

**DEPARTMENT OF TRANSPORTATION  
DIVISION OF MOTOR VEHICLES**

**Enforcement Service**

**Vehicle Inspection**

**Enhanced Motor Vehicle Inspection and Maintenance Program**

**Inspection of New Motor Vehicles**

**Inspection Standards and Test Procedures to Be Used By Official  
Inspection Facilities**

**Inspection Standards and Test Procedures to Be Used By Licensed  
Private Inspection Facilities**

**Private Inspection Facility Licensing**

**Motor Vehicle Emission Repair Facility Registration**

**Mobile Inspection Unit**

**Proposed Amendments: N.J.A.C. 13:20-7.2, 7.4, 28.1 through 28.12, 29.2,  
32.2, 32.5, 32.7, 32.17, 32.25, 32.42, 32.47, 32.68,  
33.2, 33.5, 33.7, 33.17, 33.25, 33.42, 33.47, 33.63,  
33.68, 43.2, 43.8, 43.10, 43.13, 43.16, 43.17, 43.18,  
44.17, 44.20, 45.11, and 45.18**

**Proposed New Rules: N.J.A.C. 13:20-43.20 through 43.30**

**Authorized By: Albert B. Ari, Acting Director, Division of Motor  
Vehicles, with the concurrence of Robert C. Shinn,  
Jr., Commissioner, Department of Environmental  
Protection, and after consultation with Mark S. Herr,  
Director, Division of Consumer Affairs**

**Authority: N.J.S.A. 39:8-2, 39:8-10, 39:8-45, 39:8-52, 39:8-53,  
39:3-43, and 39:10-4**

**Summary**

The Division of Motor Vehicles (Division) is proposing amendments of existing rules and new rules which pertain to the biennial enhanced motor vehicle inspection and maintenance program that has been established in this State in accordance with the "Federal Clean Air Mandate Compliance Act" (P.L. 1995, c. 112) and the Federal Clean Air Act Amendments of 1990 (42 U.S.C. §§7401 et seq.).

N.J.A.C. 13:20-7.2, which pertains to the inspection of motor vehicles, is proposed for amendment. The rule as proposed for amendment exempts school buses which are subject to inspection by the Division's School Bus Inspection Unit from the inspection provisions of N.J.A.C. 13:20-7.

N.J.A.C. 13:20-7.4(b), which pertains to the inspection of new motor vehicles that have been purchased in foreign jurisdictions, is proposed for amendment. The rule as proposed for amendment no longer requires that such new motor vehicles be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of a temporary authorization certificate therefor. Rather, the proposed amendment requires that such new motor vehicles be presented at the exit end of an official inspection facility for the issuance of a new motor vehicle inspection decal within 14 days of the date of issuance of a temporary authorization certificate. The proposed amendment further provides that a new motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(b) shall next be inspected not later than two years from the last day of the calendar month in which the decal was issued for such motor vehicle.

N.J.A.C. 13:20-28, which pertains to the inspection of new motor vehicles by New Jersey licensed new motor vehicle dealers, is proposed for amendment to permit motor vehicle leasing companies that take delivery of new motor vehicles from franchised New Jersey licensed new motor vehicle dealers to inspect such new motor vehicles prior to leasing such motor vehicles in New Jersey. N.J.A.C. 13:20-28.1 and 28.2, which set forth, respectively, the purpose and applicability of the subchapter, are proposed for amendment to reflect the extension of the new motor vehicle dealer inspection program to motor vehicle leasing companies. N.J.A.C. 13:20-28.3, which contains the definitions applicable to the subchapter, is proposed for amendment. The definitions of "new car dealer," "pre-delivery checklist", and "ultimate purchaser" are proposed for amendment; the terms "mileage recording instrument," "new motor vehicle dealer", and "new passenger vehicle" are proposed for deletion; and definitions of the terms "Division" and "new motor vehicle" are proposed for addition.

N.J.A.C. 13:20-28.4, which pertains to manufacturers' new vehicle inspection procedure, is proposed for amendment. Subsection (a) as proposed for amendment requires a new motor vehicle dealer to inspect emission control devices on new motor vehicles in addition to the safety devices on such vehicles and to perform such services as may be necessary so that such vehicles conform to specifications established by the manufacturer and contained in its pre-delivery checklist. The proposed amendments include a new subsection (b) that provides that a motor vehicle leasing company may, prior to delivery of a new motor vehicle to a lessee, inspect the safety and emission control devices on such motor vehicle and perform such services as may be necessary so that such motor vehicle conforms to specifications established by the manufacturer and contained in the manufacturer's pre-delivery checklist.

The proposed amendments to N.J.A.C. 13:20-28.6 extend the application of this section to motor vehicle leasing companies and specify the manner and location where the inspection decal shall be affixed to a new motor vehicle or new motorcycle.

The proposed amendments to N.J.A.C. 13:20-28.7 extend the application of this section to motor vehicle leasing companies and specifically provide that a motor vehicle leasing company that performs inspections of new motor vehicles pursuant to this subchapter shall not lease a new motor vehicle unless such motor vehicle has been found to be in compliance with the inspection standards set forth in N.J.A.C. 13:20-28.5(a).

The proposed amendments to N.J.A.C. 13:20-28.8, 28.9, 28.11, and 28.12 extend the application of the respective rules to motor vehicle leasing companies.

The proposed amendments to N.J.A.C. 13:20-28.10 are technical in nature.

The proposed amendment to N.J.A.C. 13:20-29.2, which pertains to the on-road inspection of motor vehicles by the Division's Mobile Inspection Unit pursuant to N.J.S.A. 39:8-2g, provides at subsection (a) that if a motor vehicle passes an on-road inspection, including the emission test(s) applicable to such motor vehicle pursuant to N.J.A.C. 13:20-43.8, and such motor vehicle is due for inspection pursuant to N.J.S.A. 39:8-1 within the two-month period following the calendar month of the on-road inspection approval, such motor vehicle may be presented at the exit end of an official inspection facility for the issuance of a certificate of approval for the biennial inspection cycle applicable to such motor vehicle.

N.J.A.C. 13:20-32.2, which contains general provisions applicable to official inspection facilities, is proposed for amendment. Subsection (f) as proposed for amendment establishes additional procedures to be followed by official inspection facilities when issuing inspection rejection stickers for certain specified motor vehicles that fail inspection. Subsection (l) as proposed for amendment provides that a motor vehicle which is presented at an official inspection facility for reinspection more than 45 days from the date of the most recent inspection rejection shall be subject to a complete reinspection. A new provision proposed for addition at subsection (r) provides that any new motor vehicle purchased in a foreign jurisdiction for which a temporary authorization certificate has been issued by the Division in accordance with N.J.A.C. 13:20-7.4(b) shall be presented at the exit end of an official inspection facility for the issuance of a new motor vehicle inspection decal. A new motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(b) and this proposed new subsection shall be subject to inspection not later than two years from the last day of the calendar month in which the decal was issued for such motor vehicle, and the decal affixed to such motor vehicle shall so indicate. Such a decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety or emission-related defects. A new provision proposed for addition at subsection (s) provides that any motor vehicle which has been found to be in proper operating condition at an on-road inspection and

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

N.J.A.C. 13:20-33.2, which contains general provisions applicable to licensed private inspection facilities, is proposed for amendment. Subsection (f) as proposed for amendment provides that a Class I "or Class II" licensed private inspection facility shall not perform emission-related motor vehicle repairs unless it is registered with the Division as a motor vehicle emission repair facility.

Subsection (h) as proposed for amendment provides that a private inspection facility license also requires reinspection and certification of a motor vehicle when the motor vehicle owner or lessee, or "someone not under the direction of the licensee," has made the repairs, adjustments, or corrections. This proposed amendment, which conforms the rule to N.J.A.C. 13:20-44.14(i), is intended to clarify the fee that a private inspection facility may charge for performing a reinspection when the owner or lessee, or someone not under the direction of the licensee, has performed the inspection repairs. Subsection (q) as proposed for amendment provides that a motor vehicle which is presented at a licensed private inspection facility for reinspection more than 45 days from the date of the most recent inspection rejection shall be subject to a complete reinspection.

The proposed amendments to N.J.A.C. 13:20-32.5 and 13:20-33.5, which pertain to the inspection of steering and suspension by official inspection facilities and Class I and II licensed private inspection facilities, respectively, replaces a former inspection requirement at subsection (a) of each rule with a new requirement that the suspension system shall consist of the basic elements originally provided by the motor vehicle manufacturer and shall be geometrically arranged in accordance with the manufacturer's specifications. The motor vehicle shall have a suspension system that allows movement between the unsprung axles and wheels and the chassis body and shall be equipped with a shock-absorbing device at each wheel location. The suspension system shall be capable of providing a minimum relative motion of plus or minus two inches. When any corner of the motor vehicle is depressed and released, the damping device shall stop the vertical body motion within two cycles. The use of spacer blocks between the front axle and leaf springs is prohibited. A new subsection applicable only to official inspection facilities is proposed for addition as N.J.A.C. 13:20-32.5(f) and provides that a motor vehicle that is inspected in an inspection lane that is not equipped with automated electronic steering test equipment shall be inspected in accordance with the provisions of N.J.A.C. 13:20-32.5(d) and (e).

regardless of the motor vehicle's gross vehicle weight rating. The former subsections (f) through (i) of N.J.A.C. 13:20-32.5 are proposed for recodification as subsections (g) through (j). A new subsection (k) proposed for addition to N.J.A.C. 13:20-32.5, and a new subsection (h) proposed for addition to N.J.A.C. 13:20-33.5, provide in each rule that a motor vehicle shall not have a hydraulically-operated suspension system unless the motor vehicle was originally designed by the manufacturer with such a system. A new subsection (l) proposed for addition to N.J.A.C. 13:20-32.5, and a new subsection (i) proposed for addition to N.J.A.C. 13:20-33.5, provide in each rule that no portion of a motor vehicle shall extend below the bottom of the wheel rim line at maximum suspension deflection.

