

**The State of New Jersey
Department of Environmental Protection**

**Revisions to the Enhanced Inspection and
Maintenance (I/M) Program for the State of New Jersey**

**Elimination of Tailpipe Testing and Other I/M Program
Changes**

**I/M Program Modeling and USEPA Performance
Standard Modeling**

SIP Revision

**Appendix V
NJDEP Rule and
Motor Vehicle Commission Rule**

September, 2016

ENVIRONMENTAL PROTECTION

AIR QUALITY, ENERGY, AND SUSTAINABILITY

DIVISION OF AIR QUALITY

Motor Vehicle Inspection and Maintenance Program

Adopted Amendments: N.J.A.C. 7:27-14.1 through 14.7, 14.10, and 15.1 through 15.7; 7:27A-3.10; and 7:27B-4.1, 4.2, 4.3, 4.6, 4.7, 4.8, 5.1, 5.2, 5.3, and 5.5 through 5.8

Adopted Repeals: N.J.A.C. 7:27-14.8 and 14.9; and 7:27B-4.5

Adopted Repeals and New Rules: N.J.A.C. 7:27-14 Appendix, 7:27-15 Appendix; and 7:27B-5.4

Proposed: May 16, 2016, at 48 N.J.R. 748(a).

Adopted: 2016, by Bob Martin, Commissioner, Department of Environmental Protection.

Filed: **with non-substantial changes** not requiring additional public notice (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 13:1B-3.e, 13:1D-9, 26:2C-8 et seq., specifically 26:2C- 8 through 8.5, and 8.11 and 39:8-41 et seq.; specifically 39:8-41 through 58.

DEP Docket Number: 04-16-04

Effective Date:

Operative Date:

Expiration Date: N.J.A.C. 7:27, exempt; N.J.A.C. 7:27A, March 21, 2020; N.J.A.C. 7:27B, exempt.

The Department is adopting amendments, new rules, and repeals in its rules governing motor vehicle inspection and maintenance at N.J.A.C. 7:27, 27A, and 27B to update the

emissions tests and standards for certain classes of both gasoline and diesel vehicles and further enhance the State's use of the available on-board diagnostic (OBD) capabilities of modern motor vehicles. The new rules, amendments, and repeals are the Department's portion of the changes to the State's enhanced motor vehicle inspection and maintenance (I/M) program, which is developed by the Department, the Motor Vehicle Commission (MVC), and the Department of the Treasury. This rulemaking also constitutes a revision to New Jersey's State Implementation Plan (SIP). The proposed and final SIP revisions are available on the Department's website at www.nj.gov/dep/baqp/sip/siprevs.htm.

The Department is repealing the exhaust emissions tests (tailpipe tests) for all gasoline-fueled motor vehicles, and the smoke opacity test for diesel-powered vehicles equipped with OBD. Under the new inspection program, every vehicle subject to inspection that is required by the United States Environmental Protection Agency (USEPA) to be equipped with an OBD system will be subject to an OBD test. The Department is also amending rules related to inspection requirements and inspection procedures. Of the three smoke opacity tests for heavy-duty diesel-powered motor vehicles, the Department is repealing the rolling acceleration smoke opacity test, and the power brake smoke opacity test, and retaining only the snap acceleration smoke opacity test. The NJ Diesel Emission Inspection Center (DEIC) inspection forms previously in use are replaced with daily electronic reporting of diesel inspections. In the new program, private inspection facilities (PIFs) will submit diesel inspection information through an electronic portal or a workstation. Other amendments add requirements and standards for the fuel leak check, which the Motor Vehicle Commission's (MVC's) rules require; add procedures for the diesel exhaust after-treatment checks; and replace the fuel cap leak test (gas cap test) for gasoline-fueled vehicles with a visual gas cap check to ensure that a gas cap is present.

Enforcement-related amendments include authorizing inspectors of both gasoline-fueled and diesel-powered motor vehicles to fail a vehicle if it is determined that there has been tampering with the vehicle's emission controls, and the Department may also impose penalties for tampering with emission controls on diesel vehicles. Rule amendments also enumerate specific penalties for diesel emission control tampering. The penalties are consistent with existing penalties for tampering with emission controls on gasoline vehicles.

This rule adoption can also be viewed or downloaded from the Department's website at <http://www.nj.gov/dep/rules>.

Summary of Hearing Officer's Recommendations and Agency Response:

A public hearing was held on this rulemaking and the revision to the New Jersey State Implementation Plan that it represents on Friday, June 24, 2016, at the Department's Public Hearing Room, 1st Floor, 401 East State Street, Trenton. Tony Iavarone, Chief of the Department's Bureau of Mobile Sources, served as the Hearing Officer. Two persons commented at the public hearing. After reviewing the comments received, the Hearing Officer has recommended that the proposal be adopted with the changes described in the summary of agency-initiated changes below. The Department accepts the Hearing Officer's recommendation. A record of the public hearing is available for inspection in accordance with applicable law by contacting:

Department of Environmental Protection

Office of Legal Affairs

ATTN: DEP Docket No. 04-16-04

401 East State Street

Mail Code 401-04L

PO Box 402

Trenton, NJ 08625-0402

Summary of Public Comments and Agency Responses:

The Department accepted comments on the proposal through July 15, 2016. The following individuals provided written and/or oral comments:

1. Doug O'Malley, Environment NJ
2. Sal Risalvato, NJ Gasoline, C-Store, Automotive Association
3. Barbara Sachau
4. Jamie Zaccaria, NJ Sierra Club

The comments received and the Department's responses are summarized below. The number(s) in parentheses after each comment identify the respective commenter(s) listed above.

State Implementation Plan (SIP)

1. COMMENT: The proposed amendments would violate the SIP. (4)

RESPONSE: The Department's analysis of the emission impacts of the proposed I/M program changes, which include the Department's adopted rules, demonstrated that the proposed changes to the I/M program achieve the two requirements that the USEPA has established regarding I/M SIP revisions.

First, the proposed I/M program changes must pass or meet the USEPA I/M Performance Standard Test. The I/M Performance Standard Test provides a gauge by which the USEPA can evaluate the adequacy and effectiveness of each state's I/M program when compared to a benchmark reference I/M program (performance standard I/M program). The USEPA I/M Performance Standard Test requires the calculation of the emissions for the state's proposed I/M

program and the USEPA performance standard I/M program. Each state is required to demonstrate that its I/M program achieves applicable area-wide emission levels for the pollutants of interest that are equal to, or lower than, those that would be realized by the implementation of the performance standard I/M program. The changes to New Jersey's I/M program pass the USEPA I/M Performance Standard Test because the emissions from the State's I/M program were shown to be lower than the emissions that would result from the performance standard I/M program.

Second, the state must demonstrate that the changes to the I/M program will not interfere with the state's ability to attain or maintain any National Ambient Air Quality Standards (NAAQSs). New Jersey demonstrated this by quantifying the difference in emission reductions between New Jersey's I/M program under the existing rules and its adopted I/M program and offsetting any shortfall through new, previously unclaimed, and contemporaneous emission reductions resulting from the Department's Low Emission Vehicle (NJLEV) program (N.J.A.C. 7:27-29). The shortfall is calculated by using the USEPA MOVES2014 emissions model for both the existing and adopted I/M programs for the year being evaluated, which in this case is 2018. The differences in emissions between the existing and adopted I/M programs are the emissions shortfall. The emission reduction benefits in the evaluation year are estimated by using the USEPA MOVES2014 model with and without the model inputs that represent the NJLEV program. The NJLEV program requires new light-duty vehicles sold in the State to meet the California vehicle emissions standards. The State demonstrated that the emission reduction benefits from the NJLEV program are equal to or greater than any emission reduction benefit losses from the I/M program changes.

The Department is following the appropriate procedures for revising its I/M SIP as set forth in the Clean Air Act and the Environmental Protection Agency's implementing regulations, 42 U.S.C. § 7410 and 40 C.F.R. Part 51, Subpart F. Additional details are provided in the proposed SIP revision documentation available at www.nj.gov/dep/baqp/sip/siprevs.htm.

Elimination of tailpipe testing for older vehicles

2. COMMENT: The elimination of the tailpipe tests for older cars will mean that more of them will be kept on the road longer than they would if they were subject to emissions inspection and required to be repaired. It will also encourage owners to not maintain their vehicles. The justification for those cars to come off the road is the stick of emissions testing, which not only ensures that the clunkers on the road are going to be retired, but also ensures that they actually get the repairs that they need. Though the number of older cars is decreasing, this proposal would slow that decrease. The proposed rules will increase air pollution because the elimination of emissions tests for older cars will allow them to continue to pollute without being repaired. New Jersey should be taking efforts to make air quality better, and not worse. The 50,000 or more cars that would be allowed to keep running because of this amendment are far dirtier than the newer cars and hybrid cars, and add air pollution that contributes to the already high levels of asthma throughout the State. (1, 4)

RESPONSE: As stated in the proposal Environmental Impact (48 N.J.R. at 755), there may be some small increase in emissions, to the extent that the rules encourage owners of older vehicles that are no longer subject to emission inspection to keep the vehicles in service longer than they might otherwise. The Department is unable to estimate how many vehicles will remain in use, or for how long; however, the natural aging of vehicles and the less-than-ideal weather conditions

in New Jersey contribute to a low rate of survival of older vehicles, particularly those that are poorly maintained. The Department anticipates that older vehicles will continue to be removed from the New Jersey vehicle fleet at a rate not significantly different from that currently observed. As the vehicles are retired, any increase in emissions that might result from implementation of these rule amendments will diminish. As stated in the proposal Economic Impact, the Department estimates that, in 2018, the number of gasoline-fueled vehicles that would have failed an emissions test under the existing rules but are not subject to inspection under the adopted rules, will be approximately 40,000. By 2021, this number is expected to drop to 10,000 or fewer vehicles (48 N.J.R. at 755).

See the response to Comment 1 for a discussion of offsets from the NJLEV program for purposes of demonstrating continued compliance with NAAQS.

