a motor vehicle which is equipped with such a high-mounted rear stoplight shall be refused if adequate means are not provided to minimize such reflections.

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

13:20–33.18 Wheels; Class I and II licensees

(a) Wheels shall turn freely and the lateral or radial runout of the rim bead shall not exceed the motor vehicle manufacturer's specifications.

(b) Wheels shall be securely mounted and there shall be no visible cracks, elongated bolt holes, broken bolts, missing bolts or nuts, indication of repair by welding, or other defects which adversely affect the safe operation of the motor vehicle.

13:20–33.19 Tires; Class I and II licensees

(a) The tread on each tire shall not be less than $\frac{2}{32}$ of an inch deep.

(b) Many tires have tread depth indicators that become exposed when the tread depth is less than $\frac{2}{32}$ of an inch. Tread depth indicators shall be inspected and a tire rejected if it is worn so that the indicators are visible in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire. For tires without tread depth indicators, the tread depth shall be measured with a tire tread depth gauge.

(c) Tires shall be free from chunking, bumps, knots, or bulges evidencing cord, ply, or tread separation from the casing or other adjacent materials. Tire cords or belting materials shall not be exposed.

(d) There shall not be any mismatch in nominal tire size, construction, or profile between tires on the same axle, or any deviation from the motor vehicle manufacturer's tire recommendations. Tire tread shall not protrude beyond the fenders.

(e) Tires on motor vehicles registered for use on a public highway shall not be marked "FOR FARM USE ONLY," "OFF HIGHWAY USE ONLY" or "FOR RACING USE ONLY." Tires which were originally manufactured with extra undertread material and are marked "REGROOVABLE" may be regrooved below the original tread depth.

(f) Studded tires may not be used on a public highway in New Jersey earlier than November 15 or later than April 1 of any winter season. Certification of a motor vehicle shall not be refused because of the improper use of studded tires; however, the motorist shall be advised to have the condition corrected.

13:20–33.20 Exhaust system; Class I and II licensees

(a) The following shall not be certified:

1. An exhaust system in which the muffler is missing, defective, or not in proper operating condition;

2. An exhaust system if there is evidence of tampering with emission control apparatus in violation of N.J.A.C. 7:27–15.7;

3. An exhaust system if there is evidence of exhaust gas leakage at any point in the system;

4. An exhaust system if there is a muffler cut-out, muffler bypass or any similar device, or any change or modification to the exhaust system which causes excessive noise;

5. An exhaust system which has loose or worn components or has been patched; provided, however, that an exhaust system which has been properly welded and is in good condition may be certified;

6. An exhaust system in which all parts are not properly mounted. The entire exhaust system shall be in such condition that it cannot burn or cause injury to any person. Exposed exhaust pipes, stacks, or other parts of the exhaust system which might burn a person or cause injury shall be protected in a permanent and effective manner; or

7. An exhaust system installed in a manner that any part thereof passes through the passenger compartment of the motor vehicle. The exit point for the exhaust gas shall be located so that dangerous amounts of exhaust gas will not enter the passenger compartment under normal vehicle use even with the windows open or the outside air inlets to the heater or air conditioner open. A replacement exhaust system is acceptable provided it is specifically manufactured for the motor vehicle by a company which guarantees that the exhaust system has a safe exhaust gas exit location.

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

13:20-33.21 Prescribed emission 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-5.

Administrative change.
See: 33 N.J.R. 4388(a).

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-5.2.

Administrative change.
See: 33 N.J.R. 4388(a).

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.

(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.

Amended by R.2001 d.358, effective October 15, 2001.

Sec: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

In (a)3, deleted last sentence.

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

Item Reinspected	Time Required
Credentials	.1 hour*
License Plates	.1 hour*
Steering and Suspension	.5 hour
Front Parking Lights	.1 hour*
Glazing	.2 hour

Item Reinspected	Time Required
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 _x 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

Item Reinspected	Time Required
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.

"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;

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.

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;

(f) The Division, upon approval of an individual member's application, will mail the special motor vehicle registration plates and replacement certificate of registration bearing the new registration plate number to the applicable member.

(g) Upon receipt of the special motor vehicle registration plates and replacement certificate of registration by an organization member, that member must surrender his or her replaced license plates within 10 days to the Division at any motor vehicle agency or official inspection facility or by mail to:

Division of Motor Vehicles
PO Box 403
Trenton, New Jersey 08666-0403

Amended by R.1994 d.175, effective April 4, 1994.

See: 26 N.J.R. 331(a), 26 N.J.R. 1516(a).

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

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

In (g), substituted "official" for "State operated motor vehicle" and substituted "facility" for "station".

13:20-39.10 Denial, suspension or revocation

(a) Special motor vehicle registration plates shall not be issued pursuant to this subchapter to any person who:

1. Has been convicted of a violation of either N.J.S.A. 39:4-50 or N.J.S.A. 39:4-96;
2. Has been convicted of a violation of N.J.S.A. 2C:11-5;
3. Has had a suspension or revocation of driving privileges in effect in this State at any time within the two year period next preceding the date of application for such plates.

(b) Special motor vehicle registration plates shall not be issued pursuant to this subchapter for any motorcycle or commercially registered vehicle, nor for any vehicle which is not registered in the State of New Jersey.

(c) Any cause for which issuance of special motor vehicle registration plates pursuant to this subchapter may be denied which arises subsequent to the issuance of such plates shall also be cause for the suspension or revocation of such plates.

(d) A material misstatement of fact on an application for special motor vehicle registration plates submitted pursuant to this subchapter shall be cause for suspension or revocation of such plates.

(e) Any person who has been issued special motor vehicle registration plates pursuant to this subchapter which identify that person as a member of an approved organization shall surrender such plates to the Division together with the corresponding registration certificate within 30 days of that

person's resignation, removal or termination from membership in such organization. The failure to so surrender such plates shall be cause for the suspension or revocation of such plates.

(f) The organization liaison shall notify the Division of Motor Vehicles in writing of any person who has been issued special motor vehicle registration plates pursuant to this subchapter and who subsequently resigns or is removed or terminated from membership in the approved organization. The notification required by this subsection shall be supplied to the Division within 30 days of the former organization member's resignation, removal or termination of membership in the approved organization, and shall specify the date of the former member's resignation, removal or termination.

SUBCHAPTER 40. (RESERVED)

SUBCHAPTER 41. SILVER STAR INSIGNIAS ON LICENSE PLATES

13:20-41.1 Use

A person who has been issued Silver Star license plates in accordance with N.J.S.A. 39:3-27.45 may, pursuant to P.L. 1999, c.127 and this subchapter, affix a Silver Star insignia to such license plates. Such an insignia may only be affixed to New Jersey Silver Star license plates.

13:20-41.2 Design

The Silver Star insignia to be affixed to a Silver Star license plate as set forth in N.J.A.C. 13:20-41.1 shall be of a design similar to that set forth in 32 CFR § 578.7(b), and shall be no larger in size than the replica of the Silver Star which is on the Silver Star license plate.

