

## **SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM**

### **§ 13:20-43.1 Definitions**

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

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

"Certificate of approval" means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, 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, this subchapter, N.J.A.C. 13:20-32 or 33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of motor vehicles.

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

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

"Chief Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Class I" means a licensed private inspection facility equipped with Department of Environmental Protection-approved OBD equipment as set forth at N.J.A.C. 7:27B-5.6.

"Class II" means a licensed private inspection facility equipped with Department of Environmental Protection-approved smoke opacity equipment or smoke meter used for testing as set forth at N.J.A.C. 7:27-14.5.

"Class III" means a licensed privately owned and operated inspection facility equipped with Department of Environmental Protection-approved OBD equipment used for testing as set forth at N.J.A.C. 7:27B-5.6 and Department of Environmental Protection-approved smoke opacity equipment or smoke meter used for testing as set forth at N.J.A.C. 7:27-14.5.

"Collector motor vehicle" means a motor vehicle 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 that are subject to inspection in accordance with N.J.A.C. 13:20-37.

"Commercial vehicle" means all vehicles registered according to N.J.S.A. 39:3-20, regardless of weight (if gasoline or bi-fueled) or having a GVWR of 8,500 pounds or less (if diesel fueled).

"Department" means the Department of Environmental Protection in the State of New Jersey.

"Driving school vehicle" means any vehicle owned or leased by a licensed Motor Vehicle Commission driving school used to provide driver training and testing to school clients.

"Electric vehicle" means any vehicle powered solely by electric without an on-board engine or generator, and that does not use a hydrocarbon fuel to create electricity. These vehicles include plug-in electric, but not plug-in hybrid electric, or solar powered vehicles.

"Emission control system" means a device or equipment installed on a motor vehicle by the vehicle manufacturer and/or the engine manufacturer for the purpose of controlling air contaminants emitted from the motor vehicle or motor vehicle engine, including devices or equipment integral with, but not limited to, exhaust emission control systems, fuel evaporation control systems, crankcase emission control systems, and associated devices or systems which control or monitor the function and maintenance of these devices or systems.

"EPA" means the United States Environmental Protection Agency.

"Federal Clean Air Act" means the Federal "Clean Air Act," 42 U.S.C. § 7401 et seq., and any subsequent amendments or supplements to that act.

"Federal test procedure" means a chassis dynamometer test which employs varying speeds and loads, developed by the Federal Environmental Protection Agency for purposes of measuring motor vehicle exhaust emissions.

"Fleet" means 10 or more motor vehicles.

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

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

"Initial inspection" means the required inspection conducted on a motor vehicle at the beginning of each inspection cycle as appropriate for the vehicle to obtain a certificate of approval for a new inspection cycle.

"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 five model years old shall be presented for inspection in this State.

"Inspector" means an individual who is licensed by the Motor Vehicle Commission to perform motor vehicle emission and OBD inspections.

"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.

"Kit vehicle" means an automobile that is available as a set of parts that a manufacturer sells and the buyer himself or herself, the manufacturer, or a third party, then assembles into a functioning car.

"Light-duty gasoline-fueled truck" means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, a vehicle curb weight of 6,000 pounds or less, and a basic frontal area of 45 square feet or less, and that is:

1. Designed primarily for the transportation of property or more than 12 passengers; or
2. Available with special features enabling off-street or off-highway operation and use.

"Light-duty gasoline-fueled vehicle" means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, is designed primarily for use as a passenger car or is a passenger car derivative and is capable of seating 12 or fewer passengers.

"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.

"Model year" means, with respect to a motor vehicle, the year in which the motor vehicle is considered to have been manufactured. If the manufacturer establishes an annual production period, designation of the year shall be based on the annual production period during which the manufacturer begins production of the motor vehicle. When such annual production period falls within one calendar year, the model year attributed to the motor vehicle shall be that calendar year. When such annual production period continues from one calendar year into the next, the model year attributed to the motor vehicle shall be the latter calendar year (for example, a motor vehicle produced in an annual production period that continues from 1994 to 1995 shall be considered as being produced in the 1995 model year). If the manufacturer establishes no annual production period, a motor vehicle's model year shall be the calendar year in which the manufacturer begins production of that motor vehicle. If a motor vehicle is manufactured in two or more stages, the model year of such motor vehicle shall be based on the date of completion of the chassis. In case of any dispute, the Chief Administrator shall have sole discretion to determine the model year of a vehicle for purposes of this subchapter. For purposes of this subchapter, the Chief Administrator may, in his or her discretion, determine that "model year" means the model year designated for the motor vehicle as contained in the vehicle identification number for such vehicle.

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

"Motor Vehicle Commission" or "Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P.L. 2003, c. 13 (N.J.S.A. 39:2A-4).

"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.

"Official inspection facility" means a test-only inspection facility that the State Treasurer has contracted for pursuant to section 4 of P.L. 1995, c.112.

"Omnibus" means all motor vehicles used for the transportation of passengers for hire, except commuter vans and vehicles used in ridesharing arrangements and school buses, if the same are not otherwise used in the transportation of passengers for hire.

"Omnibus 2" means motor vehicles operated by a company or individual that provides passenger transportation to a target audience and market that is not in competition with a publicly regulated transit route or does not collect fares from the general public.

"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.

"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).

"Passenger vehicle" means all vehicles registered with registration codes 1 through 9, 12 (not utilized to transport passengers), 15, 31, and 73.

"Passenger vehicle transportation" means vehicles regardless of fuel type, plated as taxicab, limousine, jitney, Omnibus 2, hotel bus, paratransit vehicle, mobile assistance vehicle, or ambulance, except those vehicles inspected by the Commission's Inspection Services Bus Unit.

"Private inspection facility" means any person, partnership or corporation licensed by the Motor Vehicle Commission pursuant to N.J.A.C. 13:20-44 to perform the motor vehicle inspections required by N.J.S.A. 39:8-1.

"Re-inspection" means any subsequent inspection required due to a failure of an initial inspection in order for a vehicle to obtain a certificate of approval.

"Remote sensing device" means an apparatus which remotely monitors motor vehicle emissions from an on-road, roadside, or other location.

"Replica vehicle" means a reproduction of an early vintage vehicle built on a custom frame or chassis from another manufacturer or not the original chassis.

"State" means a state of the United States or the District of Columbia.

"State specialty inspection facility" means a test-only inspection facility that is operated by the Motor Vehicle Commission to inspect certain motor vehicles as specified in N.J.A.C. 13:20-7.3(d).

"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.

#### **HISTORY:**

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

In "Collector motor vehicle" amended maximum mileage provision and inserted proof of insurance requirement.

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

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

Inserted "Bi-fueled", "Low utilization modified performance vehicle" and "State specialty inspection facility"; deleted "Primary emission control component" and "Working order"; rewrote "Certificate of approval"; in "Certificate of waiver" inserted "issued by an official inspection facility" following "sticker"; in "Collector motor vehicle", added the last sentence; in "Emission control system", substituted a reference to vehicle manufacturers and engine manufacturers for a reference to manufacturers, and inserted a reference to maintenance; in "Official inspection facility", deleted "is operated by the Division of or that" following "facility that"; and in "Private inspection facility", changed N.J.A.C. reference.

Administrative change.

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

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

In "Certificate of waiver", "Inspector", and "Motor vehicle emission repair facility", inserted references to OBD inspections and OBD-related repairs; added " 'On-board diagnostics or 'OBD' " and "OBD-eligible".

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" and "Chief Administrator" for "Director" throughout; added definitions "Chief Administrator" and "Motor Vehicle Commission"; and deleted definitions "Director" and "Division".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In definition "Certificate of approval", deleted "or" preceding "a State" and "13:20-" preceding "33" and inserted "or the Motor Vehicle Commission's Mobile Inspection Unit"; deleted definitions "Certificate of waiver", "Loaded-mode (dynamometer-based) emission test", "Low mileage vehicle" and "Low utilization modified performance vehicle"; in definition "Collector motor vehicle", substituted "that is less than 25 years old and" for ", not otherwise qualified for designation as an 'historic vehicle,' or 'street rod,'" and "that" for "which" following "height"; in definition "Gasoline-fueled", substituted "or propane or" for ", and propane, and also" and a comma for "and" preceding "hydrocarbon-alcohol" and inserted "or hydrogen"; added definitions "Inspection decal", "Jitney", "Limousine", and "Taxicab"; in definition "Motor vehicle emission repair facility", deleted a comma following "partnership" and deleted "and which repairs may qualify for consideration in determining whether a certificate of waiver may be granted" from the end; and in definition "On-board diagnostics", inserted "Air Resources Board" and "gasoline-fueled and bi-fueled motor vehicles" and deleted "II" following "EPA OBD".

Amended by R.2014 d.008, effective January 6, 2014.

See: 45 N.J.R. 842(a), 46 N.J.R. 103(c).

Added definitions "Class I", "Class II", "Class III", "Class IV", "Class V", "Driving school vehicle", and "Electric vehicle"; and in definition "Inspection decal", substituted "five" for "four".

Amended by R.2016 d.050, effective May 16, 2016.

See: 48 N.J.R. 249(a), 48 N.J.R. 810(a).