3. COMMENT: The Department is correct in eliminating tailpipe inspections for older vehicles (N.J.A.C. 7:27-15 and 7:27B-5). Vehicles of model year 1995 and older, which do not have OBD systems, require a more costly and time-consuming form of inspection, the two-speed idle (TSI) test. Motor vehicle inspectors are trained technical professionals, and every minute of their time has a clear, concrete, and not inexpensive value. The act of performing a TSI test will therefore always cost a significant percentage more simply for that reason. Beyond the extra cost in staff hours, the purchase of these workstations is significantly more expensive (approximately three times). The current TSI workstations being used are reaching the end of their natural lifespan, and though most are still functioning, it is highly unlikely they will continue functioning for the six-year period the new inspection contract will last, much less the additional four years of extensions allowed by the contract. Further, the cost of maintenance of a TSI machine is also much higher than an OBD workstation. Add this all up and it results in a high

cost per inspection as business owners try to earn back the cost of labor, the cost of the maintenance fee, and the high cost of the initial investment in the TSI workstation; not to mention all the other costs that go into operating a business, like the rent, the taxes, and the electricity.

If a private inspection facility (PIF) could count on performing multiple TSI inspections per day, then this would not present a particularly insurmountable problem. However, even now there are many PIFs that perform one or two TSI inspections per month. With such a small universe of vehicles, the high cost of these inspections must be amortized over a very small number of customers, driving up the price substantially. The pool of vehicles that are subject to TSI under the existing rules is shrinking. Approximately 3,500 of these vehicles leave the roadways every month through attrition. If that trend were to continue at that same rate, then these vehicles would be off the roads in about five years (of a six to 10-year contract). Even the handful that would remain would all become so old that they could in theory qualify for historic plates (depending on their usage) at that point. There simply is not, and would not be, enough potential revenue available to make TSI inspections worth the upfront and ongoing investment for a PIF. While over half of PIFs currently have a TSI machine, it is hard to imagine more than a handful choosing this option again in the new program, if it were offered. If the State were to overcompensate for this problem by mandating that all PIFs purchase a TSI machine, most current PIFs would simply abandon the program, greatly inconveniencing all motorists and driving up costs for the State.

From an environmental standpoint, the miniscule benefit to the environment from continuing these inspections is nowhere near the cost and the burden that would be involved in maintaining TSI inspection requirements, not now and certainly not six or 10 years from now. It

should of course be pointed out that this change will not mean tens of thousands of perfectly functioning cars will suddenly become massive polluters with this change. The vast majority will continue to work as well as they currently do, and those that do suffer some form of malfunction will increase the chances that the owner will finally make the decision to upgrade to a car manufactured in the last 20 years; such a car would be OBD-capable and required to receive regular emissions inspections. (2)

RESPONSE: The Department acknowledges the commenter's support.

4. COMMENT: If older cars are no longer subject to emissions testing, they may not meet Federal standards for tailpipe emissions. (4)

RESPONSE: The only Federal standards for in-use (that is, not new) motor vehicles are those prescribed for emissions inspection tests when those tests are part of a state's SIP. As noted above, the Department is revising its SIP to reflect the changes to the emissions inspection tests, which are part of the State's I/M program. Thus, vehicles no longer subject to emissions testing as a result of the adopted amendments to the MVC's rules will also no longer be subject to the standards in the State's SIP. There are also Federal emissions standards for new vehicles.

USEPA and California regulate the emissions that are permitted from vehicles when newly manufactured. These standards must be met by the vehicle manufacturer, not the owner of the vehicle. The Department's rules do not violate or affect the standards to which vehicles were originally designed and manufactured.

Centralized Inspection Facility (CIF) and Private Inspection Facility (PIF) inspections

5. COMMENT: The proposed rules may lead to privatization of the inspection system, which could again lead to more vehicles not being maintained or being able to pass inspection when they should not. (4)

RESPONSE: The State's inspection system is already largely privatized and the Department's rulemaking does not modify that aspect of the program. The motor vehicle inspection system is a hybrid network that has both test-only State-run centralized inspection facilities (CIFs) and test-and-repair private inspection facilities (PIFs). The State-run CIFs have been privately operated under contract between the State and a private vendor since 1999. PIFs have been licensed by the State to conduct inspections for more than 30 years. New Jersey motorists currently elect to use the CIFs for 86 percent of their inspections and PIFs for the remaining 14 percent of inspections.

CIFs and PIFs are required to apply the same emissions inspection procedures and may identify a vehicle as passing inspection only if the vehicle meets the standards established under the applicable rules. CIFs and PIFs are required to report the results of vehicle inspections in the same manner. All facilities and inspectors are subject to audits on a regular basis.

See the response to Comment 2 above regarding older vehicles remaining on the road.

6. COMMENT: The pilot program proposed at N.J.A.C. 7: 24-15.5(f) has long-term negative implications for PIFs. It is good that the test is limited to no more than 20,000 vehicles, though the fact that each test is so limited could leave room for future abuse. As the State moves forward in the coming years with investigating the feasibility of OBD testing that would, in effect, result in fewer inspections conducted at PIFs, it should bear in the mind the ripple effects that would result from the full-scale implementation of such a program.

The continued existence of the CIFs in the new program will continue to provide a disincentive for private facilities to become official PIFs, because for passenger vehicle inspections they are competing with CIFs that offer the same product at no cost to owners. Convenience is the one thing that a PIF can offer that a CIF does not, and allowing self-serve kiosk or remote testing would take away that advantage. Fewer incentives will result in fewer PIFs, as more small business owners decide the costs of the equipment, the staff, the licensing, and the regulatory compliance no longer make financial sense and they drop out of the program. Fewer PIFs is a problem for the State, as there will be fewer options for motorists who need a secondary form of inspection or who need a reinspection. (2)

RESPONSE: The primary goal of the Department's amendment to allow pilot testing is to evaluate inspection methods for future consideration in a manner that ensures such tests still represent legitimate inspections. The Department must consider not only technical feasibility, but also motorist convenience. The Department continues to seek additional inspection methods that further the goal of controlling emissions from motor vehicles. The more convenient it can make emission testing, the higher the compliance rate.

The Department recognizes the significant investment that a business makes when it participates in the inspection program as a PIF. The Department has taken that into account in promulgating the rules, as indicated in the proposal Economic Impact (48 N.J.R. at 754). The adopted rules repeal the gas cap test and exhaust emissions components, which should save an initial \$3,500 per workstation that does not need to have the gas cap test and exhaust emissions components installed, and approximately \$110.00 per month, per workstation, in maintenance costs.

As the commenter states, PIFs provide a level of convenience for motorists that is not necessarily available at a CIF. Further, there are some inspections, such as mechanical inspections of commercial vehicles and reinspections of all vehicles, that only PIFs can provide under MVC's adopted rules (48 N.J.R. 810(a)). The Department anticipates, therefore, that there will continue to be an incentive for businesses to become PIFs.

7. COMMENT: Eliminating emissions tests at State inspection stations and sending vehicle owners to PIFs where they have to pay a fee is a form of taxation. Inspections should remain free. (3)

RESPONSE: The extent to which some inspections are available only at PIFs and others are available at CIFs is beyond the scope of the Department's proposal. However, under MVC's adopted rules (48 N.J.R. 810(a)), non-commercial vehicles may continue to undergo initial inspection at a CIF at no charge to the vehicle owner.

8. COMMENT: There should be no easing of biennial inspections at proposed N.J.A.C. 7:27-15.5. On multiple occasions over the life of the I/M program, small businesses that signed up with the State as part of various I/M programs have seen the terms of the program changed mid-stream, after they had already made the investment in equipment and training. Such a change could presage further changes in the next 10 years that would lead to fewer vehicles being inspected per year, which would have a chilling effect on current and potential future PIFs. (2)

RESPONSE: Inspection frequency is established statutorily at N.J.S.A. 39:8-2 and, aside from the existing new vehicle exemption, may be no less frequent than biennial. MVC determines which vehicles are subject to inspection and where inspections may be conducted.

Self-inspections

9. COMMENT: Though the proposal acknowledges MVC is in charge of answering the fundamental questions of which vehicles should be subject to which type of inspections, the Department should take the initiative on one aspect of the inspection program, and that is the issue of self-inspections, because of the deleterious effect that self-inspections ultimately have on the environment. The Department can and should take action with new regulations to ban self-inspections, which are increased as part of the new I/M program, rather than decreased or eliminated as they should have been.

Self-inspection is not just somewhat ineffective; it may be the single most ineffective aspect of the entire inspection program. Experience has shown that self-inspection means no inspection at all. The diesel vehicles 10,000 to 18,000 pounds which have already been cleared for self-inspection have over the last several years proven to be the most frequent and egregious violators of inspection laws. There is little point in having a law if there is no one and no way to enforce it. Theoretically, all passenger vehicles are required to self-inspect for safety since various safety statutes still apply, yet many simply ignore the laws rather than pay to comply with them. The lack of compliance that already results from self-inspection, and the increased lack of compliance that will result from expanding the qualifications for self-inspection, will lower compliance with the law and damage air quality throughout the State, and all for no meaningful benefit. The State is doubling down on the mistake and expanding this failed policy to even more vehicles. These vehicles are among the largest and potentially most lethal vehicles on the road, and are the vehicles that, if the emissions technology fails, will pollute the air far worse than if the technology fails on a typical passenger vehicle. (2)

RESPONSE: N.J.S.A. 39:8-1 gives MVC the authority, with the Department's concurrence, to determine which vehicles are subject to, or excluded from, inspection requirements. The

Department is not authorized to regulate which vehicles may be excluded from inspection, or are subject to self-inspection. Therefore, this comment is beyond the scope of the Department's proposal.

Emission control equipment and antitampering

10. COMMENT: Proposed N.J.A.C. 7:27-15.6(c), requiring all vehicle emission equipment to be functioning properly, is appropriate. Even though there will be vehicles on the road that are not inspected for functioning emissions equipment, the owners will still have to keep their vehicle properly maintained. Unfortunately, the elimination of safety inspections will encourage some motorists to ignore the requirement. Still, any added incentive to ensure that these vehicles are properly maintained is welcome. (2)

RESPONSE: The Department acknowledges the commenter's support.

