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MOTOR VEHICLE COMMISSION

Enforcement Service

Licensing Service

Vehicle Inspection

Motorcycles

Compliance with Diesel Emission Standards and Equipment, Periodic

**Inspection Program for Diesel Emissions, and Self-Inspection of
Certain Classes of Motor Vehicles**

Inspection of New Motor Vehicles

Mobile Inspection Unit

Inspection of School Buses

Inspection Standards and Test Procedures to Be Used By Official

Inspection Facilities

Inspection Standards and Test Procedures to Be Used By Licensed Private

Inspection Facilities

Enhanced Motor Vehicle Inspection and Maintenance Program

Private Inspection Facility Licensing

Motor Vehicle Emission Repair Facility Registration

Diesel Emission Inspection and Maintenance Program

Diesel Emission Inspection Center Licensing

Inspection Standards and Test Procedures to Be Used By Licensed Diesel

Emission Inspection Centers

New Jersey Licensed Motor Vehicle Dealers

Proposed Amendments: N.J.A.C. 13:20-7.1 through 7.4, 24.20, 26.2, 26.16, 26.17, 28.3, 28.6, 29.2, 30.2, 30.12, 30.13, 32.1 through 32.3, 32.5, 32.8, 32.16, 32.19, 32.21, 32.22, 32.45, 32.47, 32.50, 33.1 through 33.50, 33 Appendix A, 43.1, 43.2, 43.4 through 43.12, 43.14, 43.16 through 43.18, 43.21, 44.1 through 44.3, 44.6, 44.9, 44.10, 44.12 through 44.14, 44.18, 44.20, 45.1, 45.3, 45.11, 45.13, 45.14, 45.16, 46.3, 47.1 through 47.3, 47.9, 47.14, 47.15, 48.2, 48.7, 48.9, and 13:21-15.8 and 15.12

Proposed Repeal: N.J.A.C. 13:20-43.13

Authorized By: Motor Vehicle Commission Board, _____
Sharon A. Harrington, Chair,
with the approval of Anne Milgram, Attorney General, and after
consultation with Stephen T. Dilts, Commissioner, Department of
Transportation, and with the concurrence of Mark N. Mauriello,
Acting Commissioner, Department of Environmental Protection,
and after consultation with David M. Szuchman, Director, Division
of Consumer Affairs.

Authority: N.J.S.A. 39:8-1, 39:8-2, 39:8-4, 39:8-10, 39:8-45, 39:8-52, 39:8-53,
39:8-57, 39:8-64, 39:8-69, 39:8-77, 39:3B-24, 39:3-43, 39:10-4, and
Reorganization Plan No. 005-1998.

Calendar Reference: See Summary below for explanation of exception to
calendar requirement.

Proposal Number: PRN 2009 –

A **public hearing** concerning this proposal will be held at 10:00 A.M. on Monday, June 8, 2009 at:

First Floor Public Hearing Room
Department of Environmental Protection
401 East State Street
Trenton, New Jersey

Submit comments by _____, 2009 to:

Steven E. Robertson, Director
Legal and Regulatory Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, New Jersey 08666-0162

The agency proposal follows:

Summary

The public comment period for this proposal will be 60 days, since the proposal is not listed in the agency rulemaking calendar. This notice of proposal is, therefore, exempted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The Motor Vehicle Commission (hereinafter “the Commission”) is proposing amendments of existing rules pertaining to the enhanced motor vehicle inspection and maintenance program that has been established in this State in accordance with the “Federal Clean Air Mandate Compliance Act” (P.L. 1995, c. 112) and the Federal Clean Air Act Amendments of 1990 (42 U.S.C. §§7401 et seq.). Many of the Commission’s proposed amendments are intended to incorporate programmatic changes to this State’s enhanced motor vehicle inspection and maintenance program resulting from the State Treasurer’s awarding of a new contract to a private company to operate the test-only component of the enhanced I/M program. The Commission’s proposal complements proposed rulemaking by the Department of Environmental Protection (DEP) relating to this subject that is published elsewhere in this issue of the New Jersey Register. The major components of the Commission’s proposal include the adoption of a two-speed idle emission test for gasoline-fueled and bi-fueled motor vehicles with model years 1981 through 1995 having a gross vehicle weight rating (GVWR) of 8,500 pounds or less; the elimination of the loaded-mode dynamometer-based emission test for such gasoline-fueled and bi-fueled motor vehicles; and the adoption of a regulatory framework for the implementation of on-board diagnostics (OBD) inspections for diesel-fueled

motor vehicles with model year 1997 and newer having a GVWR of 8,500 pounds or less that are OBD-equipped and OBD-eligible for such inspection.

The Commission is also proposing to repeal a rule (N.J.A.C. 13:20-43.13) that provides for the issuance of certificates of waiver and is proposing amendments to existing rules to remove all references contained therein to certificates of waiver. Such waiver certificates will no longer be issued under the enhanced motor vehicle inspection and maintenance program to motorists whose vehicles are unable to pass the loaded-mode dynamometer-based emission test since, as noted above, such test is proposed for elimination as part of this proposal. The deletion of references to waiver certificates from the Commission's rules is consistent with the Department of Environmental Protection's deletion of references to such certificates from this State's enhanced motor vehicle inspection and maintenance program as reflected in the DEP's above referenced proposed rulemaking published elsewhere in this issue of the New Jersey Register.

The proposal amends various sections of N.J.A.C. 13:20-7, which pertains to vehicle inspection.

N.J.A.C. 13:20-7.1, which contains the definitions applicable to the subchapter, is proposed for amendment. The definition of the term "certificate of approval" is proposed for amendment to incorporate references to "the Motor Vehicle Commission's Mobile Inspection Unit," to "gasoline-fueled and bi-fueled" motor vehicles, and to Department of Environmental Protection rule citations "regarding the inspection of diesel-fueled motor vehicles, whichever are

applicable.” The definition of the term “on-board diagnostics” is proposed for amendment to incorporate references to the California “Air Resources Board” OBD regulations or EPA “OBD” (changed from “OBD II”) regulations effective for model year 1996 and newer “gasoline-fueled and bi-fueled” motor vehicles “and for model year 1997 and newer diesel-fueled motor vehicles.” Definitions of the terms “inspection decal,” “jitney,” “limousine,” and “taxicab” are proposed for addition to the rule. The definition of the term “certificate of waiver” is proposed for deletion from the rule.

N.J.A.C. 13:20-7.2, which pertains to inspection of motor vehicles, test frequency, and exempt vehicles, is proposed for amendment. The proposal incorporates a new subsection (b) that sets forth classes of motor vehicles that shall be inspected on an annual basis pursuant to N.J.S.A. 39:8-1. Motor vehicles that shall be inspected on an annual basis pursuant to N.J.S.A. 39:8-1 include (1) gasoline-fueled and bi-fueled motor vehicles that are registered as commercial motor vehicles pursuant to N.J.S.A. 39:3-20, (2) diesel-fueled motor vehicles having a GVWR of less than 10,000 pounds that are registered as commercial motor vehicles pursuant to N.J.S.A. 39:3-20, (3) buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, (4) taxicabs, (5) limousines, and (6) jitneys. The proposal recodifies existing subsection (b) of the rule, which enumerates classes of motor vehicles that are exempt from the inspection requirements of the subchapter, as subsection (c), and deletes the phrase “having a seating capacity of 10 passengers or more” from paragraph 9 of

recodified subsection (c) relating to omnibuses that are subject to inspection by the Commission's Commercial Bus Inspection and Investigation Unit.

N.J.A.C. 13:20-7.3, which pertains to inspection facilities, is proposed for amendment. Subsection (b) of the rule, which pertains to motor vehicle inspections performed at official inspection facilities, is proposed for amendment so as to substitute the word "that" for the word "which." Subsection (b) is also proposed for amendment so as to provide that official inspection facilities shall perform inspections on "buses" (changed from "modified buses with a capacity of not more than 15 passengers") that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, "taxicabs, limousines," and "jitneys." The proposed amendment expands the classes of motor vehicles that may be presented for inspection at an official inspection facility so as to include buses without regard to passenger capacity and jitneys. Subsection (b) is also proposed for amendment so as to provide that official inspection facilities shall not perform inspections on "retired school buses that are subject to inspection in accordance with N.J.A.C. 13:20-30." The proposal deletes from subsection (b) references to "modified buses with a capacity of more than 15 passengers" and "jitneys as defined in N.J.A.C. 13:20-44.2" as classes of motor vehicles that official inspection facilities shall not inspect. Subsection (c) of the rule, which pertains to motor vehicle inspections performed at licensed private inspection facilities, is proposed for amendment so as to substitute the word "that" for the word "which;" delete unnecessary references to "modified buses regardless of passenger capacity" and jitneys "as

defined in N.J.A.C. 13:20-44.2;" and add references to "taxicabs" and "limousines." Subsection (d) of the rule, which pertains to motor vehicle inspections performed at State specialty inspection facilities, is proposed for amendment so as to substitute the word "that" for the word "which" and the word "disabled" for the word "handicapped." Subsection (d) is also proposed for amendment so as to provide that State specialty inspection facilities shall perform inspections on "buses" (changed from "modified buses regardless of passenger capacity") that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission. Subsection (e) of the rule is proposed for amendment so as to substitute the word "that" for the word "which;" the word "disabled" for the word "handicapped;" and to correct a typographical error therein.

N.J.A.C. 13:20-7.4, which pertains to temporary authorization certificates, is proposed for amendment. The proposal supplements the rule by adding a new subsection (a), which provides that "[e]xcept as otherwise provided in subsection (b) of this section, whenever a motor vehicle, which has been previously registered other than on a temporary basis in a foreign jurisdiction and is less than four model years old and will not become four model years old within the two-month period following the calendar month of initial registration in this State, is initially registered in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented at an official inspection facility for the issuance of an inspection decal within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle

receiving an inspection decal pursuant to this subsection shall be subject to inspection during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the inspection decal affixed to such motor vehicle pursuant to this subsection. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.”

The proposal also supplements N.J.A.C. 13:20-7.4 by adding a new subsection (b), which provides that “[a] motor vehicle for which a temporary authorization certificate has been issued pursuant to subsection (a) of this section that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney 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 an annual basis, except as otherwise provided by law or regulation.”

The former subsection (a) of N.J.A.C. 13:20-7.4, which is proposed for recodification as subsection (c), is proposed for amendment so as to apply the subsection to a motor vehicle that has been previously registered other than on a temporary basis in a foreign jurisdiction “and is four model years old or older or will become four model years old within the two-month period following the calendar month of initial registration in this State.”

The former subsection (b) of N.J.A.C. 13:20-7.4, which is proposed for recodification as subsection (d), is proposed for amendment so as to delete a reference to “the exit end of” an official inspection facility and substitute a reference to “an” inspection decal for a reference to “a new motor vehicle” inspection decal. The proposal also supplements the recodified subsection (d) so as to provide that “a new motor vehicle receiving a decal pursuant to this subsection that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney shall be subject to inspection not later than one year 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 former subsection (c) of N.J.A.C. 13:20-7.4, which is proposed for recodification as subsection (e), is proposed for amendment so as to apply the subsection to a used motor vehicle that has been purchased in this or any other State and that has affixed thereto an unexpired New Jersey inspection certificate of approval or “inspection decal” (changed from “certificate of waiver”) and that is initially registered by the purchaser in this State “and the unexpired inspection certificate of approval or inspection decal indicates that the motor vehicle is due for inspection within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State.” The

proposal also amends paragraph 2 of the recodified subsection (e) by substituting the words “inspection decal” for the words “certificate of waiver.”

The proposal also supplements N.J.A.C. 13:20-7.4 by adding a new subsection (f), which provides that “[w]henver 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 inspection decal, is initially registered by the purchaser in this State and the unexpired inspection certificate of approval or inspection decal indicates that the motor vehicle is not due for inspection within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall either: 1. Present such motor vehicle for inspection at a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle inspected pursuant to this paragraph that is found to be in proper operating condition shall retain the existing inspection certificate of approval or inspection decal issued therefor and shall next be inspected 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 inspection decal affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation. A motor vehicle inspected pursuant to this paragraph that is found to be defective shall be subject to reinspection by a licensed private inspection facility no later than the last day of the calendar month following the calendar month in which the motor vehicle failed inspection, except

as otherwise provided at N.J.A.C. 13:20-7.6(a). Following successful completion of reinspection at a licensed private inspection facility, the motor vehicle shall be issued an inspection certificate of approval having an expiration date that coincides with that of the unexpired New Jersey inspection certificate of approval or inspection decal that was affixed to the motor vehicle at the time of its purchase and the motor vehicle shall next be inspected at an official inspection facility or a licensed private inspection facility no later than that expiration date. 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 inspection decal affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.”

The proposal also supplements N.J.A.C. 13:20-7.4 by adding a new subsection (g), which provides that “[e]xcept as otherwise provided in paragraph 3 of this subsection, whenever a used motor vehicle, which has been purchased in this or any other State and which does not have affixed thereto a New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State and the motor vehicle is less than four model years old and will not become four model years old within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall: 1. Present such motor

vehicle for inspection at a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle inspected pursuant to this paragraph that is found to be defective shall be subject to reinspection by a licensed private inspection facility no later than the last day of the calendar month following the calendar month in which the motor vehicle failed inspection, except as otherwise provided at N.J.A.C. 13:20-7.6(a). Upon approval following inspection or reinspection by a licensed private inspection facility, the motor vehicle shall next be inspected during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the inspection certificate of approval affixed to such motor vehicle pursuant to this paragraph. 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 at an official inspection facility for the issuance of an inspection decal within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle receiving a decal pursuant to this paragraph shall be subject to inspection during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the decal affixed to such motor vehicle pursuant to this paragraph. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation. 3. A motor vehicle for which a temporary authorization certificate has been issued pursuant to this subsection that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is

a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney 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 an annual basis, except as otherwise provided by law or regulation.”

The former subsection (d) of N.J.A.C. 13:20-7.4, which is proposed for recodification as subsection (h), is proposed for amendment so as to apply the subsection to a used motor vehicle that has been purchased in this or any other State and that does not have affixed thereto “a” (changed from “an unexpired”) New Jersey inspection certificate of approval or “inspection decal” (changed from “certificate of waiver”) and that is initially registered by the purchaser in this State and that “is four model years old or older or will become four model years old within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State.”

The proposal also supplements N.J.A.C. 13:20-7.4 by adding a new subsection (i), which provides that “[w]henver a used motor vehicle, which has been purchased in this State and is less than four model years old and will not become four model years old within the two-month period following the calendar month of initial registration by the purchaser 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: 1. Present such motor vehicle for inspection at a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate if the registrant does not wish to retain the collector motor vehicle designation. A motor vehicle inspected pursuant to this paragraph that is found to be defective shall be subject to reinspection by a licensed private inspection facility no later than the last day of the calendar month following the calendar month in which the motor vehicle failed inspection, except as otherwise provided at N.J.A.C. 13:20-7.6(a). Upon approval following inspection or reinspection by a licensed private inspection facility, the motor vehicle shall next be inspected during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the certificate of approval affixed to such motor vehicle pursuant to this paragraph. 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 at an official inspection facility for the issuance of an inspection decal within 14 days of the date of issuance of the temporary authorization certificate if the registrant does not wish to retain the collector motor vehicle designation. A motor vehicle receiving a decal pursuant to this paragraph shall be subject to inspection during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the decal affixed to such motor vehicle pursuant to this paragraph. The motor

vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation; or 3. Present such motor vehicle to the Chief Administrator or his or her designee within 14 days of issuance of the temporary authorization certificate and make application for designation as a collector motor vehicle in accordance with N.J.A.C. 13:20-43.2(c) through (h), inclusive.”

The former subsection (e) of N.J.A.C. 13:20-7.4, which is proposed for recodification as subsection (j), is proposed for amendment so as to apply the subsection to a used motor vehicle that has been purchased in this State and “is four model years old or older or will become four model years old within the two-month period following the calendar month of initial registration by the purchaser in this State and” which has affixed thereto a collector motor vehicle windshield sticker.

The proposal amends a rule in N.J.A.C. 13:20-24, which pertains to motorcycles.

N.J.A.C. 13:20-24.20, which pertains to the inspection of motorcycles, is proposed for amendment. Subsection (b) of the rule as proposed for amendment provides that except as otherwise provided at N.J.A.C. 13:20-28, the owner or lessee of a “new or used” motorcycle “that is initially” registered “by such owner or lessee” in New Jersey shall be issued a temporary authorization certificate “and shall be subject to the applicable provisions of N.J.A.C. 13:20-7.4.” The remainder of subsection (b) is proposed for deletion in that N.J.A.C. 13:20-7.4, as amended herein, sets forth criteria for vehicle inspection and inspection decal issuance.

The proposal amends various sections of N.J.A.C. 13:20-26, which pertains to compliance with diesel emission standards and equipment, periodic inspection program for diesel emissions, and self-inspection of certain classes of motor vehicles.

N.J.A.C. 13:20-26.2, which contains the definitions applicable to the subchapter, is proposed for amendment. The definition of the term “vehicle” is proposed for amendment to substitute the words “pole trailer” for the word “poletrailer;” substitute the words “truck tractor” for the word “truck-tractor;” and substitute a reference to the “United States Department of Transportation, Federal” Motor Carrier Safety Administration for the “Bureau of” Motor Carrier Safety “of the Federal Highway” Administration.

N.J.A.C. 13:20-26.16, which pertains to periodic inspection at an official inspection facility or a licensed private inspection facility, is proposed for amendment. The section heading of the rule is proposed for amendment to substitute a reference to “periodic” inspection for a reference to “biennial” inspection, and to insert the word “licensed” before the words “private inspection facility.” As proposed for amendment, the rule provides that notwithstanding, and in addition to, any other provision or requirement of N.J.A.C. 13:20-26, “gasoline-fueled and bi-fueled” trucks having a GVWR of 10,000 pounds or more 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 “; provided, however, that gasoline-fueled and bi-fueled trucks having a GVWR of 10,000 pounds or more that are registered as commercial motor vehicles pursuant to N.J.S.A. 39:3-20 shall be

inspected pursuant to N.J.S.A. 39:8-1 on an annual basis at an official inspection facility or a licensed private inspection facility.” In that the rule is applicable to “gasoline-fueled and bi-fueled” trucks, the former reference in the rule to “all ‘vehicles’” is proposed for deletion.

N.J.A.C. 13:20-26.17, which pertains to compliance with diesel emission standards, equipment requirements, and test procedures; periodic inspection program for diesel emissions; self-inspection; and exempt vehicles, is proposed for amendment. An unnecessary reference to “, as defined by that Act,” is proposed for deletion from subsection (a) of the rule, and an unnecessary reference to “, as defined in P.L. 1995, c. 157, and” is proposed for deletion from subsection (b) of the rule. The proposal further amends subsection (b) by twice inserting therein the word “smoke” before the word “opacity.” The proposal amends subsection (c) of the rule by substituting “Department of Environmental Protection” for the acronym “DEP.” The proposal further amends subsection (c) by substituting the word “[a]ny” for the words “[o]n or after July 1, 1998, any.”

The proposal amends two rules in N.J.A.C. 13:20-28, which pertains to the inspection of new motor vehicles.

N.J.A.C. 13:20-28.3, which contains the definitions applicable to the subchapter, is proposed for amendment. Definitions of the terms “jitney,” “limousine,” and “taxicab” are proposed for addition to the rule.

N.J.A.C. 13:20-28.6, which pertains to decals and the period of validity thereof, is proposed for amendment. The proposal supplements the rule by adding a new subsection (c), which provides that “[n]otwithstanding (b) above, a

new motor vehicle that is to be initially registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney and that is receiving a decal as an indication of successful inspection pursuant to this subchapter shall next be inspected not later than one year 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.”

The proposal amends a rule in N.J.A.C. 13:20-29, which pertains to the Motor Vehicle Commission’s Mobile Inspection Unit.

N.J.A.C. 13:20-29.2, which pertains to inspection procedures, is proposed for amendment. The proposal substitutes the words “inspection decal” for the words “certificate of waiver” in subsections (a) and (b) of the rule; inserts a Motor Vehicle Commission rule citation in subsection (a); deletes the word “biennial” from subsection (a); and substitutes the word “that” for the word “which” in subsection (b). Subsection (a) is further proposed for amendment so as to provide that a motor vehicle that is due for inspection pursuant to N.J.S.A. 39:8-1 within the two-month period following the calendar month of its on-road inspection approval may be “issued” a certificate of approval for the “inspection cycle” (changed from “biennial inspection cycle”) applicable to such motor vehicle. The proposal deletes the reference in subsection (a) to such motor vehicles being “presented at the exit end of an official inspection facility for the

issuance of” a certificate of approval. Such certificates of approval may be issued by the Motor Vehicle Commission’s Mobile Inspection Unit or, in accordance with N.J.A.C. 13:20-32.2(s) (proposed herein for recodification as N.J.A.C. 13:20-32.2(r)), by official inspection facilities.

The proposal amends various sections of N.J.A.C. 13:20-30, which pertains to the inspection of school buses.

N.J.A.C. 13:20-30.2, which contains the definitions applicable to N.J.A.C. 13:20-30 and 31, is proposed for amendment. A definition of the term “on-board diagnostics” is proposed for addition to the rule.

N.J.A.C. 13:20-30.12, which pertains to compliance with school bus diesel emission and OBD inspection standards, is proposed for amendment. The section heading and subsection (a) of the rule are proposed for amendment to incorporate references to “OBD inspection” standards. The proposal further amends subsection (a) by correcting a stylistic error and a Department of Environmental Protection rule citation therein. Subsection (b) of the rule is proposed for amendment to incorporate a reference to an annual diesel emission “or OBD” inspection “, whichever is applicable.”

N.J.A.C. 13:20-30.13, which pertains to compliance with school bus gasoline emission and OBD inspection standards, is proposed for amendment. The section heading and subsection (a) of the rule are proposed for amendment to incorporate references to “OBD inspection.” The proposal further amends subsection (a) by deleting the word “emission” between the words “idle” and “test;” by inserting a reference to “a two-speed idle test;” by deleting the

reference to “a 2,500 RPM emission test;” by inserting a reference to “model year;” and by correcting two Department of Environmental Protection rule citations therein. Subsection (b) of the rule is proposed for amendment to incorporate a reference to “an annual” (changed from “a semiannual”) emission “or OBD” inspection “, whichever is applicable.”

The proposal amends various sections of N.J.A.C. 13:20-32 and 33, which pertain to motor vehicle inspection standards and test procedures to be used by official inspection facilities and licensed private inspection facilities, respectively.

N.J.A.C. 13:20-32.1 and 33.1, which contain the definitions applicable to the respective subchapters, are proposed for amendment. The definition of the term “certificate of approval” in the respective rules is proposed for amendment to incorporate references to the “Motor Vehicle Commission’s Mobile Inspection Unit,” to “gasoline-fueled and bi-fueled” motor vehicles, and to Department of Environmental Protection rule citations “regarding the inspection of diesel-fueled motor vehicles, whichever are applicable.” The definition of the term “on-board diagnostics” in the respective rules is proposed for amendment to incorporate references to the California “Air Resources Board” OBD regulations or EPA “OBD” (changed from “OBD II”) regulations effective for model year 1996 and newer “gasoline-fueled and bi-fueled” motor vehicles “and for model year 1997 and newer diesel-fueled motor vehicles.” Definitions of the terms “inspection decal,” “jitney,” “limousine,” “OBD-eligible,” and “taxicab” are proposed for addition to each rule. The definition of the term “certificate of waiver” is proposed for deletion from each rule.