In definition "Class I", substituted "private" for "privately owned and operated"; rewrote definitions "Class II" and "Class III"; deleted definitions "Class IV" and "Class V"; and added definitions "Commercial vehicle", "Initial

inspection", "Kit vehicle", "Omnibus 2", "Passenger vehicle", "Passenger vehicle transportation", "Re-inspection", and "Replica vehicle".

### **§ 13:20-43.2 Inspection requirements for motor vehicles; exempt vehicles**

(a) Except as otherwise provided in (b) below, all motor vehicles, regardless of model year or fuel type, which are registered or required to be registered in New Jersey and all fleet motor vehicles that are primarily operated in New Jersey shall be inspected in accordance with this subchapter and the applicable 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. It shall be the responsibility of the owner or lessee of any motor vehicle primarily operated in New Jersey but which is registered in another jurisdiction to have such motor vehicle inspected in the state or jurisdiction of registration or in this State.

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

1. Historic motor vehicles registered pursuant to N.J.S.A. 39:3-27.4;
2. Collector motor vehicles;
3. Motorcycles;
4. Motorized bicycles;
5. Farm tractors and traction equipment;
6. Farm machinery and implements;
7. Fire trucks having a GVWR of more than 8,500 pounds;
8. In-transit construction equipment registered pursuant to N.J.S.A. 39:4-30;
9. Diesel-fueled motor vehicles having a GVWR greater than 8,500 pounds but less than 18,000 pounds are required to be inspected by the owner or lessee of the vehicle in accordance with N.J.A.C. 13:20-26;
10. Diesel-fueled motor vehicles having a GVWR greater than 8,500 pounds but less than 10,000 pounds registered as passenger vehicle in accordance with N.J.S.A. 39-3-4;
11. Light duty diesel-fueled motor vehicles model year 1996 or older having a GVWR 8,500 pounds or less registered as passenger vehicle in accordance with N.J.S.A. 39:3-4;
12. Omnibuses that are subject to inspection by the Motor Vehicle Commission's Bus Inspection Unit;
13. School buses that are subject to inspection by the Motor Vehicle Commission's Inspection Services Bus Unit in accordance with N.J.S.A. 39:3B-18 et seq.;
14. Tactical military vehicles operated on Federal installations within this State;
15. Electric vehicles and other vehicles not fueled by hydrocarbon-based fuel(s);

16. Passenger vehicles with model year 1995 and older;
17. Vehicles registered in accordance with N.J.S.A. 39:3-18;
18. Gasoline or bi-fueled model year 2007 or older passenger vehicles with a GVWR of 8,501 to 14,000;
19. Gasoline or bi-fueled model year 2013 or older passenger vehicles with a GVWR of 14,001 pounds or greater; and
20. Autocycles, as defined by N.J.S.A. 39:1-1 and registered pursuant to N.J.S.A. 39:3-10.34.

#### **HISTORY:**

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

In (c)2, amended maximum mileage provision; in (c)3, inserted proof of insurance and 3,000 mile policy limitation provisions; and in (f), inserted 3,000 mile policy limitation.

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

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

Rewrote the section.

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

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

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

Administrative change.

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

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

Rewrote (a); in (b), added a new 11 and recodified former 11 as 12.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" and "Chief Administrator" for "Director" throughout; substituted a colon for a period at end of (b); and "that" for "which" in (b)10.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Inspection requirements for motor vehicles; exempt vehicles; designation of collector motor vehicles; designation of low utilization modified performance vehicles; designation of low mileage vehicles". In (b)9, deleted ", 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" from the end; in (b)10, deleted "having a seating capacity of 10 passengers or more and" following "Omnibuses"; in the introductory paragraph of (c), substituted "that" for "which"; in (c)1, inserted "motor" and substituted "less than 25 years old" for "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"; in (e), inserted "or lessee", "or inspection decal", the third occurrence of "motor", "biennial", and "; 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"; and deleted (i) through (n).

Amended by R.2014 d.008, effective January 6, 2014.

See: 45 N.J.R. 842(a), 46 N.J.R. 103(c).

Section was "Inspection requirements for motor vehicles; exempt vehicles; designation of collector motor vehicles".

Rewrote (b)9, added new (b)10 and (b)11; recodified former (b)10 through (b)12 as (b)12 through (b)14; in (b)12, substituted "Bus Inspection" for "Commercial Bus Inspection and Investigation"; in (b)13, substituted "Inspection

Services" for "School Bus Inspection", and deleted "and" at the end; in (b)14, substituted "; and" for a period at the end; added (b)15; and recodified (c) through (h) as N.J.A.C. 13:20-43.2A(a) through (f).

Amended by R.2016 d.050, effective May 16, 2016.

See: 48 N.J.R. 249(a), 48 N.J.R. 810(a).

Rewrote the section.

Amended by R.2018 d.057, effective January 16, 2018.

See: 49 N.J.R. 2492(a), 50 N.J.R. 642(a).

In (b)18, deleted "and" from the end; in (b)19, substituted "; and" for a period; and added (b)20.

### **§ 13:20-43.2A Designation of collector motor vehicles**

**(a)** 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 that provides evidence of the following:

- 1.** The motor vehicle is less than 25 years old;
- 2.** The vehicle is not a motor vehicle with elevated chassis height which is subject to inspection in accordance with N.J.A.C. 13:20-37;
- 3.** The vehicle is not driven in excess of the maximum mileage permitted by the terms of a valid limited use motor vehicle insurance policy issued for such vehicle;
- 4.** The vehicle currently qualifies for, and is covered by, motor vehicle insurance coverage of a kind intended for limited use collector motor vehicles, proof of which shall be supplied to the Motor Vehicle Commission at the time of application for designation as a collector motor vehicle, which policy shall limit the mileage of the vehicle to 3,000 miles per year or less; and either:
  - i.** Proof that the vehicle was originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner or lessee to the Motor Vehicle Commission, as may be accepted by the Chief Administrator in his or her discretion, so as to establish the vehicle as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns; or
  - ii.** Proof that at the time of qualification for designation as a "collector motor vehicle" that the make and model of such vehicles exist in such limited numbers, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner or lessee to the Motor Vehicle Commission, as may be accepted by the Chief Administrator in his or her discretion, so as to establish the vehicle as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns;
- 5.** The vehicle conforms to all applicable Federal and State motor vehicle safety and emission requirements in effect on the date of manufacture; and
- 6.** The vehicle is not a kit or replica vehicle.

**(b)** The Chief Administrator or his or her designee shall verify the odometer reading of a "collector motor vehicle" and may require that such motor vehicle be equipped with an odometer lock. A motor

vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "collector motor vehicle."

(c) 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 five years from the month of issuance; provided, however, that a windshield sticker issued pursuant to this subsection for a "collector motor vehicle" that is at least 21 years old shall be valid until the vehicle becomes 25 years old and shall be nonrenewable.

(d) The Chief Administrator or his or her designee shall remove the previous "collector motor vehicle" windshield sticker, if any, of a motor vehicle which is denied designation as a "collector motor vehicle" in accordance with this section. A motor vehicle that is denied designation as a "collector motor vehicle" shall not be eligible for such designation for one inspection cycle.

(e) The owner or lessee of a "collector motor vehicle" shall make application to the Motor Vehicle Commission for the renewal of the windshield sticker prior to expiration of the date on the windshield sticker. The renewal application shall at a minimum be accompanied by proof that the vehicle is covered by motor vehicle insurance coverage of a kind intended for limited use collector motor vehicles that limits the mileage use of the vehicle to 3,000 miles per year or less.

(f) The cost of an initial collector vehicle voucher shall be \$ 25.00 and \$ 25.00 for the renewal of the collector vehicle voucher thereafter.

(g) 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 subsection 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 five 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.

#### **HISTORY:**

Recodified in part from N.J.A.C. 13:20-43.2 and amended by R.2014 d.008, effective January 6, 2014.

See: 45 N.J.R. 842(a), 46 N.J.R. 103(c).

Recodified former N.J.A.C. 13:20-43.2(c) through (h) as (a) through (f); and added (g).

Amended by R.2016 d.050, effective May 16, 2016.

See: 48 N.J.R. 249(a), 48 N.J.R. 810(a).

Rewrote the section.

### **§ 13:20-43.3 Inspection facilities**

A motor vehicle subject to inspection shall have the inspection performed at an official inspection facility, a private inspection facility licensed by the Motor Vehicle Commission, or a State specialty inspection facility operated by the Motor Vehicle Commission, in accordance with N.J.A.C. 13:20-7.3.

#### **HISTORY:**

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 New Jersey Register 2334(a), 29 New Jersey Register 788(a).

Deleted provision prohibiting vehicles over four years old from inspection at private facilities and provision requiring reinspection of specified vehicles at official facilities following two initial emission test failures.

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

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Rewrote the section.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" throughout.

### **§ 13:20-43.4 Federal motor vehicles**

(a) Motor vehicles that are operated on Federal installations located within New Jersey and motor vehicles operated by Federal government agencies in this State shall be inspected in accordance with this subchapter and the emission 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.