11. COMMENT: The proposed enhanced anti-tampering language at N.J.A.C. 7:27-14.3(e), 14.4(a)4, 14.5, 15.7(a), 15.7(b) is beneficial. These amendments bring diesel inspections into compliance with rules similar to gas-powered vehicles, as they should be. Particularly welcome is the clarity that the new language brings that if there has been tampering, the vehicle must fail the inspection. (2)

RESPONSE: The Department acknowledges the commenter's support.

12. COMMENT: The proposed required check for multiple catalytic converters at N.J.A.C. 7:27B-5.5 is appropriate. When these regulations were originally written it was essentially and understandably unthought-of for vehicles to possess multiple catalytic converters. With this change in technology, it is only proper for the State to adapt its regulations as well and ensure that all emissions systems are properly installed and functioning. The clarification that an inspector must look for multiple functioning catalytic converters will prevent confusion in that a

vehicle with more than one catalytic converter cannot pass inspection if even one is not working properly. (2)

RESPONSE: The Department acknowledges the commenter's support.

OBD

13. COMMENT: The Department is correct to expand OBD testing at proposed N.J.A.C. 7:27-14.5(c)1 to all vehicles that are OBD-eligible. OBD testing is convenient for the motorist and the inspector, and the most effective form of emissions testing. The more vehicles tested with it the better for all. (2)

RESPONSE: The Department acknowledges the commenter's support.

Diesel

14. COMMENT: The requirement that diesel inspection information be submitted electronically, N.J.A.C. 7:27-14.7(c), is a positive change. As a result, diesel inspection results will be submitted through an easy to use online portal, or directly through the new workstations. This change will be easier to comply with for inspectors and will reduce accidental errors that occur under the current system, leading to more effective compliance. (2)

RESPONSE: The Department acknowledges the commenter's support.

Summary of Agency-Initiated Changes

The Department is modifying the rules on adoption to correct the penalty tables at N.J.A.C. 7:27A-3.10(m)14 for violations of N.J.A.C. 7:27-14. The penalty table incorrectly identifies N.J.A.C. 7:27-14.3(d) as the citation for the violation class "Disabled Closed

Crankcase Ventilation System or Retrofit Device.” N.J.A.C. 7:27-14.3(d) is not a provision for which a penalty is directly associated, but requires general compliance with N.J.A.C. 7:27-5, Prohibition of Air Pollution, or any other applicable local, State, or Federal law. The Department is modifying N.J.A.C. 7:27A-3.10(m)14 on adoption to correct the citation for the violation class listed in the table to N.J.A.C. 7:27-14.3(f), which prohibits the disabling of a closed crankcase ventilation system.

The adopted amendments to N.J.A.C. 7:27-14.7, which include repeals and recodifications, required corresponding amendments to the penalties for these provisions at N.J.A.C. 7:27A-3.10(m)14. The Department is modifying the penalty provisions on adoption to delete the penalties for violations of N.J.A.C. 7:27-14.7(d) and (g), which are no longer in the rules as adopted. In addition, the reference to N.J.A.C. 7:27-14.7(h) is corrected on adoption to N.J.A.C. 7:27-14.7(c) and the reference to N.J.A.C. 7:27-14.7(i) and (k) is corrected on adoption to N.J.A.C. 7:27-14.7(d), to conform to the codification of N.J.A.C. 7:27-14.7 as adopted.

The Department is also modifying N.J.A.C. 7:27A-3.10(m)14 on adoption to remove references to deleted footnotes.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq., require State agencies that adopt, readopt, or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. The adopted repeals, new rule, and amendments to the Department's enhanced I/M program rules do not modify the program design so as to impose standards or requirements that exceed any Federal standards or

requirements. The I/M program and the within adopted rules are intended to allow the State to comply with the Federal regulations that control establishment of enhanced I/M programs. (See generally, 40 CFR Parts 51 and 85.) Specifically, the Department is continuing and expanding the implementation of mandatory OBD inspections. The adopted program design does not exceed the Federal requirements set forth at 40 CFR Parts 51 and 85, nor do the adopted rules impose standards that exceed Federal requirements for those standards provided by the USEPA. Accordingly, no Federal standards analysis is required.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

7:27A-3 CIVIL ADMINISTRATIVE PENALTIES AND REQUESTS FOR ADJUDICATORY HEARINGS

7:27A-3.10 Civil administrative penalties for violation of rules adopted pursuant to the Act

(a) - (l) (No change.)

(m) The violations of N.J.A.C. 7:27, whether the violation is minor or non-minor in accordance with (q) through (t) below, and the civil administrative penalty amounts for each violation are as set forth in the following Civil Administrative Penalty Schedule. The numbers of the following subsections correspond to the numbers of the corresponding subchapter in N.J.A.C. 7:27. The rule summaries for the requirements set forth in the Civil Administrative Penalty Schedule in this subsection are provided for informational purposes only and have no legal effect.

CIVIL ADMINISTRATIVE PENALTY SCHEDULE

1. - 13. (No change.)

14. The violations of N.J.A.C. 7:27-14, Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles, and the civil administrative penalty amounts for each violation, per vehicle, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
...						
N.J.A.C. 7:27-14.3*[(d)]* ** (f) *	Disabled Closed Crankcase Ventilation System or Retrofit Device	NM	\$1,000	\$2,000	\$3,500	\$5,000
...						
*[N.J.A.C. 7:27-14.7(d)]	Submit Application	M	\$250	\$500	\$750	\$1,500
N.J.A.C. 7:27-14.7(g)	Complete Updates	M	\$250	\$500	\$750 ¹¹	\$1,500 ¹¹]*
N.J.A.C. 7:27-14.7*[(h)]* ** (c) *	Complete Form and Maintain Records	M	\$250	\$500	\$750* ¹¹]*	\$1,500* ¹¹]*
N.J.A.C. 7:27-14.7*[(i) and (k)]* ** (d) *	Submit Inspection Form	M	\$250	\$500	\$750* ¹¹]*	\$1,500* ¹¹]*

1 (No change from proposal.)

Based on consultation with staff, I hereby certify that the above statements, including the Federal Standards Statement addressing the requirements of Executive Order 27 (1994), permit the public to understand accurately and plainly the purposes and consequences of this adoption. I hereby authorize this adoption.

Date _____

 Bob Martin, Commissioner
 Department of Environmental Protection



7 of 10 DOCUMENTS

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ISSUE DATE: MAY 16, 2016

RULE ADOPTIONS

**TRANSPORTATION
MOTOR VEHICLE COMMISSION**

48 N.J.R. 810(a)

Adopted Amendments: *N.J.A.C. 13:20-7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 26.2, 26.11, 26.12, 26.16, 26.17, 32.1, 32.2, 32.3, 32.4, 32.20, 32.21, 32.22, 32.34, 33.1, 33.2, 33.3, 33.4, 33.5, 33.6, 33.7, 33.8, 33.9, 33.10, 33.11, 33.12, 33.13, 33.14, 33.15, 33.16, 33.17, 33.18, 33.19, 33.20, 33.21, 33.22, 33.23, 33.24, 33.25, 33.26, 33.27, 33.28, 33.29, 33.30, 33.31, 33.32, 33.33, 33.34, 33.35, 33.36, 33.37, 33.38, 33.39, 33.40, 33.41, 33.42, 33.43, 33.44, 33.45, 33.46, 33.47, 33.48, 33.49, 33.50, 43.1, 43.2, 43.2A, 43.4, 43.5, 43.6, 43.7, 43.8, 43.14, 43.16, 44.2, 44.3, and 44.10*

Adopted Repeal and New Rule: *N.J.A.C. 13:20-33 Appendix C*

Adopted New Rule: *N.J.A.C. 13:20-33.51*

Adopted Repeals: *N.J.A.C. 13:20-32.5 through 32.19, 32.23 through 32.33, and 32.35 through 32.49*

Enforcement Service

Vehicle Inspection Rules

Emergency Exit Doors in Buses

Proposed: February 16, 2016, at *48 N.J.R. 249(a)*.

Adopted: April 26, 2016, by the Motor Vehicle Commission, Raymond P. Martinez, Chairman and Chief Administrator.

Filed: April 22, 2016, as R.2016 d.050, with **non-substantial changes** not requiring additional public notice and comment (see *N.J.A.C. 1:30-6.3*).

Authority: *N.J.S.A. 39:8-1, 39:8-2, 39:8-4, 39:8-4.1, 39:8-10, 39:8-45, 39:8-52, 39:8-53, 39:8-57, 39:8-64, 39:8-69, and 39:8-77.*

Effective Date: May 16, 2016.

Expiration Date: December 4, 2020.

Summary of Public Comments and Agency Responses:

Sal Risalvato, Executive Director, New Jersey Gasoline, C-Store, Automotive Association (NJGCA) and Cheryl Crick (with no stated affiliation) submitted written comments to the Commission regarding the notice of proposal.

