NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

NEW JERSEY ADMINISTRATIVE CODE

TITLE 7

CHAPTER 27

SUBCHAPTER 29A

**ADVANCED CLEAN CARS II PROGRAM**

Statutory Authority: N.J.S.A. 13:1B-3.e, 13:1D-9, 26:2C-1 et seq., particularly 26:2C-37 et seq., and 48:25-1 et seq.

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Contents

[**SUBCHAPTER 29A. NEW JERSEY ADVANCED CLEAN CARS II PROGRAM** 2](#_Toc151108122)

[**7:27-29A.1** **Definitions** 2](#_Toc151108123)

[**7:27-29A.2** **Purpose and applicability** 4](#_Toc151108124)

[**7:27-29A.3**  **Requirements for vehicle transactions** 5](#_Toc151108125)

[**7:27-29A.4** **Fees** 6](#_Toc151108126)

[**7:27-29A.5** **Warranty** 7](#_Toc151108127)

[**7:27-29A.6**  **Enforcement** 7](#_Toc151108128)

[**7:27-29A.7** **Incorporation by reference** 9](#_Toc151108129)

**SUBCHAPTER 29A. NEW JERSEY ADVANCED CLEAN CARS II PROGRAM**

# **7:27-29A.1 Definitions**

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

“Business” means an occupation, profession, or trade; a person or partnership or corporation engaged in commerce, manufacturing, or a service; or a profit-seeking enterprise or concern.

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

“CCR” means the California Code of Regulations.

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

“Commissioner” shall have the same meaning as the term “Commissioner” as defined at N.J.A.C. 7:27-1.4.

“Dealer” means any person actively engaged in the business of offering to sell, soliciting, or advertising the sale, buying, transferring, leasing, selling, or exchanging of new motor vehicles and who has an established place of business.

“Delivered for sale” means vehicles that have received a bill of lading for sale in New Jersey and are shipped, or are in the process of being shipped, to a dealer in New Jersey.

“Department” shall have the same meaning as the term “Department” as defined at N.J.A.C. 7:27-1.4.

“EPA” shall have the same meaning as the term “EPA” as defined at N.J.A.C. 7:27-1.4.

“Intermediate volume manufacturer” means a manufacturer that has been designated by CARB as an intermediate volume manufacturer as defined at 13 CCR 1900.

“Large volume manufacturer” means a manufacturer that has been designated by CARB as a large volume manufacturer as defined at 13 CCR 1900.

“Lease” means any commercial transaction recognized pursuant to 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.

“Light-duty truck” shall have the same meaning as “light-duty truck” as defined at 13 CCR 1900.

“Manufacturer” means any small, intermediate, or large volume vehicle manufacturer as defined at 13 CCR 1900.

“Medium-duty vehicle” shall have the same meaning as “medium-duty vehicle” as defined at 13 CCR 1900.

“Model year” means model year as defined at 40 CFR 85.2302 and determined in accordance with the provisions at 40 CFR 85.2301 through 85.2304, which are incorporated herein by reference.

“Motor vehicle” or “vehicle” means every device in, upon, or by which a person or property is or may be transported otherwise than by muscular power, excepting such devices as run only upon rails or tracks and motorized bicycles.

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

“Passenger car” shall have the same meaning as “passenger car” as defined at 13 CCR 1900.

“Person” shall have the same meaning as the term “person” as defined at N.J.A.C. 7:27-1.4.

“PHEV” means a plug-in hybrid electric vehicle.

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

“State” shall have the same meaning as the term “State” as defined at N.J.A.C. 7:27-1.4.

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

“ZEV” means a zero-emission vehicle.

# **7:27-29A.2 Purpose and applicability**

(a)  This subchapter establishes, in the State, an Advanced Clean Cars II program, which incorporates the requirements of the California Advanced Clean Cars II program.