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

(c) 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. The VIN for the motor vehicle;
2. The license plate number issued by the Federal government agency for the motor vehicle;
3. HC results, if applicable;
4. CO results, if applicable;
5. CO2 results, if applicable;
6. O2 results, if applicable;
7. OBD inspection results, if applicable;
8. Fuel cap leak test results, if applicable; and

**9. Exhaust system inspection results.**

(d) All motor vehicles owned, leased, or operated by civilian or military personnel on Federal installations in New Jersey, whether such motor vehicles are registered in this State or in another jurisdiction, 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. This inspection requirement shall not apply to visiting agency, employee, or military personnel vehicles so long as such visits do not exceed 60 calendar days per year.

**HISTORY:**

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

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

Rewrote (a) and (b); and in (c), substituted a reference to Class I licensed private inspection facilities for a reference to the Division in the introductory paragraph, substituted a reference to CO results for a reference to O results in 4, and substituted a reference to exhaust system inspection results for a reference to safety inspection results in 10.

Administrative change.

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

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

In (a), substituted "the emission or OBD inspection standards and test procedures adopted" for "emission standards adopted"; rewrote (c); in (d), substituted "the emission or OBD inspection standards and test procedures adopted" for "emission standards adopted" and amended the N.J.A.C. references.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" in (b).

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), substituted "that" for "which" and ", Class I-A," for "or" and inserted "or Class II-A"; in the introductory paragraph of (c), inserted "or Class I-A" and substituted "Federally plated" for "Federally-plated"; deleted (c)6; and recodified former (c)7 through (c)10 as (c)6 through (c)9.

Amended by R.2014 d.008, effective January 6, 2014.

See: 45 N.J.R. 842(a), 46 N.J.R. 103(c).

In (b), deleted "Class I-A" following "Class I," inserted a comma following "Class II", and substituted "Class III, Class IV, or Class V" for "Class II-A"; and in (c), substituted "Class II, Class IV, or Class V" for "or Class I-A".

Amended by R.2016 d.050, effective May 16, 2016.

See: 48 N.J.R. 249(a), 48 N.J.R. 810(a).

In (b), deleted "Class I, Class II, Class III, Class IV, or Class V" preceding "private"; and in (c), deleted "Class I, Class II, Class IV, or Class V" preceding "licensed".

**§ 13:20-43.5 Motor vehicles registered in other states**

(a) Owners, lessees, or operators of motor vehicles registered in other jurisdictions may present their motor vehicles for inspection in this State. The inspection shall be in accordance with this subchapter and the emission 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.

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

(c) A licensed private inspection facility shall provide to the operator of a motor vehicle 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. The VIN for the motor vehicle;
2. The license plate number issued for the motor vehicle;
3. The name of the state in which the motor vehicle is registered;
4. HC results, if applicable;
5. CO results, if applicable;
6. CO2 results, if applicable;
7. O2 results, if applicable;
8. OBD inspection results, if applicable;
9. Fuel cap leak test results, if applicable; and
10. Exhaust system inspection results.

#### **HISTORY:**

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

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

In (a), changed N.J.A.C. references; rewrote (b); in (c), substituted a reference to Class I licensed private inspection facilities for a reference to the Division; and in (d)11, substituted a reference to exhaust system inspection results for a reference to safety inspections.

Administrative change.

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

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

In (a), substituted "emission or OBD inspection standards and test procedures adopted" for "emission standards adopted"; rewrote (d).

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

In (a), substituted "of" for "or"; and in (b), substituted "Motor Vehicle Commission" for "Division".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), substituted "that" for "which" and ", Class I-A," for "or" and inserted "or Class II-A"; in (c), inserted "or Class I-A" and substituted "that" for "which"; deleted (d)8; and recodified former (d)9 through (d)11 as (d)8 through (d)10.

Amended by R.2014 d.008, effective January 6, 2014.

See: 45 N.J.R. 842(a), 46 N.J.R. 103(c).

In (b), deleted "Class I-A," following "Class I", inserted a comma following "Class II", and substituted "Class IV, or Class V" for "or Class II-A"; and in (c), inserted a comma following "Class I" and substituted "Class II, Class IV, or Class V" for "or Class I-A".

Amended by R.2016 d.050, effective May 16, 2016.

See: 48 N.J.R. 249(a), 48 N.J.R. 810(a).

In (b), deleted "Class I, Class II, Class III, Class IV, or Class V" preceding "private"; and in (c), deleted "Class I, Class II, Class IV, or Class V" preceding "licensed".

### **§ 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 the appropriate inspection facility as specified in N.J.A.C. 13:20-7.3. The owner or lessee of fleet motor vehicles may apply for and be licensed by the Motor Vehicle Commission as a private inspection facility in accordance with N.J.S.A. 39:8-1 et seq., and N.J.A.C. 13:20-44.

#### **HISTORY:**

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

Deleted provision requiring reinspection of specified vehicles at official facilities following two initial emission test failures.

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

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

Changed N.J.A.C. references in the first sentence, inserted "Class I or Class II" in the second sentence, and inserted "Class II" and changed N.J.S.A. reference in the last sentence.

Administrative change.

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

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

Added "or OBD inspection" following "emission" and "and test procedures" following "standards".

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Inserted the second occurrence of "motor" and "or Class II-A" twice and substituted ", Class I-A," for "or".

Amended by R.2014 d.008, effective January 6, 2014.

See: 45 N.J.R. 842(a), 46 N.J.R. 103(c).

Substituted "Class I, Class II, Class III, Class IV, or Class V" for "Class I, Class I-A, Class II or Class II-A", and deleted "Class II or Class II-A" preceding "private".

Amended by R.2016 d.050, effective May 16, 2016.

See: 48 N.J.R. 249(a), 48 N.J.R. 810(a).

Substituted "the appropriate:" for "an official", and "as specified in N.J.A.C. 13:20-7.3" for "or by a Class I, Class II, Class III, Class IV, or Class V licensed private inspection facility".

### **§ 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, and diesel fueled vehicles with a GVWR less than 10,000 registered commercially;
2. Passenger vehicle transportation;
3. Driving school vehicles; and
4. Heavy duty diesel powered vehicles with gross vehicle weight rating 18,000 pounds or more.

**HISTORY:**

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

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

Deleted former second and third sentences.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Inserted designation (a); and added (b), operative January 1, 2010.

Amended by R.2014 d.008, effective January 6, 2014.

See: 45 N.J.R. 842(a), 46 N.J.R. 103(c).

In (b)1, inserted ", and diesel fueled vehicles with a GVWR less than 10,000 registered commercially"; in (b)4, deleted "and" from the end; in (b)5, substituted a semicolon for a period at the end; and added (b)6 and (b)7.

Amended by R.2016 d.050, effective May 16, 2016.

See: 48 N.J.R. 249(a), 48 N.J.R. 810(a).

Deleted former (b)2 through (b)5, added new (b)2, and recodified former (b)6 and (b)7 as (b)3 and (b)4.

**§ 13:20-43.8 On-board diagnostics inspection; tests for emissions; smoke opacity**

**(a)** An OBD inspection shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.6 on all OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled motor vehicles having a GVWR of 8,500 pounds or less and gasoline-fueled and bi-fueled vehicles with model year 2008 and newer having a GVWR from 8,501 pounds to 14,000 pounds and model year 2014 and newer having a GVWR of 14,001 pounds or more. An OBD inspection shall also be conducted in accordance with N.J.A.C. 7:27-14.5 and 7:27B-4.8 on all OBD-equipped and OBD-eligible diesel-fueled vehicles with model year 1997 and newer having a GVWR of 8,500 pounds or less. Notwithstanding N.J.A.C. 13:20-43.2(b)11, an annual OBD inspection shall be conducted by the Motor Vehicle Commission's Bus Inspection Services Unit in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.6 on all OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled school and commercial buses with model year 1996 and newer having a GVWR of 8,500 pounds or less, model year 2008 and newer having a GVWR from 8,501 pounds to 14,000 pounds, and model year 2014 and newer having a GVWR of 14,001 pounds or more. 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.

**(b)** A smoke opacity test shall be conducted in accordance with N.J.A.C. 7:27B-4.3 on all diesel-fueled motor vehicles having a GVWR greater than 17,999 pounds unless the vehicle was originally manufactured with a particular design characteristic that makes it either impractical or hazardous to

conduct a smoke opacity test on the vehicle, as shall be determined in the discretion of Chief Administrator. Diesel-fueled motor vehicles having a GVWR greater than 17,999 pounds with model year 2014 and newer shall receive an OBD inspection.

(c) A visual fuel cap check shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.7.

(d) An inspection shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-5 for the presence of the catalytic converter on all light-duty gasoline-fueled and bi-fueled motor vehicles and light-duty gasoline-fueled and bi-fueled trucks which were manufactured with a catalytic converter as original equipment or which were retrofitted with a catalytic converter. Motor vehicles shall fail inspection if the catalytic converter was a part of the original certified configuration for the motor vehicle and the catalytic converter is missing or disconnected. If it is found that the catalytic converter is modified or improperly connected, or is not certified in accordance with EPA procedures, or is not of a type which was part of the original certified configuration for the motor vehicle, the motor vehicle shall fail inspection.