1. COMMENT: NJGCA supports the end of emissions inspections for vehicles Model Year (MY) 1995 and older. These vehicles, which do not have on-board diagnostic (OBD) systems, require a more costly and time-consuming form of inspection, the two-speed idle (TSI) test. NJGCA comments indicate that the TSI test costs significantly more due to increased labor costs to perform the test, significantly more expensive inspection equipment, and monthly maintenance fees to calibrate the equipment. NJGCA points out there is not enough potential revenue to make TSI inspections worth the upfront and ongoing investment and opines that licensed private inspection facilities (PIF) will abandon the program before investing in new TSI equipment. NJGCA comments further indicate that from an environmental standpoint, the minimal benefit to the environment from continuing TSI inspections is outweighed by the costs involved in maintaining TSI inspection requirements. NJGCA also opines that eliminating TSI inspections will not necessarily result in detrimental effect to air quality because the vast majority of motor vehicles will continue to work as well as they currently do, and [page=811] those that do suffer some form of malfunction will potentially be replaced with an OBD-capable car.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

2. COMMENT: NJGCA strongly supports having all eligible commercial vehicle inspections be performed at PIFs. Commercial vehicles, unlike passenger vehicles, are still required to undergo an annual safety inspection. In addition to the tremendous societal benefit that comes from having these vehicles inspected for safety reasons, independent auto repairers also benefit. NJGCA's comment indicates that having a safety inspection performed at a PIF ensures that the inspection is performed by a professional who can alert the owner to general maintenance concerns, and any problems can be fixed immediately, without the need to make a separate appointment or trip. NJGCA further indicates that PIFs, most of which are small business owners, will prosper by increased inspections, which will create jobs and increase tax revenue.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

3. COMMENT: NJGCA supports the requirement that all re-inspections are to be performed at PIFs. NJGCA comments that although this will result in an increased inspection volume at the PIFs, it will not result in a meaningful increase in profits because re-inspection fees are capped. The real advantage is the PIFs' opportunity to establish new customer relations. NJGCA also points out that this change will stop certain motorists from taking advantage of taxpayers by obtaining multiple "free" re-inspections hoping to slip through the cracks and avoid emission repairs, because these re-inspections are not free, as the Commission pays a contractor for each inspection.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

4. COMMENT: NJGCA supports the various changes to simplify the licensing classifications for PIFs. NJGCA is also pleased by the fact that Class I facilities, which currently only perform OBD inspections on light duty vehicles, will now be able to perform them on heavy duty vehicles.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

5. COMMENT: NJGCA is concerned the term "passenger vehicle transportation" is too similar to "passenger vehicle," the requirements for which are substantially different. NJGCA seeks clarification that both the registration and the license plate will still read "limousine," "taxicab," etc. and not "passenger vehicle transportation." Additionally, NJGCA comments that this rulemaking should have created a new term, "transportation network vehicle," to cover passenger vehicles providing ridesharing for pay, and require those vehicles, like taxis and limousines, to be subject to annual emission and safety inspections.

RESPONSE: Vehicles registered and plated as passenger vehicle transportation (PVT) will require an annual emission and mechanical inspection at a PIF. This is not a new term, and the license plates for this category will still read "taxicab," "limousine," "ambulance," "mobility assistance vehicle," "hotel bus," "jitney," "paratransit," and "Omnibus 2," and be issued accordingly. The Commission does not have statutory authority to regulate "transportation network vehicles."

6. COMMENT: NJGCA strongly opposes the amendments to allow self-inspection for diesel vehicles with a GVWR over 8,500 pounds (down from 10,000 pounds); gas and bi-fueled MY 2007 or older with a GVWR 8,500 to 14,000 pounds; and gas and bi-fueled MY 2013 or older with a GVWR 14,000 pounds and greater. NJGCA states that although these vehicles are required to self-inspect for emissions and safety, in reality, vehicle owners simply ignore the laws and do not comply, which results in damage to air quality. NJGCA requests that the Commission eliminate self-inspection for diesel-fueled vehicles with a GVWR between 10,000 and 18,000 pounds.

RESPONSE: The Commission expanded the category of diesel-fueled vehicles that are required to self-inspect from vehicles with a GVWR over 10,000 pounds to vehicles with a GVWR over 8,500 pounds due to the fact there is no emissions test for these vehicles. Further, only commercially plated vehicles are required to get a mechanical inspection, which will no longer be performed at the central inspection facilities (CIF). There is no data to suggest that current diesel-fueled vehicle owners who are required to self-inspect are not in compliance with current emissions and safety standards and that the expansion of that category will result in damage to air quality. Finally, the number of mechanical inspections for diesel-fueled vehicles with a GVWR between 8,501 and 9,999 pounds is a very small number.

7. COMMENT: NJGCA supports the expansion of OBD testing for gas and bi-fueled vehicles MY 2008 and newer with a GVWR 8,501 to 14,000 pounds, gas and bi-fueled vehicles MY 2014 and newer with a GVWR over 14,000 pounds, and diesel vehicles MY 2014 and newer with a GVWR over 14,000 pounds. OBD testing is convenient for the motorist and the inspector, and the most effective form of emissions testing.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

8. COMMENT: NJGCA supports the amendment that only allows a CIF to perform initial emissions inspections but feels the amendment does not go far enough and that the Commission should abandon the current hybrid inspection system for a completely decentralized inspection system with all inspections performed at PIFs. NJGCA is of the opinion that a completely decentralized program would work in New Jersey with its current PIF network, benefit hundreds of small businesses, save the State \$ 40 million and allow the State to sell the property on which CIFs are located.

RESPONSE: After extensive study, cost modeling, consultant input, and stakeholder input, the State determined

that a hybrid inspection program would provide the best economies of scale for the State and the motoring public. Cost modeling determined that although a decentralized program may save the State \$ 40 million, that money would be transferred to the public as a cost to the public. Additionally, the Commission determined that there is not yet full public trust in a totally decentralized system and that the public prefers that the State maintain a hybrid program. Finally, there is no indication the State would be able to sell the CIF properties, as many of these properties are also used by the Commission for motor vehicle agencies.

9. COMMENT: NJGCA opposes changes to the temporary authorization certificate rules at *N.J.A.C. 13:20-7.4*. NJGCA would like PIFs to inspect used vehicles that are less than five model years old at the owner's request, and issue those vehicles an inspection sticker. NJGCA also maintains that Commission staff has informed the PIFs that it is illegal for a PIF to issue an inspection sticker to a vehicle less than five model years old.

RESPONSE: Passenger vehicles that are less than five model years old are exempt from inspections. Rules require new cars purchased in another jurisdiction to go to a CIF to obtain a New Jersey inspection decal. Used motor vehicles that do not have a New Jersey inspection decal and are less than five model years old must also go to a CIF for an inspection decal. Requiring both new and used vehicles to go to a CIF for an initial inspection decal promotes consistency and allows for a dedicated, controlled inventory of decals. These vehicles are not inspected, but receive a decal that expires on the last day of the last month of the vehicle's fifth model year. Only the CIFs have five-year inspection decals, while PIFs have only two-year inspection decals. If a used vehicle went to a PIF, it would receive a decal that would expire in two years when the vehicle may not be due for inspection for another three to five years, which would result in those vehicles having an expired inspection decal or obtaining an inspection while still statutorily exempt. The proposed amendments do not prohibit a PIF from performing a courtesy inspection, but since these vehicles are exempt from inspection, the PIF cannot provide the vehicle with an inspection sticker.

10. COMMENT: NJGCA supports the requirement that passenger vehicles, commercial vehicles, and passenger vehicle transportation must all receive an anti-tampering exhaust check. Any change that reduces fraud on the part of motorists, and that increases awareness of fraud by licensed inspectors is welcome.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

11. COMMENT: NJGCA supports the requirement that a vehicle be inspected for multiple catalytic converters.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

[page=812] 12. COMMENT: NJGCA supports listing specific examples of safety-related issues that would cause an inspection to be terminated and the vehicle to fail since a vehicle that is too unsafe to conduct an emissions inspection should not be on the road.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

13. COMMENT: NJGCA supports the codification that replicas of collector vehicles are not actually collector vehicles and should not be treated as such by the laws of the State.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

14. COMMENT: NJGCA comments that the requirement that emissions repairs be performed at a certified Emission Repair Facility (ERF) by a certified Emissions Repair Technician (ERT) or that the vehicle be self-repaired is being ignored. NJGCA comments that repairs are performed by unlicensed ERFs, following which the motorists bring

the vehicles to a PIF to be re-inspected, and the PIFs are being asked to vouch for the repairs. NJGCA would like regulations to be adopted to allow a PIF to charge to certify repairs performed by an-unlicensed ERF before re-inspecting the repairs. NJGCA states that this will encourage all ERFs to become PIFs and all PIFs to become ERFs.

RESPONSE: The Commission's rules do not require a PIF to vouch for repairs performed by another facility or the vehicle owner. If a vehicle that has been self-repaired is presented at a PIF for re-inspection, the PIF can charge one-half of the PIF's posted hourly labor rate for the re-inspection, plus the \$ 2.50 sticker fee. If the PIF makes the repair, then the PIF cannot charge for the re-inspection, but can charge for the repair and the \$ 2.50 sticker fee.

15. COMMENT: Cheryl Crick, with no stated affiliation, commented that the Commission should not cut tailpipe testing for the 200,000 older passenger vehicles because it is dangerous for all citizens, as these vehicles are the ones most likely to pollute the air.

RESPONSE: After detailed cost modeling and emissions reduction modeling, the Commission determined that given the diminishing size of the vehicle population requiring the TSI emissions test and the diminishing emissions benefit from testing these vehicles, as well as the high cost to test these vehicles, it is no longer cost effective to continue with TSI testing over the next six years in the next inspection/maintenance (I/M) program. Cost modeling determined that TSI testing versus OBD-only testing would increase the cost by \$ 3.00 to \$ 5.00 per inspection. The State performs approximately 2,400,000 inspections per year; thus, this would increase the cost of the next I/M program by a minimum of \$ 7.2 million per year. As of December 2015, only approximately nine percent of 1995 and older passenger vehicles failed a TSI test, further indicating the cost of TSI testing adds negligible emissions benefits. In most cases, older passenger vehicles are properly functioning and do not significantly contribute to air pollution.

Summary of Agency-Initiated Changes:

The Commission made several edits to weight descriptions to keep the weight descriptions consistent throughout the rules. At *N.J.A.C. 13:20-7.2(b)2*, the Commission substituted GVWR of 8,500 or less for GVWR of less than 8,500.

At *N.J.A.C. 13:20-26.2*, in the definition of "diesel-powered motor vehicle," the Commission substituted 8,501 pounds gross vehicle weight rating or more, for 8,500 pounds gross vehicle weight rating or more. The definition of "vehicle" is also changed, substituting GVWR of 8,501 pounds or more for GVWR of 8,500 pounds or more.