13:20-41.3 Materials

The Silver Star insignia to be affixed to a Silver Star license plate as set forth in N.J.A.C. 13:20-41.1 shall be made of reflectorized material.

13:20-41.4 Placement

The Silver Star insignia to be affixed to a Silver Star license plate as set forth in N.J.A.C. 13:20-41.1 shall be placed upon the replica of the Silver Star which is on the license plate, and shall not obscure or cover any portion of the letters or numbers which appear on the license plate.

SUBCHAPTER 42. PURPLE HEART EMBLEMS ON LICENSE PLATES

13:20-42.1 Use

A person who is an active member of the Military Order of the Purple Heart may, pursuant to P.L. 1991, c.232 and this subchapter, affix a purple heart emblem to a New Jersey purple heart license plate issued in accordance with N.J.S.A. 39:3-27.35 et seq. for a motor vehicle owned or leased by that member. Such an emblem may only be affixed to a New Jersey purple heart license plate.

13:20-42.2 Design

The purple heart emblem to be affixed to a purple heart license plate as set forth in N.J.A.C. 13:20-42.1 shall be of a design similar to that set forth in 32 CFR § 578.14(b), and shall be no larger in size than the replica of the purple heart which is already embossed on the purple heart license plate.

13:20-42.3 Materials

The purple heart emblem to be affixed to a purple heart license plate as set forth in N.J.A.C. 13:20-42.1 shall be made of reflectorized material.

13:20-42.4 Placement

The purple heart emblem to be affixed to a purple heart license plate as set forth in N.J.A.C. 13:20-42.1 shall be placed upon the replica of the purple heart which is already embossed on the license plate, and shall not obscure or cover any portion of the letters or numbers which appear on the license plate.

SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

13:20-43.1 Definitions

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

“Bi-fueled” means powered by gasoline and by an alternative fuel, but not on a mixture of the two fuels. Each fuel is stored in a separate tank. For example, a vehicle may operate on either propane or gasoline, but it cannot operate on both at the same time. Typically, these vehicles will consume the alternative fuel until the supply is exhausted, then switch over, often automatically, to use the traditional fuel. This term shall not include vehicles powered by electric motors.

“Certificate of approval” means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, this subchapter, N.J.A.C. 13:20-32 or 13:20-33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of motor vehicles.

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

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

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

“Collector motor vehicle” means a motor vehicle, not otherwise qualified for designation as an “historic vehicle,” or “street rod,” which was either: originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity; or at the time of qualification for designation exists in such limited numbers; either one or the other or both of the above, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner to the Division, as may be accepted by the Director in his or her discretion, so as to establish it as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns, and, further, that is not driven in excess of the maximum mileage permitted by the terms of a valid limited use motor vehicle insurance policy issued for, and covering such vehicle, proof of which shall be supplied to the Division at the time of application for designation as a collector vehicle, which mileage shall in no event exceed 3,000 miles per year. This term shall not include motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

“Department” means the Department of Environmental Protection in the State of New Jersey.

“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.

“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.

Administrative change.

See: 33 N.J.R. 4388(a).

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 provide 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. 7:27-15 and 7:27B-5. It shall be the responsibility of the owner or lessee of any motor vehicle primarily operated in New Jersey but which is registered in another jurisdiction to have such 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-5.

(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.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

In (a), amended N.J.A.C. references.

Administrative change.

See: 33 N.J.R. 4388(a).

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-5.

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles which are inspected pursuant to this section shall be inspected by a Class I or Class II private inspection facility licensed by the 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. CO₂ results;
6. NO_x results;
7. O₂ 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.

Administrative change.

See: 33 N.J.R. 4388(a).

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-5.

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles which are inspected pursuant to this section shall be inspected by a Class I or Class II private inspection facility licensed by the 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. CO₂ results;
7. O₂ results;
8. NO_x 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. Administrative change.

See: 33 N.J.R. 4388(a).

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-5. A fleet vehicle shall be inspected at an official inspection facility or by a Class I or Class II licensed private inspection facility. The owner or lessee of fleet motor vehicles may apply for and be licensed by the 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.

Administrative change.

See: 33 N.J.R. 4388(a).

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-5 on all gasoline-fueled and bi-fueled motor vehicles with model years 1981 and later having a GVWR of 8,500 pounds or less; provided, however, no such test shall be required for any full-time four-wheel drive vehicle regardless of weight class, for a low mileage vehicle, for a low utilization modified performance vehicle, for a motor vehicle 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, 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, or for any other motor vehicle with a chassis height that has been modified so as to make its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director. In such exceptional cases, a 2,500 RPM emission test, conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.4, shall be administered. All motor vehicles 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_x).

(b) An idle emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.3(b) on all gasoline-fueled and bi-fueled motor vehicles with model years 1980 and earlier, all gasoline-fueled and bi-fueled motor vehicles having a GVWR greater than 8,500 pounds, and on any other motor vehicle originally manufactured with a particular design characteristic which makes it either impractical or hazardous to conduct a 2,500 RPM emission test, as shall be determined in the discretion of the Director. A 2,500 RPM emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.4 on all low mileage vehicles with model years 1981 and later, on all low utilization modified performance vehicles with model years

1981 and later, on all full-time four-wheel drive vehicles with model years 1981 and later, on all motor vehicles that are operated by handicapped persons and have been modified so that such 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, 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, and on any other motor vehicle with model years 1981 and later with a chassis height that has been modified so as to make its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director. All motor vehicles which are subject to an idle test or a 2,500 RPM emission test shall not exceed the emission levels established at N.J.A.C. 7:27-15 for such 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-5 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-5. 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-5 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-5. 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-5.11.

(e) An inspection shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-5 for the presence of the

catalytic converter on all light-duty gasoline-fueled and bi-fueled motor vehicles and light-duty gasoline-fueled and bi-fueled trucks which were manufactured with a catalytic converter as original equipment or which were retrofitted with a catalytic converter. Motor vehicles shall fail inspection if the catalytic converter was a part of the original certified configuration for the motor vehicle and the catalytic converter is missing or disconnected. If it is found that the catalytic converter is modified or improperly connected, or is not certified in accordance with EPA procedures, or is not of a type which was part of the original certified configuration for the motor vehicle, the motor vehicle shall fail inspection.

(f) A visible smoke test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-5 on all gasoline-fueled and bi-fueled motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1.

(g) The 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.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

In (a), rewrote the first sentence; in (b), rewrote the second and third sentences; deleted "idle" following "RPM" and updated N.J.A.C. references throughout.

Administrative change.

See: 33 N.J.R. 4388(a).