(e) A visible smoke test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-5 on all gasoline-fueled and bi-fueled motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1. With respect to each OBD-equipped and OBD-eligible diesel-fueled passenger vehicle with model year 1997 or newer having a GVWR of 8,500 pounds or less that is presented for inspection, a visible smoke test and an OBD test specified for such motor vehicle shall be conducted 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.

(f) The Chief Administrator, as required by 40 CFR § 51.353(c)(3) to evaluate the effectiveness of the enhanced inspection and maintenance program, may require a motor vehicle which has been presented for an initial inspection to undergo an alternate emission inspection by his or her designee.

(g) A motor vehicle inspection shall be conducted on all motor vehicles subject to inspection in accordance with N.J.S.A. 39:8-1; provided, however, that with regard to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 and motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5, the equipment inspection required by this subsection shall be limited to an inspection of the motor vehicle's exhaust system. The following equipment for commercial vehicles and passenger vehicle transportation shall be subject to inspection:

1. Steering and suspension;
2. Glazing and vision obstruction;
3. Headlights;
4. Red rear lights;
5. Stop lights;
6. Turn signals;
7. Reflectors;
8. Horn;
9. Windshield wipers;

10. Wheels and tires;
11. Exhaust system;
12. Mirrors;
13. Service brake (operation and pedal reserve);
14. Parking brake;
15. Brake equalization;
16. Seat belts; and
17. Such other equipment, as an inspection discloses will affect the safe operation of the vehicle or present an imminent safety hazard to its occupants or the public.

(h) Each motor vehicle inspection conducted pursuant to this subchapter shall include an examination of the driver's license, motor vehicle registration certificate, and insurance identification card; provided, however, that this subsection shall not apply to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 or to motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5.

#### **HISTORY:**

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 N.J.R. 2334(a), 29 N.J.R. 788(a).

Amended model years throughout; in (b), reference to full-time four-wheel drive vehicles, the model year for vehicles controlled by devices for the handicapped, and vehicles whose operation on a dynamometer is impracticable or hazardous inserted; and in (d), inserted gas cap pressure test and gas cap standards provisions.

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

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

Rewrote the section.

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

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

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

Administrative change.

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

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

Rewrote the section.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Chief Administrator" for "Director" throughout; in (a), substituted "Motor Vehicle Commission's" for "Division's"; and in (b), substituted "its" for "it".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (a), substituted "An" for "On and after June 1, 2003, an", "5.6" for "5.7" twice, and ", an annual" for "and 30.13, on and after June 1, 2003, a biennial" and inserted the last two sentences; rewrote (b); in (c), deleted "emission" following the first occurrence of "idle", deleted the former second and last sentences, deleted "or a 2,500 RPM

emission test" preceding "shall not exceed", and substituted "two-speed idle" for "2,500 RPM emission"; and in (d), substituted "5.7" for "5.8" twice and the second occurrence of "15.5" for "15" and inserted "with model years 2000 and earlier that were".

Amended by R.2014 d.008, effective January 6, 2014.

See: 45 N.J.R. 842(a), 46 N.J.R. 103(c).

Section was "On-board diagnostics inspection; tests for emissions". Rewrote the section.

Amended by R.2016 d.050, effective May 16, 2016.

See: 48 N.J.R. 249(a), 48 N.J.R. 810(a).

Rewrote the section.

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

(a) The operator of a motor vehicle that fails inspection shall be provided with a motor vehicle inspection report and inspection report supplement, if issued. The motor vehicle inspection report and inspection report supplement, if issued, shall include:

1. The inspection facility number;
2. The type of test(s) performed;
3. The date of the inspection;
4. The inspection serial number;
5. The inspection certificate number;
6. The vehicle model year, make, and body type;
7. The vehicle license plate number;
8. The fuel type;
9. The gross vehicle weight rating;
10. The vehicle identification number;
11. The vehicle odometer reading to the nearest 1,000 miles;
12. The category of inspection (that is, initial inspection, first reinspection, second reinspection, etc.);
13. The pass/fail result of applicable visual inspections;
14. Results of the fuel cap leak test, if applicable;
15. The type of vehicle preconditioning performed, if applicable;
16. Results of the safety inspection;
17. Emission or OBD inspection results and standards for the motor vehicle;

18. Instructions indicating that the report is to be returned to an official inspection facility or licensed private inspection facility upon reinspection;
19. A statement indicating the availability of warranty coverage as required in section 207 of the Federal Clean Air Act;
20. Instructions indicating that the motor vehicle must be repaired and returned to an official inspection facility or licensed private inspection facility and reinspected;
21. Such advisory diagnostic information as may be made available;
22. Space to indicate repair by a registered motor vehicle emission repair facility;
23. Space to indicate the name, address, and registration number of the motor vehicle emission repair facility that performed the emission-related or OBD-related repair(s);
24. Space to indicate the emission-related or OBD-related repair(s) performed;
25. Space to indicate technician-recommended repair(s) performed;
26. Other information as the Motor Vehicle Commission may require to enable it to determine compliance with this subchapter.

(b) A registered motor vehicle emission repair facility shall provide all of the information on the motor vehicle inspection report and inspection report supplement, if issued, relating to emission-related or OBD-related repairs required by (a) above and shall present the completed motor vehicle inspection report and inspection report supplement, if issued, to the owner or lessee upon delivery of the repaired motor vehicle to such owner or lessee.

#### **HISTORY:**

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

In (a), substituted "fuel cap leak test" for "evaporative system functional tests" in 14, inserted "or OBD" following "Emission" and "motor" preceding "vehicle" in 17, inserted "or OBD-related" preceding "repair(s)" in 24 through 26; in (b), inserted "or OBD-related" following "emission-related" and "motor" following "repaired".

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" throughout; in (a)27, inserted hyphen; and in (c), inserted "emission" and substituted "Chief Administrator" for "Director".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In the introductory paragraph of (a), substituted the first occurrence of "a" for "each", inserted "that fails inspection" and deleted ", upon completion of an inspection" following the first occurrence of "issued"; in (a)14, inserted ", if applicable"; deleted (a)21, (a)25 and (c); and recodified former (a)22 through (a)24 as (a)21 through (a)23 and former (a)26 through (a)28 as (a)24 through (a)26.

### § 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, which has/have been completed 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, which has/have been completed by such owner or lessee. 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, which has/have been completed by such owner or lessee. All motor vehicles subject to a reinspection, including motor vehicles that have failed an on-road inspection 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.

#### **HISTORY:**

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

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

Rewrote the section.

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

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

Rewrote section.

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

Rewrote the section.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" and "Chief Administrator" for "Director" throughout.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Substituted "previously-issued" for "previously issued" throughout, deleted "and the pre-inspection repair form (if applicable)," preceding "which has/have" throughout, "and invoice(s) issued by such registered motor vehicle emission repair facility" following the third occurrence of "repair facility", "and invoices for emission-related parts" following the first occurrence of "such owner or lessee", "and invoices for emission control system parts and/or emission-related processes" following the second occurrence of "such owner or lessee", deleted the last two sentences, and inserted ", if applicable," following "leak testing".

### **§ 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 shall be affixed in accordance with N.J.A.C. 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 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(e) or, if applicable, N.J.A.C. 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 has failed to meet safety and/or emission or OBD standards by defacing the inspection certificate of approval or 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.

#### **HISTORY:**

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

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

Rewrote the section.

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

Inserted "or OBD" preceding "standards" throughout.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (a), substituted "32.2(d)" for "32.2(e)"; and in (b), substituted "32.2(e)" for "32.2(f)", "32.2(f)" for "32.2(g)", and "inspection decal" for "certificate of waiver".

Amended by R.2014 d.008, effective January 6, 2014.

See: 45 N.J.R. 842(a), 46 N.J.R. 103(c).

In (a), deleted "other than motorcycles" following the second occurrence of "motor vehicles"; and in (b), deleted "other than motorcycles" following "motor vehicles" and "other than a motorcycle" following the second occurrence of "motor vehicle", and inserted a comma following "7.6(a)".

### **§ 13:20-43.12 Inspection extensions**

(a) A motor vehicle registered in New Jersey that cannot be presented for inspection in this State prior to the expiration of the certificate of approval or 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 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 that cannot be presented for inspection in this or another State prior to the expiration of the certificate of approval or 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 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 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 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 inspection cycle established for the motor vehicle.

**(d)** The owner or lessee of a motor vehicle registered in New Jersey 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 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 inspection cycle established for the motor vehicle.

**HISTORY:**

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

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

Rewrote the section.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" and "Chief Administrator" for "Director" throughout.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Substituted "inspection decal" for "certificate of waiver" throughout and deleted "two year" preceding "inspection cycle" throughout; in (a), deleted "which is" preceding "registered"; in (b), (c), and (d), substituted "that" for "which" following the first occurrence of "New Jersey"; in (c), substituted "that" for "which" preceding "has failed"; and in (d), substituted "that" for "which" preceding "are required".

### **§ 13:20-43.13 (Reserved)**

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

(a) On-road motor vehicle safety and emission or OBD inspection is intended to complement the safety and emission or OBD inspection otherwise required in the State of New Jersey by law or regulation.

