



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF AIR QUALITY

BUREAU OF MOBILE SOURCES

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Frequently Asked Questions for New Jersey Low Emission Vehicle (LEV) Program

1. **When were the Low Emission Vehicle regulations approved?**

It was signed into law as P.L. 2003, c.266 on January 14, 2004. The Statute directed New Jersey Department of Environmental Protection (DEP) to implement the LEV program to be effective on January 1, 2009. DEP promulgated the Low Emission Vehicle Regulation under N.J.A.C 7:27-29 which became effective on January 27, 2006. The rules are applicable to light duty motor vehicles less than or equal to 8,500 lbs. Gross Vehicle Weight Rating (GVWR) manufactured and delivered for sale in New Jersey beginning in model year 2009 and later. It does not include medium-duty vehicles, off-highway vehicles, all-terrain vehicles (ATV), or motorcycles.

2. **What are the implications for motorists?**

If you want to title a new vehicle in New Jersey, whether purchase or lease, it must be "California Certified", "USEPA", "50-State", or "California-Only" to meet emission requirements, with some minor exceptions, beginning January 1, 2009.

3. **How do I verify that a vehicle is "California Certified"?**

Two main ways:

a) the Manufacturer Source of Origin (MSO) / Manufacturer Certificate of Origin (MCO) must indicate "Certified for sale in 50 States" or "Certified for sale in California" (See examples below)

b) The label under the hood in the engine compartment must indicate it is "California Certified", "USEPA", "50-State", or "California-Only" vehicle.

"50-State Vehicle: This vehicle conforms to USEPA and California regulations applicable to (the vehicle model year) model-year new motor vehicles."

"California-Only Vehicle: This vehicle conforms to USEPA and California regulations applicable to (the vehicle model year) model-year new motor vehicles introduced into commerce only for sale in California."

4. **What are the emission standards that do not comply?**

This vehicle meets/satisfies Federal emission standards.

This vehicle is certified / legal for sale in 49 states.

This vehicle is certified / legal for sale in 45-states.

Vehicle has no label or MCO (no way of telling how vehicle was certified).

5. **What is meant by “new” vehicle?**

LEV Regulations consider any vehicle purchased with less than 7,500 miles on the odometer to be a new vehicle.

6. **What weight class of vehicle is included?**

The LEV rules cover any passenger car and light-duty truck up to 8,500 pounds GVWR or less, excluding off-highway vehicles. “Passenger car” includes any motor vehicle designed primarily for transportation of individuals and having a design capacity of 12 individuals or fewer. “Light-duty truck” means any motor vehicle designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.

GVWR is the maximum allowable total weight of a road vehicle or trailer when loaded - i.e. including the weight of the vehicle itself plus fuel, passengers, cargo, and trailer tongue weight. Some commercial cargo vans and large SUVs are exceeding 8,500 lbs. GVWR limits.

Most vehicles manufactured for sale in this country have a placard (sticker) with this information. It is located typically either in the driver's side door or doorframe, in the owner's manual, or may be present on another sticker immediately under the hood near the radiator.

7. **I am a dealer, my client asked me to find a model that is not California certified, what can I do?**

If the client's vehicle acquisition is covered by an exemption under the New Jersey LEV regulation, you must fill out and have the buyer sign the request for exemption certification on DEP/MVE-9 (9-16). You can obtain the form from:

https://www.state.nj.us/dep/cleanvehicles/njlev_forms.htm

Complete the application and submit with a copy of the MCO. You may also get a copy of the form by contacting:

NJDEP Low Emission Vehicle Program
Mail code 401-02E
401 E. State St., P.O. Box 420
Trenton, N.J. 08625-0420

or email at NJLEV@dep.nj.gov.



8. **Are there any circumstances under which the LEV rules do not apply?**

Yes, the LEV rules do not apply to passenger cars and light-duty trucks that are:

- a. Held for daily lease or rental to the general public or engaged in interstate commerce, that are registered and principally operated outside of New Jersey;
- b. Test vehicles and emergency vehicles;
- c. 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;
- d. Transferred by inheritance;
- e. Transferred by court decree;
- f. Have a certificate of conformity issued pursuant to the Clean Air Act and originally registered in another state by a resident of that state who subsequently establishes residence in this State;
- g. Sold directly from one dealer to another dealer;
- h. Sold for the purpose of being wrecked or dismantled;
- i. Sold exclusively for off-highway use; or
- j. Sold for registration out of State.

If you acquire a vehicle under any of the above conditions, if the vehicle has already been titled outside of New Jersey, you may title the vehicle in New Jersey.

If the vehicle has not been titled before, you need to complete a “Buyer Application for Waiver from the New Jersey Low Vehicle Emission Program” form DEP/MVW-9 (9-16). You can obtain the form from:

https://www.state.nj.us/dep/cleanvehicles/njlev_forms.htm. Complete and submit with a copy of MCO. You can also contact:

NJDEP Low Emission Vehicle Program
Mail code 401-02E
401 E. State St., P.O. Box 420,
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or email at NJLEV@dep.nj.gov

Under certain limited circumstances, NJDEP may allow exemptions after review of the application.

9. **What happens if my vehicle complies with the California emissions standards, but the MSO does not indicate compliance?**

The New Jersey Motor Vehicle Agency would deny titling and registration and refer you to the NJDEP for further action. The NJDEP may grant or deny a waiver based on the circumstances.



10. **What does “deliver for sale” mean?**

It means a vehicle that has received a bill of lading for sale in New Jersey and is shipped; or is in the process of being shipped to a dealer in New Jersey.

11. **What activities are covered in the regulation?**

Any activities relating to the delivery for sale, offering for sale, selling, importing, delivering, purchasing, renting, acquiring, receiving, or registering of vehicles.

12. **What if I import a vehicle that does not comply with either California or EPA standards?**

A vehicle that is manufactured outside of the United States and is not originally built to meet U.S. safety and emissions standards is called a Grey Market vehicle. These vehicles may need to be modified to comply with U.S. standards after they are imported and must be approved by the USEPA and Federal Department of Transportation (DOT) before they can be titled and registered.

The emission conversion certification must comply with California or USEPA 50-state standards before you can title the vehicle in New Jersey.

13. **What is the penalty?**

Under N.J.A.C 7:27-29.3(a), delivery of a Non-Certified Vehicle is considered non-minor and subject to civil administrative penalty amounts of up to \$2,500 for the first offense, per vehicle, \$5,000 for the second offense, \$12,500 for the third offense, and \$30,000 for the fourth and each subsequent offense. See <https://www.nj.gov/dep/aqm/27A3.pdf>.

14. **For any further information:**

NJDEP's website at <http://www.nj.gov/dep/cleanvehicles/> or <https://www.nj.gov/dep/aqm/currentrules/Sub29.pdf> or Email NJLEV@dep.nj.gov.