At *N.J.A.C. 13:20-44.3(c)*, the Commission substituted GVWR of 8,500 pounds or less and 18,000 pounds or more for GVWR of less than 8,501 pounds or greater than 17,999 pounds. The wording in *N.J.A.C. 13:20-44(h)1* was also revised, to add heavy-duty gasoline-fueled vehicles and diesel fueled trucks having a GVWR of 18,000 pounds or more. This change clarifies and makes consistent the wording of paragraphs (h)1 and 2, since PIFs and PIFs with a fleet endorsement have always been allowed to inspect the same classes of vehicles. *N.J.A.C. 13:20-44.3(h)2* is also being revised, from GVWR of less than 8,501 pounds to 8,500 pounds or less.

These changes are technical in nature and do not enlarge or curtail the scope of the rules, or what will be affected by the rules, or change what is mandated by the rules.

Federal Standards Statement

Executive Order No. 27 (1994) and P.L. 1995, c. 65, require that a State agency that adopts, readopts, or amends rules that exceed Federal standards or requirements include in the proposed rulemaking a comparison with Federal law. Federal law, *49 U.S.C. § 30111(a)*, provides that the United States Secretary of Transportation shall prescribe motor vehicle safety standards. The Secretary of Transportation has established safety standards for motor vehicles and motor vehicle equipment at *49 CFR 571.101* et seq. The adopted amendments, repeals, and new rules are consistent with Federal safety standards.

The adopted amendment requiring that all self-inspected vehicle equipment, such as head lamps and brakes shall

not only meet Federal standards but should also be inspected in accordance with standards now or hereafter prescribed by Federal law. The adopted amendment ensures that self-inspections performed in the State meet Federal requirements. The State's inspection standards do not exceed Federal standards. The adopted amendments, repeals, and new rules require collector vehicles to comply with all applicable State and Federal safety regulations and the State's safety rules do not exceed the Federal standards.

Adopted new *N.J.A.C. 13:20-33.51* requires that buses be inspected to make sure emergency exit doors are in compliance with all State and Federal safety rules; and the State's safety regulations do not exceed Federal safety regulations.

The Enhanced Motor Vehicle Inspection and Maintenance Program implements the Federal Clean Air Act, Chapter 85 Air Pollution Prevention and Control (*42 U.S.C. §§ 7401 et seq.*) by establishing an enhanced motor vehicle inspection and maintenance program for New Jersey. The Federal law establishes standards for the reduction of specific mobile source pollutants that a geographic area must achieve through a State's Enhanced Motor Vehicle Inspection and Maintenance Program. The State will be able to satisfy all applicable USEPA Performance standards set forth in the Clean Air Act with the inspection program as adopted in this rulemaking, which provides for an OBD-only emission testing environment with a visual gas cap check and the adopted amendments, repeals, and new rules do not exceed Federal USEPA Performance standards.

Full text of the adopted amendments and new rules follows (additions to proposal indicated in boldface with asterisk ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 7. VEHICLE INSPECTION

13:20-7.1 Definitions

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

...

"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).

...

"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.

...

"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.

...

[page=813]"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.

...

"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.

...

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

(a) (No change.)

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

1. (No change.)

2. Diesel-fueled motor vehicles having a GVWR of *[less than]* 8,500 pounds *or less* that are registered as commercial vehicles;

3. Passenger vehicle transportation;

4. Heavy duty diesel powered motor vehicles having a GVWR of 18,000 pounds or more; and

5. (No change in text.)

(c) 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.-7. (No change.)

8. Diesel-fueled motor vehicles having a GVWR of 8,501 pounds or more that are required to be inspected by the owner or lessee of the vehicle in accordance with *N.J.A.C. 13:20-26*;

9.-12. (No change.)

13. Tactical military vehicles operated on Federal installations within this State;

14. Electric vehicles and other vehicles not fueled by hydrocarbon based fuel;

15. Vehicles with model year 1995 and older except those vehicles in (b)1 through 5 above;

16. Vehicles registered under provision of *N.J.S.A. 39:3-18*;

17. Gasoline or bi-fueled model year 2007 or older passenger vehicles with a GVWR of 8,501 to 14,000 pounds; and

18. Gasoline or bi-fueled model year 2013 or older passenger vehicles with a GVWR of 14,001 pounds or greater.

13:20-7.3 Inspection facilities

(a) (No change.)

(b) Official inspection facilities shall perform initial inspections on passenger vehicles. Official inspection facilities shall not perform inspections on commercial vehicles, passenger vehicle transportation, school buses, retired school buses that are subject to inspection in accordance with N.J.A.C. 13:20-30, buses that are subject to inspection by the Commission's Inspection Services Bus Unit, or motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37.

(c) Licensed private inspection facilities shall perform initial inspections and re-inspections on all vehicles subject to inspection pursuant to N.J.S.A. 39:8-1. Licensed private inspection facilities shall not perform inspections on school buses, buses that are subject to inspection by the Commission's Inspection Services Bus Unit, or motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37.

(d) State specialty inspection facilities shall perform inspections on motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37, motor vehicles that are operated by disabled persons and that have been modified at the direction of the New Jersey Department of Labor and Workforce Development, Division of Vocational Rehabilitation Services, so that such vehicles are fully controlled by specially designed mechanical devices for the disabled, reconstructed vehicles as defined in *N.J.A.C. 13:20-44.2*, salvage motor vehicles that are subject to inspection in accordance with N.J.A.C. 13:21-22, passenger vehicle transportation, collector vehicles, any motor vehicle that the Chief Administrator may require to be presented for inspection for auditing purposes, and any motor vehicle that has failed inspection at an official inspection facility or a licensed private inspection facility that is presented for re-inspection by the owner or lessee thereof because he or she disputes the inspection failure.

(e) (No change.)

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

(a) (No change.)

(b) A motor vehicle for which a temporary authorization certificate has been issued pursuant to (a) above that is registered as a commercial vehicle or passenger vehicle transportation shall be presented for inspection at a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on an annual basis, except as otherwise provided by law or rule.

(c) Whenever a passenger vehicle, which has been previously registered other than on a temporary basis in a foreign jurisdiction and is five model years old or older or will become five model years old within the two-month period following the calendar month of initial registration in this State, is initially registered in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The passenger vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule.

(d) Whenever a new passenger vehicle, which has been purchased in a foreign jurisdiction and temporarily registered

therein, is initially registered by the purchaser in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented at an official inspection facility for the issuance of an inspection decal within 14 days of the date of issuance of the temporary authorization certificate. A new passenger vehicle receiving a decal pursuant to this subsection shall be subject to inspection not later than five years from the last day of the calendar month in which the decal was issued for such motor vehicle, and the decal affixed to such motor vehicle pursuant to this subsection shall so indicate. A new motor vehicle receiving a decal pursuant to this subsection that is registered as a commercial vehicle or passenger vehicle transportation shall be subject to inspection not later than one year from the last day of the calendar month in which the decal was issued for such motor vehicle and the decal affixed to such motor vehicle pursuant to this subsection shall so indicate.

(e) Whenever a used motor vehicle, which has been purchased in this or any other State and which has affixed thereto an unexpired New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State and the unexpired inspection certificate of approval or inspection decal indicates that the motor vehicle is due for inspection within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall either:

1. Present such motor vehicle for inspection at the appropriate inspection facility as specified in *N.J.A.C. 13:20-7.3* within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule; or

2. Present such motor vehicle for inspection at the appropriate inspection facility as specified in *N.J.A.C. 13:20-7.3* no later than the expiration date of the New Jersey inspection certificate of approval or inspection decal affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule.

(f) Whenever a used motor vehicle, which has been purchased in this or any other State and which has affixed thereto an unexpired New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State and the unexpired inspection certificate of approval or inspection decal indicates that the motor vehicle is not due for inspection within the two-month period following the [page=814] calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall either:

1. Present such motor vehicle for inspection at a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle inspected pursuant to this paragraph that is found to be in proper operating condition shall retain the existing inspection certificate of approval or inspection decal issued therefor and shall next be inspected at the appropriate inspection facility as specified in *N.J.A.C. 13:20-7.3* no later than the expiration date of the New Jersey inspection certificate of approval or inspection decal affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule. A motor vehicle inspected pursuant to this paragraph that is found to be defective shall be subject to re-inspection by a licensed private inspection facility no later than the last day of the calendar month following the calendar month in which the motor vehicle failed inspection, except as otherwise provided at *N.J.A.C. 13:20-7.6(a)*. Following successful completion of re-inspection at a licensed private inspection facility, the motor vehicle shall be issued an inspection certificate of approval having an expiration date that coincides with that of the unexpired New Jersey inspection certificate of approval or inspection decal that was affixed to the motor vehicle at the time of its purchase and the motor vehicle shall next be inspected at the appropriate inspection facility as specified in *N.J.A.C. 13:20-7.3* no later than that expiration date. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule; or

2. Present such motor vehicle for inspection at the appropriate inspection facility as specified in *N.J.A.C. 13:20-7.3* no later than the expiration date of the New Jersey inspection certificate of approval or inspection decal affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law

or rule.

(g) Whenever a used motor vehicle registered as a passenger vehicle, which has been purchased in this or any other state and which does not have affixed thereto a New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State and the motor vehicle is less than five model years old and will not become five model years old within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall present such motor vehicle at an official inspection facility for the issuance of an inspection decal within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle receiving a decal pursuant to this paragraph shall be subject to inspection during the calendar year in which the motor vehicle becomes five model years old, no later than the last day of the calendar month within that year that is designated on the decal affixed to such motor vehicle pursuant to this paragraph. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule.

1. Whenever a used motor vehicle that is registered as a commercial vehicle or passenger vehicle transportation, which has been purchased in this or any other state and which does not have affixed thereto a New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State, the registrant thereof shall 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. The motor vehicle shall thereafter be inspected on an annual basis, except as otherwise provided by law or rule.

(h) Whenever a used motor vehicle, which has been purchased in this or any other state and which does not have affixed thereto a New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State and the motor vehicle is five model years old or older or will become five model years old within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at the appropriate inspection facility as specified in *N.J.A.C. 13:20-7.3* within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule.