The proposed amendments to N.J.A.C. 13:20-32.7 and 13:20-33.7, which pertain to the inspection of glazing by official inspection facilities and Class I and II licensed private inspection facilities, respectively, provide at subsection (d) of each rule that police vehicles and motor vehicles for which medical exemption certificates have been issued by the Division in accordance with N.J.S.A. 39:3-75.1 et seq. are exempted from the general rule that a motor vehicle shall not be certified which has tinted spray or plastic material added to previously approved glazing in the front windshield or windows, vents, wings, deflectors, or side shields to the immediate right or left of the driver. Subsection (d) of each rule is also proposed for amendment to provide that a motor vehicle may be certified if tinted spray or plastic material has been applied to previously approved glazing in the front windshield if such spray or material extends no lower than six inches from the top of the front windshield or such spray or material does not extend below the AS-1 marking on the front windshield. A provision pertaining to high-mounted rear stoplights previously codified in subsection (d) of each rule is proposed for recodification at subsection (g) of each rule.

The proposed amendments to N.J.A.C. 13:20-32.17 and 13:20-33.17, which pertain to the inspection of stoplights by official inspection facilities and Class I and II licensed private inspection facilities, respectively, add a new subsection (h) to each rule that provides that if the high-mounted rear stoplight is mounted inside the motor vehicle, means shall be provided to minimize reflections from the light upon the rear window glazing that may be visible to the driver when viewed in the interior rear view mirror. Certification of a motor vehicle which is equipped with such a high-mounted rear stoplight shall be refused if adequate means are not provided to minimize such reflections.

The proposed amendments to N.J.A.C. 13:20-32.25 and 13:20-33.25, which pertain to the inspection of miscellaneous lights by official inspection facilities and Class I and II licensed private inspection facilities, respectively, provide at subsection (f) of each rule that back-up lights shall be white in color. A new subsection (j), which is proposed for addition to each rule, provides that a motor vehicle driven by an active member in good standing of the New Jersey Wing of the Civil Air Patrol may be equipped with a blue emergency warning light

or lights in accordance with the requirements set forth in N.J.A.C. 13:24-7. A permit issued pursuant to N.J.A.C. 13:24-7 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motor vehicle. A new subsection (k), which is proposed for addition to each rule, provides that a motor vehicle shall not be equipped with interior lights other than instrumentation lights, courtesy lights, dome lights, or high-mounted rear stoplights. A courtesy light or dome light shall be capable of being extinguished while the motor vehicle is in motion. A motor vehicle shall be refused certification if a courtesy light or dome light is incapable of being extinguished while the motor vehicle is in motion. This subsection shall not apply to an authorized emergency vehicle as defined in N.J.A.C. 13:24-1.1. A new subsection (l), which is proposed for addition to each rule, provides that a motor vehicle shall not be equipped with sequentially operating lights unless originally manufactured with such lights. This subsection shall not apply to an authorized emergency vehicle as defined in N.J.A.C. 13:24-1.1. A new subsection (m), which is proposed for addition to each rule, provides that except as otherwise provided by law, lights or lighting systems shall not be mounted on the undercarriage of a motor vehicle. This subsection shall not apply to an authorized emergency vehicle as defined in N.J.A.C. 13:24-1.1. The former subsections (j) through (l) of each rule are proposed for recodification as subsections (n) through (p).

The proposed amendments to N.J.A.C. 13:20-32.42 and 13:20-33.42, which pertain to the inspection of seat belts by official inspection facilities and Class I and II licensed private inspection facilities, respectively, add an inspection requirement at subsection (a) of each rule that all motor vehicles which are required by law to be equipped with air bags shall be in compliance with Federal Motor Vehicle Safety Standard 208 (as incorporated into the respective rules by reference). A new subsection (c), as proposed for addition to each rule, provides that certification of a motor vehicle shall be refused if an air bag(s) has been deployed and has not been replaced with an air bag(s) that is in compliance with Federal Motor Vehicle Safety Standard 208.

The proposed amendments to N.J.A.C. 13:20-32.47(h) and 13:20-33.47(m)1, which pertain to the inspection of brakes by official inspection facilities and Class I and II licensed private inspection facilities, respectively, provide that motor vehicles having a gross vehicle weight rating of 7,000 pounds or more but less than 10,001 pounds shall have an allowable rear brake bias margin of 25 percent.

The proposed amendments to N.J.A.C. 13:20-32.68 and 13:20-33.68, which pertain to the inspection of motorcycle helmets by official inspection facilities and Class III licensed private inspection facilities, respectively, delete a former inspection requirement set forth at paragraph (a)3 of each rule that motorcycle helmets manufactured with built-in reflectorization must also have affixed thereto reflectorized tape.

The proposed amendment to N.J.A.C. 13:20-33.63, which pertains to the inspection of miscellaneous motorcycle lights by Class III licensed private inspection facilities, specifies at paragraph (j)7 the identification letter that often appears on the lens of liquid burning emergency flares.

The proposed amendments to N.J.A.C. 13:20-43.2, which pertains to inspection requirements for motor vehicles, incorporate at subsection (a) more specific references to Department of Environmental Protection rules than were previously set forth in the subsection.

N.J.A.C. 13:20-43.8, which pertains to emission tests for motor vehicles, is proposed for amendment. An exemption from the loaded-mode (dynamometer-based) test is proposed for addition to subsection (a) for any motor vehicle with a chassis height that has been modified so as to make its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director. Subsection (b) as proposed for amendment provides that any motor vehicle with model years 1981 and later with a chassis height that has been modified so as to make its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director, shall be subject to a 2,500 RPM emission test. The proposed amendments to subsections (a) and (b) also delete the word "idle" from references to the 2,500 RPM emission test. Subsection (b) is further proposed for amendment to specify that motor vehicles which are subject to a 2,500 RPM emission test shall not exceed the emission levels established by the Department of Environmental Protection for hydrocarbons and carbon monoxide.

N.J.A.C. 13:20-43.10, which pertains to reinspections, is proposed for amendment to specify that emission-related inspection repairs shall be performed by a registered motor vehicle emission repair facility or by the owner or lessee of the motor vehicle. The proposed amendments to N.J.A.C. 13:20-43.10 also provide that an owner or lessee possessing a nationally recognized certification for emission-related diagnosis and repairs who performs emission-related repairs on a motor vehicle that has failed an emission inspection shall present invoices for emission-related parts at the time of reinspection. The proposed amendments to N.J.A.C. 13:10-43.10 also provide that the owner or lessee who performs emission-related repairs on the emission control system and/or who performs an emission-related process on a motor vehicle that has failed the emission inspection shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, and the pre-inspection repair form (if applicable), which has/have been completed by such owner or lessee and invoices for emission control system parts and/or emission-related processes.

N.J.A.C. 13:20-43.13, which pertains to inspection waivers, is proposed for amendment. Paragraph (a)8, which sets forth the applicable amount which a motor vehicle owner or lessee must spend for emission-related repairs as one of the prerequisites to the issuance of a certificate of waiver for such motor vehicle, as proposed for amendment, provides that beginning on January 1, 2002, the

owner or lessee must expend no less than \$450.00 for emission-related repairs of the motor vehicle excluding any repairs made under warranty coverage.

The proposed amendments to N.J.A.C. 13:20-43.16, which pertains to registration denial or suspension under the enhanced motor vehicle inspection and maintenance program, provide that a registration shall not be denied or suspended after failure to present a motor vehicle for inspection or reinspection if such vehicle is presented for inspection or reinspection within the period of time provided on the Division's notice of scheduled registration suspension "and an inspection certificate of approval or certificate of waiver is issued for the motor vehicle within such period of time." A new subsection (h), as proposed for addition to N.J.A.C. 13:20-43.16, provides that if a motor vehicle for which a notice of conditional registration restoration has been issued pursuant to subsection (d) of the rule or for which a conditional registration has been issued pursuant to subsection (f) of the rule is presented for inspection at an official inspection facility or a licensed private inspection facility and fails such inspection, the official inspection facility or licensed private inspection facility shall remove the previous inspection certificate of approval, certificate of waiver, collector motor vehicle windshield sticker, and/or inspection rejection sticker, if any, affixed to the windshield and shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof. The former subsection (h) of the rule is proposed for recodification as subsection (i).

The proposed amendments to N.J.A.C. 13:20-43.17, which pertains to emission inspector training and licensing, adds a reference at subsection (b) to N.J.A.C. 13:20-43.21 (a proposed new Division rule concerning emission inspector training programs administered by third parties). A reference to the fee which may be charged by the Division for the approval of training programs administered by third parties is proposed for deletion from subsection (b) because this subject is now addressed in the proposed new rule at N.J.A.C. 13:20-43.21(b). Amendments of a technical nature are proposed to subsections (e) and (f). A new subsection (g), as proposed for addition to N.J.A.C. 13:20-43.17, provides for the issuance of duplicate emission inspector licenses and establishes the fee to be charged for such duplicate licenses. A new subsection (h), as proposed for addition to N.J.A.C. 13:20-43.17, provides that a person shall not be licensed as a motor vehicle emission inspector, nor perform the duties of a motor vehicle emission inspector, unless such person possesses a valid driver license.

The proposed amendments to N.J.A.C. 13:20-43.18, which pertains to suspension or revocation of emission inspector licenses, provide at (a)2 that, in addition to violation of any provision of N.J.A.C. 13:20-43, a violation of any provision of N.J.S.A. 39:8-1 et seq., N.J.A.C. 13:20-7, 13:20-32, 13:20-33, 13:20-44, or 13:20-45 constitutes a basis for the suspension or revocation of such licenses. Amendments of a technical nature are proposed to subsections (b) and (e). Subsection (f), which sets forth the penalty schedule applicable to emission inspector licensees, provides that, in addition to violation of N.J.S.A.