(b) On-road inspection shall consist of a visible smoke test, an OBD inspection, a visual fuel cap check, an inspection for the presence and integrity of the motor vehicle's catalytic converter(s), an examination of the driver's license, motor vehicle registration certificate, and insurance identification card, mechanical inspection, if required by rule, 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-5.8.

(d) On-road emission tests and OBD inspections shall be conducted using the inspection standards and test procedures set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

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

1. Motor vehicles with an observable defect(s);
2. Motor vehicles without an inspection certificate of approval or inspection decal;
3. Motor vehicles with an expired inspection certificate of approval or inspection decal;
4. Motor vehicles with an expired inspection rejection sticker or other indication that the motor vehicle has failed inspection and has not been presented for reinspection within the period of time specified in N.J.A.C. 13:20-7.5, 7.6(a), or (g) below, whichever is applicable;
5. Motor vehicles without a registration plate(s);

6. Motor vehicles which fail to meet minimum emission standards as determined by a remote sensing device; or

7. Motor vehicles that correspond to a predetermined numerical sequence established by Commission supervisory personnel for subjecting motor vehicles to on-road inspection (for example, every fifth motor vehicle, every 10th motor vehicle, etc.).

(f) If a motor vehicle subject to on-road inspection fails to meet safety, emission, or OBD inspection standards, an inspection rejection sticker shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

(g) The owner or lessee of a motor vehicle which has failed an on-road inspection shall have the necessary repairs made and present the motor vehicle for reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.6(a).

#### **HISTORY:**

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

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

Rewrote (e); and in (g), changed N.J.A.C. reference.

Administrative change.

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

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

Rewrote the section.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

In (b) and (c), substituted "Chief Administrator" for "Director"; in (e), substituted "Motor Vehicle Commission" for "Division"; in (e)5 and (e)6, inserted ", if issued by the Commission"; and in (e)8, substituted "Commission" for "Division".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (b), inserted "if applicable," and deleted "including a tap test thereof," preceding "an examination"; in (c), updated the N.J.A.C. reference; and in (e)2 and (e)3, substituted "inspection decal" for "certificate of waiver".

Amended by R.2014 d.008, effective January 6, 2014.

See: 45 N.J.R. 842(a), 46 N.J.R. 103(c).

In (b), inserted a comma following "emission test" and following "certificate"; in (e)5, deleted "and/or registration plate decal(s), if issued by the Commission" following "plate(s)"; deleted (e)6; recodified former (e)7 and (e)8 as (e)6 and (e)7; in (e)7, substituted "10th" for "tenth"; and inserted a period at the end.

Amended by R.2016 d.050, effective May 16, 2016.

See: 48 N.J.R. 249(a), 48 N.J.R. 810(a).

Rewrote (b).

#### **§ 13:20-43.15 Recall compliance procedures; purpose; applicability; notice to owner; recall compliance form; transfer of ownership; denial and suspension of registration**

(a) Owners and lessees of motor vehicles which are included in either a "Voluntary Emissions Recall" as defined at 40 C.F.R. § 85.1902(d), or in a remedial plan determination made pursuant to section 207(c) of the Federal Clean Air Act, shall present such vehicles to the manufacturer or authorized dealer for emission-related repairs and shall comply with the procedures set forth in this section.

**(b)** Recall compliance procedures set forth in this section shall apply to all motor vehicles for which owner recall notification occurs after January 1, 1995.

**(c)** The EPA or an entity approved by the EPA shall provide the Motor Vehicle Commission with a list of vehicle identification numbers with unresolved recalls.

**(d)** The Motor Vehicle Commission shall provide written notice to an owner or lessee of a motor vehicle which is contained on an EPA list of vehicle identification numbers with unresolved recalls. The notice shall inform the owner or lessee of the following:

1. That the vehicle is subject to a recall notification;
2. That the vehicle must be presented to the manufacturer or authorized dealer for emission-related repairs; and
3. That proof of compliance with the recall notice must be submitted to the Motor Vehicle Commission as a precondition to the Motor Vehicle Commission's issuance of a certificate of approval for the vehicle.

**(e)** The Motor Vehicle Commission shall prescribe a Recall Compliance Form for use in demonstrating recall compliance in accordance with this section. The Recall Compliance Form shall be provided to an owner or lessee with the written notice required under (d) above. The owner or lessee shall submit the Recall Compliance Form to the manufacturer or authorized dealer when he or she presents the vehicle for emission-related recall repairs. The manufacturer or authorized dealer shall be responsible for providing the information required on the Recall Compliance Form. The manufacturer or authorized dealer shall provide the owner or lessee with the completed Recall Compliance Form. The owner or lessee of the vehicle shall submit the Recall Compliance Form to the Motor Vehicle Commission. The manufacturer or authorized dealer shall maintain a copy of the Recall Compliance Form in its files for a period of five years from the date of completion of the emission-related repairs. The manufacturer or authorized dealer shall make available the completed Recall Compliance Form upon the request of the Chief Administrator or his or her designee.

**(f)** The Recall Compliance Form shall include the following:

1. The VIN, make, and model year of the vehicle;
2. The recall campaign number;
3. The date emission-related repairs were completed;
4. The name, address and telephone number of the authorized dealer completing the emission-related repairs; and
5. The dealer license number, if the authorized dealer completing the emission-related repairs is located in New Jersey.

**(g)** Except as otherwise provided in this section, the Motor Vehicle Commission shall deny the issuance or renewal of the registration of a motor vehicle and shall suspend the registration of a motor vehicle if the owner or lessee has not filed or caused to be filed with the Motor Vehicle Commission within six months of the written notice provided under (d) above proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer.

(h) The denial of the registration shall be effective on the first day following the expiration date of the motor vehicle's registration. The suspension of the registration shall be effective on the date specified by the Motor Vehicle Commission in an order of suspension issued to the owner or lessee.

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

2. The Motor Vehicle Commission shall not deny a motor vehicle registration pursuant to this section if the owner or lessee presents or causes the motor vehicle to be presented to the manufacturer or authorized dealer for emission-related recall repairs and files or causes to be filed with the Motor Vehicle Commission proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer.

#### **HISTORY:**

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

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

In (g), inserted "within six months of the written notice provided under section (d) above" following "Division"; and in (h), substituted a reference to motor vehicles for a reference to vehicles and inserted a reference to lessees in the introductory paragraph, inserted a reference to lessees in 1, and rewrote 2.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" throughout; in (d)3, substituted "Motor Vehicle Commission's" for "Division's"; and in (e), substituted "Chief Administrator" for "Director".

#### **§ 13:20-43.16 Registration denial; suspension of registration; motor vehicles not inspected by certificate of approval or inspection decal expiration date; motor vehicles that have failed inspection and have not been presented for re-inspection; 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 and shall suspend the registration of a motor vehicle if the owner or lessee has not presented the motor vehicle for inspection prior to the expiration of the certificate of approval or 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 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.** Surrenders or causes to be surrendered to the Motor Vehicle Commission the registration certificate and registration plates issued for the motor vehicle within the period of time provided in the Motor Vehicle Commission's notice of scheduled registration suspension; or

**2.** Presents or causes the motor vehicle to be presented for inspection within the period of time provided in the Motor Vehicle Commission's notice of scheduled registration suspension and an inspection certificate of approval 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 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 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.** Surrenders or causes to be surrendered to the Motor Vehicle Commission the registration certificate and registration plates issued for the motor vehicle within the period of time provided in the Motor Vehicle Commission's notice of scheduled registration suspension; or

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

**(c)** The Motor Vehicle Commission shall not issue a motor vehicle registration renewal application if the registration for the motor vehicle is denied or suspended in accordance with this section.

**(d)** The 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 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.** To travel to and from an official inspection facility where the inspection of such motor vehicle is to be conducted;

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

3. To travel to and from a State specialty inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;
4. To travel to and from a registered motor vehicle emission repair facility where the repair of such motor vehicle is to be performed; or
5. To travel to and from a repair facility where the repair of such motor vehicle is to be performed.

(e) A notice of conditional registration restoration issued pursuant to (d) above shall be valid for a period not to exceed 14 days. The registration suspension of a motor vehicle for which a notice of conditional registration restoration has been issued by the Motor Vehicle Commission pursuant to (d) above shall be reinstated if an inspection certificate of approval 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. To travel from the place of purchase to the purchaser's residence or place of business;
2. To travel to and from an official inspection facility where the inspection of such motor vehicle is to be conducted;
3. To travel to and from a licensed private inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;
4. To travel to and from a State specialty inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;
5. To travel to and from a registered motor vehicle emission repair facility where the repair of such motor vehicle is to be performed; or
6. To travel to and from a repair facility where the repair of such motor vehicle is to be performed.

(g) A conditional registration certificate issued pursuant to (f) above shall be valid from the date of its issuance. The registration of a motor vehicle for which a conditional registration has been issued by the Motor Vehicle Commission pursuant to (f) above shall be suspended if an inspection certificate of approval 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 previously-issued inspection certificate of approval, 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 for such motor vehicle to the operator thereof.

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

#### **HISTORY:**

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

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

Rewrote the section.