N.J.A.C. 13:20-32.2, which contains general provisions applicable to official inspection facilities, is proposed for amendment. The proposal amends subsections (a) and (b) of the rule so as to broaden the classes of motor vehicles that are subject to the inspection standards and test procedures to be used by official inspection facilities so as to include buses specified in the respective subsections without regard to passenger capacity and jitneys. The proposal expands the class of buses that are subject to those inspection standards and test procedures by deleting the reference to “modified” buses “with a capacity of not more than 15 passengers.” The proposal also provides that “taxicabs,” “limousines,” and “jitneys” are subject to those inspection standards and test procedures. The proposal further amends subsection (b) by removing “modified buses with a capacity of more than 15 passengers” and “jitneys as defined in N.J.A.C. 13:20-44.2” as classes of vehicles that are not subject to inspection by official inspection facilities. Subsection (b) is also proposed for amendment so as to provide that official inspection facilities shall not perform inspections on “retired school buses that are subject to inspection in accordance with N.J.A.C. 13:20-30.” The proposal deletes subsection (d) from the rule pertaining to an official inspection facility’s authority to affix a certificate of waiver on a motor vehicle. The proposal recodifies existing subsection (e) of the rule as subsection (d). The proposal amends the recodified subsection (d) by adding Department of Environmental Protection rule citations; substituting the word “previously-issued” for the word “previous;” and substituting the words “inspection decal” for the words “certificate of waiver.” The proposal expands the class of buses that are

subject to those inspection standards and test procedures by deleting the reference to “modified” buses “with a capacity of not more than 15 passengers.” The proposal also provides in the recodified subsection (d) that a bus “that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine, or jitney” that conforms to the inspection standards shall be certified by an official inspection facility. The proposal recodifies existing subsection (f) of the rule as subsection (e). The proposal amends the recodified subsection (e) by adding Department of Environmental Protection rule citations; substituting the word “previously-issued” for the word “previous;” substituting the words “inspection decal” for the words “certificate of waiver;” deleting the reference to a “used” motor vehicle; deleting the clause “upon transfer of ownership;” correcting Motor Vehicle Commission rule citations; and substituting the word “that” for the word “which.” The proposal also provides in the recodified subsection (e) that a bus “that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine, or jitney” that that does not conform to the inspection standards shall have affixed thereto an inspection rejection sticker. The proposal recodifies existing subsection (g) of the rule as subsection (f). The proposal amends the recodified subsection (f) by adding Department of Environmental Protection rule citations; substituting the word “previously-issued” for the word “previous;” substituting the words “inspection decal” for the words “certificate of waiver;” and substituting the word “that” for the word “which.” The proposal also provides in the recodified subsection (f) that a

bus “that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine, or jitney” that that does not conform to the inspection standards shall have affixed thereto a “48 hour” inspection rejection sticker if the nature of the defect(s) found constitutes a hazard to the public safety so as to require immediate repairs to the motor vehicle. The proposal deletes subsection (h) from the rule relating to the issuance of a certificate of waiver. The proposal recodifies existing subsections (i) through (k) of the rule as subsections (g) through (i). The proposal recodifies existing subsection (l) of the rule as subsection (j). The proposal amends the recodified subsection (j) by adding Department of Environmental Protection rule citations; by deleting the requirement that a motor vehicle be presented at an official inspection facility for reinspection “provided the motor vehicle is presented for reinspection within 45 days of the date of the most recent inspection rejection;” and by deleting the requirement that a complete reinspection be performed if “the motor vehicle is presented for reinspection after such date.” The proposal recodifies existing subsection (m) of the rule as subsection (k). The proposal amends the recodified subsection (k) by adding Department of Environmental Protection rule citations and by substituting the words “inspection decal” for the words “certificate of waiver.” The proposal recodifies existing subsection (n) of the rule as subsection (l). The proposal recodifies existing subsection (o) of the rule as subsection (m). The proposal amends the recodified subsection (m) by correcting a subsection citation therein and by adding Department of Environmental Protection rule citations. The proposal recodifies

existing subsection (p) of the rule as subsection (n). The proposal recodifies existing subsection (q) of the rule as subsection (o). The proposal amends the recodified subsection (o) by substituting the words “inspection decal” for the words “certificate of waiver” and by deleting a reference to “the exit end of” an official inspection facility. The proposal recodifies existing subsection (r) of the rule as subsection (p). The proposal amends the recodified subsection (p) by specifying that the subsection applies to any “new” motor vehicle purchased in a foreign jurisdiction for which a temporary authorization certificate has been issued; by correcting Motor Vehicle Commission rule citations therein; by deleting a reference to “the exit end of” an official inspection facility; and by substituting the word “an” for the words “a new motor vehicle.” The proposal supplements the recodified subsection (p) so as to indicate “that a new motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(d) and this subsection that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney shall be subject to inspection not later than one year 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(d) and this subsection shall so indicate.” The proposal supplements the rule by adding a new subsection (q), which provides that “[a]ny motor vehicle less than four model years old for which a temporary authorization certificate has been issued by the Motor Vehicle Commission in accordance with N.J.A.C. 13:20-7.4(a), (g), or (i)

that is presented at an official inspection facility and is eligible for the issuance of an inspection decal pursuant to N.J.A.C. 13:20-7.4(a), (g)2, or (i)2 shall be subject to the provisions of this subsection. A motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(a), (g)2, or (i)2 and this subsection shall be subject to inspection during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the decal affixed to such motor vehicle pursuant to N.J.A.C. 13:20-7.4(a), (g)2, or (i)2 and this subsection. Such a decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety, emission-related, or OBD-related defects." The proposal recodifies existing subsection (s) of the rule as subsection (r). The proposal amends the recodified subsection (r) by deleting the reference to "the exit end of" an official inspection facility and the reference to the "biennial" inspection cycle.

N.J.A.C. 13:20-32.3 and 33.3, which pertain to the inspection of credentials by official inspection facilities and Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, respectively, are proposed for amendment. The section heading of N.J.A.C. 13:20-33.3 is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities. Subsection (b) of the respective rules is proposed for

amendment so as to delete the requirement that a motorist be advised by an official inspection facility or licensed private inspection facility to contact the Motor Vehicle Commission's Inspection Support Unit when the motor vehicle registration certificate presented by such motorist contains a typographical error(s) in the vehicle identification number. The amendments conform the respective rules to existing Commission practice, which provides for the issuance of a replacement motor vehicle registration certificate by the Commission upon entry of the correct vehicle identification number into the motor vehicle inspection database at the time of inspection by an official inspection facility or licensed private inspection facility.

N.J.A.C. 13:20-32.5, which pertains to the inspection of steering and suspension by official inspection facilities, is proposed for amendment. The proposal deletes subsections (b), (c), and (f) of the rule pertaining to "a steering wheel lash test," "a steering linkage test," and "automated electronic steering test equipment" in that the automated electronic steering tests for motor vehicles having a GVWR of 8,500 pounds or less are being replaced by the manual test protocols set forth in the former subsections (d) and (e) of the rule, which are proposed for recodification as subsections (b) and (c). The proposal modifies the recodified subsection (b) by substituting the words "[s]tarting with" for the word "[w]ith;" substituting the word "the" for the word "a;" deleting the clause "having a GVWR of more than 8,500 pounds;" and substituting the word "that" for the word "which." The proposal modifies the recodified subsection (c) by substituting the word "the" for the word "a;" and deleting the clause "having a GVWR of more

than 8,500 pounds.” The former subsections (g) and (h) of the rule are proposed for recodification as subsections (d) and (e). The former subsection (i) of the rule, which is proposed for recodification as subsection (f), is proposed for amendment so as to provide that there shall be no wear or breakage of components of the steering or suspension system, “vehicle frame, or chassis that” adversely affects the safe operation of the motor vehicle. The former subsections (j) and (k) of the rule are proposed for recodification as subsections (g) and (h).

N.J.A.C. 13:20-32.8 and 33.8, which pertain to the inspection of items that may obstruct a driver’s vision by official inspection facilities and Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, respectively, are proposed for amendment. The section heading of N.J.A.C. 13:20-33.8 is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities. Subsection (b) of the respective rules is proposed for amendment so as to substitute the word “an” for the word “the” and the words “inspection decal” for the words “certificate of waiver.” The proposal supplements each rule by adding a new subsection (c), which provides that “[c]ertification of a motor vehicle shall not be refused because a sign, poster, sticker, or other non-transparent material has been affixed to the windshield or front side window of a motor vehicle, provided the location of such sign, poster, sticker, or other non-transparent material does not obstruct the driver’s vision. However, the motorist shall be advised to have the condition corrected.” The proposal recodifies existing subsection (c) of each rule as subsection (d).

N.J.A.C. 13:20-32.16 and 33.16, which pertain to the inspection of taillights and license plate lights by official inspection facilities and Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, respectively, are proposed for amendment. The section heading of N.J.A.C. 13:20-33.16 is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities. Subsection (c) of the respective rules is proposed for amendment so as to delete the second sentence of the respective subsections, which provides that “[t]he lights shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material.”

N.J.A.C. 13:20-32.19 and 33.19, which pertain to the inspection of tires by official inspection facilities and Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, respectively, are proposed for amendment. The section heading of N.J.A.C. 13:20-33.19 is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities. The proposal supplements the respective rules by adding a new subsection (c), which provides that “[n]otwithstanding (a) above, the tread on each front tire of a motor vehicle that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney shall not be less than $\frac{4}{32}$ of an inch deep. The tread on each rear tire of a motor vehicle that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license

plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney shall not be less than 2/32 of an inch deep.” The former subsections (c) through (f) of the respective rules are proposed for recodification as subsections (d) through (g).

N.J.A.C. 13:20-32.21 and 33.21, which pertain to prescribed emission or on-board diagnostics tests conducted by official inspection facilities and Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, respectively, are proposed for amendment. The section heading of N.J.A.C. 13:20-33.21 is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities. The proposal codifies the existing text of each rule as subsection (a) and inserts therein the words “that is.” The proposal supplements each rule by adding a new subsection (b), which provides that “[w]ith respect to each OBD-equipped and OBD-eligible diesel-fueled motor vehicle with model year 1997 or newer having a GVWR of 8,500 pounds or less that is presented for inspection,” the inspection facility “shall conduct a visible smoke test and an OBD test specified for such motor vehicle in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4. An OBD inspection shall not be required pursuant to this subsection for any OBD-equipped diesel-fueled motor vehicle that is not OBD-eligible, as shall be determined by the Department of Environmental Protection.” The proposal supplements each rule by adding a new subsection (c), which provides that “[w]ith respect to each diesel-fueled motor vehicle with model year 1996 or older

having a GVWR of 8,500 pounds or less that is presented for inspection,” the inspection facility “shall conduct a visible smoke test specified for such motor vehicle in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4.” The proposal supplements each rule by adding a new subsection (d), which provides that “[w]ith respect to each diesel-fueled motor vehicle having a GVWR of more than 8,500 pounds but less than 10,000 pounds that is presented for inspection,” the inspection facility “shall confirm that such motor vehicle conforms to the general public highway standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14.4.”

N.J.A.C. 13:20-32.22 and 33.22, which pertain to the maintenance of official inspection facility and licensed private inspection facility emission test equipment and on-board diagnostics inspection equipment, respectively, are proposed for amendment so as to add a Department of Environmental Protection rule citation therein. The section heading of N.J.A.C. 13:20-33.22 is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-32.45 and 33.45, which pertain to the inspection of the installation of televisions, videocassette recorders, digital video disk players, video cameras, and global positioning systems by official inspection facilities and Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, respectively, are proposed for amendment. The section headings of N.J.A.C. 13:20-32.45 and 33.45 are proposed for amendment to incorporate references to

videocassette recorders, digital video disk players, video cameras, and global positioning systems. The section heading of 13:20-33.45 is also proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities. The proposal codifies the existing text of each rule as subsection (a) and adds references therein to “videocassette recorder, or digital video disk player.” The proposal supplements the respective rules by adding a new subsection (b), which provides that “[a] motor vehicle may be equipped with a video camera or other device to enable the driver to view the exterior rear of the vehicle. Such camera or device shall not be operable when the vehicle is in forward motion.” The proposal also supplements the respective rules by adding a new subsection (c), which provides that “[a] motor vehicle may be equipped with a global positioning system provided such system does not obstruct the vision of the driver.”

N.J.A.C. 13:20-32.47, which pertains to the inspection of service brakes (including service brake equalization and service brake pedal reserve) by official inspection facilities, is proposed for amendment. Subsection (h) of the rule, as proposed for amendment, provides that the brakes shall be tested on a drive-on platform tester “or any other brake performance tester approved by the Chief Administrator.”

N.J.A.C. 13:20-32.50 and 33.50, which pertain to the inspection of motorcycle credentials by official inspection facilities and Class III licensed private inspection facilities, respectively, are proposed for amendment. Subsection (b) of the respective rules is proposed for amendment so as to delete

the requirement that a motorcyclist be advised by an official inspection facility or Class III licensed private inspection facility to contact the Motor Vehicle Commission's Inspection Support Unit when the motorcycle registration certificate presented by such motorcyclist contains a typographical error(s) in the vehicle identification number. The amendments conform the respective rules to existing Commission practice, which provides for the issuance of a replacement motorcycle registration certificate by the Commission upon entry of the correct vehicle identification number into the motor vehicle inspection database at the time of inspection by an official inspection facility or upon entry of the correct vehicle identification number onto the motorcycle inspection card at the time of inspection by a Class III private inspection facility.

N.J.A.C. 13:20-33.2, which contains general provisions applicable to Class I, Class I-A, Class II, Class II-A, and Class III licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities. The proposal amends subsection (a) of the rule by qualifying the class of trucks (that is, "gasoline-fueled and bi-fueled" trucks and "diesel-fueled trucks having a GVWR of less than 10,000 pounds") that are subject to the inspection standards and test procedures used by licensed private inspection facilities; by deleting an unnecessary reference to "modified buses regardless of passenger capacity;" and by adding "taxicabs" and "limousines" as classes of motor vehicles that are subject to the inspection standards and test procedures used by licensed private inspection facilities. The proposal further amends

subsection (a) by specifying the classes of motor vehicles (that is, automobiles, trucks having a GVWR of 8,500 pounds or less, buses having a GVWR of 8,500 pounds or less that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, and limousines” that are subject to the inspection standards and test procedures to be used by “Class I-A and Class II-A licensed private inspection facilities.” The proposal amends subsection (d) of the rule by substituting the word “that” for the word “which;” by adding references to a “Class I-A” licensed private inspection facility; and by supplementing the subsection by providing that “[t]he schedule of inspection charges for a Class I-A licensed private inspection facility shall specifically set forth the inspection charge for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less.” The proposal amends subsection (f) of the rule so as to provide that “a Class I-A or Class II-A licensed private inspection facility shall not perform OBD-related motor vehicle repairs” unless it is registered as a motor vehicle emission repair facility. The proposal amends subsection (g) of the rule by adding Department of Environmental Protection rule citations relating to diesel emission inspection standards and test procedures. The proposal amends subsection (h) of the rule by adding Department of Environmental Protection rule citations relating to diesel emission inspection standards and test procedures and by adding a reference to “Class I-A” licensees. The proposal amends subsections (k), (l), and (m) of the rule by deleting an unnecessary reference to “a modified bus regardless of passenger capacity;” by inserting references to a “taxicab” and “limousine;” by adding

Department of Environmental Protection rule citations relating to diesel emission inspection standards and test procedures; by inserting references to “Class I-A” and (except in subsection (m)) “Class II-A” licensees; by substituting the word “previously-issued” for the word “previous;” by substituting the words “inspection decal” for the words “certificate of waiver;” and by substituting the word “that” for the word “which.” The proposal amends subsection (q) of the rule by adding Department of Environmental Protection rule citations relating to diesel emission inspection standards and test procedures; by deleting the requirement that a motor vehicle be presented at a licensed private inspection facility for reinspection “provided the motor vehicle is presented for reinspection within 45 days of the date of the most recent inspection rejection;” and by deleting the requirement that a complete reinspection be performed if “the motor vehicle is presented for reinspection after such date.” The proposal amends subsection (r) of the rule by substituting the word “has” for the word “have;” by inserting Department of Environmental Protection rule citations relating to diesel emission inspection standards and test procedures; and by substituting the words “inspection decal” for the words “certificate of waiver.” The proposal amends subsection (t) of the rule by inserting Department of Environmental Protection rule citations relating to diesel emission inspection standards and test procedures. The proposal supplements subsection (w) of the rule by requiring a customer to separately sign and date his or her acknowledgement “to have such inspection repairs, adjustments, and corrections performed at this facility.” The proposal deletes subsection (y) from the rule, which prohibits licensed private

inspection facilities from issuing certificates of waiver. The proposal recodifies existing subsection (z) of the rule as subsection (y); substitutes the words “inspection decal” for the words “certificate of waiver;” substitutes the word “that” for the word “which;” and corrects a Motor Vehicle Commission rule citation therein.

N.J.A.C. 13:20-33.4, which pertains to the inspection of license plates by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.5, which pertains to the inspection of steering and suspension by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities. Subsection (f) of the rule as proposed for amendment provides that there shall be no wear or breakage of components of the steering or suspension system, “vehicle frame, or chassis that” adversely affects the safe operation of the motor vehicle.

N.J.A.C. 13:20-33.6, which pertains to the inspection of front parking lights by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.7, which pertains to the inspection of glazing by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.9, which pertains to the inspection of horns by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.10, which pertains to the inspection of windshield wipers by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.11, which pertains to the inspection of clearance lights by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.12, which pertains to the inspection of turn signals and hazard warning signals by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of

the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.13, which pertains to the inspection of reflectors by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.14, which pertains to the inspection of identification lights by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.15, which pertains to the inspection of side-marker lights by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.17, which pertains to the inspection of stoplights by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.18, which pertains to the inspection of wheels by Class

I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.20, which pertains to the inspection of exhaust systems by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.23, which pertains to the inspection of headlights by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.24, which pertains to the inspection of rear view mirrors by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.25, which pertains to the inspection of miscellaneous lights by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A

licensed private inspection facilities.

N.J.A.C. 13:20-33.26, which pertains to the inspection of wiring and switching by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.27, which pertains to the inspection of headlight beam indicator lights by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.28, which pertains to the inspection of turn signal and hazard warning signal indicator lights by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.29, which pertains to the inspection of antennas by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.30, which pertains to the inspection of the motor vehicle body by Class I, Class I-A, Class II, and Class II-A licensed private inspection

facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.31, which pertains to the inspection of bumpers by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.32, which pertains to the inspection of motor vehicle doors by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.33, which pertains to the inspection of fenders and fender flaps by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.34, which pertains to the inspection of fuel systems by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.35, which pertains to the inspection of motor vehicle hoods by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.36, which pertains to the inspection of lettering by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.37, which pertains to the inspection of motor vehicle ornaments by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.38, which pertains to the inspection of pedals by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.39, which pertains to the inspection of racks or carriers by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for

amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.40, which pertains to the inspection of reflective tape by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.41, which pertains to the inspection of seats by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.42, which pertains to the inspection of seat belts and air bags by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.43, which pertains to the inspection of gear shift indicators by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.44, which pertains to the inspection of transmissions by

Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.46, which pertains to the inspection of motor vehicle trunk lids by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.47, which pertains to the inspection of service brakes (including service brake equalization and service brake pedal reserve) by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.48, which pertains to the inspection of parking brakes by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

N.J.A.C. 13:20-33.49, which pertains to the inspection of speed recording instruments (speedometers) and mileage recording instruments (odometers) by Class I, Class I-A, Class II, and Class II-A licensed private inspection facilities, is

proposed for amendment. The section heading of the rule is proposed for amendment to incorporate references to Class I-A and Class II-A licensed private inspection facilities.

Appendix A of N.J.A.C. 13:20-33 is proposed for amendment so as to delete the reference to “NOx” from the Engine Emissions category set forth therein since this exhaust gas (oxides of nitrogen) will no longer be measured as part of the enhanced motor vehicle inspection and maintenance program.

The proposal amends various sections of N.J.A.C. 13:20-43, which pertains to the enhanced motor vehicle inspection and maintenance program.

N.J.A.C. 13:20-43.1, which contains the definitions applicable to the subchapter, is proposed for amendment. The definition of the term “certificate of approval” is proposed for amendment to incorporate a reference to the “Motor Vehicle Commission’s Mobile Inspection Unit.” The definition of the term “collector motor vehicle” is proposed for amendment to substitute a description of such vehicle as one “that is less than 25 years old” for one that is “not otherwise qualified for designation as an ‘historic vehicle,’ or ‘street rod,’” and to substitute the word “that” for the word “which.” The definition of the term “gasoline-fueled” is proposed for amendment so as to substitute the word “or” for the word “and” and for the words “and also” and to insert a reference to “hydrogen” therein. The definition of the term “motor vehicle emission repair facility” is proposed for amendment so as to delete therefrom “and which repairs may qualify for consideration in determining whether a certificate of waiver may be granted.” The definition of the term “on-board diagnostics” is proposed for amendment to

incorporate references to the California "Air Resources Board" OBD regulations or EPA "OBD" (changed from "OBD II") regulations effective for model year 1996 and newer "gasoline-fueled and bi-fueled" motor vehicles. Definitions of the terms "inspection decal," "jitney," "limousine," and "taxicab" are proposed for addition to the rule. Definitions of the terms "certificate of waiver," "loaded-mode (dynamometer-based) emission test," "low mileage vehicle," and "low utilization modified performance vehicle" are proposed for deletion from the rule.

N.J.A.C. 13:20-43.2, which pertains to inspection requirements for motor vehicles, exempt vehicles, and designation of collector motor vehicles, is proposed for amendment. The section heading of the rule is proposed for amendment to delete references to "designation of low utilization modified performance vehicles" and "designation of low mileage vehicles." The proposal amends subsection (b) of the rule, which enumerates classes of motor vehicles that are exempt from the inspection requirements of the subchapter, by deleting the reference in paragraph 9 to ", 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" following the reference therein to "diesel-fueled motor vehicles," thereby clarifying that diesel-fueled motor vehicles, which are subject to inspection in accordance with other subchapters of the Commission's rules, are exempt from the inspection requirements of the subchapter. The proposal further amends subsection (b) by deleting the phrase "having a seating capacity of 10 passengers or more and" from paragraph 10 relating to omnibuses that are

subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit. The proposal amends subsection (c) of the rule, which pertains to qualification for designation as a "collector motor vehicle," by substituting the word "that" for the word "which." The proposal also amends paragraph 1 of subsection (c) by inserting the word "motor" before the word "vehicle" and by conforming the paragraph to the definition of the term "collector motor vehicle" set forth in N.J.A.C. 13:20-43.1, as amended by the proposal. The proposal amends subsection (e) of the rule by inserting the words "or lessee" after the word "owner," the words "or inspection decal" after the word "approval," and the word "motor" after the word "said." The proposal supplements the last sentence of the subsection by providing that the windshield sticker for a collector motor vehicle shall be valid for the "biennial" inspection test cycle "; provided, however, that a windshield sticker issued pursuant to this subsection for a 'collector motor vehicle' that is 24 years old shall be valid for a period of one year and shall be nonrenewable." The proposal deletes subsections (i) through (n) from the rule, which pertain to qualification for designation as a "low utilization modified performance vehicle" and a "low mileage vehicle," thereby conforming the rule to the proposed deletion of the definitions of those terms from N.J.A.C. 13:20-43.1.

N.J.A.C. 13:20-43.4, which pertains to the inspection of Federal motor vehicles, is proposed for amendment. The proposal amends subsection (b) of the rule by substituting the word "that" for the word "which" and by inserting references to "Class I-A" and "Class II-A" licensed private inspection facilities.

The proposal amends subsection (c) of the rule by inserting a reference to “Class I-A” licensed private inspection facilities. The proposal deletes paragraph 6 of subsection (c) of the rule pertaining to the reporting of “NOx results, if applicable” in that loaded-mode (dynamometer-based) emission testing of motor vehicles will no longer be performed as part as this State’s enhanced motor vehicle inspection and maintenance program. The proposal recodifies existing paragraphs 7 through 10 of the subsection as paragraphs 6 through 9.

N.J.A.C. 13:20-43.5, which pertains to the inspection of motor vehicles registered in other states, is proposed for amendment. The proposal amends subsection (b) of the rule by substituting the word “that” for the word “which” and by inserting references to “Class I-A” and “Class II-A” licensed private inspection facilities. The proposal amends subsection (c) of the rule by substituting the word “that” for the word “which” and by inserting a reference to “Class I-A” licensed private inspection facilities. The proposal deletes paragraph 8 of subsection (d) of the rule pertaining to the reporting of “NOx results, if applicable” in that loaded-mode (dynamometer-based) emission testing of motor vehicles will no longer be performed as part as this State’s enhanced motor vehicle inspection and maintenance program. The proposal recodifies existing paragraphs 9 through 11 of the subsection as paragraphs 8 through 10.

N.J.A.C. 13:20-43.6, which pertains to the inspection of fleet motor vehicles, is proposed for amendment. The proposal amends the rule by inserting the word “motor” between the words “fleet” and “vehicle” and by inserting references to “Class I-A” and “Class II-A” licensed private inspection facilities.

N.J.A.C. 13:20-43.7, which pertains to test frequency, is proposed for amendment. The proposal denotes the existing rule text as subsection (a) and incorporates a new subsection (b) that sets forth classes of motor vehicles that shall be inspected on an annual basis pursuant to the subchapter. Motor vehicles that shall be inspected on an annual basis include (1) gasoline-fueled and bi-fueled motor vehicles that are registered as commercial motor vehicles pursuant to N.J.S.A. 39:3-20, (2) buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, (3) taxicabs, (4) limousines, and (5) jitneys.