39:8-1 et seq. or N.J.A.C. 13:20-43, a violation of N.J.A.C. 13:20-7, 13:20-32, 13:20-33, 13:20-44, or 13:20-45 shall constitute a basis for the imposition of a penalty against an emission inspector. N.J.A.C. 13:20-43.18(f)7 is proposed for amendment to specify penalties for issuance or possession of altered, forged, stolen, or counterfeit emission inspector licenses. N.J.A.C. 13:20-43.18(f)17 and 18 are proposed for addition to specify penalties for lending an emission inspector license to another person and for failing to produce an emission inspector license. The proposal adds a new subsection (g), which provides that the Director has the authority to impose an official warning as an alternative or in addition to a suspension, revocation, or refusal to issue or renew an emission inspector license. The proposal adds a new subsection (h), which provides that a motor vehicle emission inspector whose license is suspended or who receives an official warning shall be required to successfully complete refresher training and testing in accordance with N.J.A.C. 13:20-43.17(d).

The proposed new rule at N.J.A.C. 13:20-43.20 provides that the emission inspector license is the property of the State and must be surrendered to the Division upon suspension, revocation, or refusal to renew.

The proposed new rule at N.J.A.C. 13:20-43.21 provides standards for the Division's approval of emission inspector training programs administered by third parties, including standards for classroom facilities, training curriculum, minimum hours of classroom instruction, class size, and applicant training experience.

The proposed new rule at N.J.A.C. 13:20-43.22 provides that an approved third party emission inspector training program provider shall maintain a record of every person receiving emission inspector training, the name of the instructor giving the course, and the dates instruction was given. Such records shall be maintained at the provider's principal place of business for a period of two years. The records of the third party emission inspector training program provider may be electronically stored.

The proposed new rule at N.J.A.C. 13:20-43.23 provides that a third party emission inspector training program provider shall notify the Director in writing within seven days of a change of the provider's principal place of business. The rule also provides that a third party emission inspector training program provider shall notify the Director in writing within seven days of a change of instructors employed by such provider.

The proposed new rule at N.J.A.C. 13:20-43.24 provides that a third party emission inspector training program provider shall permit representatives from the Division or the Department of Environmental Protection access to training sessions for the purpose of auditing and shall upon request furnish the dates, times, and locations of such training sessions.

The proposed new rule at N.J.A.C. 13:20-43.25 provides for the refusal to approve or withdrawal of approval of a third party emission inspector training program for enumerated violations, including, but not limited to, false statements in the application for approval, fraudulent or deceptive practices concerning the repair of motor vehicles, a disqualifying criminal record, a pattern of conduct

wherein emission inspector training was not conducted in a professional manner, failure to maintain an approved classroom, or violation of the Federal Clean Air Act or the Consumer Fraud Act or any regulations adopted thereunder.

The proposed new rule at N.J.A.C. 13:20-43.26 provides for the imposition of an official warning by the Director as an alternative to the withdrawal of approval of a third party emission inspector training program.

The proposed new rule at N.J.A.C. 13:20-43.27 provides for the investigation of third party emission inspector training program providers for violations of the motor vehicle inspection laws and regulations. The proposed new rule also provides for the issuance of subpoenas, summonses and complaints in conjunction with investigations conducted by the Division.

The proposed new rule at N.J.A.C. 13:20-43.28 provides for the issuance of a notice of refusal to approve or a notice of withdrawal of approval of a third party emission inspector training program setting forth the reasons for the proposed refusal or withdrawal of approval.

The proposed new rule at N.J.A.C. 13:20-43.29 provides for the filing of a request for hearing by an applicant for approval or by a third party emission inspector training program provider. The request for hearing shall include a concise statement of facts constituting each ground of defense, and a specific admission, denial or explanation of each fact alleged in the Division's notice. If a third party emission inspector training program provider does not file a written request for a hearing, the third party emission inspector training program provider shall cease business activities on the effective date of withdrawal of approval as specified in the Division's notice.

The proposed new rule at N.J.A.C. 13:20-43.30 provides that any hearing relating to the refusal to approve or the withdrawal of approval of a third party emission inspector training program shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

The proposed amendment to N.J.A.C. 13:20-44.17 provides that performing an emission-related repair without being registered as a motor vehicle emission repair facility constitutes an additional reason for the suspension or revocation of a private inspection facility license or the refusal to issue or renew such a license.

The proposed amendment to N.J.A.C. 13:20-44.20(b)18 provides that a private inspection facility's failure to provide a customer with an invoice or Emission Repair Facility list constitutes an additional reason for the imposition of a license suspension upon such private inspection facility.

The proposed amendment of N.J.A.C. 13:20-45.11, which pertains to notice and recordkeeping requirements applicable to motor vehicle emission repair facilities, adds a new subsection (m) which provides that when an emission repair is performed on a motor vehicle, the registered emission repair facility shall cause to be imprinted on the emission repair form an emission repair

facility stamp containing the emission repair facility registration number and the date of emission repairs.

The proposed amendment of N.J.A.C. 13:20-45.18 corrects an erroneous regulatory citation contained within subsection (c).

### **Social Impact**

The proposed amendments and new rules will have a beneficial social impact in that they implement the public policy of this State as set forth in the "Federal Clean Air Mandate Compliance Act" (P.L. 1995, c. 112). This proposal is the latest in a series of Division rulemaking initiatives pertaining to the implementation and operation of a biennial enhanced motor vehicle inspection and maintenance program in New Jersey that satisfies the requirements of the Federal Clean Air Act Amendments of 1990 and the standards for enhanced motor vehicle inspection and maintenance programs adopted by the United States Environmental Protection Agency. The enhanced motor vehicle inspection and maintenance program will reduce the emission of air contaminants from motor vehicles, thereby improving the air quality in this State and assisting the State in attaining and maintaining national ambient air quality standards. The proposed amendments to N.J.A.C. 13:20-43.16, which pertains to the enhanced motor vehicle inspection and maintenance program registration suspension procedure for a motor vehicle that has not been presented for inspection or reinspection in a timely manner, provide that an inspection certificate of approval or a certificate of waiver must be issued for such motor vehicle within the period of time specified in the Division's notice of scheduled registration suspension in order to avoid the registration suspension.

The proposed amendments to N.J.A.C. 13:20-7.4(b), regarding the inspection of new motor vehicles purchased in foreign jurisdictions, will have a beneficial social impact in that such motor vehicles shall be permitted to be presented at the exit end of an official inspection facility for the issuance of a new motor vehicle inspection decal and shall not be subject to inspection unless an obvious safety or emission-related defect is present.

The proposed amendments also revise certain inspection standards and test procedures for motor vehicle safety equipment to be followed by official inspection facilities and licensed private inspection facilities when performing motor vehicle safety inspections. The amendments will have a positive social impact in that owners and lessees of motor vehicles shall have uniform inspection standards and test procedures applied by facilities authorized to perform motor vehicle inspections. The proposal has no social impact upon the Division of Motor Vehicles.

A more detailed discussion of the social impact of the enhanced motor vehicle inspection and maintenance program is contained in the Division's and Department of Environmental Protection's emergency rule adoptions and concurrent proposals which were published in the New Jersey Register on July 17, 1995 at 27 N.J.R. 2777(a) and 2752(a), respectively.

### **Economic Impact**

Implementation of the enhanced motor vehicle inspection and maintenance program has a continuing economic impact on the State. On August 7, 1998, the State Treasurer, pursuant to P.L. 1995, c. 112 (N.J.S.A. 39:8-44), awarded a seven year \$400 million contract to a private company to implement and operate the test-only component of the enhanced I/M program in New Jersey. The Division's administrative oversight of the private company that operates the test-only component of the enhanced I/M program, of licensed private inspection facilities that operate the test and repair component of the enhanced I/M program, of licensed emission inspectors, and of registered emission repair facilities also imposes an economic impact on the State. Other businesses that are subject to the Division's administrative oversight include new motor vehicle dealers, new motor vehicle leasing companies, and emission inspector training program providers. Administrative oversight includes the licensing of private inspection facilities and emission inspectors, registration of emission repair facilities, and approval of emission inspector training providers. Administrative oversight also entails investigation of statutory and regulatory violations and the initiation and prosecution of administrative sanctions against licensees and registrants who violate the enhanced I/M program requirements.

The proposed amendments to the enhanced motor vehicle inspection and maintenance program rules will have an economic impact on owners and lessees of motor vehicles that are subject to an enhanced emission inspection. N.J.A.C. 13:20-43.13, which pertains to the issuance of certificates of waiver for motor vehicles which fail the enhanced (dynamometer-based) emission test after all qualifying emission-related repairs have been completed on such motor vehicles, is proposed for amendment. The proposed amendment provides that beginning January 1, 2002, no less than \$450.00 must be expended by the owner or lessee of a motor vehicle in order to qualify for the issuance of a certificate of waiver. The proposed amendment mitigates the economic impact of the waiver program on the owners and lessees of motor vehicles subject to the enhanced inspection and maintenance program by capping the waiver repair amount at \$450.00 beginning January 1, 2002 (rather than \$450.00 plus CPI from 1989, which would otherwise take effect on January 1, 2002). The proposed amendment pertaining to the waiver repair amount has a corresponding negative economic impact upon registered motor vehicle emission repair facilities in that the waiver repair amount is capped at \$450.00 beginning January 1, 2002.

The Division anticipates that the proposal will have an adverse economic impact on the private company that operates the test-only component of the enhanced motor vehicle inspection and maintenance program and on private inspection facilities that are licensed by the Division to perform motor vehicle inspections. N.J.A.C. 13:20-7.4(b), as proposed for amendment, provides that new motor vehicles, which have been purchased in a foreign jurisdiction, shall be

presented at the exit end of an official inspection facility for the issuance of a new motor vehicle inspection decal. The proposed amendment to N.J.A.C. 13:20-7.4(b) relieves the purchaser of such new motor vehicles from the requirement of having such vehicles inspected at official inspection facilities or licensed private inspection facilities, thereby reducing the total number of inspections performed at said facilities.

