

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION
NEW JERSEY ADMINISTRATIVE CODE
TITLE 7
CHAPTER 27
SUBCHAPTER 28A

**MODEL YEAR 2027 OR LATER HEAVY-DUTY NEW ENGINE AND VEHICLE
STANDARDS AND REQUIREMENTS**

Statutory Authority: N.J.S.A. 13:1B-3(e), 13:1D-9, 26:2C-1 et seq., particularly 26:2C-8.1,
26:2C-8.15 et seq., and 39:8-2 and 61

For regulatory history and effective dates, see the New Jersey Administrative Code

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**SUBCHAPTER 28A. MODEL YEAR 2027 OR LATER HEAVY-DUTY NEW ENGINE AND VEHICLE
STANDARDS AND REQUIREMENTS**

7:27-28A.1 Definitions

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

“Bus company” means a private entity employing one or more buses for the transportation of passengers for hire.

“California Air Resources Board” or “CARB” means the agency or its successor agency established and empowered to regulate sources of air pollution in the State of California, including motor vehicles, pursuant to Section 39003, California Health & Safety Code, 1999, incorporated herein by reference, as amended or supplemented.

“CCR” means the California Code of Regulations.

“Certification” or “certified” means a finding by CARB or the USEPA that a motor vehicle, motor vehicle engine, or air contaminant emission control system has satisfied the criteria for the control of specified air contaminants from motor vehicles, adopted by CARB or the USEPA, respectively, as set forth in their respective regulations.

“Department” means the New Jersey Department of Environmental Protection.

“Gross vehicle weight rating” or “GVWR” means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

“Lease” means any commercial transaction recognized under the laws of this State as a means of creating a right to use a good and includes renting. It also includes offering to rent or lease.

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"Medium-duty passenger vehicle" means medium-duty passenger vehicle as defined at 13 CCR 1900.

"Model year" or "MY" means model year as defined at 40 CFR 85.1502(a)(8).

"New motor vehicle" means a motor vehicle the equitable or legal title to which has never been transferred to an ultimate purchaser.

"New motor vehicle engine" means an engine in a new motor vehicle or a motor vehicle engine, the equitable or legal title to which has never been transferred to the ultimate purchaser.

"Person" means any individual or entity and shall include, without limitation, corporations, companies, associations, societies, firms, partnerships, and joint stock companies, and shall also include, without limitation, all political subdivisions of any states, and any agencies or instrumentalities thereof.

"Sale" or "sell" means the transfer of equitable or legal title to a motor vehicle or motor vehicle engine to the ultimate or subsequent purchaser.

"Transit agency" shall have the same meaning as the term "transit agency" as defined at 13 CCR 2020(b), as incorporated by reference at N.J.A.C. 7:27-28A.11.

"Ultimate purchaser" means, with respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases a new motor vehicle or new motor vehicle engine for purposes other than resale.

"Urban bus" shall have the same meaning as the term "urban bus" as defined at 13 CCR 1956.8, as incorporated by reference at N.J.A.C. 7:27-28A.11.

“Zero-emission vehicle” or “ZEV” shall have the same meaning as the term “zero-emission vehicle” as defined at 13 CCR § 1963(c).

7:27-28A.2 Purpose and scope

(a) This subchapter establishes emission standards in New Jersey that are the same as the California emission standards for vehicles and engines of the same model years and gross vehicle weight rating for:

1. All model year 2027 or later new motor vehicles rated in excess of 8,500 pounds GVWR; and
2. All model year 2027 or later new motor vehicle engines intended for use in motor vehicles rated in excess of 8,500 pounds GVWR.

7:27-28A.3 Applicability

(a) Except as specifically provided herein, on or after January 1, 2027, this subchapter applies to:

1. All model year 2027 or later new motor vehicles rated in excess of 8,500 pounds GVWR; and
2. All model year 2027 or later new motor vehicle engines intended for use in motor vehicles rated in excess of 8,500 pounds GVWR.