(i) Whenever a used motor vehicle, which has been purchased in this State and is less than five model years old and will not become five model years old within the two-month period following the calendar month of initial registration by the purchaser in this State and which has affixed thereto a collector motor vehicle windshield sticker issued pursuant to *N.J.A.C. 13:20-43.2(e)*, is initially registered by the purchaser in this State, the windshield sticker shall be deemed void and the registrant thereof shall be issued a temporary authorization certificate and in accordance with *N.J.A.C. 13:20-43.17* shall either:

Recodify existing 2. and 3. as 1. and 2. (No change in text.)

(j) (No change.)

13:20-7.5 Adjustments, corrections, or repairs

If a motor vehicle inspection as required by *N.J.S.A. 39:8-1* discloses the necessity of adjustments, corrections, or repairs, it shall be incumbent upon the owner or lessee of such motor vehicle to have such adjustments, corrections, or repairs made and to present the motor vehicle for re-inspection no later than the last day of the calendar month following the calendar month in which the motor vehicle was due for inspection, except as otherwise provided at *N.J.A.C. 13:20-7.6(a)*. However, if an on-road inspection required by *N.J.S.A. 39:8-2* discloses the necessity of adjustments, corrections, or repairs, it shall be incumbent upon the owner or lessee of such motor vehicle to have such adjustments, corrections, or repairs made and to present the motor vehicle for re-inspection at a licensed private inspection facility 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).

13:20-7.6 Immediate repairs

(a) When the nature of the defect(s) found at a motor vehicle inspection is such as to constitute a hazard to the public safety, so as to require immediate repairs to such motor vehicle, such repairs shall be made and the motor vehicle presented for re-inspection at a licensed private inspection facility within 48 hours.

(b) (No change.)

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

13:20-26.2 Definitions

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

...

"Diesel-powered motor vehicle" means any diesel-powered motor vehicle that is self-propelled by a compression ignition type of internal combustion engine using diesel fuel and that:

1. (No change.)
2. Is *[8,500]* *8,501* pounds gross vehicle weight rating or more;
- 3.- 4. (No change.)

...

"Vehicle" means every trailer, semitrailer, pole trailer, truck having a GVWR of *[8,500]* *8,501* pounds or more, truck tractor as defined in *N.J.S.A. 39:1-1* and every vehicle registered in this State engaged in interstate commerce that is now or hereafter subject to regulation and license by the Interstate Commerce Commission or its successor agency and/or the United States Department of Transportation, Federal Motor Carrier Safety Administration.

13:20-26.11 Required inspection and maintenance

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

- 1.-13. (No change.)
14. Exhaust system and exhaust emissions, including the requirements set forth at *N.J.A.C. 7:27-14.4(a)2*, 3, 4, and 5 and 14.5(d); and
15. (No change.)

[page=815] 13:20-26.12 Standards of inspection

All equipment subject to inspection shall meet and shall be inspected in accordance with the standards now or hereafter prescribed by Federal law or rule, New Jersey statute, or Motor Vehicle Commission rule.

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

Notwithstanding, and in addition to, any other provision or requirement of this subchapter, gasoline-fueled and bi-fueled trucks shall be inspected on a biennial basis at an official inspection facility or a licensed private inspection facility; provided, however, if that gasoline-fueled and bi-fueled trucks are registered as commercial motor vehicles shall be inspected on an annual basis at a licensed private inspection facility.

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

(a) (No change.)

(b) The owner or lessee of a heavy-duty diesel truck registered in this State shall submit proof to the New Jersey Motor Vehicle Commission that the vehicle has, within 90 days after the date of registration or renewal thereof, complied with the requirements for periodic inspection. Compliance with the requirements for periodic inspection shall mean that the vehicle has been tested for smoke opacity at a private inspection facility licensed pursuant to N.J.A.C. 13:20-44 and that the vehicle has successfully passed a test procedure for smoke opacity as set forth in *N.J.A.C. 7:27B-4*; provided, however, that with regard to a new heavy-duty diesel truck, compliance with the requirements for periodic inspection shall mean that the vehicle has been inspected by a new motor vehicle dealer or motor vehicle leasing company in accordance with N.J.A.C. 13:20-27.

(c) (No change.)

(d) The owner or lessee of a heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus, or regulated diesel solid waste vehicle, as defined in *N.J.S.A. 26:2C-8.27* and this subchapter, who is required to install a best available retrofit technology device(s) pursuant to a Notice of Intent to Comply, a regulated fleet retrofit plan, combined regulated fleet retrofit plan, fleet averaging plan, or combined fleet averaging plan pursuant to *N.J.S.A. 26:2C-8.26* et seq. shall present his or her heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus, or regulated diesel solid waste vehicle to a private inspection facility licensed pursuant to N.J.A.C. 13:20-44, so that the installation of the required best available retrofit technology device(s) can be confirmed and verified by the private inspection facility in accordance with the procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 32. Compliance with the requirements of this subsection shall mean that the diesel vehicle has been inspected at a licensed private inspection facility and that such facility has confirmed and verified that the best available retrofit technology device(s) has been installed on such heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus, or regulated diesel solid waste vehicle. A heavy-duty diesel truck or regulated diesel solid waste vehicle shall be presented for inspection at the time of the next annual periodic inspection following the installation of the best available retrofit technology device(s) on such heavy-duty diesel truck or regulated diesel solid waste vehicle. A diesel-powered motor vehicle or diesel bus shall be presented for inspection within 90 days following the installation of the best available retrofit technology device(s) on such diesel-powered motor vehicle or diesel bus.

(e) (No change.)

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

13:20-32.1 Definitions

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

...

"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).

...

"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.

...

"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.

...

"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.

...

"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.

13:20-32.2 General provisions; official inspection facilities

(a) This subchapter contains the inspection standards and test procedures to be used by official inspection facilities when inspecting and certifying passenger vehicles.

(b) Official inspection facilities shall be authorized to engage in the initial inspection of passenger vehicles. Official inspection facilities shall not inspect commercial vehicles, passenger vehicle transportation, school buses, retired school buses that are subject to inspection in accordance with N.J.A.C. 13:20-30, buses that are subject to inspection by the Motor Vehicle Commission's Inspection Services Bus Unit, or motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37.

(c) An official inspection facility shall be authorized to affix an inspection certificate of approval on a passenger vehicle

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upon initial inspection as certification of compliance with inspection requirements. All motor vehicles requiring a re-inspection must be presented at a private inspection facility, licensed by the Motor Vehicle Commission.

(d) If a passenger vehicle registered in New Jersey conforms to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at *N.J.A.C. 7:27-15* and *7:27B-5* or *7:27-14* and *7:27B-4*, whichever are applicable, the motor vehicle shall be certified by an official inspection facility by removing the previously-issued inspection certificate of approval, inspection decal, or inspection rejection sticker, if any, and replacing it with a current inspection certificate of approval. The inspection certificate of approval issued by an official inspection facility shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the inspection certificate of approval shall be completely visible from the front of the motor vehicle. The inspection certificate of approval shall be affixed in an upright position.

(e) If a passenger vehicle registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at *N.J.A.C. 7:27-15* and *7:27B-5* or *7:27-14* and *7:27B-4*, whichever are applicable, an official inspection facility shall present the motor vehicle inspection report for the passenger vehicle to the operator thereof, and shall affix an inspection rejection sticker to the lower left corner of the [page=816] windshield inside the passenger compartment of the motor vehicle directly above the previously-issued certificate of approval or inspection decal, if any, affixed to the windshield. If there is no previously-issued certificate of approval or inspection decal affixed to the windshield, an official inspection facility shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. If the motor vehicle that has failed inspection is a motor vehicle that has been presented for inspection in accordance with *N.J.A.C. 13:20-7.4(e)1* or *(j)1*, an official inspection facility shall remove the previously-issued inspection certificate of approval, inspection decal, and/or collector motor vehicle windshield sticker, if any, affixed to the windshield and shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. The inspection rejection sticker shall be an indication that adjustments, corrections, or repairs to the motor vehicle that has failed inspection must be made and the motor vehicle presented for re-inspection within the period of time set forth in *N.J.A.C. 13:20-7.5*.

(f) Notwithstanding (e) above, if a passenger vehicle registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at *N.J.A.C. 7:27-15* and *7:27B-5* or *7:27-14* and *7:27B-4*, whichever are applicable, and the nature of the defect(s) found is such as to constitute a hazard to the public safety, so as to require immediate repairs to such motor vehicle, an official inspection facility shall present the motor vehicle inspection report or inspection card for the passenger vehicle to the operator thereof, shall remove the previously-issued inspection certificate of approval, inspection decal, and/or inspection rejection sticker, if any, and shall affix a "48 hour" inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A defect that constitutes a hazard to the public safety, so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the items specified in *N.J.A.C. 13:20-7.6(b)*. The "48 hour" inspection rejection sticker shall be an indication that the defect(s) deemed to constitute a hazard to the public safety must be repaired and the motor vehicle presented for re-inspection within the period of time set forth in *N.J.A.C. 13:20-7.6(a)*.

(g) (No change)

(h) Any motor vehicle presented for initial inspection shall undergo a complete inspection. Once the inspection has commenced it shall not be terminated until the motor vehicle is either certified or rejected. An inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection and the vehicle shall fail the inspection. These conditions include, but are not limited to:

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1. Flat tire(s);
2. Excessive smoke;
3. Uncontrollable engine speed;
4. Brake system failure;
5. Inability of the vehicle to move forward and/or in reverse;
6. Major fluid leak which impairs the vehicle's ability to operate while being inspected; and,
7. Inability of the vehicle to operate.