The Division anticipates that the proposed amendments to N.J.A.C. 13:20-28, which extend the application of the new motor vehicle inspection program to motor vehicle leasing companies, will have a beneficial economic impact on motor vehicle leasing companies in that they may take direct delivery of new motor vehicles that have been purchased by them, rather than taking delivery through a licensed new motor vehicle dealer.

The proposed new rule at N.J.A.C. 13:20-43.17(g) provides for the issuance of a duplicate emission inspector license upon the payment of a fee of \$5.00. The fee, which is to be paid by the original holder of the emission inspector license, partially offsets the administrative expense incurred by the Division in processing the application and issuing the duplicate emission inspector license.

The proposed amendments to N.J.A.C. 13:20-43.18(f), pertaining to the penalty schedule applicable to emission inspectors, will have an adverse economic impact on emission inspector licensees who are subject to a license suspension and civil penalties for either lending their licenses or for failing to produce their licenses. The proposed new rule at N.J.A.C. 13:20-43.18(h), which requires completion of emission inspector refresher training and testing by emission inspectors whose licenses are suspended or who receive official warnings from the Director, will have an adverse economic impact on emission inspector licensees.

The proposed new rule at N.J.A.C. 13:20-43.21(b) provides for a fee of \$100.00 for the approval of emission inspector training programs administered by third parties. The fee partially offsets the administrative expense incurred by the Division in processing the application for approval, conducting the site investigation, and issuing the certificate of approval to the emission inspector training program provider.

The proposed amendments to N.J.A.C. 13:20-44.17 and 13:20-44.20(b) will have an adverse economic impact on private inspection facilities whose licenses are subject to suspension for performing emission-related repairs without being registered as motor vehicle repair facilities or are subject to a civil penalty for failing to provide an invoice and/or Emission Repair Facility list to a customer.

### **Federal Standards Statement**

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

The Federal EPA performance standard established reductions of specific mobile source pollutants that an area must achieve by its enhanced motor vehicle inspection and maintenance program. These pollutants include volatile organic compounds (VOC) including hydrocarbons (HC), carbon monoxide (CO), and oxides of nitrogen including NO and NO<sub>2</sub> (NO<sub>x</sub>).

Since each area's base pollution problem is somewhat unique as a starting point for achieving the goal of attainment of pollutant reductions, areas are encouraged to select program elements geared toward resolving those particular pollution problems, and at the same time fit within their particular social and political frameworks. But those program elements are weighted, so that an effort to meet the performance standard requires areas, such as New Jersey, to select program elements of greater or lesser stringency so that the State's program, taken as a whole, will establish a program that meets the overall performance standard. The program elements reflected in the proposed amendments and new rules are aimed at meeting, without exceeding, the Federal performance standard.

A more detailed analysis of Federal standards and requirements is contained in the Division's and the Department of Environmental Protection's emergency rule adoptions and concurrent proposals, which were published in the New Jersey Register on July 17, 1995 at 27 N.J.R. 2777(a) and 27 N.J.R. 2752(a), respectively. See also the Federal standards and requirements analysis contained in the Division's proposed amendments, which were published in the New Jersey Register on May 6, 1996 at 28 N.J.R. 2334(a).

Federal inspection standards and procedures are set forth at 49 C.F.R. §§570.1 et seq. The inspection standards and test procedures established by this proposal do not exceed such Federal standards.

### **Jobs Impact**

As noted in the Economic Impact statement above, the total number of motor vehicle inspections that are performed at official inspection facilities and licensed private inspection facilities will be reduced upon adoption of this proposal because new motor vehicles purchased in foreign states will no longer be required to be inspected within 14 days of initial registration in this State. Such new motor vehicles will instead be permitted to be presented at the exit end of an official inspection facility for the issuance of a new motor vehicle inspection decal valid for two years. See the proposed amendment of N.J.A.C. 13:20-7.4(b) and the proposed new subsection at N.J.A.C. 13:20-32.2(r). As a result thereof, some jobs may be lost at official inspection facilities and licensed private inspection facilities.

### **Agriculture Industry Impact**

The proposed amendments and new rules will have no impact on the agriculture industry.

### **Regulatory Flexibility Analysis**

The proposal has been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The Division estimates that many of the business entities affected by the proposal are small businesses as defined in the Act, including private inspection facilities and motor vehicle dealers.

Approximately 1,428 businesses are licensed by the Division as private inspection facilities pursuant to N.J.A.C. 13:20-44. Most of these businesses qualify as small businesses as defined in the Regulatory Flexibility Act. The proposal imposes no additional reporting or recordkeeping requirements upon such businesses beyond those contained in existing rules. The proposal does not require small businesses to engage additional professional services nor do they necessitate capital or annual expenditures beyond those required by existing rules. The proposed amendments revise inspection standards and test procedures to be used by licensed private inspection facilities when inspecting and certifying automobiles, trucks, buses, jitneys, and motorcycles for compliance with inspection standards. The compliance requirements imposed upon private inspection facilities by the amendments are not viewed as overly burdensome in that the private inspection industry has been providing motor vehicle reinspection services in this State since 1975 when P.L. 1975, c. 156 was enacted into law and initial inspection services since 1983 when P.L. 1983, c. 236 was enacted into law. Inspection

standards and test procedures have been accepted over time as standard industry practices. An exemption from the compliance requirements for small businesses licensed as private inspection facilities is not warranted since such an exemption would impair the statutory private inspection facility licensing requirement set forth at N.J.S.A. 39:8-45.

Approximately 1,003 business entities are presently licensed as new motor vehicle dealers in the State of New Jersey. Most of these businesses qualify as small businesses as defined in the Regulatory Flexibility Act. The proposed amendments to N.J.A.C. 13:20-28 that pertain to licensed New Jersey new motor vehicle dealers are technical in nature and impose no additional reporting or recordkeeping requirements upon such businesses beyond those contained in existing rules. The proposed amendments do not require such small businesses to engage additional professional services nor do they necessitate capital or annual expenditures beyond those required by existing rules. The compliance requirements imposed upon motor vehicle dealers are not viewed as overly burdensome in that motor vehicle dealers have been performing new motor vehicle inspections since 1971 when N.J.A.C. 13:20-28 was adopted by the Division. An exemption from the compliance requirements for small businesses licensed as motor vehicle dealers is not warranted since such an exemption would impair the new motor vehicle inspection requirements set forth in the subchapter.

The proposed amendments to N.J.A.C. 13:20-28 extend the application of the subchapter to motor vehicle leasing companies, some of which may qualify as small businesses for purposes of the Regulatory Flexibility Act. Since the proposed amendments that extend the application of the new motor vehicle inspection program to motor vehicle leasing companies are permissive in nature, leasing companies that qualify as small businesses for purposes of the Regulatory Flexibility Act may decline to participate in such program. However, if a leasing company chooses to participate in the new motor vehicle inspection program, such company shall be subject to the compliance and recordkeeping requirements imposed by the subchapter. A leasing company choosing to participate in the new motor vehicle inspection program is required to inspect and service the safety and emission devices on new motor vehicles in order to bring such motor vehicles into conformity with specifications established by the motor vehicle manufacturer as contained on the manufacturer's pre-delivery checklist. A leasing company is also required to affix an inspection decal on a new motor vehicle after completion of the inspection. A leasing company is also required to retain the pre-delivery checklist for at least three years from the date of inspection. These compliance and recordkeeping requirements do not necessitate capital and annual expenditures for compliance by small businesses.

The compliance and recordkeeping requirements do not require small businesses to engage additional professional services. These requirements are intended to set standards for motor vehicle equipment, motor vehicle inspection and motor vehicle maintenance in order to advance overall highway safety. An



exemption from the compliance and recordkeeping requirements for motor vehicle leasing companies that qualify as small businesses is not warranted since such an exemption would impair the new motor vehicle inspection requirements set forth in this subchapter.

Approximately 2,066 businesses are registered by the Division as emission repair facilities pursuant to N.J.A.C. 13:20-45. Most of these businesses qualify as small businesses as defined in the Regulatory Flexibility Act. The proposed amendment to N.J.A.C. 13:20-43.13(a)8 pertaining to the waiver repair amount has a negative economic impact upon emission repair facilities in that the waiver repair amount is capped at \$450.00 beginning January 1, 2002. The proposal imposes no additional reporting or recordkeeping requirements upon such businesses beyond those contained in existing rules. The proposal does not require small businesses to engage additional professional services nor does it necessitate capital or annual expenditures beyond those required by existing rules. The proposed amendments require a registered repair facility to imprint on emission repair forms an emission repair facility stamp containing the emission repair facility's registration number and the date of the emission repairs. Emission repair facilities may purchase such stamps at a nominal cost. The compliance requirements imposed upon emission repair facilities by the amendments are not viewed as overly burdensome in that the emission repair industry has been providing motor vehicle emission repair services in New Jersey's enhanced I/M program since 1995 when P.L. 1995, c. 112 was enacted into law and N.J.A.C. 13:20-45 was adopted by the Division. The registration of motor vehicle repair facilities promotes the effective repairs of motor vehicle emission control systems that fail emission inspection under New Jersey's enhanced I/M program, facilitates effective monitoring of emission repairs performed by such facilities, and provides consumers with information relating to the effectiveness of emission repairs. An exemption from the compliance requirements for small businesses registered as emission repair facilities is not warranted since such an exemption would impair the statutory emission repair facility registration requirement set forth at N.J.S.A. 39:8-53.