(b)  The New Jersey Advanced Clean Cars II program shall apply to all model year 2027 or later motor vehicles that are passenger cars, light-duty trucks, and medium-duty vehicles subject to the California Advanced Clean Cars II program and delivered for sale in New Jersey on or after January 1, 2027.

(c) The specified engine and vehicle standards and requirements set forth in the provisions of the CCR, as identified at N.J.A.C. 7:27-29A.7, shall not be operative in New Jersey unless or until such time as California receives a waiver from the EPA pursuant to 42 U.S.C. § 7543, as published in the Federal Register, for the applicable engine standard, vehicle standard, or other emission requirement.

(d) The New Jersey Advanced Clean Cars II program shall not apply to:

1. Emergency vehicles, pursuant to California's Vehicle Code Sec. 27156.2 and 27156.3, as incorporated by reference at N.J.A.C. 7:27-29A.7; or

2. Military tactical vehicles, pursuant to 13 CCR 1905, as incorporated by reference at N.J.A.C. 7:27-29A.7.

# **7:27-29A.3 Requirements for vehicle transactions**

(a) Except as set forth at (b) and (c) below, on or after January 1, 2027, 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 new 2027 or subsequent model-year passenger car, light-duty truck, or medium-duty vehicle, unless the vehicle has been certified by CARB.

(b) New model year 2026 passenger cars, light-duty trucks, and medium-duty vehicles that were produced and delivered for sale in New Jersey after December 31, 2025, and before January 1, 2027, are not required to be certified by CARB in order to be sold, offered for sale, purchased, acquired, or received in New Jersey.

(c) The prohibitions at (a) above do not apply to:

1. 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;

2. A vehicle acquired by a resident of this State for the purposes of replacing a vehicle registered to such resident, which vehicle was damaged, or became inoperative beyond reasonable repair, or was stolen while out of this State; provided that such replacement vehicle is acquired out-of-State at the time the previously registered vehicle was either damaged or became inoperative beyond reasonable repair or was stolen;

3. A vehicle transferred by inheritance;

4. A vehicle transferred by court decree;

5. A vehicle certified by CARB or the EPA and originally registered in another state by a resident of that state who subsequently establishes residence in this State;

6. A vehicle transferred directly from one dealer to another dealer;

7. A vehicle sold for the purpose of being wrecked or dismantled; or

8. A vehicle sold exclusively for off-highway use.

(d)  For the purposes of this subchapter, it is 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 fewer than 7,500 miles has not been transferred to an ultimate purchaser.

# **7:27-29A.4 Fees**

**(**a)  For vehicles delivered for sale in calendar year 2026 and thereafter, each intermediate volume and large volume manufacturer shall report its New Jersey production volume to the Department by March 1 of the succeeding calendar year.

(b)  Each intermediate volume and large volume vehicle manufacturer shall pay to the Department an annual fee of $0.50 per vehicle for each passenger car, light-duty truck, and medium-duty vehicle, including both Federally certified and California-certified vehicles, delivered for sale in New Jersey on or after January 1, 2026.

(c)  The Department shall notify each manufacturer of the total fee due. The manufacturer shall remit the fee to the Department within 30 days after receipt of the Department's notice.

(d)  An intermediate volume or large volume manufacturer that does not pay the fee shall not be permitted to earn, deposit, use, or acquire vehicle equivalent credits or values until such time as its fee and any unpaid balance are paid.

# **7:27-29A.5 Warranty**

(a)  Each manufacturer of a vehicle subject to N.J.A.C. 7:27-29A.3(a) 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 CCR, as identified at N.J.A.C. 7:27-29A.7.
(b)  Each manufacturer of a vehicle subject to N.J.A.C. 7:27-29A.3(a) shall submit to the Department, upon request, an Emission Warranty Information Report as defined at 13 CCR 2144 and a Zero-Emission Vehicle Warranty Information Report as defined at 13 CCR 1962.8.
(c)  For purposes of compliance with (b) above, a manufacturer may submit copies of the Emission Warranty Information Reports and the Zero-Emission Vehicle Warranty Information Reports that are submitted to CARB.

