

N.J.A.C. § 13:20-43.1

TITLE 13. LAW AND PUBLIC SAFETY
CHAPTER 20. ENFORCEMENT SERVICE
SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

N.J.A.C. § 13:20-43.1

§ 13:20-43.1 Definitions

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

"Bi-fueled" means powered by gasoline and by an alternative fuel, but not on a mixture of the two fuels. Each fuel is stored in a separate tank. For example, a vehicle may operate on either propane or gasoline, but it cannot operate on both at the same time. Typically, these vehicles will consume the alternative fuel until the supply is exhausted, then switch over, often automatically, to use the traditional fuel. This term shall not include vehicles powered by electric motors.

"Certificate of approval" means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, this subchapter, N.J.A.C. 13:20-32 or 13:20-33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-5 regarding the inspection of motor vehicles.

"Certificate of waiver" means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with this subchapter and the rules adopted by the Department of Environmental Protection pertaining to emission or OBD inspection standards have been waived by the Division for the particular inspection cycle for which the waiver is granted.

"Certified configuration" means a vehicle-engine-chassis design for light-duty gasoline-fueled vehicles and light-duty gasoline-fueled trucks certified by either of the following agencies as meeting the applicable emission standards for motor vehicles manufactured in a given model year:

1. EPA for model year 1968 or for a more recent model year; or
2. California Air Resources Board for model year 1966 or for a more recent model year.

"Collector motor vehicle" means a motor vehicle, not otherwise qualified for designation as an "historic vehicle," or "street rod," which was either: originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity; or at the time of qualification for designation exists in such limited numbers; either one or the other or both of the above, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner to the Division, as may be accepted by the Director in his or her discretion, so as to establish it as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns, and, further, that is not driven in excess of the maximum mileage permitted by the terms of a valid limited use motor vehicle insurance policy issued for, and covering such vehicle, proof of which shall be supplied to the Division at the time of application for designation as a collector vehicle, which mileage shall in no event exceed 3,000 miles per year. This term shall not include motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

"Department" means the Department of Environmental Protection in the State of New Jersey.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Division" means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Emission control system" means a device or equipment installed on a motor vehicle by the vehicle manufacturer and/or the engine manufacturer for the purpose of controlling air contaminants emitted from the motor vehicle or motor vehicle engine, including devices or equipment integral with, but not limited to, exhaust emission control systems, fuel

evaporation control systems, crankcase emission control systems, and associated devices or systems which control or monitor the function and maintenance of these devices or systems.

"EPA" means the United States Environmental Protection Agency.

"Federal Clean Air Act" means the Federal "Clean Air Act," 42 U.S.C. § 7401 et seq., and any subsequent amendments or supplements to that act.

"Federal test procedure" means a chassis dynamometer test which employs varying speeds and loads, developed by the Federal Environmental Protection Agency for purposes of measuring motor vehicle exhaust emissions.

"Fleet" means 10 or more motor vehicles.

"Gasoline-fueled" means powered by a hydrocarbon fuel other than diesel fuel, including, but not limited to, gasoline, natural gas, liquified petroleum gas, and propane, and also powered by alcohol fuels and hydrocarbon-alcohol fuel blends.

"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.

"Inspector" means an individual who is licensed by the Division to perform motor vehicle emission and OBD inspections.

"Light-duty gasoline-fueled truck" means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, a vehicle curb weight of 6,000 pounds or less, and a basic frontal area of 45 square feet or less, and that is:

1. Designed primarily for the transportation of property or more than 12 passengers; or
2. Available with special features enabling off-street or off-highway operation and use.

"Light-duty gasoline-fueled vehicle" means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, is designed primarily for use as a passenger car or is a passenger car derivative and is capable of seating 12 or fewer passengers.

"Loaded-mode (dynamometer-based) emission test" means the ASM 5015 emission test.

"Low mileage vehicle" means a vehicle that is driven less than 10,000 miles during the biennial inspection period.

"Low utilization modified performance vehicle" means a vehicle that has been modified for performance and that is driven less than 10,000 miles during the biennial inspection period, provided, however, that any such performance modification shall comply with all of the anti-tampering requirements of N.J.A.C. 7:27-15.7(a).