Approximately 64 businesses are approved by the Division as emission inspector training program providers pursuant to 40 CFR §51.367. Most, if not all, of these businesses qualify as small businesses as defined in the Regulatory Flexibility Act. The proposed new rules impose reporting, recordkeeping, and compliance requirements on emission inspector training program providers. The compliance requirements include standards for classroom facilities, training curriculum, minimum hours of classroom instruction, and class size. Recordkeeping requirements include records of persons receiving emission inspector training, the names of instructors providing instructor training, and the dates of instruction. Such records are required to be maintained at the principal place of business for a period of two years. Such records are of a kind that are maintained in the ordinary course of business.

Reporting requirements include submitting to the Director class rosters and training curricula. The compliance requirements imposed upon emission inspector training program providers by the new rules are not viewed as overly burdensome in that training providers have been providing emission inspector training services in New Jersey's enhanced I/M program since 1995 when P.L. 1995, c. 112 was enacted into law and N.J.A.C. 13:20-43 was adopted by the Division. The proposed new rules do not require small businesses to engage additional professional services for compliance therewith. The proposed new rules will necessitate capital and annual expenditures by small businesses seeking to engage in emission inspector training in that such small businesses are required to maintain classroom facilities, training materials, and emission testing equipment specified in the new rules. The oversight responsibilities imposed on the Division by Federal rule have uniform application to all entities that engage in the business of emission inspector training. It is not feasible to exempt small businesses from the compliance requirements of the new rules in light of the Federal mandate. An exemption from the compliance requirements for small businesses approved as emission inspector training program providers is not warranted since such an exemption would impair the oversight responsibilities imposed on the State by Federal rule. See 40 CFR §51.367(a)(2).

**Full text** of the proposed amendments and new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

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

(a) (No change.)

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

1. - 7. (No change.)

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

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

**10. School buses which are subject to inspection by the Division's School Bus Inspection Unit in accordance with N.J.S.A. 39:3B-18 et seq.; and**

[10.] **11.** (No change in text.)

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

(a) (No change.)

(b) Whenever a new motor vehicle, which has been purchased in a foreign jurisdiction and temporarily registered therein, is initially registered by the purchaser in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented [for inspection] at **the exit end of** an official inspection facility [or a licensed private inspection facility] **for the issuance of a new motor vehicle inspection decal** within 14 days of the date of issuance of the temporary authorization certificate. **A new motor vehicle receiving a decal pursuant to this subsection shall be subject to inspection not later than two years from the last day of the calendar month in which the decal was issued for such motor vehicle, and the decal affixed to such motor vehicle pursuant to this subsection shall so indicate.** The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

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

### **13:20-28.1 Purpose**

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

(b) (No change.)

### **13:20-28.2 Applicability**

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

### **13:20-28.3 Definitions**

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

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

“**Mileage recording instrument**” means an instrument mounted in the passenger compartment of a vehicle which will accurately measure and record the mileage traversed by the vehicle.]

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

“New [car] **motor vehicle** dealer” or “new motorcycle dealer” means a dealer licensed pursuant to N.J.S.A. 39:10-19 [,] to sell new [passenger] **motor** vehicles or new motorcycles, [his or her] **its** employees and/or agents.

[“New motor vehicle dealer” means a dealer licensed pursuant to N.J.S.A. 39:10-19, to sell new motor vehicles, his or her employees and/or agents.]

[“New passenger vehicle” means every new vehicle, regardless of registration class, used and designed for the transportation of passengers, except motorcycles, omnibuses, school buses and vehicles that run upon rails or tracks.]

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

“Ultimate purchaser” means any person, other than a motor vehicle dealer purchasing in [his or her] **its** capacity as a motor vehicle dealer, who in good faith purchases **or leases** a **new** motor vehicle [for purposes other than for resale as] **from** a **new** motor vehicle dealer **or leases a new motor vehicle from a motor vehicle leasing company.**

### **13:20-28.4 Manufacturers’ new motor vehicle inspection procedure**

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

**(b) A motor vehicle leasing company that takes delivery of a new motor vehicle from a franchised New Jersey licensed new motor vehicle dealer may, prior to delivery of such motor vehicle to a lessee, inspect the safety and emission control devices on such motor vehicle and perform such services as may be necessary so that such motor vehicle conforms to specifications established by the manufacturer and contained in its pre-delivery checklist.**

[(b)] **(c) [Completion] A new motor vehicle dealer’s or motor vehicle leasing company’s completion** of the pre-delivery inspection procedure required or recommended by [a] **the** manufacturer shall be deemed by the Director [, unless and until otherwise stated,] to render [that] **the new motor** vehicle safe for operation on [the highways, roadways and other quasi-public

areas of New Jersey] any public road, street, or highway or any public or quasi-public property in this State.

[(c)] (d) (No change in text.)

#### **13:20-28.5 [United States Transportation Department] Motor vehicle equipment standards**

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

(b) In the event of [any] an inconsistency [or conflict] between the manufacturer's specifications and [any] a standard or rule adopted by the [U.S.] United States Department of Transportation, or [by] Federal or State statute, or [by regulation of the Director] Division rule, the standard or rule adopted by the [U.S.] United States Department of Transportation, or [by] Federal or State statute, or [by regulation of the Director] Division rule shall take precedence.

#### **13:20-28.6 Decal; period of validity**

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

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

#### **13:20-28.7 Compliance**

(a) [No] A new motor vehicle dealer [may] shall not deliver a new motor vehicle to an ultimate purchaser [until] unless such motor vehicle has been inspected pursuant to this subchapter and found to be in [safe operating condition as determined by] compliance with the [inspection] equipment standards [established by the provisions of this subchapter] set forth in N.J.A.C. 13:20-28.5(a).

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

#### **13:20-28.8 Evidence of compliance**

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

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

#### **13:20-28.9 [Recommended practices and] Pre-delivery checklist form[s]; required information**

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

#### **13:20-28.10 Additional inspection**

[Nothing in this] This subchapter shall not be construed to limit [or deny] the [Director] Director's authority to require any additional inspection, including an inspection to assure the proper functioning of emission control devices or systems of new motor vehicles, nor shall this subchapter be construed [to abridge] as abrogating any code, rule or regulation now or hereafter promulgated pursuant to [Title 26, Chapter 2C of the New Jersey Statutes Annotated,] the "Air Pollution Control Act [of] (1954)" (N.J.S.A. 26:2C-1 et seq.) or the New Jersey "Federal Clean Air Mandate Compliance Act" (P.L. 1995, c. 112).

#### **13:20-28.11 Determination of compliance by Director**

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

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

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

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

**13:20-29.2 Procedures**

(a) Motor vehicles inspected pursuant to N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14 which are found to be in proper operating condition shall retain the existing inspection certificate of approval or certificate of waiver issued therefor. **If a motor vehicle passes an on-road inspection, including the emission test(s) applicable to such motor vehicle pursuant to N.J.A.C. 13:20-43.8, and such motor vehicle is due for inspection pursuant to N.J.S.A. 39:8-1 within the two-month period following the calendar month of the on-road inspection approval, such motor vehicle may be presented at the exit end of an official inspection facility for the issuance of a certificate of approval for the biennial inspection cycle applicable to such motor vehicle.**

(b) (No change.)

**13:20-32.2 General provisions; official inspection facilities**

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

(f) If an automobile, truck, or modified bus with a capacity of not more than 15 passengers registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, an official inspection facility shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, and shall affix an inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle directly above the previous certificate of approval or certificate of waiver, if any, affixed to the windshield. If there is no previous certificate of approval or certificate of waiver affixed to the windshield, an official inspection facility shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. **If the motor vehicle that has failed inspection is a used motor vehicle that has been presented for inspection upon transfer of ownership in accordance with N.J.A.C.**

**13:20-7.4(c)1, 7.4(d), or 7.4(e)1, an official inspection facility shall remove the previous inspection certificate of approval, certificate of waiver, collector motor vehicle windshield sticker, and/or inspection rejection sticker, if any, affixed to the windshield and shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.**

The inspection rejection sticker shall be an indication that adjustments, corrections, or repairs to the motor vehicle which has failed inspection must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(g) - (k) (No change.)

(l) If a motor vehicle is presented at an official inspection facility for reinspection, the official inspection facility may reinspect the motor vehicle and certify it if the rejected item(s) have been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, and if there are no obvious safety or emission-related defects, provided the motor vehicle is presented for reinspection within [the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable] **45 days of the date of the most recent inspection rejection**. If the motor vehicle is presented for reinspection after such date, or if there are obvious safety or emission-related defects, the motor vehicle shall be subject to a complete reinspection.

(m) - (q) (No change.)

**(r) Any new motor vehicle purchased in a foreign jurisdiction for which a temporary authorization certificate has been issued by the Division in accordance with N.J.A.C. 13:20-7.4(b) shall be presented at the exit end of an official inspection facility for the issuance of a new motor vehicle inspection decal. A new motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(b) and this subsection shall be subject to inspection not later than two years from the last day of the calendar month in which the decal was issued for such motor vehicle, and the decal affixed to such motor vehicle pursuant to N.J.A.C. 13:20-7.4(b) and this subsection shall so indicate. Such a decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety or emission-related defects.**

**(s) Any motor vehicle which has been found to be in proper operating condition at an on-road inspection pursuant to N.J.S.A. 39:8-2g and which is due for inspection pursuant to N.J.S.A. 39:8-1 within the two-month period following the calendar month of the on-road inspection approval may, in accordance with N.J.A.C. 13:20-29.2(a), be presented at**



the exit end of an official inspection facility for the issuance of an inspection certificate of approval for the biennial inspection cycle applicable to such motor vehicle. Such an inspection certificate of approval shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety or emission-related defects.

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

(a) [A motor vehicle which is equipped with a steering or suspension system in a condition not equivalent to the motor vehicle manufacturer's specifications shall not be certified.] The suspension system shall consist of the basic elements originally provided by the motor vehicle manufacturer and shall be geometrically arranged in accordance with the manufacturer's specifications. The motor vehicle shall have a suspension system that allows movement between the unsprung axles and wheels and the chassis body and shall be equipped with a shock-absorbing device at each wheel location. The suspension system shall be capable of providing a minimum relative motion of plus or minus two inches. When any corner of the motor vehicle is depressed and released, the damping device shall stop the vertical body motion within two cycles. The use of spacer blocks between the front axle and leaf springs is prohibited.