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

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

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

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" throughout; and in (b)2, substituted "Motor Vehicle Commission's" for "Division's".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Section was "Registration denial; suspension of registration; motor vehicles not inspected by certificate of approval or certificate of waiver expiration date; motor vehicles which have failed inspection and have not been presented for reinspection; conditional registration restoration; reinstatement of registration suspension due to noncompliance; conditional registration; suspension of conditional registration due to noncompliance; penalties". In the introductory paragraph of (a) and in (h), substituted "inspection decal" for "certificate of waiver" throughout; in (a)2 and (b)2, deleted "or certificate of waiver" following "approval"; in the introductory paragraph of (b), deleted "13:20-" preceding "43.14(g)"; in the introductory paragraph of (d), substituted "that" for "which"; in (d)2 and (f)3, deleted "Class I or Class II" preceding "licensed"; in (e) and (g), deleted "or certificate of waiver" following "approval"; and in (h), substituted "previously-issued" for "previous" and deleted a comma following "windshield sticker" and "or inspection card" following "report".

Amended by R.2014 d.008, effective January 6, 2014.

See: 45 N.J.R. 842(a), 46 N.J.R. 103(c).

In (a), deleted ", other than a motorcycle," following the first two occurrences of "motor vehicle"; and in the introductory paragraph of (b), deleted ", other than a motorcycle," following the first occurrence of "motor vehicle", and inserted a comma following "7.6(a)".

Amended by R.2016 d.050, effective May 16, 2016.

See: 48 N.J.R. 249(a), 48 N.J.R. 810(a).

Section was "Registration denial; suspension of registration; motor vehicles not inspected by certificate of approval or inspection decal expiration date; motor vehicles 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". In (d)1 and (f)2, deleted "or reinspection" following "inspection".

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

(a) No person shall perform an emission or OBD inspection required by this subchapter unless licensed by the Motor Vehicle Commission to perform such inspection. In order to obtain licensure as a motor vehicle emission inspector, an applicant shall complete a training program that shall consist of acquiring an understanding of:

1. The air pollution problem, its causes and effects;
2. The purpose, function, and goal of the enhanced motor vehicle inspection and maintenance program;
3. Emission and OBD inspection regulations and procedures;
4. Technical details of emission test and OBD inspection procedures and the rationale for their design;
5. Emission control device function, configuration, and inspection;
6. Emission test and OBD inspection equipment operation, calibration, and maintenance.
7. Quality control procedures and their purpose;
8. Public relations; and
9. Personal safety and health issues related to the inspection process.

**(b)** The Motor Vehicle Commission shall either administer the training program or approve, monitor and evaluate the training programs administered by third parties as set forth in N.J.A.C. 13:20-43.21.

**(c)** An applicant for licensure as a motor vehicle emission inspector shall submit to the Motor Vehicle Commission a license fee of \$ 50.00 and a certificate confirming that the applicant has successfully completed training and testing at a Motor Vehicle Commission-approved emission inspector training program. The applicant shall have attained a score of at least 80 percent of correct responses on a written examination covering all aspects of the training. In addition, a hands-on test shall have been administered in which the applicant demonstrated, without assistance, the ability to conduct a proper inspection, to properly utilize equipment, and to follow other procedures adopted by the Motor Vehicle Commission. Inability to properly conduct any emission test or OBD inspection procedure shall constitute failure of the test.

**(d)** A motor vehicle emission inspector license shall be valid for two years. Refresher training and testing shall be required prior to renewal of the license, and each application for license renewal shall be accompanied by the applicable fee specified in (c) above. For purposes of this subsection, "refresher training and testing" shall mean either a training program as set forth in (a) above or an on-the-job evaluation of the licensee's inspection performance and knowledge of current inspection requirements by the Chief Administrator or his or her designee.

**(e)** No person licensed as an emission inspector shall, while in the employment of an official inspection facility, own, operate, or be employed by any motor vehicle repair or service facility, motor vehicle parts sales business, or any motor vehicle sales or leasing business. An emission inspector, other than an emission inspector employed at an official inspection facility, may be employed by a private inspection facility which is licensed by the Motor Vehicle Commission in accordance with Chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-44.

**(f)** No person licensed as an emission inspector, while in the employment of an official inspection facility, shall refer motor vehicle owners, lessees, or operators to particular providers of motor vehicle repair service except as may be permitted by Federal law.

**(g)** The Chief Administrator, upon presentation of a statement stating that the original emission inspector license has been destroyed, lost, or stolen, may, if he or she is satisfied that the facts as set forth in the

statement are substantially true, issue a duplicate emission inspector license to the original holder thereof, upon payment of a fee of \$ 5.00 for each duplicate emission inspector license so issued.

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

(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.

#### **HISTORY:**

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

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

Deleted a former (g).

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

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

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

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

Rewrote (a); in (c), inserted "or OBD inspection" following "emission test".

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" and "Chief Administrator" for "Director" throughout; and in (e), substituted "Chapter" for "chapter".

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

Added (i).

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

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

1. Fraudulently, willfully, or negligently conducting an improper emission or OBD inspection of a motor vehicle;
2. Violation of any provision of N.J.S.A. 39:8-1 et seq., N.J.A.C. 13:20-7, 13:20-32, 13:20-33, 13:20-44, 13:20-45, or this subchapter;
3. Violation of any procedure established by the Motor Vehicle Commission or the Department of Environmental Protection for the conduct of emission or OBD inspections;
4. Fraudulently, willfully or negligently issuing an improper certificate of approval, inspection decal, collector motor vehicle windshield sticker or rejection sticker;
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

**7. Other good cause.**

**(b)** An emission inspector who fraudulently or willfully conducts an improper emission or OBD inspection of a motor vehicle shall be subject to a suspension of his or her emission inspector license for a period of at least six months. An emission inspector whose license is suspended pursuant to this section shall successfully complete refresher training and testing in accordance with N.J.A.C. 13:20-43.17(d) before such license is restored pursuant to this subchapter.

**(c)** Any applicant who submits false information when applying for a motor vehicle emission inspector license may be disqualified from receiving the license. In addition, any licensee whose eligibility for a license was based on the submission of false information is subject to license suspension or revocation by the Motor Vehicle Commission.

**(d)** A motor vehicle emission inspector license may be suspended immediately by the Chief Administrator upon a charge of a violation that directly affects emission reduction benefits or compromises the integrity of the inspection system. If the Chief Administrator determines that the public interest requires suspension of a license pursuant to this subchapter prior to hearing, the Chief Administrator may do so, provided that notice containing the reasons for such suspension and the effective date of the suspension is provided to the licensee in person, or by certified or regular mail, prior thereto and the licensee is afforded the opportunity to request in writing a hearing within 10 days of the effective date of the suspension. When a licensee requests an administrative adjudication it shall be held as soon thereafter as practicable. If the Chief Administrator determines it necessary to suspend a license prior to hearing and the licensee submits a request for a hearing within the time prescribed by this section, the Chief Administrator may require that a preliminary hearing be held or may refer the matter to the Office of Administrative Law for a preliminary hearing to determine whether sufficient cause exists to continue such suspension until a plenary hearing can be conducted.

**(e)** Any hearing concerning the suspension, revocation, or refusal to issue or renew a motor vehicle emission inspector license shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

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

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

- |     |   |                  |
|-----|---|------------------|
| i.  | Six month license suspension; plus \$ 500.00  | first violation  |
|     | civil penalty; plus mandatory retraining and  |                  |
|     | retesting                                     |                  |
| ii. | Two year license suspension; plus \$ 1,000.00 | second violation |
|     | civil penalty; plus mandatory retraining and  |                  |
|     | retesting                                     |                  |

iii. Lifetime license revocation; plus \$ 2,000.00 third violation  
civil penalty

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

i. Three month license suspension; plus \$ 500.00 first violation  
civil penalty; plus mandatory retraining and  
retesting

ii. Six month license suspension; plus \$ 750.00 second violation  
civil penalty; plus mandatory retraining and  
retesting

iii. Two year license suspension; plus \$ 1,000.00 third violation  
civil penalty; plus mandatory retraining and  
retesting

iv. Lifetime license revocation; plus \$ 2,000.00 fourth violation  
civil penalty

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

i. Two week license suspension; plus \$ 500.00 first violation  
civil penalty; plus mandatory retraining and  
retesting

ii. One month license suspension; plus \$ 500.00 second violation  
civil penalty; plus mandatory retraining and  
retesting

iii. Three month license suspension; plus \$ 750.00 third violation

civil penalty; plus mandatory retraining and retesting

iv. Six month license suspension; plus \$ 750.00 fourth violation

civil penalty; plus mandatory retraining and retesting

v. Two year license suspension; plus \$ 1,000.00 fifth and

civil penalty; plus mandatory retraining and retesting subsequent violations

**4. For misrepresentation on application (fraud or misrepresentation in securing the license):**

**i. Three-year license denial or suspension**

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

i. Immediate two-year license suspension; plus \$ 500.00 civil penalty first violation

ii. Immediate four-year license suspension; plus \$ 1,000.00 civil penalty second violation

iii. Lifetime license revocation; plus \$ 2,000.00 civil penalty third violation

**6. For fraud or misrepresentation in the conduct of the licensed activity:**

i. Immediate two-year license suspension first violation

ii. Immediate four-year license suspension second violation

iii. Lifetime license revocation third violation

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

i. Two-year license suspension first violation

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

**8.** For furnishing, lending, giving or selling a certificate of approval 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. Two-year license suspension first violation
- ii. Four-year license suspension second and subsequent violations

**9.** For fraudulent recordkeeping:

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

**10.** For failing to produce inspection records:

**i.** Immediate license suspension until compliance

**11.** For improper recordkeeping:

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

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

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

subsequent violations

**13.** For lost or stolen certificates of approval, 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. One-month license suspension first violation
- ii. Two-month license suspension second violation
- iii. One-year license suspension third and  
subsequent violations

**14.** For overcharging on inspection/reinspection:

- i. Written warning first violation
- ii. 30-day license suspension second violation
- iii. 60-day license suspension third and  
subsequent violations

**15.** For failure to provide vehicle inspection report and/or work order to the customer:

- i. 30-day license suspension first violation
- ii. 60-day license suspension second violation
- iii. One-year license suspension third and  
subsequent violations

**16.** For criminal conviction which is disqualifying:

- i.** Indefinite denial/suspension

Issuance/restoration predicated on standards set forth in the Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.).