(b) The specified engine and vehicle standards and requirements set forth in the provisions of the California Code of Regulations, as identified at N.J.A.C. 7:27-28A.11 shall not be operative in

New Jersey, unless or until such time as California receives a waiver from the United States Environmental Protection Agency pursuant to 42 U.S.C. § 7543, as published in the Federal Register, for the applicable engine standard, vehicle standard, or other emission requirement.

7:27-28A.4 Requirements for engine and vehicle transactions

(a) No person who is a resident of this State, or who operates an established place of business within this State, shall sell, lease, import, deliver, purchase, acquire, register, receive, or otherwise transfer in this State, or offer for sale, lease, or rental in this State a model year 2027 or later, new motor vehicle rated in excess of 8,500 pounds GVWR or a model year 2027 or later, new motor vehicle engine intended for use in a motor vehicle rated in excess of 8,500 pounds GVWR, unless the California Air Resources Board has issued an executive order certifying the vehicle or engine and it meets all of the requirements of the California Code of Regulations identified at N.J.A.C. 7:27-28A.11 that apply to the model year and gross vehicle weight rating of the vehicle or engine in question.

(b) For the purposes of this subchapter, it is conclusively presumed that the equitable or legal title to any motor vehicle with an odometer reading of 7,500 miles or more has been transferred to an ultimate purchaser, and that the equitable or legal title to any motor vehicle with an odometer reading of less than 7,500 miles has not been transferred to an ultimate purchaser.

7:27-28A.5 Exemptions

(a) Notwithstanding the provisions at N.J.A.C. 7:27-28A.3, the requirements set forth at N.J.A.C.

7:27-28A.4, 28A.7, 28A.8, and 28A.11 do not apply to:

1. A medium-duty passenger vehicle;
2. A zero emission vehicle rated in excess of 8,500 pounds GVWR;
3. A vehicle held for daily lease or rental to the general public or engaged in interstate commerce, that is registered and principally operated outside of New Jersey;
4. A vehicle transferred by inheritance;
5. A vehicle transferred by court decree;
6. A vehicle having a certificate of conformity issued pursuant to the Clean Air Act that was originally registered in another state by a resident of that state, who subsequently establishes residence in this State;
7. A vehicle sold or transferred directly from one dealer to another dealer;
8. A vehicle sold for the purpose of being wrecked or dismantled;
9. A vehicle sold exclusively for off-highway use;
10. An emergency vehicle, pursuant to California's Vehicle Code Sec. 27156.2 and - 27156.3, as incorporated by reference at N.J.A.C. 7:27-28A.11; and
11. A military tactical vehicle, pursuant to 13 CCR 1905, as incorporated by reference at N.J.A.C. 7:27-28A.11.

7:27-28A.6 Prohibition against stockpiling

No person shall purchase any new motor vehicle rated in excess of 8,500 pounds GVWR or any new motor vehicle engine intended for use in a motor vehicle rated in excess of 8,500 pounds GVWR, greater than normal business needs for the purpose of evading the requirements of this subchapter.

7:27-28A.7 Manufacturer compliance with California warranty

Each manufacturer of a vehicle subject to N.J.A.C. 7:27-28A.3 shall warrant to the ultimate purchaser and each subsequent purchaser that the vehicle will comply during its period of warranty coverage with all applicable requirements set forth in the sections of the California Code of Regulations, as identified at N.J.A.C. 7:27-28A.11.

7:27-28A.8 Manufacturer compliance with California orders and voluntary recalls

(a) Any order or enforcement action taken by the CARB to correct noncompliance with any section of Title 13 of the California Code of Regulations, which action results in the recall of any vehicle pursuant to any provision of the California Code of Regulations identified at N.J.A.C. 7:27-28A.11, shall be applicable in New Jersey, except where the manufacturer demonstrates to the Department's satisfaction within 30 days of issuance of the CARB action that the action is not applicable to vehicles subject to N.J.A.C. 7:27-28A.3.