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

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

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

(k) A motor vehicle shall not have a hydraulically-operated suspension system unless the motor vehicle was originally designed by the manufacturer with such a system.

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

#### **13:20-32.7 Glazing; official inspection facilities**

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

(d) A motor vehicle, other than a police vehicle or a motor vehicle for which a medical exemption certificate has been issued by the Division in accordance with N.J.S.A. 39:3-75.1 et seq., shall not be certified which has tinted spray or plastic material added to previously approved glazing in the front windshield or windows, vents, wings, deflectors, or side shields to the immediate right or left of the driver, because such condition changes the vision and light

transmission properties of the glazing in areas where driver visibility shall not be obscured or obstructed; **provided, however, tinted spray or plastic material may be applied to previously approved glazing in the front windshield if such spray or material extends no lower than six inches from the top of the front windshield or such spray or material does not extend below the AS-1 marking on the front windshield.** [The high-mounted rear stoplight on motor vehicles required to be equipped with such a light shall not be obstructed by such add-on material.]

(e) - (f) (No change.)

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

(h) (No change.)

#### **13:20-32.17 Stoplights; official inspection facilities**

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

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

#### **13:20-32.25 Miscellaneous lights; official inspection facilities**

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

(f) Any motor vehicle may be equipped with one or more back-up lights, either separately or in combination with other lights. **Back-up lights shall be white in color.** No back-up light shall be illuminated when the motor vehicle is in forward motion.

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

**(j) A motor vehicle driven by an active member in good standing of the New Jersey Wing of the Civil Air Patrol may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-7. A permit issued pursuant to N.J.A.C. 13:24-7**

shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motor vehicle.

(k) A motor vehicle shall not be equipped with interior lights other than instrumentation lights, courtesy lights, dome lights, or high-mounted rear stoplights. A courtesy light or dome light shall be capable of being extinguished while the motor vehicle is in motion. A motor vehicle shall be refused certification if a courtesy light or dome light is incapable of being extinguished while the motor vehicle is in motion. This subsection shall not apply to an authorized emergency vehicle as defined in N.J.A.C. 13:24-1.1.

(l) A motor vehicle shall not be equipped with sequentially operating lights unless originally manufactured with such lights. This subsection shall not apply to an authorized emergency vehicle as defined in N.J.A.C. 13:24-1.1.

(m) Except as otherwise provided by law, lights or lighting systems shall not be mounted on the undercarriage of a motor vehicle. This subsection shall not apply to an authorized emergency vehicle as defined in N.J.A.C. 13:24-1.1.

Recodify existing (j) - (l) as (n) - (p) (No change in text.)

**13:20-32.42 Seat belts; air bags; official inspection facilities**

(a) All motor vehicles which are required by law to be equipped with seat belts shall be in compliance with Federal Motor Vehicle Safety Standards 208 and 209, incorporated herein by reference. All motor vehicles which are required by law to be equipped with air bags shall be in compliance with Federal Motor Vehicle Safety Standard 208, incorporated herein by reference. Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 C.F.R. Part 571) may be purchased from the Superintendent of Documents, [U.S.] United States Government Printing Office, Washington, DC 20402, (202) 783-3238, and are available for review, during regular business hours, at:

Office of the Director  
New Jersey Division of Motor Vehicles  
225 East State Street  
9<sup>th</sup> Floor  
Trenton, NJ 08666-0160

Regular business hours at this office are 8:30 A.M. to 5:00 P.M., Eastern Time, Monday through Friday. The telephone number is (609) 777-1407.

(b) (No change.)

(c) Certification of a motor vehicle shall be refused if an air bag(s) has been deployed and has not been replaced with an air bag(s) that is in compliance with Federal Motor Vehicle Safety Standard 208, incorporated herein by reference.

**13:20-32.47 Service brakes (including service brake equalization and**

**service brake pedal reserve); official inspection facilities**

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

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

(i) (No change.)

**13:20-32.68 Helmets; motorcycles; official inspection facilities**

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. - 2. (No change.)

3. The safety helmet is not reflectorized over an area of at least four square inches on each side of the helmet. Red, white, or amber reflectorized safety tape shall be used and shall be securely affixed to the helmet in a permanent waterproof manner. [Helmets manufactured with built-in reflectorization shall also have affixed thereto the reflectorized tape.]

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

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

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

(g) (No change.)

(h) A private inspection facility license also requires reinspection and certification of a motor vehicle when the motor vehicle owner or lessee, or [any other person authorized by the motor vehicle owner or lessee] someone not under the direction of the licensee, has made the repairs, adjustments, or corrections. In such cases, the private inspection facility shall reinspect the rejected item(s) to determine if they conform to the standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. 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-4, an inspection certificate of approval shall be affixed to the motor vehicle. A private inspection facility may charge a fee for such reinspection service for motor vehicles having a GVWR of 8,500 pounds or less, motor vehicles having a GVWR greater than 8,500 pounds, and motorcycles based on the facility's established hourly labor charge for repair service, but only that portion of an hour which the Division has established to be the average time for reinspection of specific rejected items for motor vehicles having a GVWR of 8,500 pounds or less by Class I licensees as set forth in Appendix A, incorporated herein by reference; or that portion of an hour which the Division has established to be the average time for reinspection of specific rejected items for motor vehicles having a GVWR greater than 8,500 pounds by Class I licensees as set forth in Appendix B, incorporated herein by reference; or that portion of an hour which the Division has established to be the average time for reinspection of specific rejected items for motorcycles by Class III licensees as set forth in Appendix C, incorporated herein by reference.

(i) - (p) (No change.)

(q) If a motor vehicle is presented at a licensed private inspection facility for reinspection, the private inspection facility may reinspect the motor vehicle and certify it if the rejected item(s) have been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, and if there are no obvious safety or emission-related defects, provided the motor vehicle is presented for reinspection within [the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable] **45 days of the date of the most recent inspection rejection.** If the motor vehicle is presented for reinspection after such date, or if there are obvious safety or emission-related defects, the motor vehicle shall be subject to a complete reinspection.

(r) - (z) (No change.)

### **13:20-33.5 Steering and suspension; Class I and II licensees**

(a) [A motor vehicle which is equipped with a steering or suspension system in a condition not equivalent to the motor vehicle manufacturer's specifications shall not be certified.] **The suspension system shall consist of the basic elements originally provided by the motor vehicle manufacturer and shall be geometrically arranged in accordance with the manufacturer's specifications. The motor vehicle shall have a suspension system that allows movement between the unsprung axles and wheels and the chassis body and shall be equipped with a shock-absorbing device at each wheel location. The suspension system shall be capable of providing a minimum relative motion of plus or minus two inches. When any corner of the motor vehicle is depressed and released, the damping device shall stop**

**the vertical body motion within two cycles. The use of spacer blocks between the front axle and leaf springs is prohibited.**

(b) - (g) (No change.)

**(h) A motor vehicle shall not have a hydraulically-operated suspension system unless the motor vehicle was originally designed by the manufacturer with such a system.**

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

#### **13:20-33.7 Glazing; Class I and II licensees**

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

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

(e) - (f) (No change.)

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

(h) (No change.)

#### **13:20-33.17 Stoplights; Class I and II licensees**

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

**(h) If the high-mounted rear stoplight is mounted inside the motor vehicle, means shall be provided to minimize reflections from the light**

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

**13:20-33.25 Miscellaneous lights; Class I and II licensees**

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

(f) Any motor vehicle may be equipped with one or more back-up lights, either separately or in combination with other lights. Back-up lights shall be white in color. No back-up light shall be illuminated when the motor vehicle is in forward motion.

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

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

(k) A motor vehicle shall not be equipped with interior lights other than instrumentation lights, courtesy lights, dome lights, or high-mounted rear stoplights. A courtesy light or dome light shall be capable of being extinguished while the motor vehicle is in motion. A motor vehicle shall be refused certification if a courtesy light or dome light is incapable of being extinguished while the motor vehicle is in motion. This subsection shall not apply to an authorized emergency vehicle as defined in N.J.A.C. 13:24-1.1.

(l) A motor vehicle shall not be equipped with sequentially operating lights unless originally manufactured with such lights. This subsection shall not apply to an authorized emergency vehicle as defined in N.J.A.C. 13:24-1.1.

(m) Except as otherwise provided by law, lights or lighting systems shall not be mounted on the undercarriage of a motor vehicle. This subsection shall not apply to an authorized emergency vehicle as defined in N.J.A.C. 13:24-1.1.

Recodify existing (j) - (l) as (n) - (p) (No change in text.)

**13:20-33.42 Seat belts; air bags; Class I and II licensees**

(a) All motor vehicles which are required by law to be equipped with seat belts shall be in compliance with Federal Motor Vehicle Safety Standards 208 and 209, incorporated herein by reference. All motor vehicles which are required by law to be equipped with air bags shall be in compliance with Federal Motor Vehicle Safety Standard 208, incorporated herein by reference. Copies of the Federal Motor Vehicle Safety Standards as found in the Code of Federal Regulations (49 C.F.R. Part 571) may be purchased from

This proposal has been filed with the Office of Administrative Law. The Office of Administrative Law will edit this proposal before publishing it in the New Jersey Register. Please refer to the June 4, 2001 New Jersey Register for the official text of the proposal.

the Superintendent of Documents, [U.S.] **United States** Government Printing Office, Washington, DC 20402, (202) 783-3238, and are available for review, during regular business hours, at:

Office of the Director  
New Jersey Division of Motor Vehicles

225 East State Street  
9<sup>th</sup> Floor  
Trenton, NJ 08666-0160

Regular business hours at this office are 8:30 A.M. to 5:00 P.M., Eastern Time, Monday through Friday. The telephone is (609) 777-1407.