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

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

**18. For failing to produce an emission inspector license:**

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

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

- i. Minimum 15-day license suspension and until compliance

**(g)** Where, pursuant to N.J.S.A. 39:8-1 et seq., or any regulation adopted thereunder, the Chief Administrator has the authority to suspend, revoke, or refuse to issue or renew a motor vehicle emission inspector license, the Chief Administrator shall also have the authority to impose an official warning, as an alternative or in addition to such suspension, revocation or refusal to issue or renew.

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

**HISTORY:**

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

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

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

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

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

In (a), rewrote 2; rewrote (b); in (e), substituted "issue" for "grant"; in (f), rewrote the introductory paragraph and 7,

inserted 17 and 18; added (g) and (h).

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

Inserted reference to OBD inspection following reference to emission test throughout.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

In (a)3 and (c), substituted "Motor Vehicle Commission" for "Division"; and in (d), substituted "Chief Administrator" for "Director" throughout.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (a)4, substituted ", inspection decal, collector motor vehicle windshield sticker or rejection sticker;" for " or certificate of waiver; or"; added new (a)5 and (a)6; recodified former (a)5 as (a)7; in the introductory paragraph of (f), deleted "13:20-" preceding "32", preceding "33", preceding "44", and preceding "45" and deleted a comma following "45"; in the introductory paragraphs of (f)1, (f)2, and (f)3, deleted "or waiving" following "passing"; in the introductory paragraph of (f)5, inserted "a" and substituted "inspection decal, collector motor vehicle windshield sticker" for "certificate of waiver"; in the introductory paragraph of (f)7, deleted a comma following "stolen" and following "rejection sticker" and substituted "inspection decal, collector motor vehicle windshield sticker," for "certificate of waiver"; in the introductory paragraph of (f)8, deleted ", certificate of waiver" following "approval" and inserted "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"; in the introductory paragraph of (f)12, substituted "inspection decals, collector motor vehicle windshield stickers" for "certificates of waiver"; in the introductory paragraph of (f)13, substituted "inspection decals, collector motor vehicle windshield stickers" for "certificates of waiver,"; in (f)18i, deleted "on" following "until"; and added (f)19.

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

**(a)** Any person licensed or authorized by the Motor Vehicle Commission to perform inspections required by this subchapter shall cooperate fully with the Motor Vehicle Commission, the Department of Environmental Protection, or their authorized representatives, in the conduct of any audits or reviews authorized by the Commission or the Department. All books, records, documents, papers, reports, or data relating to the performance of inspections required by this subchapter, in whatever form kept, shall be open to inspection by the Motor Vehicle Commission or the Department of Environmental Protection at such times and at such locations as the Commission or the Department may specify. The Motor Vehicle Commission, the Department of Environmental Protection, or their authorized representatives, may conduct covert and overt audits of the performance of inspectors or inspection facilities and the equipment utilized by such persons at any times during which inspections are being performed or the facility is open for business. In conducting an audit or review, the Motor Vehicle Commission, the Department of Environmental Protection, or their authorized representatives shall be given unfettered access to all areas of an inspection facility and to all equipment at such facility. The Motor Vehicle Commission or the Department of Environmental Protection may conduct audits or reviews at such frequencies as they deem appropriate to assure the integrity and performance of the inspection system.

**(b)** Auditors shall be formally trained and knowledgeable in:

1. The use of analyzers;
2. Program rules and regulations;
3. The basics of air pollution control;

4. Basic principles of motor vehicle engine repair relating to emission performance;
5. Emission control systems;
6. OBD systems;
7. Evidence gathering;
8. State administrative procedures laws;
9. Quality assurance practices; and
10. Covert audit procedures.

**HISTORY:**

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

In (b), inserted a new 6 and recodified former 6 through 9 as 7 through 10.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" throughout.

**§ 13:20-43.20 Surrender of emission inspector license**

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

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

**HISTORY:**

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

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" in (b).

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

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

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

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

1. The name, place of business and telephone number of the emission inspector training program;
2. The name, residence address(es), driver's license number, and telephone number(s) of:
  - i. The owner and/or possessor of a controlling interest of the emission inspector training program, in the case of a sole proprietorship;
  - ii. Each partner, in the case of a partnership; or
  - iii. Each officer, director and possessor of a controlling interest, in the case of a corporation;
3. The name, residence address(es), driver's license number, professional credentials, and training experience of trainers employed by the emission inspector training program;
4. Accreditation;
5. The number of years the emission inspector training program has been in operation; and
6. Whether the emission inspector training program intends to develop its own curriculum or use a curriculum that has been already developed.

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

1. There shall be a minimum of 15 square feet per student; provided, however, a third party administering an emission inspector training program prior to October 15, 2001 shall be exempted from this requirement;
2. Seating facilities and writing surfaces shall be available for each student;
3. Lighting, heating, ventilation, and toilet facilities shall be provided which meet municipal housing code ordinance requirements;
4. Instructional materials including manuals, workbooks, videos, charts, diagrams, pictures, and other training materials related to the enhanced motor vehicle inspection and maintenance program rules and inspection procedures shall be provided; and
5. Chalkboards or display apparatus that are visible from all seating areas shall be provided.

(e) The hands-on emission and OBD test demonstration area, including the emission and OBD test equipment (that is, the 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) If a third party emission inspector training program provider conducts the hands-on emission and OBD test demonstration at its own facility, the provider shall furnish a motor vehicle for such hands-on emission and OBD test demonstration and an instructor for the written test.

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

Emission Inspector Training Program Name

MVC CERTIFICATE No. \_\_\_\_\_

This is to certify that

\_\_\_\_\_

Name of Student

Has successfully completed

Emission Inspector Training

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Instructor

This emission inspector training program certificate is valid for two

years from the date of issuance

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

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

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

3. Emission and OBD inspection regulations and procedures;
4. Technical details of emission test and OBD inspection procedures and the rationale for their design;
5. Emission control device function, configuration, and inspection;
6. Emission test and OBD inspection equipment operation, calibration, and maintenance;
7. OBD system function, configuration, and inspection;
8. Quality control procedures and their purpose;
9. Public relations; and
10. Personal safety and health issues related to the enhanced motor vehicle emission and OBD inspection process.

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

**1. Overview information:**

- i. Plain English guide to the Federal Clean Air Act and the Clean Air Act Amendments of 1990;
- ii. Understanding of the air pollution problem, its causes and effects;
- iii. The purpose, function and goals of the New Jersey enhanced motor vehicle inspection and maintenance program;
- iv. Motor vehicle emissions;
- v. Program requirements;
- vi. Consumer benefits; and
- vii. Public relations and customer interaction;

**2. Exhaust emission testing:**

**i. General information:**

- (1) Understanding emission theory;
- (2) Understanding five gas theory (HC, CO, O<sub>2</sub>, CO<sub>2</sub>, and NO);
- (3) Understanding and utilizing exhaust gas analyzers; and
- (4) Oxides of nitrogen (NO<sub>x</sub>) production and control; and

**ii. Detailed information:**

- (1) Knowledge of how to perform the idle test and two-speed idle test;
- (2) Knowledge of the inspection regulations and procedures needed to perform all exhaust emission tests;
- (3) Knowledge of the test equipment operation, calibration, and maintenance for exhaust emission testing;
- (4) Quality control procedures for exhaust emission testing and their purpose;
- (5) Safety and health issues related to the exhaust emission inspection process; and
- (6) Public relations and customer interaction;

**3. Emission control apparatus compliance testing:**

**i. General information:**

- (1) Understanding catalytic converters; and
- (2) Understanding and utilizing fuel cap leak and emission control apparatus testing equipment; and

**ii. Detailed information:**

- (1) Knowledge of how to perform the fuel cap leak test;
- (2) Knowledge of how to perform the inspection for the presence of a catalytic converter;
- (3) Knowledge of the inspection regulations and procedures for emission control apparatus testing;
- (4) Quality control procedures for emission control apparatus testing and their purpose;
- (5) Safety and health issues related to the emission control apparatus inspection process; and
- (6) Public relations and customer interaction;

**4. OBD-I and OBD-II:**

**i. General information:**

- (1) Understanding the theory of and the concepts behind On Board Diagnostics (OBD); and
- (2) Understanding and utilizing the OBD testing equipment; and

**ii. Detailed information:**

- (1) Description of the differences between OBD-I and OBD-II;
- (2) Explanation of how OBD-II systems monitoring is similar to the exhaust test procedures;

(3) Explanation of OBD-II terminology; and

(4) Explanation of OBD-II diagnostic codes.