N.J.A.C. 13:20-43.8, which pertains to on-board diagnostics inspections and tests for emissions, is proposed for amendment. The proposal amends subsection (a) of the rule by substituting the word “[a]n” for the words “[o]n and after June 1, 2003, an;” correcting two Department of Environmental Protection rule citations; and substituting the words “an annual” for the words “a biennial” in reference to the frequency of OBD inspections conducted by the Motor Vehicle Commission on school buses. Unnecessary references to a Motor Vehicle Commission school bus rule citation and the operative date for OBD inspections of school buses, which is temporary and executed, are proposed for deletion from the subsection. The proposal supplements subsection (a) by inserting two sentences at the end of the subsection, which provide that “[a]n OBD inspection shall not be required pursuant to this subsection for any OBD-equipped motor vehicle that is not OBD-eligible as shall be determined by the Department of Environmental Protection. In such exceptional cases, a two-speed idle test

conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.4 shall be administered.”

The proposal amends subsection (b) of the rule by substituting references to a “two-speed idle” test for references to a “loaded-mode (dynamometer-based)” test; correcting two Department of Environmental Protection rule citations; substituting a reference to model years 1981 “through 1995” for a reference to model years 1981 “and later” in reference to the two-speed idle test on gasoline-fueled and bi-fueled motor vehicles; substituting a reference to “an idle” test for a reference to “a 2,500 RPM emission” test; and deleting a reference to “oxides of nitrogen (NOx).” References to various classes of motor vehicles that are exempt from dynamometer-based emission testing are proposed for deletion from subsection (b) in that such classes of motor vehicles will be subject to an OBD or emission test in accordance with the amended rule. The proposal deletes the last sentence of the subsection as temporary and executed.

The proposal amends subsection (c) of the rule by deleting the word “emission” between the words “idle” and “test;” substituting a reference to a “two-speed idle” test for a reference to a “2,500 RPM emission” test; and deleting a reference to “a 2,500 RPM emission test.” References to various classes of motor vehicles that are exempt from dynamometer-based emission testing and are subject to 2,500 RPM emission testing under the existing rule are proposed for deletion from subsection (c) in that such classes of motor vehicles will be subject to an OBD or emission test in accordance with the amended rule. The proposal deletes the last sentence of the subsection as temporary and executed.

The proposal amends subsection (d) of the rule by correcting three Department of Environmental Protection rule citations and by providing that a fuel cap leak test shall be conducted on all motor vehicles “with model years 2000 and earlier that were” originally equipped with a sealed fuel filler cap.

N.J.A.C. 13:20-43.9, which pertains to inspection reports and emission-related repair forms, is proposed for amendment. Subsection (a) of the rule is proposed for amendment by substituting the word “a” for the word “each;” by inserting a reference to a motor vehicle “that fails inspection;” and by deleting the words “, upon completion of an inspection.” The proposal amends paragraph 14 of subsection (a) by inserting the words “if applicable” at the end of the paragraph following the reference to “[r]esults of the fuel cap leak test.” The proposal deletes paragraph 21 of subsection (a) pertaining to “[i]nstructions for waiver applicants” and recodifies existing paragraphs 22 through 24 of the subsection as paragraphs 21 through 23. The proposal deletes paragraph 25 of subsection (a) pertaining to “the cost of parts and labor for emission-related or OBD-related repair(s)” and recodifies existing paragraphs 26 through 28 of the subsection as paragraphs 24 through 26. The proposal deletes subsection (c) from the rule, which pertains to the “Pre-inspection Repair Form,” in that certificates of waiver will no longer be issued under the enhanced motor vehicle inspection and maintenance program as amended by this proposal.

N.J.A.C. 13:20-43.10, which pertains to reinspections, is proposed for amendment. The proposal substitutes “previously-issued” for “previously issued;” deletes references to “the pre-inspection repair form (if applicable),”

“invoice(s) issued by such registered motor vehicle emission repair facility,” “invoices for emission-related parts,” and “invoices for emission control system parts and/or emission-related processes;” and inserts the words “if applicable” after the reference to fuel cap leak testing. The proposal deletes the last two sentences of the rule pertaining to requests for waiver of compliance in that certificates of waiver will no longer be issued under the enhanced motor vehicle inspection and maintenance program as amended by this proposal.

N.J.A.C. 13:20-43.11, which pertains to inspection certificates of approval and inspection rejection stickers, is proposed for amendment. Subsection (a) of the rule is proposed for amendment to correct a citation to a Commission rule. The proposed amendments to subsection (b) of the rule correct two citations to Commission rules, and also substitute the words “inspection decal” for the words “certificate of waiver.”

N.J.A.C. 13:20-43.12, which pertains to inspection extensions, is proposed for amendment. The proposal amends subsection (a) of the rule by deleting the words “which is” between the words “vehicle” and “registered;” by substituting the words “inspection decal” for the words “certificate of waiver;” and by deleting the words “two year” between the words “the” and “inspection.” The proposal amends subsection (b) of the rule by substituting the word “that” for the word “which;” by substituting the words “inspection decal” for the words “certificate of waiver;” and by deleting the words “two year” between the words “the” and “inspection.” The proposal amends subsection (c) of the rule by substituting the word “that” for the word “which” and by deleting the words “two year” between the

words “the” and “inspection.” The proposal amends subsection (d) of the rule by substituting the word “that” for the word “which” and by deleting the words “two year” between the words “the” and “inspection.”

N.J.A.C. 13:20-43.13, which pertains to waivers, is proposed for repeal. Certificates of waiver will no longer be issued under the enhanced motor vehicle inspection and maintenance program as amended by this proposal.

N.J.A.C. 13:20-43.14, which pertains to on-road inspections, is proposed for amendment. The proposal amends subsection (b) of the rule by inserting the words “if applicable” after the reference to a fuel cap leak test and by deleting the words “including a tap test thereof” after the reference to the motor vehicle’s catalytic converter. The proposal amends subsection (c) of the rule by correcting a Department of Environmental Protection rule citation therein. The proposal amends paragraphs 2 and 3 of subsection (e) of the rule by substituting the words “inspection decal” for the words “certificate of waiver” therein.

N.J.A.C. 13:20-43.16, which pertains to motor vehicle registration denial and suspension, is proposed for amendment. The proposal substitutes the words “inspection decal” for the words “certificate of waiver” in the section heading and in subsections (a) and (h) of the rule. The proposal also substitutes the word “that” for the word “which” in the section heading and in subsection (d) of the rule. The proposal deletes references to “certificate of waiver” from paragraphs 2 of subsections (a) and (b) and from subsections (e) and (g) of the rule. The proposal also deletes the references to “Class I or Class II” licensed private inspection facilities from paragraph 2 of subsection (d) and from

paragraph 3 of subsection (f), respectively. The proposal amends subsection (h) of the rule by substituting the words “previously-issued” for the word “previous” and by deleting the reference to “inspection card” therein.

N.J.A.C. 13:20-43.17, which pertains to emission inspector training and licensing, is proposed for amendment. The proposal supplements the rule by adding a new subsection (i), which provides that “[t]he emission inspector license shall be in the possession of the licensee at all times when he or she is performing the duties of a motor vehicle emission inspector.”

N.J.A.C. 13:20-43.18, which pertains to suspension or revocation of emission inspector licenses, is proposed for amendment. The proposal amends paragraph 4 of subsection (a) of the rule by inserting references to “inspection decal, collector motor vehicle windshield sticker” and “rejection sticker” and by deleting the reference to “certificate of waiver.” The proposal supplements subsection (a) by inserting a new paragraph 5, which provides that a motor vehicle emission inspector license may be suspended or revoked for “[f]raudulent or improper recordkeeping relating to inspection certificates, decals, or stickers.” The proposal further supplements subsection (a) by inserting a new paragraph 6, which provides that a motor vehicle emission inspector license may be suspended or revoked for “[f]raudulent or improper recordkeeping relating to inspection certificate, decal, or sticker inventory, control, or ledgers.” The proposal recodifies existing paragraph 5 of subsection (a) as paragraph 7. The proposal amends paragraphs 1, 2, and 3 of subsection (f) of the rule by deleting the reference therein to “or waiving.” The proposal amends paragraphs 5, 7, 12,

and 13 of subsection (f) by deleting references to “certificate of waiver” or “certificates of waiver” therein and by inserting references to “inspection decal,” “inspection decals,” “collector motor vehicle windshield sticker,” and “collector motor vehicle windshield stickers.” The proposal amends paragraph 8 of subsection (f) by deleting the reference to “certificate of waiver” therein and by inserting a reference to “an inspection decal or collector motor vehicle windshield sticker for a motor vehicle that does not qualify for the issuance of such decal or sticker.” The proposal amends paragraph 18 of subsection (f) by deleting an incorrect word (“on”) therein. The proposal supplements subsection (f) by adding a new paragraph 19, which provides that emission inspector licensees shall be subject to a “[m]inimum 15-day license suspension and until compliance” for failing to cooperate with an audit or investigation.

N.J.A.C. 13:20-43.21, which pertains to emission inspector training programs administered by third parties, is proposed for amendment. The proposal deletes the word “dynamometer” from subsection (e) of the rule; substitutes the word “matter” for the word “matters” and effectuates a punctuation correction in subsection (j) of the rule; deletes the word “emission” from subparagraph iii of paragraph 1 of subsection (j); deletes the reference to “New Jersey’s enhanced exhaust gas emission test, known as the ASM 5015 exhaust emission test” from N.J.A.C. 13:20-43.21(j)2ii(1); deletes the word “basic” before the words “idle test” in N.J.A.C. 13:20-43.21(j)2ii(1); and substitutes a reference to a “two-speed idle” test for a reference to a “2500 RPM” test in N.J.A.C. 13:20-43.21(j)2ii(1).

The proposal amends various sections of N.J.A.C. 13:20-44, which pertains to private inspection facility licensing.

N.J.A.C. 13:20-44.1, which sets forth the purpose of the subchapter, is proposed for amendment. The proposal amends subsection (b) of the rule by substituting the word “that” for the word “which” and by inserting therein two Department of Environmental Protection rule citations.

N.J.A.C. 13:20-44.2, which contains the definitions applicable to the subchapter, is proposed for amendment. The definition of the term “motor vehicle emission testing equipment” is proposed for amendment so as to correct a Department of Environmental Protection rule citation and to delete the word “dynamometers” from such definition. The definition of the term “on-board diagnostics” is proposed for amendment to incorporate references to the California “Air Resources Board” OBD regulations or EPA “OBD” (changed from “OBD II”) regulations effective for model year 1996 and newer “gasoline-fueled and bi-fueled” motor vehicles “and for model year 1997 and newer diesel-fueled motor vehicles.” Definitions of the terms “limousine,” “OBD-eligible,” and “taxicab” are proposed for addition to the rule.

N.J.A.C. 13:20-44.3, which pertains to the scope of the subchapter, vehicle classes, inspection services, and license classes, is proposed for amendment. Subsection (c) of the rule, which pertains to motor vehicle inspections performed at licensed private inspection facilities, is proposed for amendment so as to substitute the word “that” for the word “which.” Subsection (c) is also proposed for amendment so as to provide that buses that have been

issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, as well as “taxicabs” and “limousines,” may be presented for inspection at a licensed private inspection facility. An unnecessary reference to “including modified buses regardless of passenger capacity” is proposed for deletion from subsection (c). The proposal supplements the rule by adding a new subsection (e), which provides that “Class I-A and Class II-A licensed private inspection facilities shall provide inspection, reinspection, and certification services in motor vehicle inspection categories, other than the engine emissions inspection category and other than motorcycle inspection categories, established by the Motor Vehicle Commission, including the following inspection categories: 1. Credentials; 2. On-board diagnostics; 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).” The proposal recodifies subsections (e) through (f) of the rule as subsections (f) through (g). The proposal also recodifies subsection (g) of the rule, which pertains to private inspection facility license classes, as subsection (h). Paragraph 1 of the recodified subsection (h), which pertains to motor vehicles subject to inspection by Class I licensed private inspection facilities, is proposed for amendment so as to include therein buses “that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission”, “taxicabs,” and “limousines.” The proposal supplements the recodified subsection (h) by adding a new paragraph 2, which

provides that “Class I-A licenses shall be issued to private inspection facilities to engage in the inspection and certification of OBD-equipped and OBD-eligible light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of 8,500 pounds or less, buses having a GVWR of 8,500 pounds or less that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, and limousines.” The proposal recodifies paragraph 2 of the recodified subsection (h) as paragraph 3. Recodified paragraph 3, which pertains to motor vehicles subject to inspection by Class II licensed private inspection facilities, is proposed for amendment so as to include therein “buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, limousines, or jitneys.” The proposal supplements the recodified subsection (h) by adding a new paragraph 4, which provides that “Class II-A licenses shall be issued to owners or lessees of fleets of 10 or more OBD-equipped and OBD-eligible light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of 8,500 pounds or less, buses having a GVWR of 8,500 pounds or less that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, or limousines to engage in the inspection and certification of such motor vehicles.” The proposal recodifies paragraph 3 of the recodified subsection (h) as paragraph 5. The proposal recodifies subsection (h) of the rule as subsection (i).

N.J.A.C. 13:20-44.6, which pertains to application and license fees, is proposed for amendment. The proposal amends subsection (a) of the rule so as to provide that an initial applicant that simultaneously submits applications “for a Class I-A and Class III private inspection facility license” shall pay only one \$20.00 application fee. The proposal amends subsection (b) of the rule so as to provide that each initial or renewal application for a Class I “, Class I-A,” Class II “, or Class II-A” private inspection facility license shall be accompanied by a license fee of \$250.00.

N.J.A.C. 13:20-44.9, which pertains to facilities and equipment, is proposed for amendment. Subsection (a) of the rule is proposed for amendment by substituting the word “that” for the word “which” and by inserting a reference therein to “Class III licensed private inspection facilities” so as to exempt such licensees from the facility requirements of the subsection. The proposal amends subsection (b) of the rule pertaining to motor vehicle emission testing equipment and subsection (c) of the rule pertaining to a vehicle lift or heavy-duty floor jack by inserting references therein to “Class I-A” and “Class II-A” licensed private inspection facilities. The proposal also deletes subsection (f) from the rule, which pertains to an electronic medium for retrieval and transmission of motor vehicle inspection information. The former subsection (f) is unnecessary in that the subject matter thereof is addressed in subsection (b) of the rule.

N.J.A.C. 13:20-44.10, which pertains to inspection certificates of approval, is proposed for amendment. The proposal amends subsection (a) of the rule by deleting the second sentence of the subsection, which provides that a certificate

of approval insert “shall contain a bar-coded identifier linked to the motor vehicle.” The proposal amends subsection (g) of the rule by providing that “a Class I-A or Class II-A licensed private inspection facility shall not certify the on-board diagnostics of any motor vehicle” unless an emission inspector licensed by the Motor Vehicle Commission has personally performed the OBD inspection or reinspection. The proposal further amends subsection (g) by inserting Motor Vehicle Commission and Department of Environmental Protection rule citations. The proposal further amends subsection (g) by providing that “a Class I-A or Class II-A licensed private inspection facility shall not certify the on-board diagnostics of any motor vehicle that has been rejected because of an OBD inspection failure” unless a certified emission repair technician or the owner or lessee of the motor vehicle has performed the OBD-related repairs.

N.J.A.C. 13:20-44.12, which pertains to notice and recordkeeping requirements applicable to licensed private inspection facilities, is proposed for amendment. The proposal amends subsection (a) of the rule by exempting “Class II-A” licensed private inspection facilities from the outdoor sign display requirement imposed by the subsection. The proposal also amends subsection (a) by substituting the word “that” for the word “which.” The proposal amends paragraph 1 of subsection (c) of the rule so as to provide that copies of all motor vehicle inspection reports and other documents prepared by a licensed private inspection facility for inspections, reinspections, certifications and repair work performed by that facility shall be kept for at least “three” years rather than “four” years and shall be available for inspection during “regular” (changed from

“normal”) business hours.

N.J.A.C. 13:20-44.13, which pertains to records and inspection reports, is proposed for amendment. The proposal amends subsection (d) of the rule so as to provide that records required to be maintained by a private inspection facility licensee pursuant to the rule shall remain on file at the licensee’s place of business for a period of “three” years rather than “four” years from the date of issuance of the inspection certificate of approval. The proposal amends subsection (f) of the rule by inserting therein Motor Vehicle Commission and Department of Environmental Protection rule citations.

N.J.A.C. 13:20-44.14, which pertains to certification of inspection, is proposed for amendment. The proposal amends subsection (a) of the rule by inserting therein Department of Environmental Protection rule citations. The proposal supplements the rule by adding a new subsection (b), which provides that “[e]ach Class I-A or Class II-A licensed private inspection facility shall have the authority to perform inspections in motor vehicle inspection categories established by the Motor Vehicle Commission, other than the engine emissions inspection category, and to certify that specific items for which a motor vehicle was rejected at inspection, other than a rejection for engine emissions, have been corrected so that the OBD-equipped and OBD-eligible motor vehicle is in proper operating condition and that it conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 13:20-43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable.” The proposal recodifies

subsection (b) of the rule as subsection (c). The proposal recodifies subsection (c) of the rule as subsection (d) and amends the recodified subsection by inserting references to “Class I-A” and “Class II-A” licensed private inspection facilities and by adding Department of Environmental Protection rule citations. The proposal recodifies subsections (d) through (e) of the rule as subsections (e) through (f). The proposal recodifies subsection (f) of the rule as subsection (g) and amends the recodified subsection by inserting references to “Class I-A” and “Class II-A” licensed private inspection facilities and by adding Department of Environmental Protection rule citations therein. The proposal recodifies subsections (g) through (i) of the rule as subsections (h) through (j). The proposal recodifies subsection (j) of the rule as subsection (k) and amends the recodified subsection by providing that the schedule of inspection charges “for a Class I licensed private inspection facility” 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 proposal also supplements the recodified subsection by providing that “[t]he schedule of inspection charges for a Class I-A licensed private inspection facility shall specifically set forth the inspection charge for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less.”

N.J.A.C. 13:20-44.18, which pertains to emission inspectors, is proposed for amendment. The proposal amends the rule so as to add references therein to “Class I-A” and “Class II-A” licensed private inspection facilities.

N.J.A.C. 13:20-44.20, which pertains to a schedule of penalties, is proposed for amendment. The proposal amends subsection (b) of the rule by inserting therein a reference to “N.J.S.A. 39:8-1 et seq.” The proposal amends paragraph 5 of subsection (b) by inserting the word “a” and substituting the words “rejection sticker” for the words “certificate of waiver.” The proposal amends paragraph 7 of subsection (b) by inserting the word “an” and by deleting the reference to “certificate of waiver” therein. The proposal amends paragraph 8 of subsection (b) by deleting the reference to “certificate of waiver” therein. The proposal amends paragraph 13 of subsection (b) by inserting the word “motor;” by rearranging the word “equipment;” and by inserting monetary civil penalties for first, second, and third and subsequent violations of the paragraph. The proposal supplements subsection (b) by adding a new paragraph 24, which provides for a “[m]inimum 15-day license suspension and until compliance” when a licensed private inspection facility fails “to cooperate with an audit or investigation.”

The proposal amends various sections of N.J.A.C. 13:20-45, which pertains to motor vehicle emission repair facility registration.

N.J.A.C. 13:20-45.1, which sets forth the purpose of the subchapter, is proposed for amendment. The proposal amends subsection (a) of the rule so as to delete the reference to the documentation of “emission and OBD repair costs for purposes of issuance of certificates of waiver pursuant to N.J.A.C. 13:20-43.13.” As noted above, certificates of waiver will no longer be issued under the enhanced motor vehicle inspection and maintenance program as amended by this proposal. The proposal amends subsection (b) of the rule by substituting the

word “that” for the word “which;” inserting a reference to diesel “OBD” repairs performed for compensation; deleting a statutory citation; and inserting the language “on diesel-fueled motor vehicles that have failed an emission or OBD inspection so that the Motor Vehicle Commission may track emission and OBD repairs for monitoring purposes.”

N.J.A.C. 13:20-45.3, which contains the definitions applicable to the subchapter, is proposed for amendment. The definition of the term “on-board diagnostics” is proposed for amendment to incorporate references to the California “Air Resources Board” OBD regulations or EPA “OBD” (changed from “OBD II”) regulations effective for model year 1996 and newer “gasoline-fueled and bi-fueled” motor vehicles “and for model year 1997 and newer diesel-fueled motor vehicles.”

N.J.A.C. 13:20-45.11, which pertains to notice and recordkeeping requirements applicable to registered motor vehicle emission repair facilities, is proposed for amendment. The proposal amends paragraph 1 of subsection (e) of the rule so as to provide that copies of documents specified in subsection (e) shall be kept for at least “three” years rather than “four” years. The proposal also amends paragraph 1 of subsection (e) so as to provide that copies of the documents specified in subsection (e) shall be made available during “regular” (changed from “normal”) business hours. The proposal supplements the rule by adding a new subsection (n), which provides that “[a] personal computer with internet browsing software, and access to internet service, for recording emission

and OBD repair data by means of a web-based portal shall be available on the business premises of a motor vehicle emission repair facility.”

N.J.A.C. 13:20-45.13, which pertains to storage rates charged by motor vehicle emission repair facilities, is proposed for amendment. The proposal substitutes the word “that” for the word “which” and inserts a reference to “OBD-related” repair(s) in the rule.

N.J.A.C. 13:20-45.14, which pertains to additional violations that may result in the refusal to renew a motor vehicle emission repair facility registration or the suspension or revocation of such registration, is proposed for amendment. The term “Pre-inspection” is proposed for deletion from references to “Pre-inspection Emission Repair Forms” in paragraphs 12 and 13 of subsection (b) of the rule, consistent with the discontinuance of the issuance of certificates of waiver by the Commission as reflected by the proposed repeal of N.J.A.C. 13:20-43.13.

N.J.A.C. 13:20-45.16, which pertains to repair technician certification, is proposed for amendment. References to the “loaded-mode” test are proposed for deletion from paragraphs 2 and 3 of subsection (d) of the rule.

The proposal amends a rule in N.J.A.C. 13:20-46, which pertains to the diesel emission inspection and maintenance program.

N.J.A.C. 13:20-46.3, which pertains to roadside diesel emission inspections of heavy-duty diesel vehicles, is proposed for amendment. The proposal amends subsection (a) of the rule by deleting the references to “a screening examination for visible black smoke” and “a visible blue smoke test”

and by adding a reference to roadside diesel emission inspections consisting of “confirmation that the vehicle conforms to the general public highway standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14.4.” The proposal further amends subsection (a) by inserting a reference therein to “new heavy-duty diesel truck inspection decal.” The proposal deletes that portion of subsection (d) of the rule pertaining to classes of heavy-duty diesel trucks that shall be waived from emission inspection. The proposal further amends subsection (d) by providing that “[h]eavy-duty diesel trucks that are found to be in proper operating condition at a roadside diesel emission inspection shall retain the existing diesel emission inspection certificate of approval or new heavy-duty diesel truck inspection decal issued therefor, if any. If a heavy-duty diesel truck passes a roadside diesel emission inspection and such truck is due for inspection at a diesel emission inspection center pursuant to N.J.S.A. 39:8-60 et seq. within the two-month period following the calendar month of the roadside diesel emission inspection approval, such heavy-duty diesel truck may be issued a diesel emission inspection certificate of approval for the inspection cycle applicable to such truck.” The proposal amends subsection (e) of the rule by inserting a Department of Environmental Protection rule citation relating to diesel emission test procedures and by adding a reference to “new heavy-duty diesel truck inspection decal.”

The proposal amends various sections of N.J.A.C. 13:20-47, which pertains to diesel emission inspection center licensing.

N.J.A.C. 13:20-47.1, which sets forth the purpose of the subchapter, is

proposed for amendment. Subsection (b) of the rule is proposed for amendment to add a Department of Environmental Protection rule citation.

N.J.A.C. 13:20-47.2, which contains the definitions applicable to the subchapter, is proposed for amendment. A definition of the term “diesel emission inspection center” is proposed for addition to the rule. The Commission notes that the proposed new definition is consistent with the existing definition of the same term set forth in N.J.A.C. 13:20-48.1.

N.J.A.C. 13:20-47.3, which sets forth the scope of the subchapter, is proposed for amendment. The proposal amends subsection (j) of the rule by substituting the word “transmitted” for the word “provided;” by substituting the word “e-mail” for the words “either mail, telephone, or facsimile;” by substituting the word “e-mail” for the word “mailing;” by substituting an e-mail address for the street and post office box address of the Commission’s Heavy-Duty Diesel Audit Unit; by deleting the telephone and facsimile numbers of the Commission’s Heavy-Duty Diesel Audit Unit; by substituting the word “e-mail” for the word “facsimile;” and by substituting the words “e-mail address” for the words “facsimile number.” The proposal amends subsection (k) of the rule by substituting a reference to the “compliance form” for the reference to the “NJ DEIC Inspection Form” issued by the Department of Environmental Protection and by correcting a Department of Environmental Protection rule citation therein.