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

(j) Any new motor vehicle purchased in a foreign jurisdiction for which a temporary authorization certificate has been issued by the Motor Vehicle Commission in accordance with *N.J.A.C. 13:20-7.4(d)* shall be presented at an official inspection facility for the issuance of an appropriate inspection decal. A new motor vehicle receiving a decal pursuant to *N.J.A.C. 13:20-7.4(d)* and this subsection shall be subject to inspection not later than five years from the last day of the calendar month in which the decal was issued for such motor vehicle and the decal affixed to such motor vehicle pursuant to *N.J.A.C. 13:20-7.4(d)* and this subsection shall so indicate; provided, however, that a new motor vehicle receiving a decal pursuant to *N.J.A.C. 13:20-7.4(d)* and this subsection that is registered as a commercial vehicle or passenger vehicle transportation shall be subject to inspection not later than one year from the last day of the calendar month in which the decal was issued for such motor vehicle and the decal affixed to such motor vehicle pursuant to *N.J.A.C. 13:20-7.4(d)* and this subsection shall so indicate. Such a decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious emission-related or OBD-related defects.

(k) Any motor vehicle less than five model years old for which a temporary authorization certificate has been issued by the Motor Vehicle Commission in accordance with *N.J.A.C. 13:20-7.4(a)*, (g), or (i) that is presented at an official inspection facility and is eligible for the issuance of an inspection decal pursuant to *N.J.A.C. 13:20-7.4(a)*, (g)1, or (i)2 shall be subject to the provisions of this subsection. A motor vehicle receiving a decal pursuant to *N.J.A.C. 13:20-7.4(a)*, (g)1, or (i)2 and this subsection shall be subject to inspection 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 decal affixed to such motor vehicle pursuant to *N.J.A.C. 13:20-7.4(a)*, (g)1, or (i)2 and this subsection. Such a decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle.

13:20-32.3 Credentials; official inspection facilities

(a)-(b) (No change)

13:20-32.4 License plates; official inspection facilities

(a)-(b) (No change)

13:20-32.20 Vehicle inspection: exhaust system; official inspection facilities

A passenger vehicle shall not be certified if there is evidence of tampering with emission control apparatus in violation of *N.J.A.C. 7:27-15.7*.

13:20-32.21 Vehicle inspection: visible smoke and on-board diagnostics test(s); official inspection facilities

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

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

13:20-32.22 On-board diagnostics inspection equipment maintenance; official inspection facilities

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

[page=817] 13:20-32.34 Vehicle inspection: fuel system; official inspection facilities

Fuel leakage at any point in the motor vehicle fuel system shall be cause for rejection. The fuel tank and piping shall be securely mounted and in proper condition and the fuel tank shall be properly capped.

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

13:20-33.1 Definitions

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

...

"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 private inspection facility equipped with Department of Environmental Protection-approved OBD test 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*.

"Commercial motor vehicle inspection" means the annual inspection for mechanical defects with applicable emission test or emission component test of passenger vehicle transportation and commercial vehicles, except for diesel-fueled vehicles that are registered as commercial vehicles having a GVWR of greater than 8,500 pounds.

"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).

...

"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.

...

"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.

...

"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.

...

"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.

...

13:20-33.2 General provisions; Class I, II, and III licensees

(a) This subchapter contains the inspection standards and test procedures to be used by Class I, Class II, and Class III licensed private inspection facilities when conducting the following vehicle inspections:

1.-3. (No change.)

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

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

(e) (No change.)

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

(g) (No change.)

(h) A private inspection facility license also requires re-inspection and certification of a motor vehicle when the motor vehicle owner or lessee, or someone not under the direction of the licensee, has made the repairs, adjustments, or corrections. In such cases, the private inspection facility shall re-inspect the rejected item(s) to determine if they conform to the standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at *N.J.A.C. 7:27-15* and *7:27B-5* or *7:27-14* and *7:27B-4*, whichever are applicable. If such defect(s) have been brought into compliance with the standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at *N.J.A.C. 7:27-15* and *7:27B-5* or *7:27-14* and *7:27B-4*, whichever are applicable, an inspection certificate of approval shall be affixed to the motor vehicle. A private inspection facility may charge a fee for such re-inspection service for motor vehicles having a GVWR of 8,500 pounds or less based on the facility's established hourly labor charge for repair service, but only that portion of an hour which the Motor Vehicle Commission has established to be the average time for re-inspection of specific rejected items for motor vehicles having a GVWR of 8,500 pounds or less by Class I or Class III licensees as set forth in Appendix A, incorporated herein by reference; or that portion of an hour which the Motor Vehicle Commission has established to be the average time for re-inspection of specific rejected items for motor vehicles having a GVWR greater than 8,500 pounds by Class I or Class III licensees as set forth in Appendix B, incorporated herein by reference; or that portion of an hour which the Motor Vehicle Commission has established to be the average time for re-inspection of specific rejected items for Class II or Class III licensees as set forth in Appendix C, incorporated herein by reference.

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

(k) If a passenger vehicle, commercial vehicle and passenger vehicle transportation registered in New Jersey conforms to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at *N.J.A.C. 7:27-15* and *7:27B-5* or *7:27-14* and *7:27B-4*, whichever are applicable, the motor vehicle shall be certified by a private inspection facility licensee by removing the previously-issued inspection certificate of approval, inspection decal, or inspection rejection sticker, if any, and replacing it with a current inspection certificate of approval. The inspection certificate of approval issued by a private inspection facility licensee shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the inspection certificate of approval shall be completely visible from the front of the motor vehicle. The inspection certificate of approval shall be affixed in an upright position.

(l) If a passenger vehicle, commercial vehicle, or passenger vehicle transportation registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the

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Department of Environmental Protection at *N.J.A.C. 7:27-15* and *7:27B-5* or *7:27-14* and *7:27B-4*, whichever are applicable, a private inspection facility licensee shall present the motor vehicle inspection report for such motor vehicle to the operator thereof, and the licensee shall deface the previously-issued inspection certificate of approval or inspection decal affixed to the motor vehicle, if any, by cutting it in a diagonal manner from the upper right corner of the certificate to the lower left corner of the certificate as viewed from inside [page=818] the passenger compartment of the motor vehicle and removing the lower right half of such certificate. This shall be an indication that adjustments, corrections, or repairs to the motor vehicle that has failed inspection must be made and the motor vehicle presented for re-inspection within the period of time set forth in *N.J.A.C. 13:20-7.5*. If there is no previously-issued certificate of approval or inspection decal affixed to the windshield, the motor vehicle inspection report issued to the operator of the motor vehicle by the licensed private inspection facility shall be an indication that adjustments, corrections, or repairs to the motor vehicle that has failed inspection must be made and the motor vehicle presented for re-inspection within the period of time set forth in *N.J.A.C. 13:20-7.5*.

(m) Notwithstanding (l) above, if a passenger vehicle, commercial vehicle, or passenger vehicle transportation registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at *N.J.A.C. 7:27-15* and *7:27B-5* or *7:27-14* and *7:27B-4*, whichever are applicable, and the nature of the defect(s) found is such as to constitute a hazard to the public safety so as to require immediate repairs to such motor vehicle, a private inspection facility licensee shall present the motor vehicle inspection report for such motor vehicle to the operator thereof, shall remove the previously-issued inspection certificate of approval, inspection decal, and/or inspection rejection sticker, if any, and shall affix a "48 hour" inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A defect that constitutes a hazard to the public safety so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the items specified in *N.J.A.C. 13:20-7.6(b)*. The "48 hour" inspection rejection sticker shall be an indication that the defect(s) deemed to constitute a hazard to the public safety must be repaired and the motor vehicle presented for re-inspection within the period of time set forth in *N.J.A.C. 13:20-7.6(a)*.

(n)-(u) (No change.)

(v) Any motor vehicle presented for initial inspection shall undergo a complete inspection. Once the inspection has commenced it shall not be terminated until the motor vehicle is either certified or rejected. An inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection and the vehicle shall fail the inspection. These conditions include, but are not limited to:

1. Flat tire(s);
2. Excessive smoke;
3. Uncontrollable engine speed;
4. Brake system failure;
5. Inability of the vehicle to move forward and/or in reverse;
6. Major fluid leak which impairs the vehicle's ability to operate while being inspected; and
7. Inability of the vehicle to operate.

(w) (No change.)

13:20-33.3 Credentials; private inspection facilities

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

13:20-33.4 License plates; private inspection facilities

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

13:20-33.5 Commercial vehicle inspection: steering and suspension

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

13:20-33.6 Commercial vehicles inspection: front parking lights

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

13:20-33.7 Commercial vehicle inspection: glazing

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

13:20-33.8 Commercial vehicle inspection: obstruction to driver's vision

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

13:20-33.9 Commercial vehicle inspection: horn

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

13:20-33.10 Commercial vehicle inspection: windshield wipers

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

13:20-33.11 Commercial vehicle inspection: clearance lights

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

13:20-33.12 Commercial vehicle inspection: turn signals and hazard warning signals

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

13:20-33.13 Commercial vehicle inspection: reflectors

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

13:20-33.14 Commercial vehicle inspection: identification lights

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

13:20-33.15 Commercial vehicle inspection: side-marker lights

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

13:20-33.16 Commercial vehicle inspection: taillights and license plate light

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

13:20-33.17 Commercial vehicle inspection: stoplights

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

13:20-33.18 Commercial vehicle inspection: wheels

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

13:20-33.19 Commercial vehicle inspection: tires

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

13:20-33.20 Vehicle inspection: exhaust system

(a) Passenger vehicles, commercial vehicles, or passenger vehicle transportation shall not be certified if there is evidence of tampering with the emission control apparatus.

(b) In the case of commercial vehicle inspection, the following shall not be certified if:

1.-7. (No change.)

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

13:20-33.21 Prescribed emission or on-board diagnostics test(s)

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

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

13:20-33.22 Emission test equipment and on-board diagnostics inspection equipment maintenance

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

13:20-33.23 Commercial vehicle inspection: headlights

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

13:20-33.24 Commercial vehicle inspection: rear view mirrors

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

13:20-33.25 Commercial vehicle inspection: miscellaneous lights

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

13:20-33.26 Commercial vehicle inspection: wiring and switching

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

13:20-33.27 Commercial vehicle inspection: headlight beam indicator light

Certification of a motor vehicle shall not be refused because the headlight beam indicator light is inoperative or does not operate properly; however, the motorist shall be advised to have the defect corrected.