# **7:27-29A.6 Enforcement**

(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 any emissions therefrom, at the facility; to sketch or photograph any portion of the site, building, or vehicles; 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 of appropriate credentials, as requested, and in compliance with appropriate standard safety procedures.

(b) Records to support any application, notice, report, or amendment submitted to the Department pursuant to this subchapter shall be maintained for a period of no less than five years after submitting the information to the Department, and shall be made readily available to the Department, upon request.

(c) 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.

(d) Any order or enforcement action taken by 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 CCR identified at N.J.A.C. 7:27-29A.7, 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. 7:27-29A.3(a).

(e) 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. 7:27-29A.7, 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. 7:27-29A.3(a).

# **7:27-29A.7 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, as supplemented or amended.

(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 legislation incorporated by reference, brought about by either judicial, administrative, or legislative action, and adopted or otherwise noticed by the State of California, shall be immediately effective and applicable to this subchapter on the date such change is effective in California, so that the New Jersey rule will have the same meaning and status as its California counterpart.

(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 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) The following provisions of the CCR and the California Vehicle Code are incorporated by reference within this subchapter, as supplemented or amended, except as provided at (f) and (g) below:

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| Table 1 |
| 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 of Military Tactical Vehicles and Equipment |
| Article 2 |
| Approval of Motor Vehicle Pollution Control Devices (New Vehicles) |
| Section 1956.8(g) and (h) | Exhaust Emission Standards and Test Procedures — 1985 and Subsequent Model Heavy Duty Engines and Vehicles |
| Section 1960.1 | Exhaust Emission Standards and Test Procedures — 1981 through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles |
| Section 1961 | Exhaust Emission Standards and Test Procedures — 2004 through 2019 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles |
| Section 1961.1 | Greenhouse Gas Exhaust Emission Standards and Test Procedures — 2009 through 2016 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles |
| Section 1961.2 | Exhaust Emission Standards and Test Procedures —2015 through 2025 Model Year Passenger Cars and Light-Duty Trucks, and 2015 through 2028 Model Year Medium-Duty Vehicles |
| Section 1961.3 | Greenhouse Gas Exhaust Emission Standards and Test Procedures — 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles |
| Section 1961.4 | Exhaust Emission Standards and Test Procedures —2026 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles |
| Section 1962.2 | Zero-Emission Vehicle Standards for 2018 through 2025 Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles |
| Section 1962.3 | Electric Vehicle Charging Requirements |
| Section 1962.4 | Zero-Emission Vehicle Requirements for 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks |
| Section 1962.5 | Data Standardization Requirements for 2026 and Subsequent Model Year Light-Duty Zero Emission Vehicles and Plug-in Hybrid Electric Vehicles |
| Section 1962.6 | Battery Labeling Requirements |
| Section 1962.7 | In-Use Compliance, Corrective Action, and Recall Protocols for 2026 and Subsequent Model Year Zero-Emission and Plug-in Hybrid Electric Passenger Cars and Light-Duty Trucks |
| Section 1962.8 | Warranty Requirements for Zero-Emission and Batteries in Plug-in Hybrid Electric 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks |
| Section 1965 | Emission Control and Smog Index Labels — 1979 and Subsequent Model Year Vehicles |
| Section 1968.1 | Malfunction and Diagnostic System Requirements —1994 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines |
| Section 1968.2 | Malfunction and Diagnostic System Requirements — 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Engines |
| Section 1968.5 | Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines |
| Section 1969 | Motor Vehicle Service Information — 1994 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Engines and Vehicles, and 2007 and Subsequent Model Heavy-Duty Engines |