N.J.A.C. 13:20-47.9, which pertains to diesel emission inspection center facilities and equipment, is proposed for amendment. Subsection (b) of the rule is proposed for amendment to correct a Department of Environmental Protection

rule citation.

N.J.A.C. 13:20-47.14, which pertains to certification of inspection, is proposed for amendment. The proposed amendment to subsection (c) of the rule increases the maximum fee that a diesel emission inspection center may charge a consumer for affixing a certificate of approval from \$1.50 to \$2.50.

N.J.A.C. 13:20-47.15, which pertains to diesel emission inspectors and inspector training, is proposed for amendment. The proposed amendment to subsection (c) of the rule substitutes a reference to the “power brake” test for a reference to the “stall” test so as to conform the Commission’s rule to corresponding Department of Environmental Protection rules.

The proposal amends various sections of N.J.A.C. 13:20-48, which pertains to inspection standards and test procedures to be used by licensed diesel emission inspection centers.

N.J.A.C. 13:20-48.2, which contains general provisions applicable to Class I and Class II licensed diesel emission inspection centers, is proposed for amendment. The proposal supplements subsection (l) of the rule by requiring a customer to separately sign and date his or her acknowledgment “to have such inspection repairs, adjustments, and corrections performed at this facility.”

N.J.A.C. 13:20-48.7, which pertains to prescribed emission test procedures, is proposed for amendment. The word “acceleration” is proposed for deletion from references to the “power brake acceleration test” in the section heading and rule text so as to conform the Commission’s rule to corresponding Department of Environmental Protection rules.

N.J.A.C. 13:20-48.9, which pertains to equipment calibration, is proposed for amendment. The rule is proposed for amendment so as to substitute the term “smoke opacity meter” for the term “smoke opacimeter” and to correct a Department of Environmental Protection rule citation contained therein.

The proposal amends two rules in N.J.A.C. 13:21-15, which pertains to New Jersey licensed motor vehicle dealers.

N.J.A.C. 13:21-15.8, which pertains to informing a purchaser of a used passenger motor vehicle of a motor vehicle dealer’s responsibilities relating to inspection, is proposed for amendment. The proposal amends subsection (b) of the rule so as to delete the reference to “an official inspection facility as defined in N.J.A.C. 13:20-43.1,” thereby generally providing that inspections of used passenger motor vehicles for which the purchaser does not waive the dealer’s obligation pursuant to N.J.S.A. 39:10-27 be performed at private inspection facilities. The proposal supplements the rule by adding a new subsection (c), which provides that “[n]otwithstanding (b) above, in the event that the purchaser of a used passenger motor vehicle to be registered in this State does not waive, pursuant to N.J.S.A. 39:10-29, the dealer’s obligation pursuant to N.J.S.A. 39:10-27, and such used passenger motor vehicle will become four model years old within the two-month period following the calendar month of initial registration by the purchaser in this State and/or has affixed thereto an unexpired New Jersey inspection certificate of approval or inspection decal that indicates the motor vehicle is due for inspection pursuant to N.J.S.A. 39:8-1 within the two-month period following the calendar month in which such motor vehicle is initially

registered by the purchaser in this State, the motor vehicle dealer shall inform the purchaser that the used passenger motor vehicle must be presented for inspection at an official inspection facility as defined in N.J.A.C. 13:20-43.1 or a private inspection facility as defined in N.J.A.C. 13:20-43.1 within 14 days of the date of issuance of the temporary authorization certificate for the motor vehicle by the Commission in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive.” The proposal recodifies existing subsection (c) of the rule as subsection (d). The proposal amends the recodified subsection (d) by substituting the word “[t]he” for the words “[n]otwithstanding (b) above, the” and by providing that the dealer and purchaser may agree that a used passenger motor vehicle must be presented for inspection at an official inspection facility or a private inspection facility “in accordance with (b) or (c) above, whichever is applicable,” within a shorter period of time from the date of issuance of the temporary authorization certificate for the motor vehicle by the Commission than that set forth in (b) “and (c)” above in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive. The proposal recodifies existing subsection (d) of the rule as subsection (e).

N.J.A.C. 13:21-15.12, which pertains to new motor vehicle inspection stickers, is proposed for amendment. The proposal amends subsection (b) of the rule so as to provide that the log or ledger pertaining to new motor vehicle inspection stickers shall be maintained by motor vehicle dealers for at least “five” years rather than “three” years. Since most new motor vehicle inspection stickers are valid for a period of four years, the three-year record retention period

presently set forth in the rule is insufficient.

Social Impact

The proposal is expected to have a beneficial social impact on the residents of this State in that the Commission rules that are proposed for amendment implement the public policy of this State as set forth in the “Federal Clean Air Mandate Compliance Act” (P.L. 1995, c. 112) pertaining to the establishment and operation of an enhanced motor vehicle inspection and maintenance program for gasoline-fueled motor vehicles, and as set forth in N.J.S.A. 39:8-1 et seq. pertaining to the establishment and operation of an inspection program for diesel-fueled motor vehicles. These amendments are the latest in a series of rulemaking initiatives by the Commission and its predecessor, the former Division of Motor Vehicles, pertaining to the implementation and operation of an enhanced motor vehicle inspection and maintenance program in New Jersey that satisfies the requirements of the Federal Clean Air Act Amendments of 1990 and the standards for enhanced motor vehicle inspection and maintenance programs adopted by the United States Environmental Protection Agency (EPA). The purpose of the enhanced motor vehicle inspection and maintenance program is to reduce the emission of air contaminants from motor vehicles, thereby improving the air quality in this State and assisting the State in attaining and maintaining national ambient air quality standards. These amendments, which facilitate the integration of a diesel OBD inspection component into this State’s motor vehicle inspection program, will also improve

the air quality in this State by reducing the emission of particulate matter from diesel-fueled motor vehicles. The proposed amendments have no social impact upon the Commission.

Economic Impact

The enhanced motor vehicle inspection and maintenance program has a continuing economic impact on the State. On May 6, 2008, the State Treasurer, pursuant to P.L. 1995, c. 112, §4 (N.J.S.A. 39:8-44), awarded a five-year \$287 million contract to a private company to operate the test-only component of the enhanced motor vehicle inspection and maintenance program in New Jersey. The Commission's administrative oversight of the private company that operates the test-only component of the enhanced motor vehicle inspection and maintenance program, of licensed private inspection facilities that operate the test-and-repair component of the enhanced motor vehicle inspection and maintenance program, of licensed emission inspectors, of registered motor vehicle emission repair facilities, and of emission inspector training program providers also imposes an economic impact on the State. Administrative oversight includes the licensing of private inspection facilities and emission inspectors, the registration of motor vehicle emission repair facilities, and the approval of third party emission inspector training programs. Administrative oversight also entails the investigation of statutory and regulatory violations and the initiation and prosecution of administrative sanctions against licensees and registrants who violate the enhanced motor vehicle inspection and maintenance

program requirements.

The Commission anticipates that some of the proposed amendments will have a neutral economic impact on the State, the private company that operates the test-only component of the enhanced motor vehicle inspection and maintenance program, and on private inspection facilities that operate the test-and-repair component of the enhanced motor vehicle inspection and maintenance program. The private company that operates the test-only component of the enhanced motor vehicle inspection and maintenance program is financially compensated by the State for each initial motor vehicle inspection and for each motor vehicle reinspection that it performs. Private inspection facilities that operate the test-and-repair component of the enhanced motor vehicle inspection and maintenance program are financially compensated by customers for each initial motor vehicle inspection and for each motor vehicle reinspection that they perform. Certain of the proposed amendments (for example, N.J.A.C. 13:20-32.8(c) and 13:20-33.8(c), which provide that “[c]ertification of a motor vehicle shall not be refused because a sign, poster, sticker, or other non-transparent material has been affixed to the windshield or front side window of a motor vehicle, provided the location of such sign, poster, sticker, or other non-transparent material does not obstruct the driver’s vision. However, the motorist shall be advised to have the condition corrected”), will reduce the number of motor vehicle inspection safety equipment rejections, thereby requiring fewer motor vehicle reinspections. Conversely, certain other proposed amendments (for example, N.J.A.C. 13:20-7.2(b) and 13:20-43.7(b),

which impose an annual, rather than a biennial, inspection requirement upon classes of motor vehicles specified in the respective rules), will increase the number of motor vehicles that fail inspection, thereby increasing the number of motor vehicles that require reinspection. As a result, the Commission anticipates that the number of motor vehicle reinspections performed by the private company that operates the test-only component of the enhanced motor vehicle inspection and maintenance program and by private inspection facilities that operate the test-and-repair component of the enhanced motor vehicle inspection and maintenance program will not be affected by the proposed amendments.

Owners and lessees of diesel-fueled motor vehicles that are subject to OBD testing pursuant to this proposal will incur costs in connection with OBD-related repairs to such diesel vehicles that have failed an OBD inspection. Also, owners and lessees of motor vehicles (that is, commercially-registered motor vehicles; buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates; taxicabs; limousines; and jitneys) that are subject to an annual rather than a biennial inspection pursuant to this proposal will presumably incur inspection repair costs more frequently with regard to such motor vehicles as a result of more frequent inspection failures. Also, owners and lessees of gasoline-powered school buses that are subject to an annual rather than a semiannual emission or OBD inspection pursuant to this proposal will presumably incur inspection repair costs less frequently with regard to such motor vehicles as a result of less frequent emission or OBD inspection failures.

The proposed amendments of N.J.A.C. 13:20-32.8(c) and 13:20-33.8(c)

will have an economic impact on owners and lessees of motor vehicles that will no longer fail inspection because of the minor safety equipment defects specified therein. Although the owners and lessees of such motor vehicles will be advised to have such minor defects corrected, and may incur expenses in connection therewith, they will no longer be required to submit such motor vehicles for reinspection at an official inspection facility or a licensed private inspection facility. This should result in a savings of time for the owners and lessees of such motor vehicles.

The proposal will have a positive economic impact on owners of gasoline-fueled and bi-fueled motor vehicles with model years 1981 through 1995 having a GVWR of 8,500 pounds or less in that such vehicles will be subject to a two-speed idle test rather than a loaded-mode dynamometer-based emission test. The Commission anticipates that fewer vehicles in this class will fail emission testing and owners thereof will presumably incur inspection repair costs less frequently.

The proposal will have a neutral economic impact on owners and lessees of OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled motor vehicles with model years 1996 and later having a GVWR of 8,500 pounds or less in that such vehicles will continue to be subject to OBD testing.

The proposal will require private inspection facilities to purchase additional emission inspection equipment. The Department of Environmental Protection estimates the cost of an OBD and two-speed idle inspection analyzer as less than \$9,000.00.

The proposed repeal of the waiver rule at N.J.A.C. 13:20-43.13 (specifically the \$450.00 waiver repair amount set forth therein) may have a negative impact upon registered motor vehicle emission repair facilities. Such impact may be offset, however, by the need for OBD-related repairs for diesel-fueled vehicles that will now be subject to an OBD inspection and by the need for more frequent inspection repairs for motor vehicles that will now be subject to annual rather than biennial inspection. It should be noted that historically certificates of waiver have been issued to fewer than 300 vehicles per year.

Diesel emission inspection centers will incur increased capital equipment costs in that the proposed amendment to N.J.A.C. 13:20-47.9 requires such centers to procure upgraded diesel emission testing equipment, approved by the Department of Environmental Protection, in order to perform diesel emission inspections in accordance with the diesel emission inspection standards and test procedures adopted by the Department of Environmental Protection. The Commission estimates the cost of the upgraded diesel emission testing equipment as approximately \$9,600 for stationary smoke opacity testing equipment and approximately \$11,300 for mobile smoke opacity testing equipment.

N.J.A.C. 13:20-47.14(c), as proposed for amendment, provides that the fee that a diesel emission inspection center licensee may charge the consumer for affixing a diesel emission inspection certificate of approval to a diesel vehicle that has passed a diesel emission inspection shall not exceed "\$2.50" (changed from "\$1.50").

Federal Standards Statement

In compliance with Executive Order No. 27 (1994), Requirement for Statement Concerning Federal Standards in State Agency Rulemaking, and P.L. 1995, c. 65, notice is hereby given that these amendments, which are proposed pursuant to the "Federal Clean Air Mandate Compliance Act," P.L. 1995, c. 112, as measured against the effort by New Jersey to achieve a 100 percent compliance rate with the performance standard established pursuant to the Federal Clean Air Act Amendments of 1990 (42 U.S.C. §§7401 et seq.) and the Federal regulations (40 CFR §§51.350 et seq.) promulgated pursuant thereto by the United States Environmental Protection Agency (EPA), do not exceed the overall Federal standards or requirements. The proposed amendments to the Commission's enhanced motor vehicle inspection and maintenance program rules do not modify the program design so as to impose standards or requirements that exceed any Federal standards or requirements and a Federal standards analysis of such proposed amendments is therefore not required.

The Commission's proposed amendments also complement the Department of Environmental Protection's proposed regulatory framework for the implementation of OBD inspections of diesel-fueled motor vehicles having a GVWR of 8,500 pounds or less as part of New Jersey's motor vehicle inspection program. A Federal standards analysis is not required for the diesel component of the proposal in that State law (N.J.S.A. 39:8-1 et seq.) governs the inspection of diesel-fueled motor vehicles and no Federal requirements or standards are implicated.

Jobs Impact

The Commission anticipates that the proposed amendments may result in the creation of job opportunities in the motor vehicle inspection and repair sectors. The Commission anticipates that the proposal will increase the overall number of private inspection facilities by providing for the licensure of OBD-only facilities. The anticipated increase in the number of licensed private inspection facilities will generate jobs for persons qualifying as motor vehicle emission inspectors. The Commission also anticipates that the proposal will generate job opportunities for motor vehicle repair technicians in that the integration of a diesel OBD inspection component into this State's motor vehicle inspection program will result in an increase in the number of diesel-fueled motor vehicles that will fail inspection and require OBD repairs in order to pass reinspection.

Agriculture Industry Impact

The proposed amendments will have no detrimental impact on the agriculture industry in that farm tractors and traction equipment, farm machinery, and farm implements continue to be exempt from New Jersey's inspection program.

Regulatory Flexibility Analysis

The proposed amendments have been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The Commission estimates that many of the business entities affected by the amendments are small

businesses as defined in the Act, including private inspection facilities, motor vehicle emission repair facilities, emission inspector training program providers, diesel emission inspection centers, motor vehicle dealers, and motor vehicle leasing companies.

Approximately 1,167 businesses are licensed by the Commission as private inspection facilities pursuant to N.J.A.C. 13:20-44. Most of these businesses qualify as small businesses as defined in the Regulatory Flexibility Act. The proposed amendments impose no additional reporting or recordkeeping requirements upon such businesses beyond those contained in existing rules. The proposal reduces from four years to three years the record retention period for inspection reports and other documents prepared for inspections, reinspections, certifications, and repair work performed by private inspection facilities. The proposed amendments impose additional compliance requirements upon licensed private inspection facilities in that such businesses will be required to perform OBD inspections and reinspections on diesel-fueled motor vehicles designated for such testing as part of this State's motor vehicle inspection program. The proposed amendments at N.J.A.C. 13:20-33 establish inspection standards to be utilized by private inspection facilities relating to motor vehicle frames, chassis, taillights, tires, videocassette recorders, digital video disk players, video cameras, global positioning systems, diesel emissions, and diesel on-board diagnostics. The proposal also establishes monetary penalties to be imposed against private inspection facilities that certify a motor vehicle that does meet safety equipment standards and a minimum 15-day license

suspension against private inspection facilities that fail to cooperate with an audit or investigation. The proposed amendments do not require small businesses to engage additional professional services nor do they necessitate annual expenditures beyond those required by existing rules. Private inspection facilities will incur capital equipment costs in that the proposed amendments require such facilities to procure testing equipment, approved by the Department of Environmental Protection, in order to perform emission and OBD inspections in accordance with the emission and OBD inspection standards and test procedures adopted by the Department of Environmental Protection. The proposal also requires private inspection facilities to utilize a revised customer acknowledgment/waiver form with regard to inspection repair authorization. The compliance requirements imposed upon private inspection facilities by the amendments are not viewed as overly burdensome in that the private inspection industry has been providing motor vehicle reinspection services in this State since 1975 when P.L. 1975, c. 156 was enacted into law and initial inspection services since 1983 when P.L. 1983, c. 236 was enacted into law. Inspection standards and test procedures have been accepted over time as standard industry practices. An exemption from the compliance requirements for small businesses licensed as private inspection facilities is not warranted since such an exemption would impair the integration of a diesel OBD inspection component into this State's motor vehicle inspection program and the statutory private inspection facility licensing requirement set forth in N.J.S.A. 39:8-45.

Approximately 1,644 businesses are registered by the Commission as

motor vehicle emission repair facilities pursuant to N.J.A.C. 13:20-45. Most of these businesses qualify as small businesses as defined in the Regulatory Flexibility Act. The proposed amendments impose no additional reporting or recordkeeping requirements upon such businesses beyond those contained in existing rules. The proposal reduces from four years to three years the record retention period for inspection reports, estimates, work orders, invoices, parts purchase orders, appraisals, and other documents prepared by motor vehicle emission repair facilities. The proposed amendments do not require small businesses to engage additional professional services nor do they necessitate capital or annual expenditures beyond those required by existing rules. The proposed amendments impose additional compliance requirements upon registered motor vehicle emission repair facilities in that such businesses will be required to perform emission-related and OBD-related repairs on diesel-fueled motor vehicles that have failed an emission or OBD inspection. The compliance requirements imposed upon motor vehicle emission repair facilities by the amendments are not viewed as overly burdensome in that the emission repair industry has been providing motor vehicle emission repair services in this State's motor vehicle inspection program since 1995 when P.L. 1995, c. 112 was enacted into law and N.J.A.C. 13:20-45 was adopted by the former Division of Motor Vehicles. The registration of motor vehicle emission repair facilities promotes the effective repair of motor vehicle emission control systems that fail emission inspection under this State's motor vehicle inspection program, facilitates effective monitoring of emission repairs performed by such facilities,

and provides consumers with information relating to the effectiveness of emission repairs. An exemption from the compliance requirements for small businesses registered as motor vehicle emission repair facilities is not warranted since such an exemption would impair the integration of a diesel OBD inspection component into this State's motor vehicle inspection program and the statutory motor vehicle emission repair facility registration requirement set forth in N.J.S.A. 39:8-53.

Approximately 16 businesses are approved by the Commission as emission inspector training program providers pursuant to 40 CFR §51.367. Most, if not all, of these businesses qualify as small businesses as defined in the Regulatory Flexibility Act. The proposed amendments impose no additional reporting or recordkeeping requirements upon such businesses beyond those contained in existing rules. The proposed amendments do not require such small businesses to engage additional professional services nor do they necessitate capital or annual expenditures beyond those required by existing rules. Removal of the dynamometer-based and 2500 RPM emission testing components from the enhanced motor vehicle inspection and maintenance program as part of this proposal affects the training curriculum utilized by approved emission inspector training program providers. Curriculum compliance requirements pertaining to dynamometer-based and 2500 RPM emission testing are proposed for deletion from N.J.A.C. 13:20-43.21. Addition of the two-speed idle emission testing component to the enhanced motor vehicle inspection and maintenance program as part of this proposal affects the training curriculum utilized by approved emission inspector training program providers. Curriculum

compliance requirements pertaining to two-speed idle emission testing are proposed for addition to N.J.A.C. 13:20-43.21.

The proposed amendments of N.J.A.C. 13:20-7.2, 13:20-26.16, and 13:20-43.7 impact businesses that own or lease motor vehicles (that is, commercially-registered motor vehicles; buses that have been issued no fee or commercial vehicle license plates; taxicabs; limousines; and jitneys) that are subject to annual rather than biennial inspection. Some of these businesses may qualify as small businesses as defined in the Regulatory Flexibility Act. The proposed amendments impose no additional reporting or recordkeeping requirements upon such businesses beyond those contained in existing rules. The proposed amendments do not require such small businesses to engage additional professional services nor do they necessitate capital expenditures beyond those required by existing rules. Owners and lessees of such motor vehicles that are subject to annual rather than biennial inspection will presumably incur inspection repair costs more frequently with regard to such motor vehicles as a result of more frequent inspection failures. An exemption from the compliance requirements imposed by the proposed amendments for businesses that qualify as small businesses is not warranted since such an exemption would impair the motor vehicle inspection program.

Approximately 991 business entities are licensed as new motor vehicle dealers in the State of New Jersey. Most of these businesses qualify as small businesses as defined in the Regulatory Flexibility Act. The proposed amendments to N.J.A.C. 13:20-28.6 and 13:21-15.12 impose no additional

reporting requirements upon such new motor vehicle dealers beyond those contained in existing rules. The proposed amendment of N.J.A.C. 13:20-28.6 sets forth classes of new motor vehicles that are to be issued new motor vehicle inspection stickers valid for a period of one year (rather than four years) following successful inspection of such vehicles by licensed new motor vehicle dealers. The proposed amendment of N.J.A.C. 13:21-15.12 extends from three years to five years the record retention period for new motor vehicle inspection sticker logs and ledgers. Since most new motor vehicle inspection stickers are valid for a period of four years, the three-year record retention period presently set forth in the rule is insufficient. The proposed amendments do not require such small businesses to engage additional professional services nor do they necessitate capital or annual expenditures beyond those required by existing rules. The compliance requirements imposed upon new motor vehicle dealers by the proposed amendments of N.J.A.C. 13:20-28.6 and 13:21-15.12 are not viewed as overly burdensome in that motor vehicle dealers have been performing new motor vehicle inspections since 1971 when N.J.A.C. 13:20-28 was adopted by the former Division of Motor Vehicles. An exemption from the compliance requirements for small businesses licensed as new motor vehicle dealers is not warranted since such an exemption would impair the new motor vehicle inspection requirements set forth in the rules.

As noted above, approximately 991 business entities are licensed as new motor vehicle dealers in the State of New Jersey. Approximately 3,069 business entities are licensed as used motor vehicle dealers in the State of New Jersey.

Most of these businesses qualify as small businesses as defined in the Regulatory Flexibility Act. The proposed amendment to N.J.A.C. 13:21-15.8 imposes no reporting or recordkeeping requirements upon such motor vehicle dealers. The proposed amendment of N.J.A.C. 13:21-15.8 affects the notice that a motor vehicle dealer must provide to the purchaser of a used passenger motor vehicle who does not waive the dealer's obligation to repair the motor vehicle in the event that the vehicle fails inspection. The rule requires a motor vehicle dealer to inform the purchaser as to the inspection facility (that is, a private inspection facility or, if applicable, an official inspection facility) at which the used passenger motor vehicle must be presented for inspection. The proposed amendment does not require such small businesses to engage additional professional services nor does it necessitate capital or annual expenditures. The compliance requirements imposed upon motor vehicle dealers by the proposed amendment of N.J.A.C. 13:21-15.8 are not viewed as overly burdensome in that motor vehicle dealers have been subjected to vehicle inspection repair responsibilities since 1971 when N.J.S.A. 39:10-26 through 30, inclusive, were enacted. An exemption from the compliance requirements for small businesses licensed as motor vehicle dealers is not warranted since the consumer protection afforded by N.J.S.A. 39:10-26 through 30, inclusive, must be available to all persons who purchase used passenger motor vehicles that are to be registered in this State.

The proposed amendment of N.J.A.C. 13:20-28.6 impacts motor vehicle leasing companies that choose to perform new motor vehicle inspections

pursuant to N.J.A.C. 13:20-28. Some of these businesses may qualify as small businesses as defined in the Regulatory Flexibility Act. The proposed amendments to N.J.A.C. 13:20-28.6 impose no additional reporting or recordkeeping requirements upon such businesses beyond those contained in existing rules. The proposed amendment of N.J.A.C. 13:20-28.6 sets forth classes of new motor vehicles that are to be issued new motor vehicle inspection stickers valid for a period of one year (rather than four years) following successful inspection of such vehicles by motor vehicle leasing companies. The proposed amendments do not require such small businesses to engage additional professional services nor do they necessitate capital or annual expenditures beyond those required by existing rules. The compliance requirements imposed upon motor vehicle leasing companies by the proposed amendment of N.J.A.C. 13:20-28.6 are not viewed as overly burdensome in that the proposed amendment merely sets forth classes of new motor vehicles that are to be issued new motor vehicle inspection stickers valid for a period of one year (rather than four years) following successful inspection of such vehicles by motor vehicle leasing companies. An exemption from the compliance requirements for motor vehicle leasing companies that qualify as small businesses is not warranted since such an exemption would impair the new motor vehicle inspection requirements set forth in the subchapter.