(b) (No change.)

**(c) Certification of a motor vehicle shall be refused if an air bag(s) has been deployed and has not been replaced with an air bag(s) that is in compliance with Federal Motor Vehicle Safety Standard 208, incorporated herein by reference.**

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

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

(m) After insuring that the tires are properly inflated, a Type 1, Type 2, or Type 3 brake performance test shall be conducted:

1. Type 1: If the brakes are tested on a drive-on platform or roller-type brake tester, the results shall show some brake force produced by each wheel brake and the total brake force shall be equal to at least 43.5 percent of the gross vehicle weight. This is equivalent to a deceleration of 14 feet per second, which shall produce a stop from a speed of 20 miles per hour in 30 feet. The braking force on a front wheel or on a rear wheel shall not be less than 65 percent of the braking force developed on the other front wheel or rear wheel, respectively. The service brake shall have a minimum front to rear brake ratio of 40 percent and a maximum front to rear brake ratio of 95 percent. The allowable front brake bias margin shall be 25 percent [and the]. **The allowable rear brake bias margin shall be 15 percent, except that for motor vehicles having a GVWR of 7,000 pounds or more but less than 10,001 pounds, the allowable rear brake bias margin shall be 25 percent.**

2. - 3. (No change.)

(n) (No change.)

**13:20-33.63 Miscellaneous lights; Class III licensees**

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

(j) Motorcycles may be equipped with other lights in addition to those which are specified in this subchapter. The manufacturer's name or trademark



and the letters "SAE" often appear on the lens of such lights, along with the identification letters shown below:

1. - 6. (No change.)
7. V: Liquid burning emergency flares;
8. - 9. (No change.)

### **13:20-33.68 Helmets; Class III licensees**

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. - 2. (No change.)
3. The safety helmet is not reflectorized over an area of at least four square inches on each side of the helmet. Red, white, or amber reflectorized safety tape shall be used and shall be securely affixed to the helmet in a permanent waterproof manner. [Helmets manufactured with built-in reflectorization shall also have affixed thereto the reflectorized tape.]

### **13:20-43.2 Inspection requirements for motor vehicles; exempt vehicles; designation of collector motor vehicles; designation of low utilization modified performance vehicles; designation of low mileage vehicles**

(a) Except as otherwise provided in (b) below, all motor vehicles, regardless of model year or fuel type, which are registered or required to be registered in New Jersey and all fleet motor vehicles which are primarily operated in New Jersey shall be inspected in accordance with this subchapter and the applicable emission standards adopted by the Department of Environmental Protection at N.J.A.C. [7:27] 7:27-15 and [7:27B] 7:27B-4. It shall be the responsibility of the owner or lessee of any motor vehicle primarily operated in New Jersey but which is registered in another jurisdiction to have such vehicle inspected in the state or jurisdiction of registration or in this State.

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

### **13:20-43.8 Tests for emissions**

(a) A loaded-mode (dynamometer-based) test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4 on all gasoline-fueled and bi-fueled motor vehicles with model years 1981 and later having a GVWR of 8,500 pounds or less; provided, however, no such test shall be required for any full-time four-wheel drive vehicle regardless of weight class, for a low mileage vehicle, for a low utilization modified performance vehicle, for a motor vehicle which is operated by a handicapped person and which has been modified so that such vehicle is fully controlled by specially designed mechanical devices for the handicapped, for a motor vehicle which is equipped with non-disengagable traction control, [or] for any other motor vehicle originally manufactured with a particular design characteristic which makes its operation on a dynamometer

either impractical or hazardous, as shall be determined in the discretion of the Director, **or for any other motor vehicle with a chassis height that has been modified so as to make its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director.** In such exceptional cases, a 2,500 RPM [idle] emission test, conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.5, shall be administered. All motor vehicles which are subject to a loaded-mode (dynamometer-based) test shall not exceed the emission levels established at N.J.A.C. 7:27-15 for such vehicles by the Department of Environmental Protection for hydrocarbons (HC), carbon monoxide (CO), and oxides of nitrogen (NO<sub>x</sub>).

(b) An idle emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.4(b) on all gasoline-fueled and bi-fueled motor vehicles with model years 1980 and earlier, all gasoline-fueled and bi-fueled motor vehicles having a GVWR greater than 8,500 pounds, and on any other motor vehicle originally manufactured with a particular design characteristic which makes it either impractical or hazardous to conduct a 2,500 RPM [idle] emission test, as shall be determined in the discretion of the Director. A 2,500 RPM [idle] emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.5 on all low mileage vehicles with model years 1981 and later, on all low utilization modified performance vehicles with model years 1981 and later, on all full-time four-wheel drive vehicles with model years 1981 and later, on all motor vehicles that are operated by handicapped persons and have been modified so that such vehicles are fully controlled by specially designed mechanical devices for the handicapped with model years 1981 and later, on motor vehicles with model years 1981 and later which are equipped with non-disengagable traction control, [and] on any other motor vehicle with model years 1981 and later originally manufactured with a particular design characteristic which makes its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director, **and on any other motor vehicle with model years 1981 and later with a chassis height that has been modified so as to make its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director.** All motor vehicles which are subject to an idle test **or a 2,500 RPM emission test** shall not exceed the emission levels established at N.J.A.C. 7:27-15 for such vehicles by the Department of Environmental Protection for hydrocarbons (HC) and carbon monoxide (CO).

(c) - (i) (No change.)

### **13:20-43.10 Reinspections**

Motor vehicles that fail inspection shall be reinspected within the period of time set forth in N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), whichever is applicable, after the motor vehicle has been repaired or adjusted. **Emission-related repairs shall be performed by a registered motor vehicle emission repair facility or by the owner or lessee of the motor vehicle.** The owner or lessee

who had a registered motor vehicle emission repair facility perform emission-related repairs on a motor vehicle that failed the emission inspection shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, and the pre-inspection repair form (if applicable), which has/have been completed by such registered motor vehicle emission repair facility and invoice(s) issued by such registered motor vehicle emission repair facility. The owner or lessee possessing a nationally recognized certification for emission-related diagnosis and repairs who performed the emission-related repairs on a motor vehicle that failed the emission inspection shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, and the pre-inspection repair form (if applicable), which has/have been completed by such owner or lessee and invoices for emission-related parts. The owner or lessee who performs emission-related repairs of the emission control system and/or who performs an emission-related process on a motor vehicle that failed the emission inspection shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, and the pre-inspection repair form (if applicable), which has/have been completed by such owner or lessee and invoices for emission control system parts and/or emission-related processes. All motor vehicles subject to a reinspection, including motor vehicles that have failed an on-road inspection in accordance with N.J.A.C. 13:20-43.14, for noncompliance with the emission inspection shall be subject to the separable portions of the inspection procedure for emissions for the vehicle model year (that is, functional testing and exhaust testing where applicable). Portions of the emission testing procedure shall be considered separable for purposes of this section if a failure on one portion does not affect the likelihood of passage or failure on any other portion of the testing procedure. If the motor vehicle passes the reinspection, the Division, or an authorized inspector, shall issue a certificate of approval for the motor vehicle indicating compliance. If the motor vehicle fails to pass the reinspection, the Division, or an authorized inspector, shall issue a motor vehicle inspection report indicating noncompliance. If the motor vehicle fails the reinspection for an emission-related problem and the owner or lessee requests a waiver of compliance, the Division or its authorized representatives shall review the request and shall approve or deny the request in accordance with N.J.A.C. 13:20-43.13. Requests for waiver shall be presented at such locations as are designated by the Director and approved or denied only by such persons as designated by the Director.

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

(a) A motor vehicle which fails to satisfy the applicable emission standards as set forth in the rules adopted by the Department of Environmental

Protection at N.J.A.C. 7:27-15 and 7:27B-4 shall be eligible for a certificate of waiver if the following requirements are satisfied:

1. – 7. (No change.)
8. Prior to January 1, 2002, the owner or lessee has expended no less than the applicable amount specified at 40 C.F.R. §51.360(a)(6) for emission-related repairs of the motor vehicle excluding any repairs made under warranty coverage. Beginning on January 1, 2002, the owner or lessee has expended no less than [the amount specified at 40 C.F.R. §51.360(a)(7)] **\$450.00** for emission-related repairs of the motor vehicle excluding any repairs made under warranty coverage.

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

**13:20-43.16 Registration denial; suspension of registration; motor vehicles**

**not inspected by certificate of approval or certificate of waiver expiration date; motor vehicles which have failed inspection and have not been presented for reinspection; conditional registration restoration; reinstatement of registration suspension due to noncompliance; conditional registration; suspension of conditional registration due to noncompliance; penalties**

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

1. (No change.)
2. Presents or causes the motor vehicle to be presented for inspection within the period of time provided in the Division's notice of scheduled registration suspension **and an inspection certificate of approval or**

**certificate of waiver is issued for the motor vehicle within such period of time.**

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

1. (No change.)
2. Presents or causes the motor vehicle to be presented for reinspection within the period of time provided in the Division's notice of scheduled registration suspension **and an inspection certificate of approval or certificate of waiver is issued for the motor vehicle within such period of time.**

(c) - (g) (No change.)