"Model year" means, with respect to a motor vehicle, the year in which the motor vehicle is considered to have been manufactured. If the manufacturer establishes an annual production period, designation of the year shall be based on the annual production period during which the manufacturer begins production of the motor vehicle. When such annual production period falls within one calendar year, the model year attributed to the motor vehicle shall be that calendar year. When such annual production period continues from one calendar year into the next, the model year attributed to the motor vehicle shall be the latter calendar year (for example, a motor vehicle produced in an annual production period that continues from 1994 to 1995 shall be considered as being produced in the 1995 model year). If the manufacturer establishes no annual production period, a motor vehicle's model year shall be the calendar year in which the manufacturer begins production of that motor vehicle. If a motor vehicle is manufactured in two or more stages, the model year of such motor vehicle shall be based on the date of completion of the chassis. In case of any dispute, the Director shall have sole discretion to determine the model year of a vehicle for purposes of this subchapter. For purposes of this subchapter, the Director may, in his or her discretion, determine that "model year" means the model year designated for the motor vehicle as contained in the vehicle identification number for such vehicle.

"Motor vehicle" means all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.

"Motor vehicle emission repair facility" means any person, partnership, or corporation registered by the Division to engage in the business of performing emission-related and OBD-related repairs on motor vehicles that have failed an emission or OBD inspection required by this subchapter and which repairs may qualify for consideration in determining whether a certificate of waiver may be granted.

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"Official inspection facility" means a test-only inspection facility that the State Treasurer has contracted for pursuant to section 4 of P.L. 1995, c.112.

"Omnibus" means all motor vehicles used for the transportation of passengers for hire, except commuter vans and vehicles used in ridesharing arrangements and school buses, if the same are not otherwise used in the transportation of passengers for hire.

"On-board diagnostics" or "OBD" means an automotive diagnostic system complying with California OBD regulations or EPA OBD II regulations effective for model year 1996 and newer motor vehicles.

"OBD-eligible" means capable of receiving an OBD inspection as determined by the Department of Environmental Protection in accordance with N.J.A.C. 7:27-15.5(m).

"Private inspection facility" means any person, partnership or corporation licensed by the Division pursuant to N.J.A.C. 13:20-44 to perform the motor vehicle inspections required by N.J.S.A. 39:8-1.

"Remote sensing device" means an apparatus which remotely monitors motor vehicle emissions from an on-road, roadside, or other location.

"State" means a state of the United States or the District of Columbia.

"State specialty inspection facility" means a test-only inspection facility that is operated by the Division to inspect certain motor vehicles as specified in N.J.A.C. 13:20-7.3(d).

NOTES:**HISTORY:**

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 New Jersey Register 2334(a), 29 New Jersey Register 788(a).

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Administrative change.

See: 33 New Jersey Register 4388(a).

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

Chapter Note

N.J.A.C. § 13:20-43.2

§ 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 that are primarily operated in New Jersey shall be inspected in accordance with this subchapter and the applicable emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. 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 motor vehicle inspected in the state or jurisdiction of registration or in this State.

(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. Historic motor vehicles registered pursuant to N.J.S.A. 39:3-27.4;
2. Collector motor vehicles;
3. Motorcycles;
4. Motorized bicycles;
5. Farm tractors and traction equipment;
6. Farm machinery and implements;
7. Fire trucks having a GVWR of more than 8,500 pounds;
8. In-transit construction equipment registered pursuant to N.J.S.A. 39:4-30;
9. 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;
10. 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;
11. School buses that 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
12. Tactical military vehicles operated on Federal installations within this State.

(c) To qualify for designation as a "collector motor vehicle" the owner or lessee of a motor vehicle shall submit an application in the form specified by the Division which provides evidence of the following:

1. The vehicle is not currently qualified for designation as an "historic motor vehicle," as provided at N.J.S.A. 39:3-27.3 et seq., and any rules promulgated pursuant thereto, or as a "street rod," as provided at N.J.S.A. 39:3-27.27, and any rules promulgated pursuant thereto;
2. The vehicle is not a motor vehicle with elevated chassis height which is subject to inspection in accordance with N.J.A.C. 13:20-37;
3. The vehicle is not driven in excess of the maximum mileage permitted by the terms of a valid limited use motor vehicle insurance policy issued for such vehicle; and
4. The vehicle currently qualifies for, and is covered by, motor vehicle insurance coverage of a kind intended for limited use collector motor vehicles, proof of which shall be supplied to the Division at the time of application for designation as a collector motor vehicle, which policy shall limit the mileage of the vehicle to 3,000 miles per year or less; and either,
 - i. Proof that the vehicle was originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner or lessee to the Division, as may be accepted by the Director in his or her discretion, so as to establish the vehicle as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns; or
 - ii. Proof that at the time of qualification for designation as a "collector motor vehicle" that the make and model of such vehicles exist in such limited numbers, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner or lessee to the Division, as may be accepted by the Director in his or her discretion, so as to establish the vehicle as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns.