Approximately 336 businesses are licensed by the Commission as diesel emission inspection centers pursuant to N.J.A.C. 13:20-47. Most of these businesses qualify as small businesses as defined in the Regulatory Flexibility

Act. The proposed amendments impose no additional reporting or recordkeeping requirements on small businesses that choose to be licensed as diesel emission inspection centers beyond those contained in existing rules. The proposal does not require small businesses to engage additional professional services nor does it necessitate annual expenditures beyond those required by existing rules. Diesel emission inspection centers will incur increased capital equipment costs in that the proposed amendment to N.J.A.C. 13:20-47.9 requires such centers to procure upgraded diesel emission testing equipment, approved by the Department of Environmental Protection, in order to perform diesel emission inspections in accordance with the diesel emission inspection standards and test procedures adopted by the Department of Environmental Protection. As noted in the Economic Impact statement, the Commission estimates the cost of the upgraded diesel emission testing equipment as approximately \$9,600 for stationary smoke opacity testing equipment and approximately \$11,300 for mobile smoke opacity testing equipment. The proposal also requires diesel emission inspection centers to utilize a revised customer acknowledgment/waiver form with regard to inspection repair authorization. The diesel emission inspection and maintenance program is mandated by P.L. 1995, c. 157 and is intended to reduce diesel motor vehicle-related emissions of air pollutants. It is for this reason that no differentiation based on business size is provided.

Smart Growth Impact

It is not anticipated that the proposed amendments will have any impact

on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan within the meaning of Executive Order No. 4 (2002).

Housing Affordability Impact

Given the subject matter of this proposal, it is not anticipated that the proposed amendments will have any impact on housing affordability.

Smart Growth Development Impact

Given the subject matter of this proposal, it is not anticipated that the proposed amendments will have any impact on housing production under the State Development and Redevelopment Plan.

Full text of the proposed amendments follows (additions indicated in bold-face **thus**; deletions indicated in brackets [thus]):

CHAPTER 20. ENFORCEMENT SERVICE

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, **or the Motor Vehicle Commission’s Mobile Inspection Unit** 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 **either** N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of **gasoline-fueled and bi-fueled** motor vehicles **or N.J.A.C. 7:27-14 and 7:27B-4 regarding the inspection of diesel-fueled motor vehicles, whichever are applicable.**

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

“Inspection decal” means an inspection sticker issued by an official inspection facility in accordance with N.J.A.C. 13:20-7.4 setting forth the year and month in which a motor vehicle less than four model years old shall be presented for inspection in this State.

"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.

"Limousine" means any motor vehicle that is issued special registration plates bearing the word "limousine" pursuant to N.J.S.A. 39:3-19.5 other than motor vehicles that are subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit.

. . . .

"On-board diagnostics" or "OBD" means an automotive diagnostic system complying with California Air Resources Board OBD regulations or EPA OBD [II] regulations effective for model year 1996 and newer gasoline-fueled and bi-fueled motor vehicles and for model year 1997 and newer diesel-fueled motor vehicles.

. . . .

"Taxicab" means an autocab as defined in N.J.S.A. 48:16-1 engaged in the business of carrying passengers for hire which is held out,

announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this State, and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the State.

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

(a) (No change.)

(b) Notwithstanding (a) above, the following motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1 shall be inspected on an annual basis:

1. Gasoline-fueled and bi-fueled motor vehicles that are registered as commercial motor vehicles pursuant to N.J.S.A. 39:3-20;

2. Diesel-fueled motor vehicles having a GVWR of less than 10,000 pounds that are registered as commercial motor vehicles pursuant to N.J.S.A. 39:3-20;

3. Buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle

Commission;

4. Taxicabs;

5. Limousines; and

6. Jitneys.

[(b)] **(c)** 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. - 8. (No change.)

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

10. - 11. (No change.)

13:20-7.3 Inspection facilities

(a) (No change.)

(b) Official inspection facilities shall perform inspections on automobiles, trucks, [modified] buses [with a capacity of not more than 15 passengers which] **that** have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, **taxicabs,** **limousines,** **jitneys,** and motorcycles. Official inspection facilities shall not perform inspections on [modified buses with a capacity of more than 15 passengers,] school buses, **retired school buses that are subject to inspection in accordance with N.J.A.C. 13:20-30,** buses [which] **that** are subject to inspection by the Commission's Commercial Bus Inspection and Investigation Unit, [jitneys as defined in N.J.A.C. 13:20-44.2,] or motor vehicles with elevated chassis height [which] **that** 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] **that** have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission[]), **taxicabs**, **limousines**, 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] **that** are subject to inspection by the Commission's Commercial Bus Inspection and Investigation Unit, or motor vehicles with elevated chassis height [which] **that** 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] **that** are subject to inspection in accordance with N.J.A.C. 13:20-37, motor vehicles [which] **that** are operated by [handicapped] **disabled** persons and [which] **that** have been modified at the direction of the New Jersey Department of Labor and Workforce Development, Division of Vocational Rehabilitation Services so that such vehicles are fully controlled by specially designed mechanical devices for the [handicapped] **disabled**, reconstructed vehicles as defined in N.J.A.C. 13:20-44.2, salvage motor vehicles [which] **that** are subject to inspection in accordance with N.J.A.C. 13:21-22, [modified] buses [regardless of passenger capacity which] **that** have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, any motor vehicle [which] **that** the Chief Administrator may require to be presented for inspection for auditing

purposes, and any motor vehicle [which] **that** has failed inspection at an official inspection facility or a licensed private inspection facility [which] **that** 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] **that** are operated by [handicapped] **disabled** persons and [which] **that** have been modified at the direction of the New Jersey Department of Labor and Workforce Development, Division of Vocational Rehabilitation Services so that such vehicles are fully controlled by specially designed mechanical [devises] **devices** for the [handicapped] **disabled**, reconstructed vehicles as defined in N.J.A.C. 13:20-44.2, and salvage motor vehicles [which] **that** 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.

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

(a) Except as otherwise provided in subsection (b) of this section, whenever a motor vehicle, which has been previously registered other than on a temporary basis in a foreign jurisdiction and is less than four model years old and will not become four model years old within the two-month period following the calendar month of initial registration in this State, is initially registered in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented

at an official inspection facility for the issuance of an inspection decal within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle receiving an inspection decal pursuant to this subsection shall be subject to inspection during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the inspection decal affixed to such motor vehicle pursuant to this subsection. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(b) A motor vehicle for which a temporary authorization certificate has been issued pursuant to subsection (a) of this section that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney 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 an annual basis, except as otherwise provided by law or regulation.

[(a)] (c) Whenever a motor vehicle, which has been previously registered other than on a temporary basis in a foreign jurisdiction and is four model years old or older or will become four model years old within the two-month period following the calendar month of initial registration in this

State, 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)] **(d)** 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] **an** inspection decal within 14 days of the date of issuance of the temporary authorization certificate. A new motor vehicle receiving a decal pursuant to this subsection shall be subject to inspection not later than four years from the last day of the calendar month in which the decal was issued for such motor vehicle, and the decal affixed to such motor vehicle pursuant to this subsection shall so indicate; **provided, however, that a new motor vehicle receiving a decal pursuant to this subsection that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney shall be subject to inspection not later than one year 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)] **(e)** 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] **inspection decal**, is initially registered by the purchaser in this State **and the unexpired inspection certificate of approval or inspection decal indicates that the motor vehicle is due for inspection within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State**, the registrant thereof shall either:

1. (No change.)
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] **inspection decal** affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(f) 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 inspection decal, is initially registered by the purchaser in this State and the unexpired inspection certificate of approval or inspection decal indicates that the motor vehicle

is not due for inspection within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall either:

1. Present such motor vehicle for inspection at a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle inspected pursuant to this paragraph that is found to be in proper operating condition shall retain the existing inspection certificate of approval or inspection decal issued therefor and shall next be inspected 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 inspection decal affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation. A motor vehicle inspected pursuant to this paragraph that is found to be defective shall be subject to reinspection by a licensed private inspection facility no later than the last day of the calendar month following the calendar month in which the motor vehicle failed inspection, except as otherwise provided at N.J.A.C. 13:20-7.6(a). Following successful completion of reinspection at a licensed private inspection facility, the motor vehicle shall be issued an inspection certificate of approval having an expiration date that coincides with that of the unexpired New Jersey inspection certificate of approval or inspection decal that was affixed to the motor vehicle at the time of its purchase and the motor vehicle shall next be inspected at an official

inspection facility or a licensed private inspection facility no later than that expiration date. 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 inspection decal affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(g) Except as otherwise provided in paragraph 3 of this subsection, whenever a used motor vehicle, which has been purchased in this or any other State and which does not have affixed thereto a New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State and the motor vehicle is less than four model years old and will not become four model years old within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall:

1. Present such motor vehicle for inspection at a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle inspected pursuant to this paragraph that is found to be defective shall be subject to reinspection by a licensed private inspection facility no later than the last day of the

calendar month following the calendar month in which the motor vehicle failed inspection, except as otherwise provided at N.J.A.C. 13:20-7.6(a). Upon approval following inspection or reinspection by a licensed private inspection facility, the motor vehicle shall next be inspected during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the inspection certificate of approval affixed to such motor vehicle pursuant to this paragraph. 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 at an official inspection facility for the issuance of an inspection decal within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle receiving a decal pursuant to this paragraph shall be subject to inspection during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the decal affixed to such motor vehicle pursuant to this paragraph. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

3. A motor vehicle for which a temporary authorization certificate has been issued pursuant to this subsection that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee, or commercial

vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney 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 an annual basis, except as otherwise provided by law or regulation.

[(d)] **(h)** Whenever a used motor vehicle, which has been purchased in this or any other State and which does not have affixed thereto [an unexpired] a New Jersey inspection certificate of approval or [certificate of waiver] inspection decal, is initially registered by the purchaser in this State and the motor vehicle is four model years old or older or will become four model years old within the two-month period following the calendar month in which such motor vehicle 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.

(i) Whenever a used motor vehicle, which has been purchased in this State and is less than four model years old and will not become four model years old within the two-month period following the calendar month of initial registration by the purchaser 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:

1. Present such motor vehicle for inspection at a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate if the registrant does not wish to retain the collector motor vehicle designation. A motor vehicle inspected pursuant to this paragraph that is found to be defective shall be subject to reinspection by a licensed private inspection facility no later than the last day of the calendar month following the calendar month in which the motor vehicle failed inspection, except as otherwise provided at N.J.A.C. 13:20-7.6(a). Upon approval following inspection or reinspection by a licensed private inspection facility, the motor vehicle shall next be inspected during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the certificate of approval affixed to such motor vehicle pursuant to this paragraph. 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 at an official inspection facility for the issuance of an inspection decal within 14 days of the date of issuance of the temporary authorization certificate if the registrant does not wish to retain the collector motor vehicle designation. A motor vehicle

receiving a decal pursuant to this paragraph shall be subject to inspection during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the decal affixed to such motor vehicle pursuant to this paragraph. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation; or

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

[(e)] **(i)** Whenever a used motor vehicle, which has been purchased in this State and is four model years old or older or will become four model years old within the two-month period following the calendar month of initial registration by the purchaser in this State and which has affixed thereto a collector motor vehicle windshield sticker issued pursuant to N.J.A.C. 13:20-43.2(e), is initially registered by the purchaser in this State, the windshield sticker shall be deemed void and the registrant thereof shall be issued a temporary authorization certificate and shall either:

1. - 2. (No change.)

SUBCHAPTER 24. MOTORCYCLES

13:20-24.20 Inspection of motorcycles

(a) (No change.)

(b) Except as otherwise provided at N.J.A.C. 13:20-28, the owner or lessee of a **new or used** motorcycle [, new or used,] **that is initially** registered **by such owner or lessee** in New Jersey [for the first time] shall be issued a temporary authorization certificate **and shall be subject to the applicable provisions of N.J.A.C. 13:20-7.4.** [Such motorcycles which are registered during the calendar months April through October, inclusive, shall be presented for inspection within 14 days of the date of issuance of the temporary authorization certificate. Such motorcycles which are registered during the calendar months November through March, inclusive, shall be presented for inspection no later than the last day of the calendar month designated by the Chief Administrator of the Motor Vehicle Commission for such inspection. The motorcycle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.]

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

13:20-26.2 Definitions

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

. . . .

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

13:20-26.16 [Biennial] **Periodic** inspection at an official inspection facility or a **licensed** private inspection facility

Notwithstanding, and in addition to, any other provision or requirement of this subchapter, [all “vehicles” (except trailers, semitrailers, pole trailers, diesel) **gasoline-fueled and bi-fueled** trucks having a GVWR of 10,000 pounds or more [and diesel truck tractors as defined in N.J.S.A. 39:1-1]] shall be inspected pursuant to N.J.S.A. 39:8-1 on a biennial basis at an official inspection facility or a licensed private inspection facility; **provided, however, that gasoline-fueled and bi-fueled trucks having a GVWR of 10,000 pounds or more that are registered as commercial motor vehicles pursuant to N.J.S.A. 39:3-20 shall be inspected pursuant to N.J.S.A. 39:8-1 on an annual basis at an official inspection facility or a licensed private inspection facility.**

13:20-26.17 Compliance with diesel emission standards, equipment requirements, and test procedures; inspection and verification of installation of best available retrofit technology devices; periodic inspection program for diesel emissions; self-inspection; exempt vehicles

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

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

(c) Certification of self-inspection pursuant to N.J.A.C. 13:20-26.11 and 26.13 is a representation by the owner or lessee of any heavy-duty diesel truck that, at a minimum, the diesel vehicle is in compliance with the [DEP] **Department of Environmental Protection** 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] **Any** certification of self-inspection shall require compliance with the requirements of (b) above.

(d) - (e) (No change.)

SUBCHAPTER 28. INSPECTION OF NEW MOTOR VEHICLES

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.

"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.

“Limousine” means any motor vehicle that is issued special registration plates bearing the word “limousine” pursuant to N.J.S.A. 39:3-19.5 other than motor vehicles that are subject to inspection by the Motor Vehicle Commission’s Commercial Bus Inspection and Investigation Unit.

. . . .

“Taxicab” means an autocab as defined in N.J.S.A. 48:16-1 engaged in the business of carrying passengers for hire which is held out, announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this State, and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the State.

. . . .

13:20-28.6 Decal; period of validity

(a) - (b) (No change.)

(c) Notwithstanding (b) above, a new motor vehicle that is to be initially registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or

that is a taxicab, limousine, or jitney and that is receiving a decal as an indication of successful inspection pursuant to this subchapter shall next be inspected not later than one year 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.

SUBCHAPTER 29. MOBILE INSPECTION UNIT

13:20-29.2 Procedures

(a) Motor vehicles inspected pursuant to N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14 that are found to be in proper operating condition shall retain the existing inspection certificate of approval or [certificate of waiver] inspection decal issued therefor. If a motor vehicle passes an on-road inspection, including the emission or on-board diagnostic test(s) applicable to such motor vehicle pursuant to N.J.A.C. 13:20-43.8 and/or 13:20-32.21, 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] issued 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] **that** are found to be defective shall have the existing inspection certificate of approval or [certificate of waiver] **inspection decal** 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] **that** 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).

SUBCHAPTER 30. INSPECTION OF SCHOOL BUSES

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.

“On-board diagnostics” or “OBD” means an automotive diagnostic system complying with California Air Resources Board OBD regulations or EPA OBD regulations effective for model year 1996 and newer gasoline-fueled and bi-fueled motor vehicles and for model year 1997 and newer diesel-fueled motor vehicles.

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

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

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

13:20-30.13 Compliance with gasoline emission and OBD inspection stan-

dards, equipment requirements, and test procedures; periodic inspection

(a) Gasoline-powered school buses registered in New Jersey shall be subject to applicable gasoline emission or OBD inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15, an examination of the muffler and emission control apparatus pursuant to N.J.A.C. 7:27-15, and either an idle [emission] test, a two-speed idle test, or [a 2,500 RPM emission test] an OBD inspection, whichever is appropriate based on the model year and GVWR of the school bus, conducted in accordance with N.J.A.C. 7:27-15.5 and either N.J.A.C. 7:27B-5.3(b), 7:27B-5.4, or [5.4] 7:27B-5.6.

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

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, **or the Motor Vehicle Commission’s Mobile Inspection Unit** 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 **either** N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of **gasoline-fueled and bi-fueled** motor vehicles **or N.J.A.C. 7:27-14 and 7:27B-4 regarding the inspection of diesel-fueled motor vehicles, whichever are applicable.**

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

. . . .

“Inspection decal” means an inspection sticker issued by an official inspection facility in accordance with N.J.A.C. 13:20-7.4 setting forth the

year and month in which a motor vehicle less than four model years old shall be presented for inspection in this State.

"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.

"Limousine" means any motor vehicle that is issued special registration plates bearing the word "limousine" pursuant to N.J.S.A. 39:3-19.5 other than motor vehicles that are subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit.

. . . .

"On-board diagnostics" or "OBD" means an automotive diagnostic system complying with California Air Resources Board OBD regulations or EPA OBD [II] regulations effective for model year 1996 and newer gasoline-fueled and bi-fueled motor vehicles and for model year 1997 and newer diesel-fueled motor vehicles.

“OBD-eligible” means capable of receiving an OBD inspection as determined by the Department of Environmental Protection in accordance with N.J.A.C. 7:27-15.5(m) or 7:27-14.5(g), whichever is applicable.

“Taxicab” means an autocab as defined in N.J.S.A. 48:16-1 engaged in the business of carrying passengers for hire which is held out, announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this State, and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the State.

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] **that** have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, **taxicabs, limousines, jitneys,** 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] **that** have been issued passenger, governmental, no fee, or commercial vehicle license plates by the

Motor Vehicle Commission, **taxicabs, limousines, jitneys,** and motorcycles; provided, however, official inspection facilities shall not inspect [modified buses with a capacity of more than 15 passengers,] school buses, **retired school buses that are subject to inspection in accordance with N.J.A.C. 13:20-30,** buses [which] **that** are subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit, [jitneys as defined in N.J.A.C. 13:20-44.2,] or motor vehicles with elevated chassis height [which] **that** are subject to inspection in accordance with N.J.A.C. 13:20-37.

(c) (No change.)

[(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)] **(d)** If an automobile, truck, [or modified] bus [with a capacity of not more than 15 passengers] **that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine, 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 **or 7:27-14 and 7:27B-4, whichever are applicable,** the motor vehicle shall be certified by an official inspection facility by removing the [previous] **previously-issued** inspection certificate of approval, [certificate of waiver] **inspection decal,** 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)] **(e)** If an automobile, truck, [or modified] bus [with a capacity of not more than 15 passengers] **that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine, 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 **or 7:27-14 and 7:27B-4, whichever are applicable**, 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] **previously-issued** certificate of approval or [certificate of waiver] **inspection decal**, if any, affixed to the windshield. If there is no [previous] **previously-issued** certificate of approval or [certificate of waiver] **inspection decal** 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] **13:20-7.4(e)1 or (j)1**, an official inspection facility shall remove the [previous] **previously-issued** inspection certificate of approval, [certificate of waiver] **inspection decal**, 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] **that** 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)] **(f)** Notwithstanding [(f)] **(e)** above, if an automobile, truck, [or modified] bus [with a capacity of not more than 15 passengers] **that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine, 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 **or 7:27-14 and 7:27B-4, whichever are applicable**, 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] previously-issued inspection certificate of approval, [certificate of waiver] inspection decal 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] that 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.]

Recodify existing (i) - (k) as (g) - (i) (No change in text.)

[(l)] **(j)** If a motor vehicle is presented at an official inspection facility for reinspection, the official inspection facility may reinspect the motor vehicle and certify it if the rejected item(s) has been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 **or 7:27-14 and 7:27B-4**, [and if] **whichever are applicable, provided** there are no obvious safety, emission-related, or OBD-related defects [, provided the motor vehicle is presented for reinspection within 45 days of the date of the most recent inspection rejection]. If [the motor vehicle is presented for reinspection after such date, or if] there are obvious safety, emission-related, or OBD-related defects, the motor vehicle shall be subject to a complete reinspection.

[(m)] **(k)** 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 **or 7:27-14 and 7:27B-4**, **whichever are applicable**, 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] **inspection decal** 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)] **(l)** (No change in text.)

[(o)] **(m)** Notwithstanding [(m)] **(k)** 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 **or 7:27-14 and 7:27B-4, whichever are applicable,** 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 **or 7:27-14 and 7:27B-4, whichever are applicable,** 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)] **(n)** (No change in text.)

[(q)] **(o)** Any motor vehicle for which the current inspection certificate of approval or [certificate of waiver] **inspection decal** has been lost, stolen, destroyed, or defaced, or any motor vehicle that has had its windshield replaced, may be presented at [the exit end of] an official inspection facility for the issuance of a replacement inspection certificate of approval or [certificate of waiver] **inspection decal**. Such a replacement inspection certificate of approval or [certificate of waiver] **inspection decal** shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety, emission-related, or OBD-related defects.

[(r)] **(p)** Any **new** motor vehicle purchased in a foreign jurisdiction for which a temporary authorization certificate has been issued by the Motor Vehicle Commission in accordance with N.J.A.C. [13:20-7.4(b)] **13:20-7.4(d)** shall be presented at [the exit end of] an official inspection facility for the issuance of [a new motor vehicle] **an** inspection decal. A new motor vehicle receiving a decal pursuant to N.J.A.C. [13:20-7.4(b)] **13:20-7.4(d)** and this subsection shall be subject to inspection not later than four years from the last day of the calendar month in which the decal was issued for such motor vehicle, and the decal affixed to such motor vehicle pursuant to N.J.A.C. [13:20-7.4(b)] **13:20-7.4(d)** and this subsection shall so indicate; **provided, however, that a new motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(d) and this**

subsection that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney shall be subject to inspection not later than one year 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(d) and this subsection shall so indicate. Such a decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety, emission-related, or OBD-related defects.

(g) Any motor vehicle less than four model years old for which a temporary authorization certificate has been issued by the Motor Vehicle Commission in accordance with N.J.A.C. 13:20-7.4(a), (g), or (i) that is presented at an official inspection facility and is eligible for the issuance of an inspection decal pursuant to N.J.A.C. 13:20-7.4(a), (g)2, or (i)2 shall be subject to the provisions of this subsection. A motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(a), (g)2, or (i)2 and this subsection shall be subject to inspection during the calendar year in which the motor vehicle becomes four model years old no later than the last day of the calendar month within that year that is designated on the decal affixed to

such motor vehicle pursuant to N.J.A.C. 13:20-7.4(a), (g)2, or (i)2 and this subsection. Such a decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety, emission-related, or OBD-related defects.

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

13:20-32.3 Credentials; official inspection facilities

- (a) (No change.)

(b) Certification of a motor vehicle shall not be refused because the New Jersey motor vehicle registration certificate presented by the motorist contains a typographical error(s) in the vehicle identification number, provided the make, year, and license plate number of the motor vehicle set forth on the registration certificate are accurate. [However, the motorist shall be advised to contact the Motor Vehicle Commission's Inspection Support Unit at (609) 633-9460.]

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

(a) (No change.)

[(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)] **(b)** [With] **Starting with** the front wheels of [a] **the** 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] **that** are equipped with power steering, the transmission shall be in “neutral” and the engine shall be running.

[(e)] **(c)** With the front end of [a] **the** 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.]

Recodify existing (g) - (h) as **(d) - (e)** (No change in text.)

[(i)] **(f)** There shall be no wear or breakage of components of the steering or suspension system [which], **vehicle frame, or chassis that** adversely affects the safe operation of the motor vehicle. There shall be no visible caster or camber.

Recodify existing (j) - (k) as **(g) - (h)** (No change in text.)

13:20-32.8 Obstruction to driver's vision; official inspection facilities

(a) (No change.)

(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] **an** inspection certificate of approval, [certificate of waiver] **inspection decal**, inspection rejection sticker, an automatic vehicle identification system transponder approved by the Chief Administrator in accordance with N.J.A.C. 13:20-10, or any other sticker approved by the Chief Administrator, is permitted.

(c) Certification of a motor vehicle shall not be refused because a sign, poster, sticker, or other non-transparent material has been affixed to the windshield or front side window of a motor vehicle, provided the location of such sign, poster, sticker, or other non-transparent material does not obstruct the driver's vision. However, the motorist shall be advised to have the condition corrected.

Recodify existing (c) as **(d)** (No change in text.)

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

(a) - (b) (No change.)

(c) Taillights shall exhibit a red light visible from a distance of 500 feet to the rear of the vehicle. [The lights shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material.]

(d) - (g) (No change.)

13:20-32.19 Tires; official inspection facilities

(a) - (b) (No change.)

(c) Notwithstanding (a) above, the tread on each front tire of a motor vehicle that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney shall not be less than 4/32 of an inch deep. The tread on each rear tire of a motor vehicle that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney shall not be less than 2/32 of an inch deep.