(b) Any emission-related recall campaign, voluntary or otherwise, initiated by any manufacturer that results in the recall of any vehicle pursuant to any provision of the California Code of Regulations identified at N.J.A.C. 7:27-28A.11 shall be applicable in New Jersey, except where the manufacturer demonstrates to the Department's satisfaction within 30 days of the CARB

approval of the campaign that the campaign is not applicable to vehicles subject to N.J.A.C. 7:27-28A.3.

7:27-28A.9 Recordkeeping

(a) Any person who operates a place of business that sells, leases, or rents new MY 2027 or later motor vehicles rated in excess of 8,500 pounds GVWR or new model year 2027 or later motor vehicle engines intended for use in motor vehicles rated in excess of 8,500 pounds GVWR in this State shall maintain records of all the business's sales, leases, rentals, imports, purchases, acquisitions, receipt of, or other transfers of new MY 2027 or later motor vehicles rated in excess of 8,500 pounds GVWR or new model year 2027 or later motor vehicle engines intended for use in motor vehicles rated in excess of 8,500 pounds GVWR for a period of no less than five years after the date of the transaction.

(b) Upon the request of the Department, the owner or operator of the place of business shall make the records specified at (a) above available for inspection at the place of business by any representative of the Department during normal business hours.

(c) Upon receipt of a written request from the Department, the owner or operator of the place of business shall timely submit a copy of the records specified at (a) above to the Department by mail or by other means as agreed to by the Department.

7:27-28A.10 Right to enter

(a) The Department, or its representative, shall have the right to enter and inspect any site, building, equipment, or vehicle, or any portion thereof, at any time, in order to ascertain compliance or non-compliance with the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., this subchapter, any exemption, or any order, consent order, agreement, or remedial action plan issued, approved, or entered into pursuant thereto. Such right shall include, but not be limited to, the right to test or sample any material, motor vehicle, or motor vehicle engine, or any emissions therefrom, at the facility; to sketch or photograph any portion of the site, building, vehicles, or motor vehicle engines; to copy or photograph any document or record necessary to determine such compliance or non-compliance; and to interview any employees or representatives of the owner, operator, or registrant. Such right shall be absolute and shall not be conditioned upon any action by the Department, except the presentation or appropriate credentials, as requested, and in compliance with appropriate standard safety procedures.

(b) Failure to comply with any of the obligations or requirements of this subchapter shall subject the violator to an enforcement action pursuant to the provisions at N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.

7:27-28A.11 Incorporation by reference

(a) Unless specifically excluded by this subchapter, when a provision of the CCR or the California Vehicle Code is incorporated by reference, all notes, comments, appendices, diagrams, tables, forms, figures, publications, and cross-references are also incorporated by reference.

(b) Supplements, amendments, and any other changes including, without limitation, repeals or stays that affect the meaning or operational status of a California rule or Code incorporated by reference, brought about by either judicial, legislative, or administrative action and adopted or otherwise noticed by the State of California, shall be paralleled by a similar change to the New Jersey rule, so that the New Jersey rule will have the same meaning and status as its California counterpart. To satisfy the identity requirement of the Clean Air Act, at 42 U.S.C. § 7507, all new California regulations or codes related to certification of model year 2027 or later new motor vehicles rated in excess of 8,500 pounds GVWR and model year 2027 or later new motor vehicle engines intended for use in motor vehicles rated in excess of 8,500 pounds GVWR are also incorporated into this subchapter by this automatic process.

(c) In the event that there are inconsistencies or duplications in the requirements of the provisions incorporated by reference from the CCR or the California Vehicle Code and the rules set forth in this subchapter, the provisions incorporated by reference from the CCR or the California Vehicle Code shall prevail.

(d) Nothing in the provisions incorporated by reference from the CCR or the California Vehicle Code shall affect the Department's authority to enforce statutes, rules, permits, or orders administered or issued by the Commissioner.

