

§ 7:27-14.4 General public highway standards

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

1. Emits smoke in the exhaust emissions, the opacity of which exceeds any applicable smoke opacity standards set forth at N.J.A.C. 7:27-14.6;
2. Emits visible smoke of any color in the exhaust emissions for more than three consecutive seconds when the engine is at normal operating temperature;
3. Does not have a properly functioning and properly maintained emission control apparatus, as determined according to the emissions control apparatus examination procedures established at N.J.A.C. 7:27B-4.4;
4. Has an emission control apparatus or an element of design installed on the vehicle or diesel engine or exhaust system that has been disconnected, detached, deactivated, or in any other way altered or modified from the design of the original vehicle manufacturer or rendered inoperable or less effective than designed by the original equipment or vehicle or engine manufacturer unless the action in question has been performed in accordance with EPA Memorandum 1A or it is exempt from prohibition by CARB Executive Order (information on devices or modifications approved by CARB Executive Order may be obtained from the California Air Resources Board, 1001 "I" Street, PO Box 2815, Sacramento, CA 95812 or at www.arb.ca.gov); or
5. Has a retrofit device or any part thereof, or a closed crankcase ventilation system or any part thereof, that was installed pursuant to N.J.S.A. 26:2C-8.26 et seq. and N.J.A.C. 7:27-32 and that has been disconnected, detached, deactivated, or in any other way rendered inoperable or less effective, with respect to limiting or controlling emissions, than it was designed to be by the original retrofit device or closed crankcase ventilation system manufacturer.

HISTORY:

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

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

Administrative change.

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

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

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

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

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

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

Rewrote (a)2.

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

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

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

Amended by R.2016 d.124, effective October 3, 2016 (operative December 2, 2016).

See: 48 N.J.R. 748(a), 48 N.J.R. 2049(a).

In the introductory paragraph of (a), inserted a comma following "allow" and following "streets", and inserted "or motor vehicle engine"; and rewrote (a)4.