

NEW JERSEY ADMINISTRATIVE CODE TITLE 13, CHAPTER 20,
SUBCHAPTER 28 INSPECTION OF NEW MOTOR VEHICLES

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~~§ 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) Such inspection shall be deemed, when performed in conformity with this subchapter, to satisfy the requirements of N.J.S.A. 39:8-1.~~

§ 13:20-28.2 Applicability

~~This subchapter shall apply to all new motor vehicle dealers licensed by the Chief Administrator.~~

~~This subchapter shall also apply 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.

“Chief Administrator” means the Chief Administrator of the New Jersey Motor Vehicle Commission.

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

“Jitney” means an autobus as defined in N.J.S.A. 48:16-23 with a carrying capacity of not more than 13 passengers, operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route.

“Limousine” means any motor vehicle that is issued special registration plates bearing the word “limousine” pursuant to N.J.S.A. 39:3-19.5 other than motor vehicles that are subject to inspection by the Motor Vehicle Commission’s Commercial Bus Inspection and Investigation Unit.

“Motor Vehicle Commission” or “Commission” means the New Jersey Motor Vehicle Commission established by section 4 of P. L. 2003, c. 13 (N.J.S.A. 39:2A-4).

“New motor vehicle” means every new motor vehicle, regardless of registration class, except omnibuses that are subject to inspection by the Motor Vehicle Commission’s Commercial Bus Inspection and Investigation Unit, school buses, diesel trucks having a GVWR 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 motor vehicle dealer” or “new motorcycle dealer” means a dealer licensed pursuant to N.J.S.A. 39:10-19 to sell new motor vehicles or new motorcycles, its employees and/or agents.

“Pre-delivery checklist” means a list of items and procedures which a new motor vehicle dealer, 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.

“Taxicab” means an autocab as defined in N.J.S.A. 48:16-1 engaged in the business of carrying passengers for hire, which is held out, announced or advertised to operate or run or which is

operated or run over any of the streets or public highways of this State and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the State.

“Ultimate purchaser” means any person, other than a motor vehicle dealer purchasing in its capacity as a motor vehicle dealer, who in good faith purchases or leases a new motor vehicle 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) A new motor vehicle dealer shall, prior to delivery to an ultimate purchaser of a new motor vehicle, 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) 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.

(c) A new motor vehicle dealer’s or motor vehicle leasing company’s completion of the pre-delivery inspection procedure required or recommended by the manufacturer shall be deemed by the Chief Administrator to render the new motor vehicle safe for operation on any public road, street, or highway or any public or quasi-public property in this State.

(d) Any new motorcycle dealer which inspects new motorcycles pursuant to this subchapter must be licensed as a Class III private inspection facility pursuant to N.J.A.C. 13:20-44.

~~§ 13:20-28.5 Motor vehicle equipment standards~~

~~(a) A new motor vehicle subject to inspection pursuant to this subchapter shall meet the equipment standards now or hereafter prescribed by the United States Department of Transportation, by Federal or State statute, by Motor Vehicle Commission rule, or by specifications established by the manufacturer.~~

~~(b) In the event of an inconsistency between the manufacturer’s specifications and a standard or rule adopted by the United States Department of Transportation, or Federal or State statute, or Motor Vehicle Commission rule, the standard or rule adopted by the United States Department of Transportation, or Federal or State statute, or Motor Vehicle Commission rule shall take precedence.~~

§ 13:20-28.6 Decal; period of validity

(a) 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 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) A new motor vehicle receiving a decal as an indication of successful inspection pursuant to this subchapter shall next be inspected not later than four 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 affixed to the motor vehicle by the new motor vehicle dealer or the motor vehicle leasing company shall so indicate.

(c) Notwithstanding (b) above, a new motor vehicle that is to be initially registered as a commercial motor vehicle pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine or jitney and that is receiving a decal as an indication of successful inspection pursuant to this subchapter shall next be inspected not later than one year 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 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) A new motor vehicle dealer shall not deliver a new motor vehicle to an ultimate purchaser unless such motor vehicle has been inspected pursuant to this subchapter and found to be in compliance with the equipment standards 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 the new motor vehicle dealer or motor vehicle leasing company of the~~