(d) The Director or his or her designee shall verify the odometer reading of a "collector motor vehicle" and may require that such motor vehicle be equipped with an odometer lock. A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "collector motor vehicle."

(e) The owner of any motor vehicle qualifying as a "collector motor vehicle" shall be eligible to purchase from the Division a distinctive windshield sticker, of a design and dimensions to be approved by the Director, said sticker to be affixed in lieu of a certificate of approval, by an authorized representative of the Division, indicating that said vehicle is a "collector motor vehicle" that is exempt from the inspection requirements of N.J.S.A. 39:8-1. The windshield sticker shall be valid for the inspection test cycle.

(f) The Director or his or her designee shall remove the previous "collector motor vehicle" windshield sticker, if any, of a motor vehicle which is denied designation as a "collector motor vehicle" in accordance with this section. A motor vehicle that is denied designation as a "collector motor vehicle" shall not be eligible for such designation for one inspection cycle.

(g) The owner or lessee of a "collector motor vehicle" shall make application to the Division for the renewal of the windshield sticker prior to expiration of the inspection test cycle. The renewal application shall at a minimum be accompanied by proof that the vehicle is covered by motor vehicle insurance coverage of a kind intended for limited use collector motor vehicles that limits the mileage use of the vehicle to 3,000 miles per year or less.

(h) The cost of said sticker shall be \$ 25.00 for the initial inspection test cycle and \$ 10.00 for the renewal of said sticker for inspection test cycles thereafter.

(i) To qualify for designation as a "low utilization modified performance vehicle," a motor vehicle shall be driven less than 10,000 miles during the biennial inspection period and the owner or lessee of a motor vehicle shall submit a certification in the form specified by the Division to the effect that the motor vehicle's emission control apparatus conforms to the standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(j) The Director or his or her designee shall verify the odometer reading of a "low utilization modified performance vehicle." A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "low utilization modified performance vehicle."

(k) A motor vehicle which is denied designation as a "low utilization modified performance vehicle" in accordance with this section shall not be eligible for such designation for one inspection cycle.

(l) To qualify for designation as a "low mileage vehicle" a motor vehicle shall be driven less than 10,000 miles during the biennial inspection period.

(m) The Director or his or her designee shall verify the odometer reading of a "low mileage vehicle." A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "low mileage vehicle."

(n) A motor vehicle which is denied designation as a "low mileage vehicle" in accordance with this section shall not be eligible for such designation for one inspection cycle.

NOTES:

HISTORY:

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 New Jersey Register 2334(a), 29 New Jersey Register 788(a).

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Administrative change.

See: 33 New Jersey Register 4388(a).

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

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Chapter Note

N.J.A.C. § 13:20-43.3

§ 13:20-43.3 Inspection facilities

A motor vehicle subject to inspection shall have the inspection performed at an official inspection facility, a private inspection facility licensed by the Division, or a State specialty inspection facility operated by the Division, in accordance with N.J.A.C. 13:20-7.3.

NOTES:**HISTORY:**

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 New Jersey Register 2334(a), 29 New Jersey Register 788(a).

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Chapter Note

N.J.A.C. § 13:20-43.4

§ 13:20-43.4 Federal motor vehicles

(a) Motor vehicles that are operated on Federal installations located within New Jersey and motor vehicles operated by Federal government agencies in this State shall be inspected in accordance with this subchapter and the emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles which are inspected pursuant to this section shall be inspected by a Class I or Class II private inspection facility licensed by the Division pursuant to N.J.A.C. 13:20-44.

(c) A Class I licensed private inspection facility shall provide to the operator of a Federally-plated or numbered motor vehicle that is presented for inspection in this State a report of inspection conducted in accordance with (a) above, which shall include:

1. The VIN for the motor vehicle;
2. The license plate number issued by the Federal government agency for the motor vehicle;
3. HC results, if applicable;
4. CO results, if applicable;
5. CO[2] results, if applicable;
6. NO[x] results, if applicable;
7. O[2] results, if applicable;

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8. OBD inspection results, if applicable;
9. Fuel cap leak test results, if applicable; and
10. Exhaust system inspection results.

(d) All motor vehicles owned, leased, or operated by civilian or military personnel on Federal installations in New Jersey, whether such motor vehicles are registered in this State or in another jurisdiction, shall be inspected in accordance with this subchapter and the emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. This inspection requirement shall not apply to visiting agency, employee, or military personnel vehicles so long as such visits do not exceed 60 calendar days per year.