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. Emission-related repairs shall be performed by a registered motor vehicle emission repair facility or by the owner or lessee of the motor vehicle. The owner or lessee who had a registered motor vehicle emission repair facility perform emission-related 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 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 and invoices for emission-related parts. The owner or lessee who performs emission-related repairs of the emission control system and/or who performs an emission-related process 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 and invoices for emission control system parts and/or emission-related processes. All motor vehicles subject to a reinspection, including motor vehicles that have failed an on-road inspection 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.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote section.

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-5 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-5.3(b);
3. The motor vehicle has passed a safety inspection conducted in accordance with N.J.A.C. 13:20-32 or 33, whichever is applicable, and this subchapter;
4. The owner or lessee has provided written proof to the satisfaction of the 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 \$450.00 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.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

In (a), substituted "7:27B-5" for "7:27B-4" in the introductory paragraph and substituted "\$450.00" for "the amount specified at 40 C.F.R. § 51.360(a)(7)" in 8.

Administrative change.

See: 33 N.J.R. 4388(a).

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-5.

(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.

Administrative change.

See: 33 N.J.R. 4388(a).

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.

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) If a motor vehicle for which a notice of conditional registration restoration has been issued pursuant to (d) above or for which a conditional registration has been issued pursuant to (f) above is presented for inspection at an official inspection facility or a licensed private inspection facility and fails such inspection, the official inspection facility or licensed private inspection facility shall remove the previous inspection certificate of approval, certificate of waiver, collector motor vehicle windshield sticker, and/or inspection rejection sticker, if any, affixed to the windshield and shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof.

(i) A motor vehicle owner or lessee whose motor vehicle registration has been denied or suspended pursuant to this section shall not operate or permit the operation of such motor vehicle during the period of such denial or suspension. A person who operates or permits the operation of a motor vehicle during a period of denial or suspension shall be subject to the penalties set forth in N.J.S.A. 39:3-4, 39:3-40 and 39:5-35.

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

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

Rewrote the section.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

In (a), rewrote 2; in (b), substituted "of" for "for" following "registration" in the third sentence of the introductory paragraph and rewrote 2; added new (h); and recodified former (h) as (i).

13:20-43.17 Emission inspector training and licensing; training administration; testing; application process; license fee; renewal of license; refresher training and testing; conflicts of interest

(a) No person shall perform an emission 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 com-

plete 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 N.J.A.C. 13:20-43.21.

(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 emission inspector shall, while in the employment of an official inspection facility, own, operate, or be employed by any motor vehicle repair or service facility, motor vehicle parts sales business, or any motor vehicle sales or leasing business. An emission inspector, other than an emission inspector employed at an official inspection facility, may be employed by a private inspection facility which is licensed by the 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 emission inspector, while in the employment of an official inspection facility, shall refer motor vehicle owners, lessees, or operators to particular providers of motor vehicle repair service except as may be permitted by Federal law.

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

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

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

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

Deleted a former (g).

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

Rewrote (b); in (e) and (f), inserted "emission" preceding "inspector"; added (g) and (h).

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

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

1. Fraudulently, willfully or negligently conducting an improper emission inspection of a motor vehicle;
2. Violation of any provision of N.J.S.A. 39:8-1 et seq., N.J.A.C. 13:20-7, 13:20-32, 13:20-33, 13:20-44, 13:20-45, or this subchapter;
3. Violation of any procedure established by the 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 emission inspector who fraudulently or willfully conducts an improper emission inspection of a motor vehicle shall be subject to a suspension of his or her emission inspector license for a period of at least six months. An emission inspector whose license is suspended pursuant to this section shall successfully complete refresher training and testing in accordance with N.J.A.C. 13:20-43.17(d) before such license is restored pursuant to this subchapter.

(c) Any applicant who submits false information when applying for a motor vehicle emission inspector license may be disqualified from receiving the license. In addition, any licensee whose eligibility for a license was based on the submission of false information is subject to license suspension or revocation by the 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 issue or renew a motor vehicle emission inspector license shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

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

1. For intentionally or willfully improperly passing or waiving a 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 an altered, forged, stolen, or counterfeit certificate of approval, certificate of waiver, rejection sticker, or emission inspector license:

- i. Two-year license suspension first violation
- ii. Four-year license suspension second violation
- iii. Lifetime license revocation third violation

8. For furnishing, lending, giving or selling a certificate of approval, certificate of waiver or rejection sticker without performing the required inspection or reinspection:

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

9. For fraudulent recordkeeping:

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

10. For failing to produce inspection records:

- i. Immediate license suspension until compliance

11. For improper recordkeeping:

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

12. For improper security of certificates of approval, certificates of waiver and/or rejection stickers:

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

13. For lost or stolen certificates of approval, certificates of waiver, and/or rejection stickers for which the licensee does not properly account. A licensee can "properly account" for such documents by demonstrating, to the satisfaction of the 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.).

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

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

18. For failing to produce an emission inspector license:

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

(g) 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 issue or renew a motor vehicle emission inspector license, 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 issue or renew.

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

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

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

In (a)4, inserted "or certificate of waiver" following "certificate of approval".

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(a).

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

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.

13:20-43.20 Surrender of emission inspector license

(a) Each motor vehicle emission inspector license, although issued and delivered to a licensee, shall at all times be the property of the State of New Jersey.

(b) Upon any suspension, revocation, refusal to renew or other termination of a motor vehicle emission inspector license, the license shall no longer be in force and effect and the license shall be surrendered forthwith upon demand of a Division representative.

New Rule, R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

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

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

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

(c) Each applicant for approval of an emission inspector training program shall file with the Director, in such form and detail as may be required by him or her, an application setting forth the following:

1. The name, place of business and telephone number of the emission inspector training program;
2. The name, residence address(es), driver's license number, and telephone number(s) of:
 - i. The owner and/or possessor of a controlling interest of the emission inspector training program, in the case of a sole proprietorship;
 - ii. Each partner, in the case of a partnership; or

iii. Each officer, director and possessor of a controlling interest, in the case of a corporation;

3. The name, residence address(es), driver's license number, professional credentials, and training experience of trainers employed by the emission inspector training program;

4. Accreditation;

5. The number of years the emission inspector training program has been in operation; and

6. Whether the emission inspector training program intends to develop its own curriculum or use a curriculum that has been already developed.

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

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

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

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

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

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

(e) The hands-on emission test demonstration area, including the emission test equipment (that is, the dynamometer, analyzer, pressure test and purge test equipment) shall be subject to inspection by the Director or his or her designee. If a simulator is used, a written explanation of its design and function shall be required.

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

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

Emission Inspector Training Program Name _____

DMV CERTIFICATE No. _____

This is to certify that

Name of Student

Has successfully completed
Emission Inspector Training

Date

Signature of Instructor

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

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

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

1. The air pollution problem, its causes and effects;
2. The purpose, function, and goal of the enhanced motor vehicle emission inspection and maintenance 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 enhanced motor vehicle emission inspection process.