(e) On or after June 20, 2023 or the operative date of California's regulations or Code, whichever is later), any new California rules, Codes, amendments, supplements, and other changes that are brought about through administrative or judicial action and automatically incorporated through the prospective incorporation by reference process shall be effective upon publication in the California Regulatory Notice Register and operative on the operative

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date cited by California in the relevant California Regulatory Notice Register notice, unless the Department publishes a notice of proposal repealing the adoption in New Jersey of the California regulation in whole or in part, and/or proposing to otherwise amend the affected New Jersey rules.

(f) The following provisions of the CCR and the California Vehicle Code are incorporated by reference within this subchapter, except as provided at (f)1 through 7 below:

Table 1	
Provisions Incorporated by Reference	
California Code of Regulations (CCR)	
Title 13	
Chapter 1	
Motor Vehicle Pollution Control Devices	
Article 1	
General Provisions	
Section 1900	Definitions
Section 1905	Exclusion and Exemption for Military Tactical Vehicles and Equipment
Article 2	
Approval of Motor Vehicle Pollution Control Devices (New Vehicles)	
Section 1956.8	Exhaust Emission Standards and Test Procedures - 1985 and Subsequent Model Heavy-Duty Engines and Vehicles, 2021 and Subsequent Zero-Emission Powertrains, and 2022 and Subsequent Model Heavy-Duty Hybrid Powertrains
Section 1961.2	Exhaust Emission Standards and Test Procedures - 2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles
Section 1965	Emission Control and Smog Index Labels – 1979 and Subsequent Model Year Vehicles
Section 1968.2	Malfunction and Diagnostic System Requirements – 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles
Section 1971.1	On-Board Diagnostic System Requirements--2010 and Subsequent Model-Year Heavy-Duty Engines
Article 6	
Emission Control System Warranty	
Section 2035	Purpose, Applicability and Definitions
Section 2036	Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles; 1979 and Subsequent

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	Model Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles; and 2020 and Subsequent Model Year Trailers
Section 2037	Defects Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles
Chapter 2	
Enforcement of Vehicle Emission Standards and Enforcement Testing	
Article 1.5	
Enforcement of Vehicle Emission Standards and Surveillance Testing for 2005 and Subsequent Model Year Heavy-Duty Engines and Vehicles	
Section 2065	Applicability of Chapter 2 to 2005 and Subsequent Model Year Heavy Duty Engines and Vehicles.
Article 2.1	
Procedures for In-Use Vehicle Voluntary and Influenced Recalls	
Section 2111	Applicability
Section 2112	Definitions
Appendix A to Article 2.1	
Section 2113	Initiation and Approval of Voluntary and Influenced Recalls
Section 2114	Voluntary and Influenced Recall Plans
Section 2115	Eligibility for Repair
Section 2116	Repair Label
Section 2117	Proof of Correction Certificate
Section 2118	Notification
Section 2119	Record keeping and Reporting Requirements
Section 2121	Penalties
Article 2.2	
Procedures for In-Use Vehicle Ordered Recalls	
Section 2123	Initiation and Notification of Ordered Emission-Related Recalls
Section 2125	Ordered Recall Plan
Section 2126	Approval and Implementation of Recall Plan
Section 2127	Notification of Owners
Section 2128	Repair Label
Section 2129	Proof of Correction Certificate
Section 2130	Capture Rates and Alternative Measures
Section 2131	Preliminary Tests
Section 2133	Record keeping and Reporting Requirements
Article 2.3	
In-Use Vehicle Enforcement Test Procedures	
Section 2137	Vehicle Selection
Section 2139	Testing
Section 2139.5	CARB Authority to Test for Heavy-Duty In-Use Compliance
Section 2140	Notification of In-Use Results