Recodify existing (c) - (f) as **(d) - (g)** (No change in text.)

13:20-32.21 Prescribed emission or on-board diagnostics test(s); official inspection facilities

(a) With respect to each gasoline-fueled or bi-fueled motor vehicle **that is** presented for inspection, an official inspection facility shall conduct the emission or OBD test(s) specified for such motor vehicle at N.J.A.C. 13:20-43.8 in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(b) With respect to each OBD-equipped and OBD-eligible diesel-fueled motor vehicle with model year 1997 or newer having a GVWR of 8,500 pounds or less that is presented for inspection, an official inspection facility shall conduct a visible smoke test and an OBD test specified for such motor vehicle in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4. An OBD inspection shall not be required pursuant to this subsection for any OBD-equipped diesel-fueled motor vehicle that is not OBD-eligible, as shall be determined by the Department of Environmental Protection.

(c) With respect to each diesel-fueled motor vehicle with model year 1996 or older having a GVWR of 8,500 pounds or less that is presented for inspection, an official inspection facility shall conduct a visible smoke test specified for such motor vehicle in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4.

(d) With respect to each diesel-fueled motor vehicle having a GVWR of more than 8,500 pounds but less than 10,000 pounds that is presented for inspection, an official inspection facility shall confirm that such motor vehicle conforms to the general public highway standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14.4.

13:20-32.22 Emission test equipment and on-board diagnostics inspection equipment maintenance; official inspection facilities

The emission test equipment and OBD inspection equipment shall be maintained in accordance with the manufacturer's requirements and the general instructions for all tests adopted by the Department of Environmental Protection at N.J.A.C. 7:27B-5.2 and 7:27B-4.2(b).

13:20-32.45 Television, videocassette recorder, or digital video disk player; video camera; global positioning system; official inspection facilities

(a) A motor vehicle shall not have a television, videocassette recorder, or digital video disk player installed in such a manner that the viewing screen is visible to the driver while he or she is operating the motor vehicle.

(b) A motor vehicle may be equipped with a video camera or other device to enable the driver to view the exterior rear of the vehicle. Such camera or device shall not be operable when the vehicle is in forward motion.

(c) A motor vehicle may be equipped with a global positioning system provided such system does not obstruct the vision of the driver.

13:20-32.47 Service brakes (including service brake equalization and service brake pedal reserve); official inspection facilities

(a) - (g) (No change.)

(h) After insuring that the tires are properly inflated, a brake performance test shall be conducted. The brakes shall be tested on a drive-on platform tester **or any other brake performance tester approved by the Chief Administrator**. The results shall show some brake force produced by each wheel brake and the total brake force shall be equal to at least 43.5 percent of the gross vehicle weight. This is equivalent to a deceleration of 14 feet per second, which shall produce a stop from a speed of 20 miles per hour in 30 feet. The braking force on a front wheel or on a rear wheel shall not be less than 65 percent of the braking force developed on the other front wheel or rear wheel, respectively. The service brake shall have a minimum front to rear brake ratio of 40 percent and a maximum front to rear brake ratio of 95 percent. The allowable front brake bias margin shall be 25 percent. The allowable rear brake bias margin shall be 15 percent, except that for motor vehicles having a GVWR of 7,000 pounds or more but less than 10,001 pounds, the allowable rear brake bias margin shall be 25 percent.

(i) (No change.)

13:20-32.50 Credentials; motorcycles; official inspection facilities

(a) (No change.)

(b) Certification of a motorcycle shall not be refused because the New Jersey motorcycle registration certificate presented by the motorcyclist contains a typographical error(s) in the vehicle identification number, provided the make,

year, and license plate number of the motorcycle set forth on the registration certificate are accurate. [However, the motorcyclist shall be advised to contact the Motor Vehicle Commission's Inspection Support Unit at (609) 633-9460.]

**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, **or the Motor Vehicle Commission's Mobile Inspection Unit** 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 **either** N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of **gasoline-fueled and bi-fueled** motor vehicles **or N.J.A.C. 7:27-14 and 7:27B-4 regarding the inspection of diesel-fueled motor vehicles, whichever are applicable.**

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

"Inspection decal" means an inspection sticker issued by an official inspection facility in accordance with N.J.A.C. 13:20-7.4 setting forth the year and month in which a motor vehicle less than four model years old shall be presented for inspection in this State.

"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.

"Limousine" means any motor vehicle that is issued special registration plates bearing the word "limousine" pursuant to N.J.S.A. 39:3-

19.5 other than motor vehicles that are subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit.

. . . .

“On-board diagnostics” or “OBD” means an automotive diagnostic system complying with California **Air Resources Board** OBD regulations or EPA OBD [II] regulations effective for model year 1996 and newer **gasoline-fueled and bi-fueled** motor vehicles **and for model year 1997 and newer diesel-fueled motor vehicles.**

“OBD-eligible” means capable of receiving an OBD inspection as determined by the Department of Environmental Protection in accordance with N.J.A.C. 7:27-15.5(m) or 7:27-14.5(g), whichever is applicable.

. . . .

“Taxicab” means an autocab as defined in N.J.S.A. 48:16-1 engaged in the business of carrying passengers for hire which is held out, announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this State, and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the State.

13:20-33.2 General provisions; Class I, **I-A**, II, **II-A**, 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, gasoline-fueled and bi-fueled trucks, diesel-fueled trucks having a GVWR of less than 10,000 pounds, buses [(including modified buses regardless of passenger capacity which] that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission[]), taxicabs, limousines, and jitneys [as defined in N.J.A.C. 13:20-44.2] for compliance with inspection standards, Class I-A and Class II-A licensed private inspection facilities when inspecting and certifying automobiles, trucks having a GVWR of 8,500 pounds or less, buses having a GVWR of 8,500 pounds or less that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, and limousines for compliance with inspection standards, and Class III licensed private inspection facilities when inspecting and certifying motorcycles for compliance with inspection standards.

(b) - (c) (No change.)

(d) The fee [which] that may be charged by a Class I or Class I-A licensed private inspection facility for an initial inspection shall not exceed the schedule of inspection charges displayed at the facility's place of business and on file with the Motor Vehicle Commission's Private Inspection Facility Licensing Unit. The schedule of inspection charges for a Class I licensed private inspection facility 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 schedule of inspection charges for a Class I-A licensed private inspection facility shall specifically set forth the inspection charge for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less.**

(e) (No change.)

(f) A Class I or Class II licensed private inspection facility shall not perform emission-related or OBD-related motor vehicle repairs, **and a Class I-A or Class II-A licensed private inspection facility shall not perform OBD-related motor vehicle repairs,** unless it is registered with the Motor Vehicle Commission as a motor vehicle emission repair facility in accordance with N.J.A.C. 13:20-45.

(g) If a licensed private inspection facility is authorized to make repairs, the condition of the rejected item(s) shall be brought into compliance with the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 **or 7:27-14 and 7:27B-4, whichever are applicable.**

(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 **or 7:27-**

14 and 7:27B-4, whichever are applicable. 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 **or 7:27-14 and 7:27B-4, whichever are applicable,** an inspection certificate of approval shall be affixed to the motor vehicle. A private inspection facility may charge a fee for such reinspection service for motor vehicles having a GVWR of 8,500 pounds or less, motor vehicles having a GVWR greater than 8,500 pounds, and motorcycles based on the facility's established hourly labor charge for repair service, but only that portion of an hour which the Motor Vehicle Commission has established to be the average time for reinspection of specific rejected items for motor vehicles having a GVWR of 8,500 pounds or less by Class I **or Class I-A** licensees as set forth in Appendix A, incorporated herein by reference; or that portion of an hour which the Motor Vehicle Commission has established to be the average time for reinspection of specific rejected items for motor vehicles having a GVWR greater than 8,500 pounds by Class I licensees as set forth in Appendix B, incorporated herein by reference; or that portion of an hour which the Motor Vehicle Commission has established to be the average time for reinspection of specific rejected items for motorcycles by Class III licensees as set forth in Appendix C, incorporated herein by reference.

(i) - (j) (No change.)

(k) If an automobile, truck, bus [(including a modified bus regardless of passenger capacity which] **that** has been issued passenger, governmental, no

fee, or commercial vehicle license plates by the Motor Vehicle Commission[]), **taxicab, limousine,** 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 **or 7:27-14 and 7:27B-4, whichever are applicable,** the motor vehicle shall be certified by a Class I [or], **Class I-A,** Class II, **or Class II-A** licensee by removing the [previous] **previously-issued** inspection certificate of approval, [certificate of waiver,] **inspection decal,** 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 I-A,** Class II, **or Class II-A** 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] **that** has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission[]), **taxicab, limousine,** 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 **or 7:27-14 and 7:27B-4, whichever are applicable,** a Class I **or**

Class I-A 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 I-A**, Class II, **or Class II-A** licensee shall deface the **previously-issued** inspection certificate of approval or [certificate of waiver] **inspection decal** 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] **that** 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] **previously-issued** certificate of approval or [certificate of waiver] **inspection decal** 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] **that** 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] **that** has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission[]), **taxicab, limousine,** 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 **or 7:27-14 and 7:27B-4, whichever are applicable,** 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 **or Class I-A** licensee shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, shall remove the [previous] **previously-issued** inspection certificate of approval, [certificate of waiver] **inspection decal** 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] **that** 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) - (p) (No change.)

(q) If a motor vehicle is presented at a licensed private inspection facility for reinspection, the private inspection facility may reinspect the motor vehicle and certify it if the rejected item(s) has been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 **or 7:27-14 and 7:27B-4,** [and if] **whichever are applicable, provided** there are no obvious

safety, emission-related, or OBD-related defects [, provided the motor vehicle is presented for reinspection within 45 days of the date of the most recent inspection rejection]. If [the motor vehicle is presented for reinspection after such date, or if] there are obvious safety, emission-related, or OBD-related defects, the motor vehicle shall be subject to a complete reinspection.

(r) If a motor vehicle is presented at a licensed private inspection facility for reinspection and the rejected item(s) [have] **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 **or 7:27-14 and 7:27B-4, whichever are applicable,** 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] **inspection decal** 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) (No change.)

(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 **or 7:27-14 and 7:27B-4, whichever are applicable,** 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 **or 7:27-14 and 7:27B-4, whichever are applicable,** 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) - (v) (No change.)

(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 _____

I choose to have such inspection repairs, adjustments, and corrections performed at this facility.

Customer's Signature _____ Date _____

(x) (No change.)

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

13:20-33.3 Credentials; Class I [and], **I-A**, II, **and II-A** licensees

(a) (No change.)

(b) Certification of a motor vehicle shall not be refused because the New Jersey motor vehicle registration certificate presented by the motorist

contains a typographical error(s) in the vehicle identification number, provided the make, year, and license plate number of the motor vehicle set forth on the registration certificate are accurate. [However, the motorist shall be advised to contact the Motor Vehicle Commission's Inspection Support Unit at (609) 633-9460.]

13:20-33.4 License plates; Class I [and], I-A, II, and II-A licensees

(a) - (b) (No change.)

13:20-33.5 Steering and suspension; Class I [and], I-A, II, and II-A licensees

(a) - (e) (No change.)

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

(g) - (h) (No change.)

13:20-33.6 Front parking lights; Class I [and], I-A, II, and II-A licensees

(a) - (c) (No change.)

13:20-33.7 Glazing; Class I [and], I-A, II, and II-A licensees

(a) - (q) (No change.)

13:20-33.8 Obstruction to driver's vision; Class I [and], **I-A**, **II**, **and II-A** licensees

(a) (No change.)

(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] **an** inspection certificate of approval, [certificate of waiver] **inspection decal**, inspection rejection sticker, an automatic vehicle identification system transponder approved by the Chief Administrator in accordance with N.J.A.C. 13:20-10, or any other sticker approved by the Chief Administrator, is permitted.

(c) Certification of a motor vehicle shall not be refused because a sign, poster, sticker, or other non-transparent material has been affixed to the windshield or front side window of a motor vehicle, provided the location of such sign, poster, sticker, or other non-transparent material does not obstruct the driver's vision. However, the motorist shall be advised to have the condition corrected.

Recodify existing (c) as **(d)** (No change in text.)

13:20-33.9 Horn; Class I [and], **I-A**, **II**, **and II-A** licensees

(a) - (b) (No change.)

13:20-33.10 Windshield wipers; Class I [and], **I-A**, **II**, **and II-A** licensees

(a) - (g) (No change.)

13:20-33.11 Clearance lights; Class I [and], I-A, II, and II-A licensees

(a) - (e) (No change.)

13:20-33.12 Turn signals and hazard warning signals; Class I [and], I-A, II, and II-A licensees

(a) - (h) (No change.)

13:20-33.13 Reflectors; Class I [and], I-A, II, and II-A licensees

(a) - (i) (No change.)

13:20-33.14 Identification lights; Class I [and], I-A, II, and II-A licensees

(a) - (d) (No change.)

13:20-33.15 Side-marker lights; Class I [and], I-A, II, and II-A licensees

(a) - (d) (No change.)

13:20-33.16 Taillights and license plate light; Class I [and], I-A, II, and II-A licensees

(a) - (b) (No change.)

(c) Taillights shall exhibit a red light visible from a distance of 500 feet to the rear of the vehicle. [The lights shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material.]

(d) - (g) (No change.)

13:20-33.17 Stoplights; Class I [and], I-A, II, and II-A licensees

(a) - (h) (No change.)

13:20-33.18 Wheels; Class I [and], I-A, II, and II-A licensees

(a) - (b) (No change.)

13:20-33.19 Tires; Class I [and], I-A, II, and II-A licensees

(a) - (b) (No change.)

(c) Notwithstanding (a) above, the tread on each front tire of a motor vehicle that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney shall not be less than 4/32 of an inch deep. The tread on each rear tire of a motor vehicle that is registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger,

governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney shall not be less than 2/32 of an inch deep.

Recodify existing (c) - (f) as **(d) - (g)** (No change in text.)

13:20-33.20 Exhaust system; Class I [and], **I-A, II, and II-A** licensees

(a) - (b) (No change.)

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

(a) With respect to each gasoline-fueled or bi-fueled motor vehicle **that is** presented for inspection, a licensed private inspection facility shall conduct the emission or OBD test(s) specified for such motor vehicle at N.J.A.C. 13:20-43.8 in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(b) **With respect to each OBD-equipped and OBD-eligible diesel-fueled motor vehicle with model year 1997 or newer having a GVWR of 8,500 pounds or less that is presented for inspection, a licensed private inspection facility shall conduct a visible smoke test and an OBD test specified for such motor vehicle in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4. An OBD inspection shall not be required pursuant to this subsection for any OBD-**

equipped diesel-fueled motor vehicle that is not OBD-eligible, as shall be determined by the Department of Environmental Protection.

(c) With respect to each diesel-fueled motor vehicle with model year 1996 or older having a GVWR of 8,500 pounds or less that is presented for inspection, a licensed private inspection facility shall conduct a visible smoke test specified for such motor vehicle in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4.

(d) With respect to each diesel-fueled motor vehicle having a GVWR of more than 8,500 pounds but less than 10,000 pounds that is presented for inspection, a licensed private inspection facility shall confirm that such motor vehicle conforms to the general public highway standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14.4.

13:20-33.22 Emission test equipment and on-board diagnostics inspection equipment maintenance; Class I [and], I-A, II, and II-A licensees

The emission test equipment and OBD inspection equipment shall be maintained in accordance with the manufacturer's requirements and the general instructions for all tests adopted by the Department of Environmental Protection at N.J.A.C. 7:27B-5.2 and 7:27B-4.2(b).

13:20-33.23 Headlights; Class I [and], I-A, II, and II-A licensees

(a) - (p) (No change.)

13:20-33.24 Rear view mirrors; Class I [and], I-A, II, and II-A licensees

(a) - (e) (No change.)

13:20-33.25 Miscellaneous lights; Class I [and], I-A, II, and II-A licensees

(a) - (n) (No change.)

13:20-33.26 Wiring and switching; Class I [and], I-A, II, and II-A licensees

(a) - (c) (No change.)

13:20-33.27 Headlight beam indicator light; Class I [and], I-A, II, and II-A
licensees

(No change.)

13:20-33.28 Turn signal and hazard warning signal indicator lights; Class I
[and], I-A, II, and II-A licensees

(a) - (e) (No change.)

13:20-33.29 Antenna; Class I [and], I-A, II, and II-A licensees

(No change.)

13:20-33.30 Body; Class I [and], I-A, II, and II-A licensees

(a) - (c) (No change.)

13:20-33.31 Bumpers; Class I [and], I-A, II, and II-A licensees

(a) - (c) (No change.)

13:20-33.32 Doors; Class I [and], I-A, II, and II-A licensees

(a) - (c) (No change.)

13:20-33.33 Fenders and fender flaps; Class I [and], I-A, II, and II-A licensees

(a) - (b) (No change.)

13:20-33.34 Fuel system; Class I [and], I-A, II, and II-A licensees

(No change.)

13:20-33.35 Hood; Class I [and], I-A, II, and II-A licensees

(No change.)

13:20-33.36 Lettering; Class I [and], I-A, II, and II-A licensees

(a) - (c) (No change.)

13:20-33.37 Ornaments; Class I [and], I-A, II, and II-A licensees

(No change.)

13:20-33.38 Pedals; Class I [and], I-A, II, and II-A licensees

(No change.)

13:20-33.39 Racks or carriers; Class I [and], I-A, II, and II-A licensees

(No change.)

13:20-33.40 Reflective tape; Class I [and], I-A, II, and II-A licensees

(No change.)

13:20-33.41 Seats; Class I [and], I-A, II, and II-A licensees

(No change.)

13:20-33.42 Seat belts; air bags; Class I [and], I-A, II, and II-A licensees

(a) - (c) (No change.)

13:20-33.43 Gear shift indicator; Class I [and], I-A, II, and II-A licensees

(No change.)

13:20-33.44 Transmission; Class I [and], I-A, II, and II-A licensees

(No change.)

13:20-33.45 Television, videocassette recorder, or digital video disk

player; video camera; global positioning system; Class I

[and], I-A, II, and II-A licensees

(a) A motor vehicle shall not have a television, videocassette recorder, or digital video disk player installed in such a manner that the viewing screen is visible to the driver while he or she is operating the motor vehicle.

(b) A motor vehicle may be equipped with a video camera or other device to enable the driver to view the exterior rear of the vehicle. Such camera or device shall not be operable when the vehicle is in forward motion.

(c) A motor vehicle may be equipped with a global positioning system provided such system does not obstruct the vision of the driver.

13:20-33.46 Trunk lid; Class I [and], I-A, II, and II-A licensees

(No change.)

13:20-33.47 Service brakes (including service brake equalization and service brake pedal reserve); Class I [and], I-A, II, and II-A licensees

(a) - (n) (No change.)

13:20-33.48 Parking brake; Class I [and], I-A, II, and II-A licensees

(a) - (c) (No change.)

13:20-33.49 Speed recording instrument (speedometer); mileage recording

instrument (odometer); Class I [and], I-A, II, and II-A licensees

(No change.)

13:20-33.50 Credentials; Class III licensees

(a) (No change.)

(b) Certification of a motorcycle shall not be refused because the New Jersey motorcycle registration certificate presented by the motorcyclist contains a typographical error(s) in the vehicle identification number, provided the make, year, and license plate number of the motorcycle set forth on the registration certificate are accurate. [However, the motorcyclist shall be advised to contact the Motor Vehicle Commission’s Inspection Support Unit at (609) 633-9460.]

APPENDIX A

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

<u>Item Reinspected</u>	<u>Time Required</u>
.
Engine Emissions (CO, HC[,NOx] and/or Smoke)	.5 hour

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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.

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“Certificate of approval” means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, [or] a State specialty inspection facility, **or the Motor Vehicle Commission’s Mobile Inspection Unit** 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 this subchapter and the rules adopted by the Department of Environmental Protection pertaining to emission or OBD inspection standards have been waived by the Motor Vehicle Commission for the particular inspection cycle for which the waiver is granted.]

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"Collector motor vehicle" means a motor vehicle[, not otherwise qualified for designation as an "historic vehicle," or "street rod,"] **that is less than 25 years old and** which was either: originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity; or at the time of qualification for designation exists in such limited numbers; either one or the other or both of the above, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner to the Motor Vehicle Commission, as may be accepted by the Chief Administrator in his or her discretion, so as to establish it as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns, and, further, that is not driven in excess of the maximum mileage permitted by the terms of a valid limited use motor vehicle insurance policy issued for, and covering such vehicle, proof of which shall be supplied to the Motor Vehicle Commission at the time of application for designation as a collector vehicle, which mileage shall in no event exceed 3,000 miles per year. This term shall not include motor vehicles with elevated chassis height [which] **that** are subject to inspection in accordance with N.J.A.C. 13:20-37.

. . . .

"Gasoline-fueled" means powered by a hydrocarbon fuel other than diesel fuel, including, but not limited to, gasoline, natural gas, liquefied petroleum gas, [and] **or** propane, [and also] **or** powered by alcohol fuels [and], hydrocarbon-alcohol fuel blends **or hydrogen**.

. . . .

“Inspection decal” means an inspection sticker issued by an official inspection facility in accordance with N.J.A.C. 13:20-7.4 setting forth the year and month in which a motor vehicle less than four model years old shall be presented for inspection in this State.

. . . .

“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.

. . . .

“Limousine” means any motor vehicle that is issued special registration plates bearing the word “limousine” pursuant to N.J.S.A. 39:3-19.5 other than motor vehicles that are subject to inspection by the Motor Vehicle Commission’s Commercial Bus Inspection and Investigation Unit.

[“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).]

. . . .

"Motor vehicle emission repair facility" means any person, partnership, or corporation registered by the Motor Vehicle Commission to engage in the business of performing emission-related and OBD-related repairs on motor vehicles that have failed an emission or OBD inspection required by this subchapter [and which repairs may qualify for consideration in determining whether a certificate of waiver may be granted].

. . . .

"On-board diagnostics" or "OBD" means an automotive diagnostic system complying with California Air Resources Board OBD regulations or EPA OBD [II] regulations effective for model year 1996 and newer gasoline-fueled and bi-fueled motor vehicles.

. . . .

"Taxicab" means an autocab as defined in N.J.S.A. 48:16-1 engaged in the business of carrying passengers for hire which is held out,

announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this State, and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the State.

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) (No change.)

(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. - 8. (No change.)

9. Diesel-fueled motor vehicles[, other than omnibuses and school buses, having a GVWR of 10,000 pounds or more that are required to be inspected by the owner or lessee of the vehicle in accordance with N.J.A.C. 13:20-26];

10. Omnibuses [having a seating capacity of 10 passengers or more and] that are subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit;

11. - 12. (No change.)

(c) To qualify for designation as a “collector motor vehicle” the owner or lessee of a motor vehicle shall submit an application in the form specified by the Motor Vehicle Commission [which] **that** provides evidence of the following:

1. The **motor** 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] **less than 25 years old;**

2. - 4. (No change.)

(d) (No change.)

(e) The owner **or lessee** of any motor vehicle qualifying as a “collector motor vehicle” shall be eligible to purchase from the Motor Vehicle Commission a distinctive windshield sticker, of a design and dimensions to be approved by the Chief Administrator, said sticker to be affixed in lieu of a certificate of approval **or inspection decal**, by an authorized representative of the Motor Vehicle Commission, indicating that said **motor** 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 **biennial** inspection test cycle; **provided, however, that a windshield sticker issued pursuant to this subsection for a “collector motor vehicle” that is 24 years old shall be valid for a period of one year and shall be nonrenewable.**

(f) - (h) (No change.)

[(i) To qualify for designation as a “low utilization modified performance vehicle,” a motor vehicle shall be driven less than 10,000 miles during the

biennial inspection period and the owner or lessee of a motor vehicle shall submit a certification in the form specified by the Motor Vehicle Commission to the effect that the motor vehicle's emission control apparatus conforms to the standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(j) The Chief Administrator or his or her designee shall verify the odometer reading of a "low utilization modified performance vehicle." A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "low utilization modified performance vehicle."

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

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

(m) The Chief Administrator or his or her designee shall verify the odometer reading of a "low mileage vehicle." A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "low mileage vehicle."

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

13:20-43.4 Federal motor vehicles

(a) (No change.)

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles [which] **that** are inspected pursuant to this section shall be inspected by a Class I [or], **Class I-A, Class II, or Class II-A** private inspection facility licensed by the Motor Vehicle Commission pursuant to N.J.A.C. 13:20-44.

(c) A Class I **or Class I-A** licensed private inspection facility shall provide to the operator of a Federally-plated or numbered motor vehicle that is presented for inspection in this State a report of inspection conducted in accordance with (a) above, which shall include:

1. - 5. (No change.)

[6. NOx results, if applicable;]

Recodify existing 7. - 10. as **6. - 9.** (No change in text.)