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

1. Overview information:

- i. Plain English guide to the Federal Clean Air Act and the Clean Air Act Amendments of 1990;
- ii. Understanding of the air pollution problem, its causes and effects;

iii. The purpose, function, and goals of the New Jersey enhanced motor vehicle emission inspection and maintenance program;

iv. Motor vehicle emissions;

v. Program requirements;

vi. Consumer benefits; and

vii. Public relations and customer interaction;

2. Exhaust emission testing:

i. General information:

(1) Understanding emission theory;

(2) Understanding five gas theory (HC, CO, O₂, CO₂, and NO);

(3) Understanding and utilizing exhaust gas analyzers; and

(4) Oxides of nitrogen (NO_x) production and control; and

ii. Detailed information:

(1) Knowledge of how to perform New Jersey's enhanced exhaust gas emission test, known as the ASM 5015 exhaust emission test, as well as the basic idle test and 2500 RPM test;

(2) Knowledge of the inspection regulations and procedures needed to perform all exhaust emission tests;

(3) Knowledge of the test equipment operation, calibration, and maintenance for exhaust emission testing;

(4) Quality control procedures for exhaust emission testing and their purpose;

(5) Safety and health issues related to the exhaust emission inspection process; and

(6) Public relations and customer interaction;

3. Evaporative system and anti-tampering testing:

i. General information:

(1) Understanding evaporative emission control devices;

(2) Understanding the canister purge system;

(3) Understanding catalytic converters; and

(4) Understanding and utilizing evaporative and anti-tampering testing equipment; and

ii. Detailed information:

(1) Knowledge of how to perform the EPA-recommended and the alternative evaporative pressure tests;

(2) Knowledge of how to perform the fuel cap leak test;

(3) Knowledge of how to perform the inspection for the presence of a catalytic converter;

(4) Knowledge of the inspection regulations and procedures for evaporative system purge and anti-tampering testing;

(5) Quality control procedures for evaporative and anti-tampering testing and their purpose;

(6) Safety and health issues related to the evaporative and anti-tampering inspection process; and

(7) Public relations and customer interaction; and

iii. Implementation of the evaporative system purge test required by N.J.A.C. 13:20–43.8(c) is contingent upon the development of a Federal EPA methodology for conducting such test. The State has, therefore, delayed evaporative system purge testing until the EPA develops a practical in-use evaporative system purge test. Evaporative system purge testing remains an integral part of the State's overall enhanced motor vehicle inspection and maintenance program. Accordingly, a third party emission inspector training program provider shall be prepared to provide a refresher course that instructs emission inspectors as to the evaporative system purge test adopted by the State;

4. OBD–I and OBD–II:

i. General information:

(1) Understanding the theory of and the concepts behind On–Board Diagnostics (OBD); and

(2) Understanding and utilizing the OBD testing equipment; and

ii. Detailed information:

(1) Description of the differences between OBD–I and OBD–II;

(2) Explanation of how OBD–II systems monitoring is similar to the exhaust test procedures;

(3) Explanation of OBD–II terminology; and

(4) Explanation of OBD–II diagnostic codes.

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

1. Provide a minimum of eight hours of classroom instruction, including hands-on emission test demonstrations;

2. Provide trained instructor(s) in a number sufficient to insure that each student is provided with adequate attention. The ratio of students to instructors shall not exceed 25 to one per class; and

3. Provide a student with a certificate stating that such student has successfully completed the emission inspector training program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Has been found to be in violation of the Federal Clean Air Act or the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder; or

10. For other good cause.

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

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

When, pursuant to N.J.S.A. 39:8-1 et seq. or any regulation adopted thereunder, the Director has the authority to withdraw the approval of a third party emission inspector training program provider, the Director shall also have the authority to impose an official warning as an alternative to such withdrawal of approval.

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

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

(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 an approved third party emission inspector training program provider.

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

(c) Subpoenas shall be served in the same manner, and witnesses shall be entitled to the same fees, as in the case of subpoenas issued out of the Superior Court of New Jersey.

(d) In the case of a failure of any person to comply with any subpoena issued under this subchapter or to testify with respect to any matter concerning which he or she may be lawfully interrogated, the Superior Court, on application of the 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.

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

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

(a) The Director shall notify the applicant, in writing by certified mail, of any refusal to approve a third party emission inspector training program and the grounds thereof. Written notice shall be mailed to the applicant at the address listed on the application or to the place of business on record with the Division.

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

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

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

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-43.28(a) that the Director refuses to approve a third party emission inspector training program, the applicant shall be entitled to an administrative hearing concerning such refusal provided that the applicant has filed and the 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. 13:20-43.28(a).

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

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

1. The name, certificate number, place of business and telephone number of the third party emission inspector training program;
2. A concise statement of facts constituting each ground of defense;
3. A specific admission, denial or explanation of each fact alleged by the Division in its notice, or if without knowledge thereof, a statement to that effect; any allegation in the Division's notice which is not answered in accordance with this paragraph shall be deemed to have been admitted; and
4. A statement requesting a hearing.

(d) If the third party emission inspector training program provider does not file a written request for a hearing in accordance with (a), (b) or (c) above, the withdrawal of approval of the emission inspector training program shall be effective on the date specified in such notice. The third party emission inspector training program provider shall cease all activities of the business of an emission inspector training program provider effective on the date specified in such notice.

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

13:20-43.30 Hearing procedures; third party emission inspector training programs

Any hearing concerning the refusal to approve or the withdrawal of approval of a third party emission inspector training program shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

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

SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

13:20-44.1 Purpose

(a) P.L. 1995, c.112 provides for the licensing and regulation of private inspection facilities by the 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 re-inspections on motor vehicles and issue certifications for motor vehicles, including emission control system inspections; and
2. Establish standards and procedures necessary to protect the public from incompetent, dishonest, deceptive and fraudulent practices in the inspection, reinspection and certification of motor vehicles, including emission control systems, and to eliminate or exclude from licensing those persons who engage in such practices or who otherwise demonstrate unfitness.

(b) The 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-5, a licensed private inspection facility must possess certain equipment used in the inspection, reinspection and certification of motor vehicles, including emission control systems.

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

In (b), changed N.J.A.C. references.
Administrative change.
See: 33 N.J.R. 4388(a).

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.

“Motor vehicle emission testing equipment” means equipment in accordance with specifications contained in N.J.A.C. 7:27B-5.12. The equipment shall include all devices used for performing a motor vehicle emission inspection, including, but not limited to, exhaust gas analyzers, evaporative pressure testing apparatus, evaporative purge testing apparatus, dynamometers, computers and related software.

“Person” means any natural person, business, company, firm, partnership, association, corporation or any other entity.

“Place of business” means the address or location where the services of a private inspection facility are offered or ordinarily performed.

“Private inspection facility” means any person who for compensation engages in the business of inspecting, reinspecting and certifying motor vehicles, including emission control systems. For purposes of this subchapter, an employee of a private inspection facility who engages in the business of inspecting, reinspecting and certifying motor vehicles, including emission control systems, solely by reason of his or her employment is not deemed to be a private inspection facility and is not required to be licensed as such.