NOTES:**HISTORY:**

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Administrative change.

See: 33 New Jersey Register 4388(a).

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

Chapter Note

N.J.A.C. § 13:20-43.5

§ 13:20-43.5 Motor vehicles registered in other states

(a) Owners, lessees, or operators of motor vehicles registered in other jurisdictions may present their motor vehicles for inspection in this State. The inspection shall be in accordance with this subchapter and the emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles which are inspected pursuant to this section shall be inspected by a Class I or Class II private inspection facility licensed by the Division pursuant to N.J.A.C. 13:20-44.

(c) A Class I licensed private inspection facility shall provide to the operator of a motor vehicle which is presented for inspection in this State a report of inspection conducted under N.J.A.C. 13:20-43.4(d) or (a) above.

(d) The owner or lessee of a motor vehicle shall transmit a report of inspections conducted in accordance with N.J.A.C. 13:20-43.4(d) or (a) above to the state of registration, which shall include:

1. The VIN for the motor vehicle;
2. The license plate number issued for the motor vehicle;
3. The name of the state in which the motor vehicle is registered;
4. HC results, if applicable;
5. CO results, if applicable;
6. CO[2] results, if applicable;

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7. O[2] results, if applicable;
8. NO[x] results, if applicable;
9. OBD inspection results, if applicable;
10. Fuel cap leak test results, if applicable; and
11. Exhaust system inspection results.

NOTES:**HISTORY:**

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Administrative change.

See: 33 New Jersey Register 4388(a).

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

Chapter Note

N.J.A.C. § 13:20-43.6

§ 13:20-43.6 Fleet motor vehicles

All fleet motor vehicles, including those that are available for lease or rent, which are registered in this State, or are registered in another state and primarily operated in New Jersey, shall be inspected in accordance with this subchapter and the emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. A fleet vehicle shall be inspected at an official inspection facility or by a Class I or Class II licensed private inspection facility. The owner or lessee of fleet motor vehicles may apply for and be licensed by the Division as a Class II private inspection facility in accordance with N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-44.

NOTES:**HISTORY:**

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 New Jersey Register 2334(a), 29 New Jersey Register 788(a).

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Administrative change.

See: 33 New Jersey Register 4388(a).

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

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Chapter Note

N.J.A.C. § 13:20-43.7

§ 13:20-43.7 Test frequency

Motor vehicles subject to inspection pursuant to this subchapter shall be inspected on a biennial basis, except as otherwise provided by law or regulation.

NOTES:**HISTORY:**

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Chapter Note

N.J.A.C. § 13:20-43.8

§ 13:20-43.8 On-board diagnostics inspection; tests for emissions

(a) On and after June 1, 2003, an OBD inspection shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.7 on all OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled motor vehicles with model years 1996 and later having a GVWR of 8,500 pounds or less. Notwithstanding N.J.A.C. 13:20-43.2(b)11 and 30.13, on and after June 1, 2003, a biennial OBD inspection shall be conducted by the Division's School Bus Inspection Unit in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.7 on all OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled school buses with model years 1996 and later having a GVWR of 8,500 pounds or less. All motor vehicles that are subject to an OBD inspection shall not exceed the OBD inspection standards established at N.J.A.C. 7:27-15 for such motor vehicles by the Department of Environmental Protection.

(b) A loaded-mode (dynamometer-based) test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.5 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 that is operated by a handicapped person and that has been modified so that such motor vehicle is fully controlled by specially designed mechanical devices for the handicapped, for a motor vehicle that is equipped with non-disengagable traction control, for any other motor vehicle originally manufactured with a particular design characteristic that 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 emission test, conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.4, shall be administered. All motor vehicles that 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 motor vehicles by the Department of Environmental Protection for hydrocarbons (HC), carbon monoxide (CO), and oxides of nitrogen (NO_x). On and after June 1, 2003, this subsection shall not apply to OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled motor vehicles with model years 1996 and later having a GVWR of 8,500 pounds or less that are subject to an OBD inspection in accordance with (a) above.

(c) An idle emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.3(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 that makes it either impractical or hazardous to conduct a 2,500 RPM emission test, as shall be determined in the discretion of the Director. A 2,500 RPM emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.4 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 motor 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 that are equipped with non-disengagable traction control, on any other motor vehicle with model years 1981 and later originally manufactured with a particular design characteristic that 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 that 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 motor vehicles by the Department of Environmental Protection for hydrocarbons (HC) and carbon monoxide (CO). On and after June 1, 2003, this subsection shall not apply to OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled motor vehicles with model years 1996 and later having a GVWR of 8,500 pounds or less that are subject to an OBD inspection in accordance with (a) above.