Article 2.4	
Procedures for Reporting Failure of Emission-Related Components	
Section 2141	General Provisions
Section 2142	Alternative Procedures
Section 2143	Failure Levels Triggering Recall
Section 2144	Emission Warranty Information Report
Section 2145	Field Information Report
Section 2146	Emissions Information Report
Section 2147	Demonstration of Compliance with Emission Standards
Section 2148	Evaluation of Need for Recall
Section 2149	Notification of Subsequent Action
Article 5	
Procedures for Reporting Failures of Emission-Related Equipment and Required Corrective Action	
Section 2166	General Provisions
Section 2166.1	Definitions
Section 2167	Required Recall and Corrective Action for Failures of Exhaust After-Treatment Devices, On-Board Computers or Systems, Urea Dosers, Hydrocarbon Injectors, Exhaust Gas Recirculation Valves, Exhaust Gas Recirculation Coolers, Turbochargers, Fuel Injectors
Section 2168	Required Corrective Action and Recall for Emission-Related Component Failures
Section 2169	Required Recall or Corrective Action Plan
Section 2169.1	Approval and Implementation of Corrective Action Plan
Section 2169.2	Notification of Owners
Section 2169.3	Repair Label
Section 2169.4	Proof of Correction Certificate
Section 2169.5	Preliminary Tests
Section 2169.6	Communication with Repair Personnel
Section 2169.7	Recordkeeping and Reporting Requirements
Section 2169.8	Extension of Time
Section 2170	Penalties
Chapter 9	
Article 4	
Off-Road Compression-Ignition Engines and Equipment	
Section 2423(n)	Exhaust Emission Standards and Test Procedures - Off-Road Compression-Ignition Engines
Chapter 10	
Article 1	
Commercial Motor Vehicle Idling	

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Sections 2485(c)(2), 2485(c)(3), and 2485(h)	Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling
Title 17	
Division 3	
Chapter 1	
Subchapter 10	
Article 4	
Subarticle 12	
Greenhouse Gas Emission Requirements for New 2014 and Subsequent Model Heavy-Duty Vehicles	
Section 95661	Applicability
Section 95662	Definitions
Section 95663	Greenhouse Gas Exhaust Emission Standards and Test Procedures for New 2014 and Subsequent Model Heavy-Duty Vehicles
Provisions Incorporated by Reference	
California Vehicle Code	
Division 12. Equipment Of Vehicles	
Chapter 5. Other Equipment	
Article 2. Exhaust Systems	
Section 27156.2	
Section 27156.3	

1. At 13 CCR 1956.8(a)(2)(C)2b, replace "California" with "New Jersey";
2. At 13 CCR 2035, replace "registered in California" with "registered in New Jersey";
3. At 13 CCR 2036, replace "California statutorily authorized motor vehicle emissions inspection and maintenance program" with "New Jersey statutorily authorized motor vehicle emissions inspection and maintenance program";
4. At 13 CCR 2485(c)(3)(A), replace "operate in California" with "operate in New Jersey";
5. At 13 CCR 2485(c)(2)(D)1 and 2485(c)(2)(D)2, replace "location in California" with "location in New Jersey";

6. At 13 CCR 2485(c)(3)(D), replace “operation of the APS in California” with “operation of the APS in New Jersey”;

7. At 13 CCR 1956.8(a)(2)(F), replace the text to read as follows:

“(F) Transit Agency Diesel-Fueled Bus and Engine Exemption Request

For 2027 and subsequent model diesel-fueled medium heavy-duty or heavy heavy-duty engines used in urban buses, the Department will approve a Transit Agency Diesel-Fueled Bus and Engine Exemption Request made by a transit agency or bus company that meets each of the conditions and requirements at subparagraphs 1 and 2 below. If granted, an exemption request will allow a transit agency or bus company to purchase, rent, or lease exempt buses, contract for service with bus service providers to operate exempt buses, or re-power buses with engines that are certified to both the federal emission standards for 2010 and later model year diesel-fueled medium heavy-duty or heavy heavy-duty engines and vehicles, as set forth at title 40, Code of Federal Regulations section 86.007-11, effective March 27, 2023, and the Greenhouse Gas Emissions and Fuel Economy Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2 requirements promulgated at 81 FR 73,478.