“Private inspection facility license” means a license issued to a private inspection facility which evidences the Director’s authorization for the facility to engage in the inspection, reinspection and certification of motor vehicles, including motor vehicle emission control systems.

"Reconstructed vehicle" means a vehicle which has been materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

"Suspension, revocation or refusal to grant or renew" means administrative action by the Director, in accordance with the provisions of P.L. 1995, c.112 or this subchapter, to refuse to grant or renew a private inspection facility license or to suspend or revoke an existing license.

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

Inserted "Bi-fueled" and "Jitney"; in "Emission control system", substituted a reference to vehicle manufacturers and engine manufacturers for a reference to manufacturers, and inserted a reference to maintenance; and in "Motor vehicle emission testing equipment", changed N.J.A.C. reference.

Administrative change.

See: 33 N.J.R. 4388(a).

13:20-44.3 Scope; license required; vehicle classes; inspection services; license classes

(a) This subchapter shall apply to every person engaged in the business of a private inspection facility which performs inspections, reinspections and certifications of motor vehicles, including emission control systems.

(b) No person shall, on or after June 29, 1995, engage in the business of a private inspection facility unless licensed by the Director in accordance with the provisions of this subchapter.

(c) Private inspection facilities shall be licensed to engage in the inspection, reinspection and certification of light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of less than 10,000 pounds, motorcycles, buses (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), and jitneys; provided, however, private inspection facilities shall not inspect 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) Class I and Class II licensed private inspection facilities shall provide inspection, reinspection and certification services in all motor vehicle inspection categories, other than motorcycle inspection categories, established by the Division, including the following inspection categories:

1. Credentials;
2. Engine emissions;
3. Brake system;
4. Exhaust system;

5. Steering, suspension, tires and wheels;
6. Glass (windshield, windows);
7. Electrical (all switches, signals, wipers, lenses and lights, including headlights); and
8. Miscellaneous (any inspection item not in other categories)

(e) Class III licensed private inspection facilities shall provide inspection, reinspection and certification services in all motorcycle inspection categories established by the Division, including the following inspection categories:

1. Credentials;
2. Brake system;
3. Exhaust system;
4. Steering, suspension, tires, and wheels;
5. Glazing (windscreen);
6. Electrical (all switches, signals, wipers, lenses, and lights, including headlights); and
7. Miscellaneous (any inspection item not in other categories).

(f) Each motor vehicle inspection conducted by a private inspection facility pursuant to this subchapter shall include an examination of the driver's license, motor vehicle registration certificate and insurance identification card; provided, however, that this subsection shall not apply to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 or to motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5.

(g) Private inspection facilities shall be licensed in the following classes:

1. Class I licenses shall be issued to private inspection facilities to engage in the inspection and certification of light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of less than 10,000 pounds, buses, and jitneys.
2. Class II licenses shall be issued to owners or lessees of fleets of 10 or more light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, or diesel-fueled trucks having a GVWR of less than 10,000 pounds to engage in the inspection and certification of such motor vehicles.
3. Class III licenses shall be issued to private inspection facilities to engage in the inspection and certification of motorcycles.

(h) Any private inspection facility which is also registered as a motor vehicle emission repair facility pursuant to

N.J.A.C. 13:20-45 and which inspects, reinspects and certifies fleet motor vehicles that it owns or leases shall be exempted from the requirements of N.J.A.C. 13:20-45.10 for those vehicles.

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

Rewrote the section.

13:20-44.4 Initial application for a license

(a) Any person seeking to engage in the business of a private inspection facility shall apply, in accordance with the provisions of this subchapter, to the Director for a license authorizing him or her to engage in such business. An application for a private inspection facility license may be obtained from the Private Inspection Facility Licensing Unit of the Division. The address of the Private Inspection Facility Licensing Unit is:

Division of Motor Vehicles
Business License Compliance
Private Inspection Facility Licensing Unit
225 East State Street
PO Box 170
Trenton, New Jersey 08666-0170

(b) Each applicant for a private inspection facility license shall file with the Director, in such form and detail as may be required by him or her, an application setting forth the following:

1. The name, place of business and telephone number of the private inspection facility;
2. The name, business and residence address(es), driver's license number, social security number and telephone number(s) of:
 - i. The owner and/or possessor of a controlling interest of the facility, in the case of a sole proprietorship;
 - ii. Each partner, in the case of a partnership; or
 - iii. Each officer, director and possessor of a controlling interest, in the case of a corporation;
3. The businesses in which the applicant has been engaged for the five years preceding the date of application, and if employed, the names and addresses of the employers;
4. Whether the applicant has ever been convicted of a crime, disorderly persons offense or petty disorderly persons offense;
5. Whether the applicant has ever been found to be in violation of the Federal Clean Air Act or the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder or N.J.A.C. 7:27-15.7 pertaining to tampering with emission control apparatus;

6. Whether the applicant has ever been denied, or had suspended or revoked, a license or registration to engage in any business, profession or occupation licensed or registered under the laws of any state; and

7. Whether the applicant has any interest in any other private inspection facility or any motor vehicle related business.

(c) Each initial application for a private inspection facility license shall be accompanied by proof of the following:

1. The New Jersey Sales Tax Identification Number;
2. The New Jersey Unemployment Registration Number;
3. The Federal Employer Identification Number;
4. The corporation code, if one has been issued by the Division;
5. Proof in such form as the Director may require that the applicant meets the requirements of N.J.A.C. 13:20-44.9; and
6. Proof of valid permits or other authorization from the appropriate Federal, State or other governmental agencies authorizing operation of the business or any equipment, service or process on the premises. These permits shall include, but are not limited to, proof of registration with the New Jersey Division of Taxation and the Department of Environmental Protection.

(d) Each initial application for a private inspection facility license shall be accompanied by a color photograph and a complete set of fingerprints for each natural person required to be listed on the application by this section.

1. The applicable nonrefundable fee as set forth at N.J.A.C. 13:59-1.2 payable to the Division of State Police—State Bureau of Identification shall be submitted for each natural person required to be fingerprinted. The payment of this fee shall be in the form of a cashier's check, certified check or money order as required by N.J.A.C. 13:59-1.5.
2. Fingerprints required by this subsection shall be taken by a member of the State Police or municipal law enforcement agency and submitted on the standard fingerprint cards as required by N.J.A.C. 13:59-1.4.

(e) Each initial application for a private inspection facility license shall be accompanied by proof of liability insurance coverage in the following minimum amounts: for injury to, or death of any one person in any one occurrence: \$100,000; for injury to, or death of two or more persons in any one occurrence: \$300,000; for damage to property in any one occurrence: \$50,000. Proof of insurance coverage shall be in the form of a certificate issued by the carrier containing a clause that 30 days prior notice shall be given to the Division of any cancellation or termination of the policy. Failure to maintain such insurance coverage shall be cause for immediate license suspension.