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

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

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

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

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

#### **HISTORY:**

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

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

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 N.J.R. 2523(a), 35 N.J.R. 2251(b).

Rewrote the section.

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Chief Administrator" for "Director" throughout; in (a), deleted space following "§ "; in (b), substituted "Motor Vehicle Commission" for "Division"; and in (g)20, substituted "MVC" for "DMV" in the certificate.

Amended by R.2009 d.312, effective October 19, 2009.

See: 41 N.J.R. 1674(a), 41 N.J.R. 3939(b).

In (e), deleted "dynamometer," preceding "exhaust" and a comma following "analyzer"; in the introductory paragraph of (j), substituted "matter" for "matters" and a colon for a period at the end; in (j)liii, deleted a comma following "function" and "emission" following "vehicle"; and in (j)2ii(1), deleted "New Jersey's enhanced exhaust gas emission test, known as the ASM 5015 exhaust emission test, as well as" preceding and "basic" following "the" and substituted "two-speed idle" for "2500 RPM".

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

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

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

#### **HISTORY:**

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

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

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

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

**HISTORY:**

New Rule, R.2001 d.358, effective October 15, 2001.  
See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).  
Amended by R.2006 d.249, effective July 3, 2006.  
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).  
Substituted "Chief Administrator" for "Director" throughout.

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

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

**HISTORY:**

New Rule, R.2001 d.358, effective October 15, 2001.  
See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).  
Amended by R.2006 d.249, effective July 3, 2006.  
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).  
Substituted "Motor Vehicle Commission" for "Division".

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

(a) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Chief Administrator may refuse to approve, or withdraw approval of, a third party emission inspector trainee that the applicant has made a false statement or concealed a fact in connection with the application for approval.

(b) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Chief Administrator may refuse to approve, or withdraw approval of, a third party emission inspector training program if he or she determines that the applicant at any time following submission of the application for approval:

1. Has been found to have violated or conducted fraudulent or deceptive practices concerning the repair of motor vehicles in violation of N.J.S.A. 56:8-1 et seq. or N.J.A.C. 13:45A-26C;

2. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which indicates that approval of the applicant or continued approval of the training program would be inimical to the standards set forth in P.L. 1995, c.112 and this subchapter;
3. Demonstrates a pattern of conduct wherein emission inspector training was not conducted in a professional manner;
4. Issues a check in payment of any fee required by this subchapter which is subsequently dishonored;
5. Has failed to comply with any of the provisions of this subchapter;
6. Fails to maintain an approved classroom in accordance with this subchapter;
7. Fails to pay any fee required by law or regulation;
8. Fails to notify the Chief Administrator in writing as required by N.J.A.C. 13:20-43.23;
9. Has been found to be in violation of the Federal Clean Air Act or the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder; or
10. For other good cause.

**HISTORY:**

New Rule, R.2001 d.358, effective October 15, 2001.  
See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).  
Amended by R.2006 d.249, effective July 3, 2006.  
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).  
Substituted "Chief Administrator" for "Director" throughout.

**§ 13:20-43.26 Additional penalties; third party emission inspector training programs**

When, pursuant to N.J.S.A. 39:8-1 et seq. or any regulation adopted thereunder, the Chief Administrator has the authority to withdraw the approval of a third party emission inspector training program provider, the Chief Administrator shall also have the authority to impose an official warning as an alternative to such withdrawal of approval.

**HISTORY:**

New Rule, R.2001 d.358, effective October 15, 2001.  
See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).  
Amended by R.2006 d.249, effective July 3, 2006.  
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).  
Substituted "Chief Administrator" for "Director" two times.

**§ 13:20-43.27 Investigations; third party emission inspector training programs**

(a) The Chief Administrator, or any person designated by him or her, shall have the power to investigate and gather evidence of violations of N.J.S.A. 39:8-1 et seq., or of any regulation adopted thereunder, by an approved third party emission inspector training program provider.

(b) The Chief Administrator, or any person designated by him or her, shall have the power to conduct investigations, administer oaths, interrogate third party emission inspector training program providers, issue subpoenas, summonses and/or complaints and compel witnesses to appear at any hearing.

(c) Subpoenas shall be served in the same manner, and witnesses shall be entitled to the same fees, as in the case of subpoenas issued out of the Superior Court of New Jersey.

(d) In the case of a failure of any person to comply with any subpoena issued under this subchapter or to testify with respect to any matter concerning which he or she may be lawfully interrogated, the Superior Court, on application of the Chief Administrator, may be requested to issue an order requiring the attendance of such person and the giving of testimony or production of evidence. Any person failing to obey the order of the court may be punished by the court for contempt.

(e) In addition to the authority set forth in (a) above, New Jersey State Police officers, Department of Environmental Protection investigators and Division of Consumer Affairs investigators are hereby authorized to enforce the provisions of this subchapter.

**HISTORY:**

New Rule, R.2001 d.358, effective October 15, 2001.  
See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).  
Amended by R.2006 d.249, effective July 3, 2006.  
See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).  
Substituted "Chief Administrator" for "Director" throughout.

**§ 13:20-43.28 Written notice of refusal to approve or withdrawal of approval; third party emission inspector training programs**

(a) The Chief Administrator shall notify the applicant, in writing by certified mail, of any refusal to approve a third party emission inspector training program and the grounds thereof. Written notice shall be mailed to the applicant at the address listed on the application or to the place of business on record with the Motor Vehicle Commission.

(b) The Chief Administrator shall notify the third party emission inspector training program provider, in writing by certified mail, of any proposed withdrawal of approval of its emission inspector training program and the grounds thereof. Written notice shall be mailed to the place of business on record with the Motor Vehicle Commission. Unless the third party emission inspector training program files with the Chief Administrator a written request for a hearing in accordance with N.J.A.C. 13:20-43.29, the emission inspector training program approval shall be withdrawn on the date specified in such notice.

**HISTORY:**

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

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Chief Administrator" for "Director" and "Motor Vehicle Commission" for "Division" throughout.

### **§ 13:20-43.29 Request for hearing; third party emission inspector training programs**

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-43.28(a) that the Chief Administrator refuses to approve a third party emission inspector training program, the applicant shall be entitled to an administrative hearing concerning such refusal provided that the applicant has filed and the Chief Administrator has received a written request for a hearing within 25 days. The 25-day period shall commence on the date such notice was mailed to the applicant by the Motor Vehicle Commission in accordance with N.J.A.C. 13:20-43.28(a).

(b) If a third party emission inspector training program provider has been notified in accordance with N.J.A.C. 13:20-43.28(b) of a proposed withdrawal of approval of its emission inspector training program, the provider shall be entitled to an administrative hearing concerning such proposed withdrawal of approval provided that the emission inspector training program provider has filed and the Chief Administrator has received a written request for a hearing within 25 days. The 25-day period shall commence on the date such notice was mailed to the provider by the Motor Vehicle Commission in accordance with N.J.A.C. 13:20-43.28(b).

(c) Any written request for a hearing by a third party emission inspector training program shall be sent to the Motor Vehicle Commission's Emission Inspector Training Program Approval Unit. The address of the Emission Inspector Training Program Approval Unit is Motor Vehicle Commission, 225 East State Street, PO Box 170, Trenton, New Jersey 08666-0170. The hearing request shall contain the following information:

1. The name, certificate number, place of business and telephone number of the third party emission inspector training program;
2. A concise statement of facts constituting each ground of defense;
3. A specific admission, denial or explanation of each fact alleged by the Motor Vehicle Commission in its notice, or if without knowledge thereof, a statement to that effect; any allegation in the Motor Vehicle Commission's notice which is not answered in accordance with this paragraph shall be deemed to have been admitted; and
4. A statement requesting a hearing.

(d) If the third party emission inspector training program provider does not file a written request for a hearing in accordance with (a), (b) or (c) above, the withdrawal of approval of the emission inspector training program shall be effective on the date specified in such notice. The third party emission inspector training program provider shall cease all activities of the business of an emission inspector training program provider effective on the date specified in such notice.

#### **HISTORY:**

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

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Amended by R.2006 d.249, effective July 3, 2006.

See: 38 N.J.R. 386(b), 38 N.J.R. 2835(a).

Substituted "Motor Vehicle Commission" for "Division" and "Chief Administrator" for "Director" throughout; in (a) and (b), substituted "25" for "15" throughout; in (c), substituted "Motor Vehicle Commission's" for "Division's" and "Motor Vehicle Commission" for "Division of Motor Vehicles"; and in (c)3, substituted "Motor Vehicle Commission's" for "Division's".

### **§ 13:20-43.30 Hearing procedures; third party emission inspector training programs**

Any hearing concerning the refusal to approve or the withdrawal of approval of a third party emission inspector training program shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

#### **HISTORY:**

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

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).