(d) (No change.)

13:20-43.5 Motor vehicles registered in other states

(a) (No change.)

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles [which] **that** are inspected pursuant to this section shall be inspected by a Class I [or], **Class I-A, Class II, or Class II-A** private inspection facility licensed by the Motor Vehicle Commission pursuant to N.J.A.C. 13:20-44.

(c) A Class I **or Class I-A** licensed private inspection facility shall pro-

vide to the operator of a motor vehicle [which] **that** is presented for inspection in this State a report of inspection conducted under N.J.A.C. 13:20-43.4(d) or (a) above.

(d) The owner or lessee of a motor vehicle shall transmit a report of inspections conducted in accordance with N.J.A.C. 13:20-43.4(d) or (a) above to the state of registration, which shall include:

1. - 7. (No change.)

[8. NOx results, if applicable;]

Recodify existing 9. - 11. as **8. - 10.** (No change in text.)

13:20-43.6 Fleet motor vehicles

All fleet motor vehicles, including those that are available for lease or rent, which are registered in this State, or are registered in another state and primarily operated in New Jersey, shall be inspected in accordance with this subchapter and the emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. A fleet **motor** vehicle shall be inspected at an official inspection facility or by a Class I [or], **Class I-A**, Class II, **or Class II-A** licensed private inspection facility. The owner or lessee of fleet motor vehicles may apply for and be licensed by the Motor Vehicle Commission as a Class II **or Class II-A** private inspection facility in accordance with N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-44.

13:20-43.7 Test frequency

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

(b) Notwithstanding (a) above, the following motor vehicles subject to inspection pursuant to this subchapter shall be inspected on an annual basis:

1. Gasoline-fueled and bi-fueled motor vehicles that are registered as commercial motor vehicles pursuant to N.J.S.A. 39:3-20;

2. Buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission;

3. Taxicabs;

4. Limousines; and

5. Jitneys.

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

(a) [On and after June 1, 2003, an] **An** OBD inspection shall be conducted in accordance with N.J.A.C. 7:27-15.5 and [7:27B-5.7] **7:27B-5.6** on all OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled motor vehicles with model years 1996 and later having a GVWR of 8,500 pounds or less. Notwithstanding N.J.A.C. 13:20-43.2(b)11 [and 30.13, on and after June 1, 2003], [a biennial] **an annual** OBD inspection shall be conducted by the Motor Vehicle Commission's School Bus Inspection Unit in accordance with N.J.A.C.

7:27-15.5 and [7:27B-5.7] **7:27B-5.6** on all OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled school buses with model years 1996 and later having a GVWR of 8,500 pounds or less. All motor vehicles that are subject to an OBD inspection shall not exceed the OBD inspection standards established at N.J.A.C. 7:27-15 for such motor vehicles by the Department of Environmental Protection. **An OBD inspection shall not be required pursuant to this subsection for any OBD-equipped motor vehicle that is not OBD-eligible as shall be determined by the Department of Environmental Protection. In such exceptional cases, a two-speed idle test conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.4 shall be administered.**

(b) A [loaded-mode (dynamometer-based)] **two-speed idle** test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and [7:27B-5.5] **7:27B-5.4** on all gasoline-fueled and bi-fueled motor vehicles with model years 1981 [and later] **through 1995** having a GVWR of 8,500 pounds or less; provided, however, no such test shall be required for any [full-time four-wheel drive vehicle regardless of weight class, for a low mileage vehicle, for a low utilization modified performance vehicle, for a motor vehicle that is operated by a handicapped person and that has been modified so that such motor vehicle is fully controlled by specially designed mechanical devices for the handicapped, for a motor vehicle that is equipped with non-disengagable traction control, for any other] motor vehicle originally manufactured with a particular design characteristic that makes [its operation on a dynamometer] **it** either impractical or hazardous **to conduct such test**, as shall be determined in the discretion of the Chief

Administrator[, or for any other motor vehicle with a chassis height that has been modified so as to make its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Chief Administrator]. In such exceptional cases, [a 2,500 RPM emission] **an idle** test, conducted in accordance with N.J.A.C. 7:27-15.5 and [7:27B-5.4] **7:27B-5.3(b)**, shall be administered. All motor vehicles that are subject to a [loaded-mode (dynamometer-based)] **two-speed idle** test shall not exceed the emission levels established at N.J.A.C. 7:27-15 for such motor vehicles by the Department of Environmental Protection for hydrocarbons (HC)[,] **and** carbon monoxide (CO)[, and oxides of nitrogen (NO_x)]. [On and after June 1, 2003, this subsection shall not apply to OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled motor vehicles with model years 1996 and later having a GVWR of 8,500 pounds or less that are subject to an OBD inspection in accordance with (a) above.]

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

years 1981 and later, on all full-time four-wheel drive vehicles with model years 1981 and later, on all motor vehicles that are operated by handicapped persons and have been modified so that such motor vehicles are fully controlled by specially designed mechanical devices for the handicapped with model years 1981 and later, on motor vehicles with model years 1981 and later that are equipped with non-disengagable traction control, on any other motor vehicle with model years 1981 and later originally manufactured with a particular design characteristic that makes its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Chief Administrator, and on any other motor vehicle with model years 1981 and later with a chassis height that has been modified so as to make its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Chief Administrator.] All motor vehicles that are subject to an idle test [or a 2,500 RPM emission test] shall not exceed the emission levels established at N.J.A.C. 7:27-15 for such motor vehicles by the Department of Environmental Protection for hydrocarbons (HC) and carbon monoxide (CO). [On and after June 1, 2003, this subsection shall not apply to OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled motor vehicles with model years 1996 and later having a GVWR of 8,500 pounds or less that are subject to an OBD inspection in accordance with (a) above.]

(d) A fuel cap leak test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and [7:27B-5.8] **7:27B-5.7** on all motor vehicles **with model years 2000 and earlier that were** originally equipped with a sealed fuel filler cap. Motor

vehicles subject to the fuel cap leak test shall meet the standards for such test established by the Department of Environmental Protection at N.J.A.C. 7:27-15.5 and [7:27B-5.8] **7:27B-5.7.**

(e) - (i) (No change.)

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

(a) The operator of [each] **a** motor vehicle **that fails inspection** 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. - 13. (No change.)

14. Results of the fuel cap leak test, **if applicable;**

15. - 20. (No change.)

[21. Instructions for waiver applicants;]

Recodify existing 22. - 24. as **21. - 23.** (No change in text.)

[25. Space to indicate the cost of parts and labor for emission-related or OBD-related repair(s);]

Recodify existing 26. - 28. as **24. - 26.** (No change in text.)

(b) (No change.)

[(c) The Motor Vehicle Commission shall prescribe a Pre-inspection Repair Form for use by registered motor vehicle emission repair facilities for demonstrating that pre-inspection emission-related repairs have been performed

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

13:20-43.10 Reinspections

Motor vehicles that fail inspection shall be reinspected within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable, after the motor vehicle has been repaired or adjusted. Emission-related or OBD-

related repairs shall be performed by a registered motor vehicle emission repair facility or by the owner or lessee of the motor vehicle. The owner or lessee who had a registered motor vehicle emission repair facility perform emission-related or OBD-related repairs on a motor vehicle that failed the emission or OBD inspection shall present the previously-issued motor vehicle inspection report and inspection report supplement, if issued, [and the pre-inspection repair form (if applicable),] which has/have been completed by such registered motor vehicle emission repair facility [and invoice(s) issued by such registered motor vehicle emission repair facility]. The owner or lessee possessing a nationally-recognized certification for emission-related diagnosis and repairs who performs emission-related or OBD-related repairs to a motor vehicle that failed the emission or OBD inspection shall present the previously-issued motor vehicle inspection report and inspection report supplement, if issued, [and the pre-inspection repair form (if applicable),] which has/have been completed by such owner or lessee [and invoices for emission-related parts]. The owner or lessee who performs emission-related or OBD-related repairs of the emission control system and/or who performs an emission-related process on a motor vehicle that failed the emission or OBD inspection shall present the previously-issued motor vehicle inspection report and inspection report supplement, if issued, [and the pre-inspection repair form (if applicable),] which has/have been completed by such owner or lessee [and invoices for emission control system parts and/or emission-related processes]. All motor vehicles subject to a reinspection, including motor vehicles that have failed an on-road inspection conducted in accordance with N.J.A.C.

13:20-43.14, for noncompliance with the emission or OBD inspection standards shall be subject to the separable portions of the inspection procedure for the vehicle model year (that is, fuel cap leak testing, if applicable, and either exhaust or OBD testing, whichever is applicable). Portions of the testing procedure shall be considered separable for purposes of this section if a failure on one portion does not affect the likelihood of passage or failure on any other portion of the testing procedure. If the motor vehicle passes the reinspection, the Motor Vehicle Commission, or an authorized inspector, shall issue a certificate of approval for the motor vehicle indicating compliance. If the motor vehicle fails to pass the reinspection, the Motor Vehicle Commission, or an authorized inspector, shall issue a motor vehicle inspection report indicating noncompliance. [If the motor vehicle fails the reinspection for an emission-related or OBD-related problem and the owner or lessee requests a waiver of compliance, the Motor Vehicle Commission or its authorized representatives shall review the request and shall approve or deny the request in accordance with N.J.A.C. 13:20-43.13. Requests for waiver shall be presented at such locations as are designated by the Chief Administrator and approved or denied only by such persons as designated by the Chief Administrator.]

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

(a) An inspection certificate of approval shall be issued for New Jersey registered motor vehicles that meet safety and emission or OBD standards. The

inspection certificate of approval issued for motor vehicles other than motorcycles shall be affixed in accordance with N.J.A.C. [13:20-32.2(e)] **13:20-32.2(d)** or 33.2(k), whichever is applicable, to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

(b) An inspection rejection sticker shall be issued by an official inspection facility for New Jersey registered motor vehicles other than motorcycles that fail to meet safety and/or emission or OBD standards. The inspection rejection sticker shall be affixed by an official inspection facility in accordance with N.J.A.C. [13:20-32.2(f)] **13:20-32.2(e)** or, if applicable, N.J.A.C. [13:20-32.2(g)] **13:20-32.2(f)**, to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A licensed private inspection facility shall denote that a New Jersey registered motor vehicle other than a motorcycle has failed to meet safety and/or emission or OBD standards by defacing the inspection certificate of approval or [certificate of waiver] **inspection decal** affixed to the motor vehicle, if any, in accordance with N.J.A.C. 13:20-33.2(l), except as otherwise provided at N.J.A.C. 13:20-33.2(m). The owner or lessee of a motor vehicle that has failed inspection shall have the necessary repairs made and shall present the motor vehicle for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable.

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] **inspection decal** issued for the motor vehicle shall be deemed to be in compliance with the inspection requirements of this State if the motor vehicle is presented for an inspection in the state or region in which it is temporarily located, provided that such inspection is performed in an enhanced I/M program. In order to avoid sanctions for failure to comply with the inspection requirements of this State, it shall be the responsibility of the owner or lessee of the motor vehicle to transmit to the Motor Vehicle Commission proof that the motor vehicle has been inspected by another state's enhanced I/M program. Such proof shall consist of a report issued by the enhanced I/M program of such other state containing the license plate number or vehicle identification number of the motor vehicle inspected, the date and location of inspection, and the results of such inspection. If such proof has been submitted and a current registration has been issued for the motor vehicle, the Chief Administrator or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid beyond the expiration of the [two year] inspection cycle established for the motor vehicle except as hereafter provided. The Chief Administrator shall issue an additional inspection extension(s) pursuant to this subsection to a motor vehicle owner or lessee who is on active

military duty or who is attending college or graduate school in a state or region that has an enhanced I/M program; provided, however, that continuing proof that the motor vehicle has been presented for inspection in another state's enhanced I/M program is transmitted to the Motor Vehicle Commission by the owner or lessee of the motor vehicle.

(b) The owner or lessee of a motor vehicle registered in New Jersey [which] **that** cannot be presented for inspection in this or another State prior to the expiration of the certificate of approval or [certificate of waiver] **inspection decal** issued for the motor vehicle because it is temporarily located in a state or region that does not have an enhanced I/M program shall notify the Motor Vehicle Commission of the date upon which the motor vehicle will be returned to New Jersey. If a current registration has been issued for the motor vehicle, the Chief Administrator or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid beyond the expiration of the [two year] inspection cycle established for the motor vehicle except as hereafter provided. The Chief Administrator shall issue an inspection extension of greater length pursuant to this subsection to a motor vehicle owner or lessee who is on active military duty and is stationed in another state or region that does not have an enhanced I/M program, or to a motor vehicle owner or lessee who is attending

college or graduate school in another state or region that does not have an enhanced I/M program.

(c) The owner or lessee of a motor vehicle registered in New Jersey [which] **that** cannot be presented for inspection or reinspection prior to the date by which the motor vehicle must be presented for such inspection or reinspection due to the ill health of the motor vehicle owner or lessee, or for other good cause, shall notify the Motor Vehicle Commission of such circumstance. If a current registration has been issued for the motor vehicle, the Chief Administrator or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected or reinspected; provided, however, that such an extension shall not be granted for a motor vehicle [which] **that** has failed inspection and requires repairs pursuant to N.J.A.C. 13:20-7.6. The inspection extension shall be valid until such date as specified by the Chief Administrator or his or her designee, but in no event shall the extension be valid beyond the expiration of the [two year] inspection cycle established for the motor vehicle.

(d) The owner or lessee of a motor vehicle registered in New Jersey [which] **that** 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] **that** are required, shall notify the Motor Vehicle Commission of the date upon which the repairs to the motor vehicle shall be completed. If a current registration has been issued for the motor vehicle, the

Chief Administrator or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle reinspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the repairs to the motor vehicle have been completed, but in no event shall the extension be valid beyond the expiration of the [two year] inspection cycle established for the motor vehicle.

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

(Reserved)

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

1. The motor vehicle has failed to pass a loaded-mode emission reinspection or an OBD reinspection, whichever is applicable, after all qualifying repairs have been completed;
2. The motor vehicle has passed an idle emission test conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.3(b);
3. The motor vehicle has passed a safety inspection conducted in accordance with N.J.A.C. 13:20-32 or 33, whichever is applicable, and this subchapter;

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

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

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

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

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

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

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

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

13:20-43.14 On-road inspections; scope; inspection procedures; criteria for selecting vehicles; procedures upon inspection failure

(a) (No change.)

(b) On-road inspection shall consist of a safety inspection, a visible smoke test, an emission test or an OBD inspection, whichever is applicable, a fuel cap leak test, if applicable, an inspection for the presence and integrity of the motor vehicle's catalytic converter, [including a tap test thereof,] an examination of the driver's license, motor vehicle registration certificate and insurance identification card, and such other tests as may be determined by the Chief Administrator.

(c) On-road emission tests and OBD inspections shall be conducted using emission test and OBD inspection equipment approved by the Chief Administrator after consultation with the Department of Environmental Protection in accordance with N.J.A.C. [7:27B-5.9] **7:27B-5.8**.

(d) (No change.)

(e) The Motor Vehicle Commission shall use the following criteria in determining which motor vehicles shall be subjected to on-road inspection:

1. (No change.);

2. Motor vehicles without an inspection certificate of approval or [certificate of waiver] **inspection decal**;

3. Motor vehicles with an expired inspection certificate of approval or [certificate of waiver] **inspection decal**;

4. - 8. (No change.)

(f) - (g) (No change.)

13:20-43.16 Registration denial; suspension of registration; motor vehicles not inspected by certificate of approval or [certificate of waiver] **inspection decal** expiration date; motor vehicles [which] **that** have failed inspection and have not been presented for reinspection; conditional registration restoration; reinstatement of registration suspension due to noncompliance; conditional registration; suspension of conditional registration due to

noncompliance; penalties

(a) Except as otherwise provided in this section, the Motor Vehicle Commission shall deny the issuance or renewal of the registration of a motor vehicle, other than a motorcycle, and shall suspend the registration of a motor vehicle, other than a motorcycle, if the owner or lessee has not presented the motor vehicle for inspection prior to the expiration of the certificate of approval or [certificate of waiver] **inspection decal** issued for the motor vehicle. The Motor Vehicle Commission shall mail a notice of scheduled registration suspension to the owner or lessee of a motor vehicle whenever a motor vehicle has not been presented for inspection prior to the expiration of the certificate of approval or [certificate of waiver] **inspection decal** issued for the motor vehicle. The notice of scheduled registration suspension shall inform the owner or lessee that the motor vehicle must be presented for inspection within 30 days from the date of the notice of scheduled registration suspension and that the owner's or lessee's failure to present the motor vehicle for inspection shall cause the registration of the motor vehicle to be suspended. The Motor Vehicle Commission shall mail an order of registration suspension to the owner or lessee if the owner or lessee fails to present the motor vehicle for inspection in accordance with the notice of scheduled registration suspension. The Motor Vehicle Commission shall not suspend a motor vehicle registration pursuant to this subsection if the owner or lessee complies with either of the following requirements:

1. (No change.)

2. Presents or causes the motor vehicle to be presented for inspection within the period of time provided in the Motor Vehicle Commission's notice of scheduled registration suspension and an inspection certificate of approval [or certificate of waiver] is issued for the motor vehicle within such period of time.

(b) Except as otherwise provided in this section, the Motor Vehicle Commission shall deny or suspend the registration of a motor vehicle, other than a motorcycle, if the owner or lessee has not presented the motor vehicle for reinspection prior to the expiration of the inspection rejection sticker or other indication of inspection rejection issued for the motor vehicle after failure of inspection. The Motor Vehicle Commission shall mail a notice of scheduled registration suspension to the owner or lessee of a motor vehicle whenever a motor vehicle has not been presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 13:20-43.14(g), whichever is applicable. The notice of scheduled registration suspension shall inform the owner or lessee that the motor vehicle must be presented for reinspection within 30 days from the date of the notice of scheduled registration suspension and that the owner's or lessee's failure to present the motor vehicle for reinspection shall cause the registration of the motor vehicle to be suspended. The Motor Vehicle Commission shall mail an order of registration suspension to the owner or lessee if the owner or lessee fails to present the motor vehicle for reinspection in accordance with the notice of scheduled registration suspension. The Motor Vehicle Commission shall not suspend a motor vehicle registration pursuant to

this subsection if the owner or lessee complies with either of the following requirements:

1. (No change.)

2. Presents or causes the motor vehicle to be presented for reinspection within the period of time provided in the Motor Vehicle Commission's notice of scheduled registration suspension and an inspection certificate of approval [or certificate of waiver] is issued for the motor vehicle within such period of time.

(c) (No change.)

(d) The Motor Vehicle Commission shall issue a notice of conditional registration restoration to a motor vehicle owner or lessee who has applied for the restoration of a motor vehicle registration [which] **that** has been denied or suspended pursuant to this section provided he or she has paid the registration restoration fee in accordance with N.J.S.A. 39:3-10a and N.J.A.C. 13:21-9.3(b) and, if applicable, the registration renewal fee required by law; provided, however, a notice of conditional registration restoration shall not be issued if the motor vehicle registration is otherwise suspended and is not eligible for restoration. The conditional registration restoration shall authorize the operation of such motor vehicle only for the following purposes:

1. (No change.)

2. To travel to and from a [Class I or Class II] licensed private inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

3. - 5. (No change.)

(e) A notice of conditional registration restoration issued pursuant to (d) above shall be valid for a period not to exceed 14 days. The registration suspension of a motor vehicle for which a notice of conditional registration restoration has been issued by the Motor Vehicle Commission pursuant to (d) above shall be reinstated if an inspection certificate of approval [or certificate of waiver] is not issued for such motor vehicle prior to the expiration of the notice of conditional registration restoration.

(f) The Motor Vehicle Commission shall issue a conditional registration certificate to the purchaser of a used motor vehicle for which the registration thereof had been denied or suspended pursuant to this section prior to the date of sale provided the registrant has paid the registration fee required by law; provided, however, a conditional registration certificate shall not be issued if the purchaser's registration privilege is otherwise suspended and is not eligible for restoration. The conditional registration shall authorize the operation of such motor vehicle only for the following purposes:

1. - 2. (No change.)

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. - 6. (No change.)

(g) A conditional registration certificate issued pursuant to (f) above shall be valid from the date of its issuance. The registration of a motor vehicle for which a conditional registration has been issued by the Motor Vehicle Commission pursuant to (f) above shall be suspended if an inspection certificate of approval [or certificate of waiver] is not issued for such motor vehicle within 14 days of the issuance of the conditional registration certificate.

(h) If a motor vehicle for which a notice of conditional registration restoration has been issued pursuant to (d) above or for which a conditional registration has been issued pursuant to (f) above is presented for inspection at an official inspection facility or a licensed private inspection facility and fails such inspection, the official inspection facility or licensed private inspection facility shall remove the [previous] **previously-issued** inspection certificate of approval, [certificate of waiver] **inspection decal**, 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) (No change.)

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) - (h) (No change.)

(i) The emission inspector license shall be in the possession of the licensee at all times when he or she is performing the duties of a motor vehicle emission inspector.

13:20-43.18 Suspension or revocation of emission inspector license; re-training 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. - 3. (No change.)

4. Fraudulently, willfully, or negligently issuing an improper certificate of approval, **inspection decal, collector motor vehicle windshield sticker,** or [certificate of waiver] **rejection sticker;** [or]

5. Fraudulent or improper recordkeeping relating to inspection certificates, decals, or stickers;

6. Fraudulent or improper recordkeeping relating to inspection certificate, decal, or sticker inventory, control, or ledgers; or

[5.] 7. (No change in text.)

(b) - (e) (No change.)

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

1. For intentionally or willfully improperly passing [or waiving] a motor vehicle for any required portion of the emission test or OBD inspection in violation of rules or procedural requirements:

i. - iii. (No change.)

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

i. - iv. (No change.)

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

i. - v. (No change.)

4. (No change.)

5. For fraudulently affixing a certificate of approval, [certificate of waiver] **inspection decal, collector motor vehicle windshield sticker,** or rejection sticker:

i. - iii. (No change.)

6. (No change.)

7. For issuance or possession of an altered, forged, stolen, or counterfeit certificate of approval, [certificate of waiver] **inspection decal, collector motor vehicle windshield sticker,** rejection sticker, or emission inspector license:

i. - iii. (No change.)

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

i. - ii. (No change.)

9. - 11. (No change.)

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

i. - iii. (No change.)

13. For lost or stolen certificates of approval, [certificates of waiver] **inspection decals, collector motor vehicle windshield stickers** and/or rejection stickers for which the licensee does not properly account. A licensee can "properly account" for such documents by demonstrating, to the satisfaction

of the Chief Administrator, that they were lost or stolen under circumstances beyond the reasonable control of the licensee:

i. - iii. (No change.)

14. - 17. (No change.)

18. For failing to produce an emission inspector license:

i. Immediate cessation of licensed activity until [on] compliance; plus written warning first violation

ii. - iii. (No change.)

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

i. Minimum 15-day license suspension and until

compliance

(g) - (h) (No change.)

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

(a) - (d) (No change.)

(e) The hands-on emission and OBD test demonstration area, including the emission and OBD test equipment (that is, the [dynamometer,] exhaust gas analyzer, OBD scanner and analyzer, and fuel cap leak tester) shall be subject to inspection by the Chief Administrator or his or her designee. If a

simulator is used, a written explanation of its design and function shall be required.

(f) - (i) (No change.)

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

1. Overview information:

i. - ii. (No change.)

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

iv. - vii. (No change.)

2. Exhaust emission testing:

i. (No change.)

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] **two-speed idle** test;

(2) - (6) (No change.)

3. - 4. (No change.)

(k) - (l) (No change.)

SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

13:20-44.1 Purpose

- (a) (No change.)
- (b) The Motor Vehicle Commission finds that in order to ensure that motor vehicles [which] **that** are inspected, reinspected and certified by a private inspection facility are satisfactorily inspected, reinspected and certified and are in proper condition to be operated on the highways of this State and to ensure that inspections, reinspections and certifications are performed in accordance with the standards established by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 13:20-43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 **or 7:27-14 and 7:27B-4, whichever are applicable,** a licensed private inspection facility must possess certain equipment used in the inspection, reinspection and certification of motor vehicles, including emission control systems.

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.

. . . .

“Limousine” means any motor vehicle that is issued special registration plates bearing the word “limousine” pursuant to N.J.S.A. 39:3-

19.5 other than motor vehicles that are subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit.

. . . .

"Motor vehicle emission testing equipment" means equipment in accordance with specifications contained in N.J.A.C. [7:27B-5.9] **7:27B-5.8 and 7:27B-4.6**. The equipment shall include all devices used for performing a motor vehicle emission inspection, including, but not limited to, exhaust gas analyzers, [dynamometers,] OBD scanners and analyzers, fuel cap leak testers, and computers and related software.