(f) Each initial application for a private inspection facility license shall be accompanied by the applicable fees as specified in N.J.A.C. 13:20-44.6.

(g) If there are multiple locations for private inspection facilities owned by the same applicant, a separate application, accompanying documents, and application and license fee as specified in N.J.A.C. 13:20-44.6 shall be submitted for each such place of business.

(h) Upon preliminary approval of each initial license application, a license shall be issued to the private inspection facility. Each initial license issued to a private inspection facility on or after June 29, 1995 shall be effective on the date of issuance and shall continue in force and effect until June 30, 2000, and shall, thereafter, be renewed on an annual basis, unless such license is suspended or revoked by the Director. If there are multiple places of business for a private inspection facility, a separate license shall be issued for each such place of business.

(i) The Director may grant a conditional license to an applicant who submits proof that all of the requirements for licensing will be met in accordance with a schedule set by the Director, and who agrees that the conditional license will be surrendered immediately if proof is not provided in accordance with the schedule. The Director may suspend the license of an applicant who does not surrender the conditional license when so required.

(j) All private inspection facilities that apply to renew a private inspection facility license on or after June 29, 1995 must satisfy all of the requirements of (c)5 above. A private inspection facility whose license has been suspended by the Director and which applies for reinstatement on or after June 29, 1995 must satisfy the requirements of (c)5 above prior to restoration of the license.

(k) The Division shall not issue a private inspection facility license to an applicant who is the holder of a private inspection center license while any type of enforcement action, either judicial or administrative, is pending or in force against the applicant's private inspection center license.

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

In (h), substituted a reference to 2000 for a reference to 1998.

13:20-44.5 Applicant qualifications

(a) Each applicant shall be a proper person to hold a private inspection facility license. In assessing whether an applicant is a proper person, the Director shall consider the character, financial responsibility, prior record while operating as a principal of a business entity licensed or regulated by the Division, and criminal record of the individual applicant, the individual partners, the officers, directors and/or persons possessing a controlling interest, and anyone employed by, or otherwise associated in business with, the

applicant. The Director shall also consider whether the private inspection facility has maintained acceptable levels of customer satisfaction, the nature and number of all valid customer complaints against the private inspection facility, and the manner and extent by which those complaints have been resolved by the private inspection facility.

(b) Each applicant shall be at least 18 years old, and must have the legal capacity to contract, to be sued and to be liable for all debts.

13:20-44.6 Application and license fees

(a) Each initial application for a private inspection facility license shall be accompanied by a nonrefundable application fee of \$20.00 payable to the Division. In the event that an initial applicant simultaneously submits applications for a Class I and Class III private inspection facility license, only one application fee shall be payable to the Division pursuant to this subsection.

(b) Each initial or renewal application for a Class I or Class II private inspection facility license shall be accompanied by a license fee of \$250.00 payable to the Division. Such license fee shall be returned to the applicant only in the event that the Director refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.

(c) Each initial or renewal application for a Class III private inspection facility license shall be accompanied by a license fee of \$25.00 payable to the Division. Such license fee shall be returned to the applicant only in the event that the Director refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.

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

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

Rewrote the section.

13:20-44.7 License renewals

(a) Each licensee shall, no later than 30 days before the expiration of the license, submit to the Director an application to renew its current license provided that such licensee is not prohibited from applying for a license as specified in N.J.A.C. 13:20-44.25. An application to renew a private inspection facility license may be obtained from the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a).

(b) Each application to renew a private inspection facility license shall be accompanied by the applicable license renewal fee(s) specified in N.J.A.C. 13:20–44.6 and proof of liability insurance coverage as specified in N.J.A.C. 13:20–44.4(e).

(c) Upon approval of each renewal application, a license shall be issued to the private inspection facility. Each renewal license issued to a private inspection facility effective on or after July 1 of any year shall continue in force and effect until June 30 of the following year, unless such license is suspended or revoked by the 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 (b), substituted a reference to license renewal fees for a reference to fees, and changed N.J.A.C. reference.

13:20–44.8 Surrender of license

(a) Each private inspection facility license, although issued and delivered to a licensee, shall at all times be the property of the State of New Jersey.

(b) Upon any suspension, revocation, refusal or failure to renew or other termination of a private inspection facility license, the license shall no longer be in force and effect and the license shall be surrendered forthwith upon demand of a Division representative.

13:20–44.9 Facilities and equipment

(a) Licensed private inspection facilities shall be located in a structure having a garage-type entrance and one or more service bays or lanes; except that licensed private inspection facilities which perform inspections, reinspections and certifications exclusively at the business locations of owners or lessees of fleet motor vehicles may be exempted from the provisions of this subsection.

(b) Motor vehicle emission testing equipment, approved by the Department of Environmental Protection, shall be owned or leased by a Class I or Class II licensed private inspection facility and shall be located on the business premises of the facility.

(c) A vehicle lift or heavy duty floor jack shall be available on the business premises of a Class I or Class II licensed private inspection facility.

(d) Brake testing equipment, for example, a drive-on horizontal scale or roller-type tester, shall be available on the business premises of the facility. The brake testing equipment requirements of this subsection may be waived by the Division upon receipt of written notification from the licensee expressing its commitment to make visual inspections of the brake system and to perform road tests of the brake system.

(e) A tire tread depth gauge calibrated in 32nds of an inch shall be available on the business premises of the facility.

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

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

In (b), inserted "Class I or Class II licensed" following "leased by a"; in (c), substituted "a Class I or Class II licensed private inspection" for "the" following "premises of"; and in (f), inserted "motor vehicle" preceding "inspection" throughout, and substituted "a Class I or Class II licensed private inspection" for "the" following "premises of".

13:20–44.10 Inspection certificates of approval

(a) The inspection certificate of approval issued for motor vehicles, other than motorcycles, shall be composed of a base inspection sticker and insert indicating respectively the year and month of expiration of the certificate of approval. The insert shall contain a bar-coded identifier linked to the motor vehicle. The inspection certificate of approval issued for motorcycles shall be composed of a one-piece sticker indicating the year and month of expiration of the certificate of approval.

(b) Base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles shall be purchased by a licensee, by mail or in person, from the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20–44.4(a).

(c) Base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles shall be purchased by a licensee at \$1.00 per sticker in quantities of 25 or more.

(d) A licensee shall secure base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles in a locked place of limited access, such as a safe, cabinet, or desk drawer. The licensee is solely responsible for the security of base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles. A licensee's failure to take necessary precautions to secure base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles from loss or theft shall be cause for suspension or revocation of the license.

(e) A licensee shall affix an inspection certificate of approval to a motor vehicle only after inspection or reinspection has been successfully completed.