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

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

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

- (a) (No change.)
- (b) The Division shall either administer the training program or approve, monitor and evaluate the training programs administered by third parties as set forth in [subsection (g) below] **N.J.A.C. 13:20-43.21**. [The Division shall charge a fee of \$100.00 for the approval of training programs administered by third parties.]
- (c) - (d) (No change.)
- (e) No person licensed as an **emission** inspector shall, while in the employment of an official inspection facility, own, operate, or be employed by any motor vehicle repair or service facility, motor vehicle parts sales business, or any motor vehicle sales or leasing business. An **emission** inspector, other than an **emission** inspector employed at an official inspection facility, may be employed by a private inspection facility which is licensed by the Division in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-44.
- (f) No person licensed as an **emission** inspector, while in the employment of an official inspection facility, shall refer motor vehicle owners, lessees, or operators to particular providers of motor vehicle repair service except as may be permitted by Federal law.
- (g) **The Director, upon presentation of a statement stating that the original emission inspector license has been destroyed, lost, or stolen, may, if he or she is satisfied that the facts as set forth in the statement are substantially true, issue a duplicate emission inspector license to the original holder thereof, upon payment of a fee of \$5.00 for each duplicate emission inspector license so issued.**
- (h) **A person shall not be licensed as a motor vehicle emission inspector, nor perform the duties of a motor vehicle emission inspector, unless such person possesses a valid driver license.**

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

**schedule of penalties**

- (a) A motor vehicle emission inspector license may be suspended or revoked for any of the following:
  - 1. (No change.)
  - 2. Violation of any provision of **N.J.S.A. 39:8-1 et seq., N.J.A.C. 13:20-7, 13:20-32, 13:20-33, 13:20-44, 13:20-45, or** this subchapter;
  - 3. - 5. (No change.)
- (b) An **emission** inspector who fraudulently or willfully conducts an improper emission inspection of a motor vehicle shall be subject to a suspension of his or her **emission** inspector license for a period of at least six months. An **emission** inspector whose license is suspended [under] **pursuant to** this section shall successfully complete refresher training and testing in accordance with

N.J.A.C. 13:20-43.17(d) before such license is restored [under] **pursuant to** this subchapter.

(c) - (d) (No change.)

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

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

1. - 6. (No change.)

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

i. - iii. (No change.)

8. - 16. (No change.)

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

**first violation** i. **Two-year license suspension**

ii. **Four-year license suspension**  
**second and**  
**subse** **quent**  
**violations**

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

**violation** i. **Immediate cessation of licensed first**

**activity until compliance; plus**  
**written warning**

**violation** ii. **Immediate cessation of licensed second**

**activity until compliance; plus**  
**\$25.00 civil penalty**

**and subse-** iii. **Immediate cessation of licensed third**

**quent violations** **activity until compliance; plus**

**\$50.00 civil penalty; plus 30-**  
**day license suspension**

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

alternative or in addition to such suspension, revocation or refusal to issue or renew.

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

#### 13:20-43.20 Surrender of emission inspector license

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

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

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

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

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

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

1. The name, place of business and telephone number of the emission inspector training program;

2. The name, residence address(es), driver's license number, and telephone number(s) of:

i. The owner and/or possessor of a controlling interest of the emission inspector training program, in the case of a sole proprietorship;

ii. Each partner, in the case of a partnership; or

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

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

4. Accreditation;



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

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

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

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

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

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

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

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

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

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

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

<p><u>Emission Inspector Training Program Name</u></p> <p>DMV CERTIFICATE No. _____</p> <p><u>This is to certify that</u></p> <p>_____</p>
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This proposal has been filed with the Office of Administrative Law. The Office of Administrative Law will edit this proposal before publishing it in the New Jersey Register. Please refer to the June 4, 2001 New Jersey Register for the official text of the proposal.

<u>Name of _____</u>	
<u>Student</u>	
-	<u>Has successfully completed</u> <u>Emission Inspector Training</u>
_____	
<u>Date</u>	
<u>Signature of Instructor</u>	
<u>This emission inspector training program certificate is</u> <u>valid for two years from the date of issuance</u>	

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

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

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

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

1. Overview information:
  - i. Plain English guide to the Federal Clean Air Act and the Clean Air Act Amendments of 1990;

ii. Understanding of the air pollution problem, its causes and effects;

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

iv. Motor vehicle emissions;

v. Program requirements;

vi. Consumer benefits; and

vii. Public relations and customer interaction.

2. Exhaust emission testing:

i. General information:

(1) Understanding emission theory;

(2) Understanding five gas theory (HC, CO, O<sub>2</sub>, CO<sub>2</sub>, and NO);

analyzers; and

(3) Understanding and utilizing exhaust gas

control.

(4) Oxides of nitrogen (NO<sub>x</sub>) production and

ii. Detailed information:

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

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

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

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

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

(6) Public relations and customer interaction.

3. Evaporative system and anti-tampering testing:

i. General information:

(1) Understanding evaporative emission control devices;

(2) Understanding the canister purge system;

(3) Understanding catalytic converters; and

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

ii. Detailed information:

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

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

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

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

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

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

(7) Public relations and customer interaction.

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

4. OBD-I and OBD-II:

i. General information:

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

(2) Understanding and utilizing the OBD testing equipment.

ii. Detailed information:

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

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

(3) Explanation of OBD-II terminology; and

(4) Explanation of OBD-II diagnostic codes.

(k) A third party emission inspector training program provider

shall:

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

2. Provide trained instructor(s) in a number sufficient to insure that each student is provided with adequate attention. The ratio of students to instructors shall not exceed 25 to 1 per class; and

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

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

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

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

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

13:20-43.23 Change of address of principal place of business; change of

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instructors; third party emission inspector training programs

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

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

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

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

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

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

(b) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Director may refuse to approve, or withdraw approval of, a third party

emission inspector training program if he or she determines that the applicant at any time following submission of the application for approval:

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

2. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which indicates that approval of the applicant or continued approval of the training program would be inimical to the standards set forth in P.L. 1995, c. 112 and this subchapter;

3. Demonstrates a pattern of conduct wherein emission inspector training was not conducted in a professional manner;

4. Issues a check in payment of any fee required by this subchapter which is subsequently dishonored;

5. Has failed to comply with any of the provisions of this subchapter;

6. Fails to maintain an approved classroom in accordance with this subchapter;

7. Fails to pay any fee required by law or regulation;

8. Fails to notify the Director in writing as required by N.J.A.C. 13:20-43.23;

9. Has been found to be in violation of the Federal Clean Air Act or the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder; or

10. For other good cause.

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

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

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

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

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

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

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

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

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

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

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

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

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-43.28(a) that the Director refuses to approve a third party emission inspector training program, the applicant shall be entitled to an administrative hearing concerning such refusal provided that the applicant has filed and the Director has received a written request for a hearing within 15 days. The 15-day period shall commence on the date such notice was mailed to the applicant by the Division in accordance with N.J.A.C. 13:20-43.28(a).

(b) If a third party emission inspector training program provider has been notified in accordance with N.J.A.C. 13:20-43.28(b) of a proposed withdrawal of approval of its emission inspector training program, the

provider shall be entitled to an administrative hearing concerning such proposed withdrawal of approval provided that the emission inspector training program provider has filed and the Director has received a written request for a hearing within 15 days. The 15-day period shall commence on the date such notice was mailed to the provider by the Division in accordance with N.J.A.C. 13:20-43.28(b).

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

1. The name, certificate number, place of business and telephone number of the third party emission inspector training program;

2. A concise statement of facts constituting each ground of defense;

3. A specific admission, denial or explanation of each fact alleged by the Division in its notice, or if without knowledge thereof, a statement to that effect; any allegation in the Division's notice which is not answered in accordance with this paragraph shall be deemed to have been admitted; and

4. A statement requesting a hearing.

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

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

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

#### **13:20-44.17 Additional violations**

(a) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Director may refuse to issue a license or a renewal thereof, or suspend or revoke the existing license of any private inspection facility if he or she determines that the applicant or licensee:

1. - 12. (No change.)



13. Has in its possession any motor vehicle, major motor vehicle component part or component part as defined in N.J.S.A. 39:10B-1 or replacement parts on which the vehicle identification number or other identification affixed thereto in accordance with Federal theft prevention standards has been removed, altered, defaced, destroyed, or so covered as to be concealed; [or]

**14. Has performed an emission-related repair without being registered as a motor vehicle emission repair facility; or**

Recodify 14. as **15.** (No change in text.)

**13:20-44.20 Additional penalties; schedule of penalties**

(a) (No change.)

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

1. - 17. (No change.)

18. For failure to provide **a motor** vehicle inspection report [and/or work], **repair** order, **invoice, and/or Emission Repair Facility list** to [the] **a** customer:

i. - iii. (No change.)

19. - 23. (No change.)

**13:20-45.11 Notice and recordkeeping requirements**

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

**(m) When an emission repair is performed on a motor vehicle, the registered emission repair facility shall cause to be imprinted on the emission repair form a stamp with the following:**

**NEW JERSEY**  
**DIVISION OF MOTOR VEHICLES**  
**EMISSION REPAIR FACILITY**  
**REGISTRATION NO.**  
**DATE:**

**1. The emission repair facility registration number and the date of emission repairs shall be contained on the stamp. Each emission repair facility shall purchase the above stamp from a commercial source.**

**13:20-45.18 Investigations**

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

(c) Except as set forth in N.J.A.C. [13:20-45.11(k)] **13:20-45.11(l)**, subpoenas shall be served in the same manner, and [the] witnesses shall be entitled to the same fees, as in the case of subpoenas issued out of the Superior Court of New Jersey.

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

This proposal has been filed with the Office of Administrative Law. The Office of Administrative Law will edit this proposal before publishing it in the New Jersey Register. Please refer to the June 4, 2001 New Jersey Register for the official text of the proposal.

A **public hearing** concerning this proposal will be held on:

July 9, 2001 at 10:00 A.M. at:  
First Floor Public Hearing Room  
Department of Environmental Protection  
401 East State Street  
Trenton, New Jersey

Interested persons may submit written comments relevant to this proposal on or before \_\_\_\_\_, 2001. The submissions and responses should be addressed to:

Albert B. Ari, Acting Director  
Division of Motor Vehicles  
Attention: Legal Staff  
225 East State Street  
P.O. Box 162  
Trenton, New Jersey 08666-0162

The Division of Motor Vehicles may thereafter adopt this proposal without further notice. The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 2001 –