"On-board diagnostics" or "OBD" means an automotive diagnostic system complying with California **Air Resources Board** OBD regulations or EPA OBD [II] regulations effective for model year 1996 and newer **gasoline-fueled and bi-fueled** motor vehicles **and for model year 1997 and newer diesel-fueled motor vehicles**.

"OBD-eligible" means capable of receiving an OBD inspection as determined by the Department of Environmental Protection in accordance with N.J.A.C. 7:27-15.5(m) or 7:27-14.5(g), whichever is applicable.

. . . .

"Taxicab" means an autocab as defined in N.J.S.A. 48:16-1 engaged in the business of carrying passengers for hire which is held out, announced or advertised to operate or run or which is operated or run over any of the streets or public highways of this State, and particularly accepts

and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the State.

**13:20-44.3 Scope; license required; vehicle classes; inspection services;
license classes**

(a) - (b) (No change.)

(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] **that** have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission[]), **taxicabs, limousines,** and jitneys; provided, however, private inspection facilities shall not inspect school buses, buses [which] **that** are subject to inspection by the Motor Vehicle Commission's Commercial Bus Inspection and Investigation Unit, or motor vehicles with elevated chassis height [which] **that** are subject to inspection in accordance with N.J.A.C. 13:20-37.

(d) (No change.)

(e) Class I-A and Class II-A licensed private inspection facilities shall provide inspection, reinspection, and certification services in motor vehicle inspection categories, other than the engine emissions inspection

category and other than motorcycle inspection categories, established by the Motor Vehicle Commission, including the following inspection categories:

1. Credentials;
2. On-board diagnostics;
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).

Recodify existing (e) - (f) as **(f) - (g)** (No change in text.)

[(g)] **(h)** 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 **that have been issued passenger,**

governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, limousines, and jitneys.

2. Class I-A licenses shall be issued to private inspection facilities to engage in the inspection and certification of OBD-equipped and OBD-eligible light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of 8,500 pounds or less, buses having a GVWR of 8,500 pounds or less that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, and limousines.

[2.] 3. 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, buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, limousines, or jitneys to engage in the inspection and certification of such motor vehicles.

4. Class II-A licenses shall be issued to owners or lessees of fleets of 10 or more OBD-equipped and OBD-eligible light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of 8,500 pounds or less, buses having a GVWR of 8,500 pounds or less that have

been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission, taxicabs, or limousines to engage in the inspection and certification of such motor vehicles.

[3.] **5.** (No change in text.)

[(h)] **(i)** (No change in text.)

13:20-44.6 Application and license fees

(a) Each initial application for a private inspection facility license shall be accompanied by a nonrefundable application fee of \$20.00 payable to the Motor Vehicle Commission. In the event that an initial applicant simultaneously submits applications for a Class I and Class III private inspection facility license **or for a Class I-A and Class III private inspection facility license**, only one application fee shall be payable to the Motor Vehicle Commission pursuant to this subsection.

(b) Each initial or renewal application for a Class I [or], **Class I-A**, Class II, **or Class II-A** private inspection facility license shall be accompanied by a license fee of \$250.00 payable to the Motor Vehicle Commission. Such license fee shall be returned to the applicant only in the event that the Chief Administrator refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A.

39:8-1 et seq. or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.

(c) (No change.)

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] **that** perform inspections, reinspections and certifications exclusively at the business locations of owners or lessees of fleet motor vehicles **and Class III licensed private inspection facilities** 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 I-A**, Class II, **and Class II-A** 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 I-A**, Class II, **and Class II-A** licensed private inspection facility.

(d) - (e) (No change.)

[(f) Electronic medium for retrieval of motor vehicle inspection information from, and for transmission of motor vehicle inspection information to,

the Motor Vehicle Commission's data base shall be available on the business premises of a Class I or Class II licensed private inspection facility.]

13:20-44.10 Inspection certificates of approval

(a) The inspection certificate of approval 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) - (f) (No change.)

(g) A Class I or Class II licensed private inspection facility shall not certify the emissions or on-board diagnostics of any motor vehicle, **and a Class I-A or Class II-A licensed private inspection facility shall not certify the on-board diagnostics of any motor vehicle,** unless an emission inspector licensed by the Motor Vehicle Commission in accordance with Chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-43.17 has personally performed the emission or OBD inspection or reinspection and has determined that the motor vehicle meets the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-43.**8 and/or 13:20-33.21** and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 **or 7:27-14 and 7:27B-4, whichever are applicable.** A Class I or Class II licensed private

inspection facility shall not certify the emissions or on-board diagnostics of any motor vehicle that has been rejected because of an emission test or OBD inspection failure, **and a Class I-A or Class II-A licensed private inspection facility shall not certify the on-board diagnostics of any motor vehicle that has been rejected because of an OBD inspection failure,** unless a certified emission repair technician or the owner or lessee of the motor vehicle has performed the emission-related or OBD-related repairs.

(h) - (m) (No change.)

13:20-44.12 Notice and recordkeeping requirements

(a) Each licensee, except a Class II **or Class II-A** licensed private inspection facility, shall display an outdoor sign [which] **that** 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) (No change.)

(c) Every licensed private inspection facility shall maintain copies of all motor vehicle inspection reports and other documents prepared by that facility for

inspections, reinspections, certifications and repair work performed by that facility.

1. Such copies shall be kept for at least [four] **three** years and shall be available for inspection by the Chief Administrator, the Attorney General, the Commissioner of the Department of Environmental Protection, the Director of the Division of Consumer Affairs, the Superintendent of the Division of State Police, or any person designated by them, during [normal] **regular** business hours.

2. (No change.)

(d) - (j) (No change.)

13:20-44.13 Records; inspection reports

(a) - (c) (No change.)

(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] **three** years from the date of issuance of the inspection certificate of approval.

(e) (No change.)

(f) A licensee's failure to permit investigators and other personnel from the Motor Vehicle Commission, the Department of Environmental Protection, or the Division of Consumer Affairs on the premises of the licensee during regular business hours for purposes of conducting investigations shall be cause for

suspension or revocation of the private inspection facility license. Such investigations may include, but shall not be limited to, discussions with customers, examination of motor vehicle emission testing and OBD inspection equipment, and other equipment specified in N.J.A.C. 13:20-44.9, questioning of employees and the employment of such other investigatory techniques as may be necessary for the enforcement of this subchapter and the provisions of Title 39, Title 26 and Title 56 of the Revised Statutes and the regulations adopted thereunder by the Motor Vehicle Commission at N.J.A.C. **13:20-33 and 13:20-43**, the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 **or 7:27-14 and 7:27B-4, whichever are applicable**, and the Division of Consumer Affairs at N.J.A.C. 13:45A-26C.

13:20-44.14 Certification of inspection

(a) Each Class I or Class II licensed private inspection facility shall have the authority to perform inspections in all motor vehicle inspection categories established by the Motor Vehicle Commission and to certify that specific items for which a motor vehicle was rejected at inspection have been corrected so that the motor vehicle is in proper operating condition and that it conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 **or 7:27-14 and 7:27B-4, whichever are applicable**.

(b) Each Class I-A or Class II-A licensed private inspection facility shall have the authority to perform inspections in motor vehicle inspection categories established by the Motor Vehicle Commission, other than the engine emissions inspection category, and to certify that specific items for which a motor vehicle was rejected at inspection, other than a rejection for engine emissions, have been corrected so that the OBD-equipped and OBD-eligible motor vehicle is in proper operating condition and that it conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 13:20-43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable.

[(b)] **(c)** (No change in text.)

[(c)] **(d)** A Class I [or], **Class I-A**, Class II, **or Class II-A** licensed private inspection facility shall not certify that items for which a motor vehicle was rejected at inspection have been corrected unless the licensee, or a licensed emission inspector or mechanic acting as an employee or agent of the licensee, has inspected the motor vehicle in accordance with N.J.A.C. 13:20-33 and has determined that all defects detected at inspection have been corrected so that the motor vehicle is in proper operating condition and that it conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 **or 7:27-14 and 7:27B-4, whichever are applicable.**

Recodify existing (d) - (e) as **(e) - (f)** (No change in text.)

[(f)] **(g)** Certification of a motor vehicle by a Class I [or], **Class I-A,** Class II, **or Class II-A** licensed private inspection facility or an employee thereof shall constitute the licensee's representation that the licensee, or a licensed emission inspector or mechanic, has inspected the motor vehicle in accordance with N.J.A.C. 13:20-33 and has determined that the motor vehicle is in proper operating condition and conforms to the inspection standards adopted by the Motor Vehicle Commission at N.J.A.C. 13:20-33 and 43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 **or 7:27-14 and 7:27B-4, whichever are applicable.**

Recodify existing (g) - (i) as **(h) - (j)** (No change in text.)

[(j)] **(k)** Every licensee who performs inspection certification services for the general public shall conspicuously display a schedule of inspection charges at his or her place of business and shall file a copy thereof with the Private Inspection Facility Licensing Unit of the Motor Vehicle Commission. The schedule of inspection charges **for a Class I licensed private inspection facility** 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 schedule of inspection charges for a Class I-A licensed private inspection facility shall specifically set forth the inspection charge for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less.** The posted schedule shall not be smaller than one square foot.

13:20-44.18 Emission inspector

A Class I [or], **Class I-A**, Class II, **and Class II-A** 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.

13:20-44.20 Additional penalties; schedule of penalties

(a) (No change.)

(b) The following penalty schedule shall apply to private inspection facilities that violate P.L. 1995, c. 112, **N.J.S.A. 39:8-1 et seq.**, N.J.A.C. 13:20-33, or this subchapter.

1. - 4. (No change.)

5. For fraudulently affixing **a** certificate of approval or [certificate of waiver] **rejection sticker**:

i. - iii. (No change.)

6. (No change.)

7. For issuance or possession of **an** altered, forged, stolen, or counterfeit certificate of approval [, certificate of waiver] or rejection sticker:

i. - iii. (No change.)

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. - ii. (No change.)

9. - 12. (No change.)

13. For certifying a **motor** vehicle that does not meet State [equipment] safety **equipment** standards:

- i. Six-month license suspension; first violation
plus \$500.00 civil penalty
- ii. Six-month license suspension; second violation
plus \$750.00 civil penalty
- iii. One-year license suspension; third and subse-
plus \$1,000.00 civil penalty quent violations

14. For improper security of certificates of approval[, certificates of waiver] and/or rejection stickers:

i. - iii. (No change.)

15. - 23. (No change.)

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

i. Minimum 15-day license suspension and until
compliance

SUBCHAPTER 45. MOTOR VEHICLE EMISSION REPAIR FACILITY REGISTRATION

13:20-45.1 Purpose

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

(b) The purpose of this subchapter is also to establish a system for the registration of motor vehicle emission repair facilities [which] **that** perform diesel emission **and OBD** repairs for compensation [pursuant to the provisions of P.L. 1995, c. 157] **on diesel-fueled motor vehicles that have failed an emission or OBD inspection so that the Motor Vehicle Commission may track emission and OBD repairs for monitoring purposes.**

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.

. . . .

“On-board diagnostics” or “OBD” means an automotive diagnostic system complying with California **Air Resources Board** OBD regulations or EPA OBD [II] regulations effective for model year 1996 and newer **gasoline-fueled and bi-fueled** motor vehicles **and for model year 1997 and newer diesel-fueled motor vehicles.**

. . . .

13:20-45.11 Notice and recordkeeping requirements

(a) - (d) (No change.)

(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] **three** years and shall be available for inspection by the Chief Administrator, the Commissioner of the Department of Environmental Protection, the Director of the Division of Consumer Affairs, or any person designated by them, during [normal] **regular** business hours.

2. (No change.)

(f) - (m) (No change.)

(n) A personal computer with internet browsing software, and access to internet service, for recording emission and OBD repair data by

means of a web-based portal shall be available on the business premises of a motor vehicle emission repair facility.

13:20-45.13 Storage rates

Every motor vehicle emission repair facility [which] **that** charges a per diem fee to store a motor vehicle on its premises shall disclose in writing, prior to initiating emission-related **or OBD-related** repair(s), the amount of such storage charge to the customer.

13:20-45.14 Additional violations

(a) (No change.)

(b) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Chief Administrator may refuse to renew a registration or suspend or revoke the registration of any motor vehicle emission repair facility if he or she determines that the applicant or registrant at any time following submission of the application for initial registration:

1. - 11. (No change.)

12. Has failed to properly secure [Pre-inspection] Emission Repair Forms;

13. Has failed to properly account for lost or stolen [Pre-inspection] Emission Repair Forms. A registrant can “properly account” for such

documents by demonstrating, to the satisfaction of the Chief Administrator, that they were lost or stolen under circumstances beyond the reasonable control of the registrant; or

14. (No change.)

13:20-45.16 Repair technician; certification

(a) - (c) (No change.)

(d) An approved repair technician program of instruction shall include:

1. (No change.)

2. The application of emission control theory and diagnostic data to the diagnosis and repair of failures on OBD[, loaded-mode] and idle tests and the fuel cap leak test;

3. Utilization of diagnostic information on systematic or repeated failures observed in the OBD[, loaded-mode] and idle tests and the fuel cap leak test; and

4. (No change.)

(e) (No change.)

**SUBCHAPTER 46. DIESEL EMISSION INSPECTION AND MAINTENANCE
PROGRAM**

13:20-46.3 Roadside inspections; scope; inspection procedures

(a) Roadside diesel emission inspections shall, except as hereafter provided, consist of an emission inspection; [a screening examination for visible black smoke; a visible blue smoke test;] **confirmation that the vehicle conforms to the general public highway standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14.4;** an examination of the muffler and emission control apparatus pursuant to N.J.A.C. 7:27-14; **and** an examination of the driver's license, motor vehicle registration certificate, International Registration Plan (IRP) documentation, if any, insurance identification card, if applicable, and diesel emission inspection certificate of approval **or new heavy-duty diesel truck inspection decal,** if any.

(b) - (c) (No change.)

(d) The Commission shall conduct a roadside diesel emission inspection on those heavy-duty diesel trucks directed to the inspection area by the New Jersey State Police or other proper authority[, except that in the case of any vehicle directed to the inspection area that bears a valid new heavy-duty diesel truck inspection decal issued by a licensed New Jersey new motor vehicle dealer or motor vehicle leasing company pursuant to N.J.A.C. 13:20-27.6 or that bears a valid diesel emission inspection certificate of approval issued by a diesel emission inspection center pursuant to N.J.A.C. 13:20-47.14, the vehicle shall be waived from further emission inspection and permitted to return to the road, except where the vehicle is emitting visible black smoke; is exhibiting any other audible or visible emission or safety defect or other irregularity that in the opinion

of the roadside inspector or State Police officer, as the case may be, warrants further inspection or examination; is required to be inspected for auditing purposes; or is required to be inspected as part of the Commission's training program for roadside inspectors]. **Heavy-duty diesel trucks that are found to be in proper operating condition at a roadside diesel emission inspection shall retain the existing diesel emission inspection certificate of approval or new heavy-duty diesel truck inspection decal issued therefor, if any. If a heavy-duty diesel truck passes a roadside diesel emission inspection and such truck is due for inspection at a diesel emission inspection center pursuant to N.J.S.A. 39:8-60 et seq. within the two-month period following the calendar month of the roadside diesel emission inspection approval, such heavy-duty diesel truck may be issued a diesel emission inspection certificate of approval for the inspection cycle applicable to such truck.**

(e) If a heavy-duty diesel truck or diesel bus subject to roadside emission inspection pursuant to P.L. 1995, c. 157 fails to meet diesel emission inspection standards set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14 **and 7:27B-4**, the diesel emission inspection certificate of approval **or new heavy-duty diesel truck inspection decal** displayed upon the windshield of the vehicle, if any, shall be defaced by the roadside inspector.

(f) - (g) (No change.)

SUBCHAPTER 47. DIESEL EMISSION INSPECTION CENTER LICENSING**13:20-47.1 Purpose**

- (a) (No change.)
- (b) The Motor Vehicle Commission finds that in order to ensure that diesel vehicles which are inspected and certified by a diesel emission inspection center are satisfactorily inspected and certified and are in proper condition to be operated on the highways of this State and to ensure that inspections and certifications are performed in accordance with the standards established by the Motor Vehicle Commission at N.J.A.C. 13:20-46 and 48 and the Department of Environmental Protection at N.J.A.C. 7:27-14 **and 7:27B-4**, a diesel emission inspection center must possess certain equipment used in the inspection and certification of diesel vehicles, including the inspection of emission control apparatus and emission control systems.

13:20-47.2 Definitions

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

. . . .

"Diesel emission inspection center" means any person who for compensation engages in the business of inspecting and certifying heavy-duty diesel trucks or diesel buses, including emission control apparatus and emission control systems. For purposes of this subchapter, an

employee of a diesel emission inspection center who engages in the business of inspecting and certifying diesel motor vehicles, including emission control apparatus and emission control systems, solely by reason of his or her employment is not deemed to be a diesel emission inspection center and is not required to be licensed as such.

13:20-47.3 Scope; license required; vehicle classes; inspection services; license classes; compliance inspection and verification of installation of best available retrofit technology device(s)

(a) - (i) (No change.)

(j) Class I and Class II diesel emission inspection centers that perform inspections at locations other than their places of business in accordance with (h) and (i) above shall notify the Commission's Heavy-Duty Diesel Audit Unit at least one week in advance of such offsite inspections. Such notice shall include the date, time, and location that such inspections shall be performed. Such notice shall also include a list of the heavy-duty diesel trucks scheduled to be inspected, identifying such trucks by the last four numbers of the vehicle identification number and the complete license plate number. Only those heavy-duty diesel trucks that are listed on the notice provided to the Commission's Heavy-Duty Diesel Audit Unit shall be inspected. Such notice shall be [provided] **transmitted** to the Commission by [either mail, telephone, or facsimile] **e-mail**. The [mailing]

e-mail address is: [Motor Vehicle Commission, Heavy-Duty Diesel Audit Unit, 225 East State Street, PO Box 177, Trenton, New Jersey 08666-0177] **HDDV.unit@dot.state.nj.us**. [The telephone number is: (609) 292-5330. The facsimile number is: (609) 341-3314.] Such notice may be amended following its submission to the Commission provided that the amended notice is transmitted by [facsimile] **e-mail** to the Commission's Heavy-Duty Diesel Audit Unit at the [facsimile number] **e-mail address** set forth in this subsection not less than two business days prior to the date of the scheduled offsite inspections. Class I and Class II diesel emission inspection centers that perform inspections at a location other than their place of business in accordance with (h) and (i) above shall prominently display the outdoor sign specified in N.J.A.C. 13:20-47.12(a) at the offsite inspection location. Records required to be maintained by a licensed diesel emission inspection center pursuant to N.J.A.C. 13:20-47.12 and 47.13, including diesel vehicle inspection reports, ledger records, repair orders and invoices, and analyzer printouts, shall be presented to the Commission's Heavy-Duty Diesel Audit Unit at the time of the scheduled offsite inspection. The records presented for Commission audit shall pertain to all inspections performed by the licensed diesel emission inspection center from the date of the prior audit of the center's records by the Commission's Heavy-Duty Diesel Audit Unit to the date of the scheduled offsite inspection. If a licensed diesel emission inspection center charges a fee to travel to and from the location of the offsite inspection, such fee shall be separately stated on the invoice issued to the customer.

(k) Class I and Class II diesel emission inspection centers shall inspect heavy-duty diesel trucks, diesel-powered motor vehicles, diesel buses, and regulated diesel solid waste vehicles to verify the installation of a best available retrofit technology device(s) on such diesel vehicles. Verification of the installation shall be provided by Class I and Class II diesel emission inspection centers on the [NJ DEIC Inspection Form] **compliance form** issued by the Department of Environmental Protection for the vehicle pursuant to N.J.S.A. 26:2C-8.31, 8.32, 8.41, or 8.42. The inspection shall be performed in accordance with the procedures established by the Department of Environmental Protection at N.J.A.C. [7:27-14.5(f)] **7:27-14.5(e)**, 7:27-32.21, and 7:27B-4.4(c). Compliance with the requirements of this subsection shall mean that the heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus, or regulated diesel solid waste vehicle has been inspected by the diesel emission inspection center and that such center has confirmed and verified that the retrofit device(s) has been installed on such diesel vehicle.

(l) - (m) (No change.)

13:20-47.9 Facilities and equipment

(a) (No change.)

(b) Diesel vehicle emission testing equipment, approved by the Department of Environmental Protection as provided at N.J.A.C. [7:27B-4.2(b)] **7:27B-4.2(c)**, shall be owned or leased by a diesel emission inspection center and shall be located on the business premises of the center.

13:20-47.14 Certification of inspection; inspection fee

(a) - (b) (No change.)

(c) Certification shall be evidenced by the affixation of a diesel emission inspection certificate of approval on the vehicle as specified in N.J.A.C. 13:20-47.10. The fee that a licensee may charge the consumer for affixing a certificate of approval shall not exceed [~~\$1.50~~] **\$2.50**.

(d) - (f) (No change.)

13:20-47.15 Diesel emission inspector; inspector training

(a) - (b) (No change.)

(c) No person shall conduct an emission inspection specified by this subchapter unless he or she demonstrates a proficiency in performing the snap acceleration test and the rolling acceleration test in accordance with N.J.A.C. 7:27-14 and 7:27B-4 and knowledge of the procedures for performing the [stall] **power brake** test in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

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

13:20-48.2 General provisions; Class I and II licensees

(a) - (k) (No change.)

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

I understand my right to have inspection repairs, adjustments, and corrections performed elsewhere[, and hereby choose to have such repairs, adjustments and corrections performed at this facility].

Customer's Signature _____ Date _____

I choose to have such inspection repairs, adjustments, and corrections performed at this facility.

Customer's Signature _____ Date _____

(m) - (p) (No change.)

13:20-48.7 Prescribed emission test procedures; Class I and II licensees;
power brake [acceleration] test

The power brake [acceleration] test shall be conducted in accordance with N.J.A.C. 7:27-14 and 7:27B-4.

13:20-48.9 Equipment calibration; Class I and II licensees

The smoke [opacimeter] **opacity meter** shall be calibrated and maintained in accordance with the manufacturer's requirements and the general instructions for all tests adopted by the Department of Environmental Protection at N.J.A.C. 7:27B-4.2(a).

CHAPTER 21. LICENSING SERVICE

SUBCHAPTER 15. NEW JERSEY LICENSED MOTOR VEHICLE DEALERS

13:21-15.8 Informing purchaser of dealer's responsibilities; suspension, revocation or refusal to renew license due to noncompliance

(a) (No change.)

(b) In the event that the purchaser of a used passenger motor vehicle to be registered in this State does not waive, pursuant to N.J.S.A. 39:10-29, the dealer's obligation pursuant to N.J.S.A. 39:10-27, the motor vehicle dealer shall inform the purchaser that the used passenger motor vehicle must be presented for inspection at [an official inspection facility as defined in N.J.A.C. 13:20-43.1 or] a private inspection facility as defined in N.J.A.C. 13:20-43.1 within 14 days of the date of issuance of the temporary authorization certificate for the motor vehicle by the Commission in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive.

(c) Notwithstanding (b) above, in the event that the purchaser of a used passenger motor vehicle to be registered in this State does not waive,

pursuant to N.J.S.A. 39:10-29, the dealer's obligation pursuant to N.J.S.A. 39:10-27, and such used passenger motor vehicle will become four model years old within the two-month period following the calendar month of initial registration by the purchaser in this State and/or has affixed thereto an unexpired New Jersey inspection certificate of approval or inspection decal that indicates the motor vehicle is due for inspection pursuant to N.J.S.A. 39:8-1 within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the motor vehicle dealer shall inform the purchaser that the used passenger motor vehicle must be presented for inspection at an official inspection facility as defined in N.J.A.C. 13:20-43.1 or a private inspection facility as defined in N.J.A.C. 13:20-43.1 within 14 days of the date of issuance of the temporary authorization certificate for the motor vehicle by the Commission in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive.

[(c)] **(d)** [Notwithstanding (b) above, the] **The** motor vehicle dealer and the purchaser of a used passenger motor vehicle to be registered in this State may mutually agree, in writing, that such used passenger motor vehicle must be presented for inspection at an official inspection facility as defined in N.J.A.C. 13:20-43.1 or a private inspection facility as defined in N.J.A.C. 13:20-43.1 **in accordance with (b) or (c) above, whichever is applicable,** within a shorter period of time from the date of issuance of the temporary authorization certificate for the motor vehicle by the Commission than that set forth in (b) **and**

(c) above in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive.

[(d)] **(e)** (No change in text.)

13:21-15.12 New motor vehicle inspection stickers

(a) (No change.)

(b) The log or ledger in (a) above shall be maintained for at least [three] **five** years.

(c) - (e) (No change.)