(f) When defects detected at an inspection conducted at an official inspection facility or at a private inspection facility have been repaired or adjusted by the licensee or by an employee of the licensee, the licensee shall insure, prior to affixation of a certificate of approval on the vehicle, that the person or persons who performed the repair or adjustment work has signed his or her name on the motor vehicle inspection report. When defects detected at inspection have been repaired by someone other than the licensee or an employee of the licensee, the licensee shall insure, prior to affixation of a certificate of approval on the vehicle, that the person or persons who inspected the vehicle have signed his or her name on the motor vehicle inspection report at the bottom of its reverse side.

(g) A Class I or Class II licensed private inspection facility shall not certify the emissions of any motor vehicle unless an emission inspector licensed by the Division in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-43.17 has personally performed the emission inspection or reinspection and has determined that the motor vehicle meets the emission standards adopted by the Division at N.J.A.C. 13:20-43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. A Class I or Class II licensed private inspection facility shall not certify the emissions of any motor vehicle which has been rejected because of an emission test failure unless a certified emission repair technician or the owner or lessee of the motor vehicle has performed the emission-related repairs.

(h) A licensee shall secure motor vehicle inspection reports separate and apart from base inspection stickers for motor vehicles other than motorcycles, and shall secure motorcycle inspection cards separate and apart from inspection certificates of approval for motorcycles, in a locked place of limited access, such as a safe, cabinet, or desk drawer.

(i) A licensee shall record the date of issuance of the inspection certificate of approval on the corresponding motor vehicle inspection report or motorcycle inspection card.

(j) A licensee shall retain defective or voided inspection certificates of approval, motor vehicle inspection reports, and motorcycle inspection cards and shall surrender them to a Division representative at the time of a periodic audit conducted by the Division.

(k) A licensee shall notify the local law enforcement agency upon determining that a base inspection sticker(s) for a motor vehicle other than a motorcycle or a certificate(s) of approval for a motorcycle has been stolen and shall file a copy of such report with the Division.

(l) A licensee shall return all unused base inspection stickers for motor vehicles other than motorcycles, all unused certificates of approval for motorcycles, all unused motor vehicle inspection reports, and all unused motorcycle

inspection cards to a Division representative upon the licensee's discontinuation of inspection certification services.

(m) A licensee shall be solely responsible for base inspection stickers for motor vehicles other than motorcycles, certificates of approval for motorcycles, motor vehicle inspection reports, and motorcycle inspection cards issued to it by the Division.

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

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

Rewrote the section.

Administrative change.

See: 33 N.J.R. 4388(a).

13:20-44.11 Responsibility of licensees

(a) In the case of a sole proprietorship, the owner and/or possessor of a controlling interest in the private inspection facility shall be responsible to the 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 this subchapter.

(b) In the case of a partnership or corporation, each partner, or corporate officer and/or director, or any person or entity possessing a controlling interest, as the case may be, shall be held individually responsible to the 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 this subchapter.

13:20-44.12 Notice and recordkeeping requirements

(a) Each licensee, except a Class II licensed private inspection facility, shall display an outdoor sign which shall read: "Official New Jersey Private Inspection Facility." The sign shall include the license number of the private inspection facility. The sign shall contain letters at least two inches high with a stroke of approximately one-half inch, be visible from the road and be located in a conspicuous location for the general public to see. If zoning ordinances prohibit the posting of such sign or such posting is otherwise impractical, the licensee shall prominently display such sign on the exterior of the private inspection facility.

(b) Every license issued in accordance with this subchapter shall be prominently displayed in the office, waiting area or other conspicuous location which is accessible to the public at the private inspection facility.

(c) Every licensed private inspection facility shall maintain copies of all motor vehicle inspection reports and other documents prepared by that facility for inspections, re-inspections, certifications and repair work performed by that facility.

1. Such copies shall be kept for at least four years and shall be available for inspection by the Director, the Attorney General, the Commissioner of the Department

of Environmental Protection, the Director of the Division of Consumer Affairs, the Superintendent of the Division of State Police, or any person designated by them, during normal business hours.

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

(d) Every private inspection facility shall, upon request of the 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 licensee to administrative action pursuant to this subchapter.

(e) The licensee 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 private inspection facility, or whenever a person becomes a partner or limited partner in a private inspection facility.

(f) The licensee shall notify the Director in writing within 10 days of any change in address of the private inspection facility or of any change in address of persons or entities required to be listed on the application by N.J.A.C. 13:20-44.4.

(g) The licensee shall notify the Director in writing within 10 days whenever any person or entity required to be listed on the application by N.J.A.C. 13:20-44.4 is no longer associated with the private inspection facility.

(h) All written notifications required by this subchapter shall be made by either personal delivery or sent by certified mail to the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a).

(i) An amended application shall be filed by the licensee with the 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. 13:20-44.4. The licensee shall also comply with the requirements of N.J.A.C. 13:20-44.6(a) and 13:20-44.4(d).

(j) Any process issued to a licensee pursuant to the statutory authority of the Director including, but not limited to, subpoenas, orders, and orders to show cause, may be served upon a licensee or counsel of record, by sending said process by certified or ordinary mail, to the business address of the private inspection facility or to counsel's address on record with the Division.

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

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

In (a), substituted "Class II licensed private" for "private fleet" following "except a", and substituted "Official" for "Licensed: State of" following "read:".

13:20-44.13 Records; inspection reports

(a) A licensee shall maintain copies of motor vehicle inspection reports and motorcycle inspection cards in an order corresponding to the date on which the inspection certificate of approval was issued.

(b) A licensee shall maintain repair orders and invoices (bills for parts and labor) in the form required by N.J.A.C. 13:45A-26C.

(c) A licensee shall record the repair order and invoice number or numbers on the motor vehicle inspection report or motorcycle inspection card.

(d) Records required to be maintained by a licensee pursuant to this section shall remain on file at the licensee's place of business for a period of four years from the date of issuance of the inspection certificate of approval.

(e) Records required to be maintained by a licensee pursuant to this section shall be made available by the licensee for examination by authorized representatives of the Division, the Department of Environmental Protection or the Division of Consumer Affairs at any time during regular business hours. Investigators and other authorized representatives of the Division, the Department of Environmental Protection or the Division of Consumer Affairs shall be granted access to the licensee's business premises during regular business hours.

(f) A licensee's failure to permit investigators and other personnel from the 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-5, and the Division of Consumer Affairs at N.J.A.C. 13:45A-26C.

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

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

Rewrote (a) and (b); in (c), added a reference to motorcycle inspection cards; in (d), substituted a reference to inspection certificates of approval for a reference to base inspection stickers; in (e), substituted "or" for "and" following "Protection" throughout; in (f), changed N.J.A.C. references.

Administrative change.

See: 33 N.J.R. 4388(a).

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-5.

(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-5.

(d) A Class III licensed private inspection facility shall not certify that items for which a motorcycle was rejected at inspection have been corrected unless the licensee has inspected the motorcycle and has determined that all defects detected at inspection have been corrected so that the motorcycle is in proper operating condition and that it conforms to the inspection standards adopted by the 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-5.