13:20-33.28 Commercial vehicle inspection: turn signal and hazard warning signal indicator lights

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

[page=819] 13:20-33.29 Commercial vehicle inspection: antenna

Any antenna mounted on a motor vehicle shall be securely attached, so as not to swing or project in a hazardous manner. Certification of a motor vehicle shall not be refused because of an insecure antenna; however, the motorist shall be advised to have the condition corrected.

13:20-33.30 Commercial vehicle inspection: body

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

13:20-33.31 Commercial vehicle inspection: bumpers

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

13:20-33.32 Commercial vehicle inspection: doors

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

13:20-33.33 Commercial vehicle inspection: fenders and fender flaps

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

13:20-33.34 Fuel system

Fuel leakage at any point in the motor vehicle fuel system shall be cause for rejection. The fuel tank and piping shall be securely mounted and in proper condition and the fuel tank shall be properly capped.

13:20-33.35 Commercial vehicle inspection: hood

Motor vehicles shall be equipped with an engine hood. The hood shall be properly secured and latched, and all hinges, latches, and other components shall be in proper operating condition.

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13:20-33.36 Commercial vehicle inspection: lettering

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

13:20-33.37 Commercial vehicle inspection: ornaments

All motor vehicle ornaments shall be free of sharp parts or edges that could cause injury to persons.

13:20-33.38 Commercial vehicle inspection: pedals

Brake, clutch, and accelerator pedals shall have rubber pads or some other method of providing the pedals with a non-skid surface. All pedals shall be in proper operating condition.

13:20-33.39 Commercial vehicle inspection: racks or carriers

A motor vehicle may be equipped with racks or carriers provided the maximum vehicle dimensional limits set forth in *N.J.S.A. 39:3-84* are not exceeded and provided they do not create a dangerous condition that may cause injury to persons.

13:20-33.40 Commercial vehicle inspection: reflective tape

Reflective tape of a color amber to white may be displayed on the front of a motor vehicle. Reflective tape of a color red or amber to white may be displayed on the rear of a motor vehicle.

13:20-33.41 Commercial vehicle inspection: seats

All motor vehicle seats shall be securely mounted and free of hazardous conditions. The driver's seat shall lock securely in a position that permits the safe operation of the motor vehicle.

13:20-33.42 Commercial vehicle inspection: seat belts; air bags

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

13:20-33.43 Commercial vehicle inspection: gear shift indicator

A motor vehicle equipped with an automatic transmission shall be equipped with a gear shift indicator in proper operating condition. Certification of a motor vehicle shall not be refused because of a minor misalignment of a gear shift indicator (that is, a misalignment of not more than one-half the distance between shift positions); however, the motorist shall be advised to have the defect corrected.

13:20-33.44 Commercial vehicle inspection: transmission

The transmission of a motor vehicle shall operate properly and shall be capable of operating in reverse. A reverse detent mechanism shall be present and shall be in proper operating condition.

13:20-33.45 Commercial vehicle inspection: television, videocassette recorder, or digital video disk player; video camera; global positioning system

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

13:20-33.46 Commercial vehicle inspection: trunk lid

A motor vehicle trunk lid shall be capable of being securely fastened in accordance with the motor vehicle manufacturer's original design and specification.

13:20-33.47 Commercial vehicle inspection: service brakes (including service brake equalization and service brake pedal reserve

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

13:20-33.48 Commercial vehicle inspection: parking brake

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

13:20-33.49 Commercial vehicle inspection: speed recording instrument (speedometer); mileage recording instrument (odometer)

Certification of a motor vehicle shall be refused if the speed recording instrument (speedometer) or the mileage recording instrument (odometer) for such motor vehicle is inoperative or does not operate properly.

13:20-33.50 Smoke opacity testing

All diesel powered vehicles with a gross vehicle weight of 18,000 pounds or more are required to be tested on an annual basis in accordance with *N.J.A.C. 7:27-14.6* and *14.4*.

13:20-33.51 Emergency exits for buses

The emergency exit door on all buses shall comply with provisions of *49 CFR 393.62*, which are incorporated herein by reference.

APPENDIX C

AVERAGE LENGTH OF TIME REQUIRED TO RE-INSPECT A SPECIFIC ITEM ON A HEAVY-DUTY DIESEL TRUCK OR DIESEL BUS

Item Re-inspected	Time Required
Credentials.....	0.1 hour*
Emission Control Apparatus.....	0.2 hour
Governor.....	0.2 hour
Exhaust System.....	0.2 hour

Emission Control System.....	0.3 hour
Engine Emissions (Opacity).....	0.3 hour

* Note: If this is the only item to be re-inspected on a vehicle, the re-inspection time shall be considered to be 0.2 hour.

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.

...

"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*.

...

"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).

...

"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.

[page=820] ...

"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.

....

"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.

...

"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.

...

"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.

...

"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.

...

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

(a) (No change.)

(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. -8. (No change.)

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.-13. (No change.)

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; and

19. Gasoline or bi-fueled model year 2013 or older passenger vehicles with a GVWR of 14,001 pounds or greater.

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.-2. (No change.)

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. (No change.)

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) (No change.)

(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) (No change.)

(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) (No change.)

13:20-43.4 Federal motor vehicles

(a) (No change.)

(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.-9. (No change.)

(d) (No change.)

13:20-43.5 Motor vehicles registered in other states

(a) (No change.)

(b) Notwithstanding *N.J.A.C. 13:20-43.3*, motor vehicles 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) (No change.)

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*.

13:20-43.7 Test frequency

(a) (No change.)

[page=821] (b) Notwithstanding (a) above, the following motor vehicles subject to inspection pursuant to this subchapter shall be inspected on an annual basis:

1. (No change.)

2. Passenger vehicle transportation;

Recodify existing 6. and 7. as 3. and 4. (No change in text.)

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) (No change in text.)

(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) (No change in text.)

(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.-17. (No change.)

(h) (No change in text.)

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

(a) (No change.)

(b) On-road inspection shall consist of a 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)-(g) (No change.)

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)-(c) (No change.)

(d) The Motor Vehicle Commission shall issue a notice of conditional registration restoration to a motor vehicle owner or lessee who has applied for the restoration of a motor vehicle registration 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.-5. (No change.)

(e) (No change.)

(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. (No change)

2. To travel to and from an official inspection facility where the inspection of such motor vehicle is to be conducted;

3.-6. (No change)

(g)-(i) (No change.)

SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

13:20-44.2 Definitions

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

...

"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 private 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*.

"Commercial motor vehicle inspection" means the annual inspection for mechanical defects with applicable emission test or emission component test of passenger vehicle transportation and commercial [page=822] vehicles except for diesel-fueled vehicles that are registered as commercial vehicles having a GVWR of greater than 8,500 pounds.

"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).

...

"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.

...

"Motor vehicle emission testing equipment" means equipment in accordance with specifications contained in *N.J.A.C. 7:27B-5.8* and *4.6*. The equipment shall include all devices used for performing a motor vehicle emission inspection, including, but not limited to, OBD scanners, computers, and related software or a smoke meter.

...

"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.

...

"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.

...

"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.

...

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

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

(c) Private inspection facilities shall be licensed to engage in the inspection, re-inspection, and certification of light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of *[less than 8,501]* ***8,500*** pounds or *[greater than 17,999]* ***less and 18,000*** pounds ***or more*** and passenger vehicle transportation; provided, however, private inspection facilities shall not inspect school buses, buses which are subject to inspection by the Motor Vehicle Commission's Inspection Services Bus Unit, or motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37.

(d) Licensed private inspection facilities shall provide inspection, re-inspection, and certification services for all classes of motor vehicles established by the Motor Vehicle Commission, including the following inspection categories:

1. (No change.)

Recodify existing 3.-9. as 2.-8! (No change in text.)

(e) Licensed private inspection facilities shall provide inspection, re-inspection, and certification services in motor vehicle inspection categories, other than the engine emissions inspection category for passenger and commercial vehicles inspection in accordance with *N.J.S.A. 39:8-1* and established by the Motor Vehicle Commission, including credentials and on-board diagnostics.

(f) Class II and Class III private inspection facilities shall provide inspection, re-inspection, and certification services in motor vehicle inspection categories for all heavy-duty diesel-powered motor vehicles having a GVWR of 18,000 pounds or more as established by the Motor Vehicle Commission, including credentials and smoke opacity testing or OBD.

(g) (No change in text.)

(h) Private inspection facilities must have Department of Environmental Protection-approved emission equipment to perform a specific test set forth at *N.J.A.C. 7:27B-4* and *7:27-15.5*.

1. A license shall be issued to private inspection facilities to engage in the inspection and certification of OBD-equipped and OBD-eligible light-duty gasoline-fueled vehicles; light-duty gasoline-fueled trucks; ***heavy-duty gasoline-fueled vehicles***; bi-fueled motor vehicles; diesel-fueled automobiles; diesel-fueled trucks having a GVWR of 8,500 pounds or less; ***diesel-fueled trucks having a GVWR of 18,000 pounds or more***; and passenger vehicle transportation.

2. A private inspection facility with a fleet license shall be issued to owners or lessees of fleets of 10 or more light-duty gasoline-fueled vehicles; light-duty gasoline-fueled trucks; heavy-duty gasoline-fueled vehicles; bi-fueled motor vehicles; diesel-fueled automobiles; diesel-fueled trucks having a GVWR of *[less than 8,501]* ***8,500*** pounds ***or less***; diesel-fueled trucks having a GVWR of 18,000 pounds or more; and passenger vehicle transportation to engage in

the inspection and certification of such motor vehicles.

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

13:20-44.10 Inspection certificates of approval

(a) The inspection certificate of approval for motor vehicles shall be composed of a base inspection sticker and insert indicating respectively the year and month of expiration of the certificate of approval. The inspection certificate of approval issued for motorcycles shall be composed of a one-piece sticker indicating the year and month of expiration of the certificate of approval.

(b)-(n) (No change.)