1. Conditions

If an exemption request is filed for the purpose of making a purchase of a MY 2027 or subsequent MY diesel-fueled medium heavy-duty or heavy heavy-

duty engine to be used in an urban bus, the transit agency's or bus company's exemption request shall demonstrate that there are no diesel-fueled medium heavy-duty or heavy heavy-duty engines used in urban buses certified to meet the Exhaust Emission Standards for 2027 and Subsequent Model Light Heavy-Duty Engines, and Medium Heavy-Duty Engines located at 13 CCR 1956.

2. Requirements and Procedures

- a. The transit agency or bus company must submit its Transit Agency Diesel-Fueled Bus and Engine Exemption Request to the Department.
- b. The Transit Agency Diesel-Fueled Bus and Engine Exemption Request must be submitted by May 1st of the first calendar year in which the exemption is requested.
- c. The Transit Agency Diesel-Fueled Bus and Engine Exemption Request must identify the number of exempt buses needed for each bus type.
- d. If the transit agency or bus company requests to apply the exemption request to an existing contract, the Transit Agency Diesel-Fueled Bus and Engine Exemption Request must include a copy of the contract.
- e. The Transit Agency Diesel-Fueled Bus and Engine Exemption Request must identify the number of exempt buses or re-powered buses that the transit agency requests for each calendar year within the triennial period of the Transit Agency Diesel-Fueled Bus and Engine Exemption Request, where the year the request is submitted is counted as the first calendar year.

3. The Department will issue an Executive Exemption Approval Letter if all foregoing conditions and requirements at subparagraphs 1 and 2 above are met. The

Executive Exemption Approval Letter will allow a triennial quota for the purchase, rent, lease, contract for service, or re-power of exempt buses or engines. The triennial quota expires at the end of the third calendar year of the triennial period.

4. If the Transit Agency Diesel-Fueled Bus and Engine Exemption Request is approved by the Department, the transit agency or bus company may proceed with engine re-power or exempt bus purchase, lease, rental, or contract for service. In the instance where new exempt engines and buses will be purchased or manufactured under the contract, the Executive Exemption Approval Letter will allow the bus and engine manufacturers to sell exempt engines to and manufacture exempt buses for the transit agency or bus company that has obtained the exemption. The transit agency or bus company must notify all parties involved of the approval and provide a copy of the issued Transit Agency Diesel-Fueled Bus and Engine Exemption Approval Letter to the engine and bus dealer(s), bus manufacturer(s), and engine manufacturer(s) involved with delivering the exempt buses or engines to the transit agency or bus company.

5. A transit agency or bus company may request a hearing to review the Department's denial of an Executive Exemption Approval Letter pursuant to the procedures set forth at N.J.A.C. 7:27-1.32"; and

8. At "CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES FOR 2004 AND SUBSEQUENT MODEL HEAVY-DUTY DIESEL ENGINES AND VEHICLES" incorporated by reference within 13 CCR 1956.8, replace the following terms:

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- i. At 86.1 15.B.3, in all subsections, replace “California” with “New Jersey,” except “California certified,” and replace “CA-ABT” with “NJ-ABT”;
- ii. At 86.1 15.B.3.(e), replace “Manufacturers that do not begin enrollment in the CA-ABT program in 2022 model year may not transfer any federal-ABT credits into the CA-ABT program.” with “Manufacturers that do not begin enrollment in the NJ-ABT program in 2025 model year may not transfer any Federal-ABT credits into the NJ-ABT program.”;
- iii. At 86.1 15.B.3.(k)(1), replace “Chief, Emissions Certification and Compliance Division, California Air Resources Board, 4001 Iowa Ave., Riverside, CA 92507.” with “NJ Department of Environmental Protection, Bureau of Mobile Sources, PO Box 420, Mail Code 401-02E, Trenton, NJ 08625.”; and
- iv. At 86.1 15.B.3.(k)(3), replace “ARB” with “the Department.”

REGULATORY HISTORY

Effective or Operative Date	New Jersey Register
New Rule, June 20, 2023 (operative date)	55 N.J.R. 1005(a)
Amendment, December 31, 2023 (operative date)	55 N.J.R. 2481(b)