(g) Certification of a motorcycle by a Class III licensed private inspection facility or an employee thereof shall

constitute the licensee's representation that the licensee has inspected the motorcycle and has determined that the motorcycle is in proper operating condition and conforms to the inspection standards adopted by the 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.

Administrative change.

See: 33 N.J.R. 4388(a).

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;

14. Has performed an emission-related repair without being registered as a motor vehicle emission repair facility; or

15. For other good cause.

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

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

In (a), changed N.J.A.C. references in 4 and 11, and substituted a reference to vehicular homicide for a reference to death by auto in 5i. Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

In (a), added a new 14 and recodified former 14 as 15.

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, N.J.A.C. 13:20-33, 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 a motor vehicle inspection report, repair order, invoice, and/or Emission Repair Facility list to a customer:

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

19. For failure to post license:

- i. Written warning first violation
- ii. 20-day license suspension second violation
- iii. Two-month license suspension third and subsequent violations

20. For failure to post outdoor sign:

- i. Written warning first violation
- ii. 20-day license suspension second violation

- | | |
|-----------------------------------|---------------------------------|
| iii. Two-month license suspension | third and subsequent violations |
|-----------------------------------|---------------------------------|

21. For failure to post hourly rate and/or inspection fees:

- | | |
|-----------------------------------|---------------------------------|
| i. Written warning | first violation |
| ii. 20-day license suspension | second violation |
| iii. Two-month license suspension | third and subsequent violations |

22. For failure to pay fee(s):

- i. License suspension until compliance

23. For criminal conviction which is disqualifying:

- i. Indefinite license denial/suspension

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

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

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

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.

(b) Each suspension or revocation of any private inspection facility license, pursuant to N.J.S.A. 39:8-1 et seq. or any regulation adopted thereunder, shall continue in force and effect until such license is restored by the Director.

(c) In the case of every suspension or revocation of a private inspection facility license for a fixed period of time, the licensee, as a condition precedent to restoration, shall make application to the Director, in such form as the Director may determine, and pay the license restoration fee specified in (a) above. The Director may, upon notice and an opportunity to be heard, deny any application for restoration of a private inspection facility license for good cause.

SUBCHAPTER 45. MOTOR VEHICLE EMISSION REPAIR FACILITY REGISTRATION

13:20-45.1 Purpose

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

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

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

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

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

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

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

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

13:20-45.2 Scope

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

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

13:20-45.3 Definitions

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

"Advertising" means any printed or published materials including, but not limited to, direct mail, circulars, leaflets, pamphlets, newspapers, magazines, billboards, yellow pages of any telephone directory, radio and/or television broadcasts, and any other advertising medium of communication used to induce the public to seek the services of the motor vehicle emission repair facility. The term "advertising" shall not include printed or published materials appearing in the white pages of any telephone directory.

"Applicant" means any person applying under the provisions of this subchapter for an initial registration to engage in the business of a motor vehicle emission repair facility or to renew an existing registration. In the case of a partnership or corporation applying for a registration, the term "applicant" shall respectively include all partners and/or officers and directors and/or persons having a controlling interest in a sole proprietorship or corporation.

"Controlling interest" means possession of the power to direct or cause the direction of the management and policies of a motor vehicle emission repair facility, whether through the ownership of voting securities or otherwise. The 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 motor vehicle emission repair 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.

"Customer" means the owner of record of a motor vehicle on file with the Division, or any family member, employee or any other person whose use of the motor vehicle is authorized by such owner of record.

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

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

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

1. Any person performing emission repair(s) on motor vehicles that have failed an emission inspection required by the Director;

2. Any person who subcontracts or has any type of business arrangement with a motor vehicle emission repair facility or other person to perform emission repairs on motor vehicles that have failed an emission inspection required by the Director;

3. Any person who prepares an estimate to be used by a motor vehicle emission repair facility or other person to perform emission repairs on motor vehicles that have failed an emission inspection required by the Director; or

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

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

"Federal Clean Air Act" means the federal "Clean Air Act," 42 U.S.C. § 7401 et seq., and any subsequent amendments or supplements to that act.

"Motor vehicle emission repair facility" means any person who for compensation engages in the business of repairing motor vehicles that have failed an emission inspection required by the Director. For the purpose of this subchapter, the following are not deemed to be a motor vehicle emission repair facility and are not required to be registered:

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

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

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

"Person" means any natural person, business, company, firm, partnership, association, corporation or any other entity.

"Place of business" means the address or location where the services of a motor vehicle emission repair facility are offered or ordinarily performed.

"Suspension, revocation or refusal to renew" means administrative action by the Director, in accordance with the provisions of P.L. 1995, c.112 or this subchapter, to refuse to renew a motor vehicle emission repair facility registration or to suspend or revoke a registration.

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

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

Amended "Emission repair facility registration".

13:20-45.4 Initial application for registration

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

Division of Motor Vehicles
Business License Compliance
Motor Vehicle Emission Repair Facility
Registration Unit
225 East State Street
PO Box 170
Trenton, New Jersey 08666-0170

(b) Each applicant for a motor vehicle emission repair facility registration shall file with the Director, in such form and detail as may be required by him or her, an application setting forth the following:

1. The name, place of business and telephone number of the motor vehicle emission repair facility;

2. The name, business and residence address(es), driver's license number, social security number and telephone number(s) of:

i. The owner and/or possessor of a controlling interest of the facility, in the case of a sole proprietorship;

ii. Each partner, in the case of a partnership; or

iii. Each officer, director and possessor of a controlling interest, in the case of a corporation;

3. Whether the applicant has ever been convicted of a crime;

4. Whether the applicant has ever been found to be in violation of the Federal Clean Air Act or the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder or N.J.A.C. 7:27-15.7 pertaining to tampering with emission control apparatus;

5. Whether the applicant has ever been denied, or had suspended or revoked, a license or registration to engage in any business, profession or occupation licensed or registered under the laws of any state; and

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

(c) Each initial application for a motor vehicle emission repair facility registration shall include 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.

(m) When an emission repair is performed on a motor vehicle, the registered emission repair facility shall cause to be imprinted on the emission repair form a stamp with the following:

NEW JERSEY
DIVISION OF MOTOR VEHICLES
EMISSION REPAIR FACILITY
REGISTRATION NO.
DATE:

1. The emission repair facility registration number and the date of emission repairs shall be contained on the stamp. Each emission repair facility shall purchase the above stamp from a commercial source.

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

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(l), subpoenas shall be served in the same manner, and witnesses shall be entitled to the same fees, as in the case of subpoenas issued out of the Superior Court of New Jersey.

(d) In the case of a failure of any person to comply with any subpoena issued under this subchapter or to testify with respect to any matter concerning which he or she may be lawfully interrogated, the Superior Court, on application of the 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.

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 N.J.R. 1894(a), 33 N.J.R. 3651(b).

In (c), amended N.J.A.C. reference.

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;