| Section 1976 | Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions |
| Section 1978 | Standards and Test Procedures for Vehicle Refueling Emissions |
| 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 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 |
| Section 2038 | Performance 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 |
| Section 2039 | Emission Control System Warranty Statement |
| Section 2040 | Vehicle Owner Obligations |
| Section 2041 | Mediation; Finding of Warrantable Condition |
| Section 2046 | Defective Catalyst |
| Chapter 2 |
| Enforcement of Vehicle Emission Standards and Enforcement Testing |
| Article 1 |
| Assembly Line Testing |
| Section 2062 | Assembly-line Test Procedures 1998 and Subsequent Model Years |
| Article 2 |
| Enforcement of New and In-use Vehicle Standards |
| Section 2101 | Compliance Testing and Inspection – New Vehicle Selection, Evaluation and Enforcement Action |
| Section 2109 | New Vehicle Recall Provisions |
| Section 2110 | Remedial Action for Assembly-Line Quality Audit Testing of Less than a Full Calendar Quarter of Production Prior to the 2001 Model-Year |
| Article 2.1 |
| Procedures for In-Use Vehicle Voluntary and Influenced Recalls |
| Section 2111 | Applicability |
| Section 2112 | Definitions |
| 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 2120 | Other Requirements Not Waived |
| Section 2121 | Penalties |
| Article 2.2 |
| Procedures for In-Use Vehicle Ordered Recalls |
| Section 2122 | General Provisions |
| Section 2123 | Initiation and Notification of Ordered Emission-Related Recalls |
| Section 2124 | Availability of Public Hearing |
| 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 2132 | Communication with Repair Personnel |
| Section 2133 | Record keeping and Reporting Requirements |
| Section 2135 | Extension of Time |
| Article 2.3 |
| In-Use Vehicle Enforcement Test Procedures |
| Section 2136 | General Provisions |
| Section 2137 | Vehicle, Engine, and Trailer Selection |
| Section 2138 | Restorative Maintenance |
| Section 2139 | Testing |
| Section 2140 | Notification and Use of Test 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 and Corrective Action |
| 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 and Subsequent Action |
| Article 3 |
| Surveillance Testing |
| Section 2150 | Assembly-Line Surveillance |
| Section 2151 | New Motor Vehicle Dealer Surveillance |
| Chapter 4 |
| Criteria for the Evaluation of Motor Vehicle Pollution Control Devices and Fuel Additives |
| Article 2 |
| Aftermarket Parts |
| Section 2221 | Replacement Parts |
| Section 2222 | Add-On Parts and Modified Parts |
| Chapter 4.4 |
| Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks |
| Section 2235 | Requirements |
| California Vehicle Code |
| Division 12 |
| Equipment of Vehicles |
| Chapter 5 |
| Other Equipment |
| Article 2 |
| Exhaust Systems |
| Section 27156.2 |
| Section 27156.3 |

(f) For purposes of applying the incorporated sections of the CCR and California Vehicle Code, unless otherwise specified in this subchapter or the application is clearly inappropriate, “California" means "New Jersey," "Air Resources Board (ARB)" or "California Air Resources Board (CARB)" means “Department of Environmental Protection,” and “Executive Officer” means the “Commissioner of the Department” or the Commissioner’s designee. For example, "delivered for sale in California" and "placed in service in California" shall mean vehicles "delivered for sale in New Jersey" or "placed in service in New Jersey."

(g) At 13 CCR 1962.4(l), Definitions, in the definition of “community-based clean mobility program,” replace “serves a community in which at least 75 percent of the census tracts in the project area (where community residents live and services operate) are: a disadvantaged community, as defined in California by Health and Safety Code section 39711, a low-income community as defined in California by Health and Safety Code section 39713, or a tribal community regardless of federal recognition” with “serves a community in which at least 75 percent of the census tracts in the project area (where community residents live and services operate) are: an overburdened community subject to adverse cumulative stressors, as determined by the Department pursuant to N.J.A.C. 7:1C, a low-income community where at least 35 percent of the households qualify as low-income households as determined by the Department pursuant to N.J.A.C. 7:1C, or a tribal community regardless of Federal recognition.”