(d) A fuel cap leak test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.8 on all motor vehicles originally equipped with a sealed fuel filler cap. Motor vehicles subject to the fuel cap leak test shall meet the standards for such test established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.8.

(e) An inspection shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-5 for the presence of the catalytic converter on all light-duty gasoline-fueled and bi-fueled motor vehicles and light-duty gasoline-fueled and bi-fueled trucks which were manufactured with a catalytic converter as original equipment or which were retrofitted with a catalytic converter. Motor vehicles shall fail inspection if the catalytic converter was a part of the original certified configuration for the motor vehicle and the catalytic converter is missing or disconnected. If it is found that the catalytic converter is modified or improperly connected, or is not certified in accordance with EPA procedures, or is not of a type which was part of the original certified configuration for the motor vehicle, the motor vehicle shall fail inspection.

(f) A visible smoke test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-5 on all gasoline-fueled and bi-fueled motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1.

(g) The Director, as required by 40 CFR § 51.353(c)(3) to evaluate the effectiveness of the enhanced inspection and maintenance program, may require a motor vehicle which has been presented for an initial inspection to undergo an alternate emission inspection by his or her designee.

(h) A motor vehicle safety equipment inspection shall be conducted on all motor vehicles subject to inspection; provided, however, that with regard to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 and motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5, the safety equipment inspection required by this subsection shall be limited to an inspection of the motor vehicle's exhaust system. The following safety equipment shall be subject to inspection:

1. Steering and suspension;
2. Glazing and vision obstruction;
3. Headlights;
4. Red rear lights;
5. Stop lights;
6. Turn signals;
7. Reflectors;
8. Horn;
9. Windshield wipers;

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10. Wheels and tires;
11. Exhaust system;
12. Mirrors;
13. Service brake (operation and pedal reserve);
14. Parking brake;
15. Brake equalization;
16. Seat belts; and
17. Such other equipment, as an inspection discloses will affect the safe operation of the vehicle or present an imminent safety hazard to its occupants or the public.

(i) Each motor vehicle inspection conducted pursuant to this subchapter shall include an examination of the driver's license, motor vehicle registration certificate and insurance identification card; provided, however, that this subsection shall not apply to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 or to motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5.

NOTES:**HISTORY:**

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 New Jersey Register 2334(a), 29 New Jersey Register 788(a).

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Administrative change.

See: 33 New Jersey Register 4388(a).

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

Chapter Note

N.J.A.C. § 13:20-43.9

§ 13:20-43.9 Inspection reports; emission-related repair forms

(a) The operator of each motor vehicle shall be provided with a motor vehicle inspection report and inspection report supplement, if issued, upon completion of an inspection. The motor vehicle inspection report and inspection report supplement, if issued, shall include:

1. The inspection facility number;
2. The type of test(s) performed;
3. The date of the inspection;

4. The inspection serial number;
 5. The inspection certificate number;
 6. The vehicle model year, make, and body type;
 7. The vehicle license plate number;
 8. The fuel type;
 9. The gross vehicle weight rating;
 10. The vehicle identification number;
 11. The vehicle odometer reading to the nearest 1,000 miles;
 12. The category of inspection (that is, initial inspection, first reinspection, second reinspection, etc.);
 13. The pass/fail result of applicable visual inspections;
 14. Results of the fuel cap leak test;
 15. The type of vehicle preconditioning performed, if applicable;
 16. Results of the safety inspection;
 17. Emission or OBD inspection results and standards for the motor vehicle;
 18. Instructions indicating that the report is to be returned to an official inspection facility or licensed private inspection facility upon reinspection;
 19. A statement indicating the availability of warranty coverage as required in section 207 of the Federal Clean Air Act;
 20. Instructions indicating that the motor vehicle must be repaired and returned to an official inspection facility or licensed private inspection facility and reinspected;
 21. Instructions for waiver applicants;
 22. Such advisory diagnostic information as may be made available;
 23. Space to indicate repair by a registered motor vehicle emission repair facility;
 24. Space to indicate the name, address, and registration number of the motor vehicle emission repair facility that performed the emission-related or OBD-related repair(s);
 25. Space to indicate the cost of parts and labor for emission-related or OBD-related repair(s);
 26. Space to indicate the emission-related or OBD-related repair(s) performed;
 27. Space to indicate technician recommended repair(s) that were not performed; and
 28. Other information as the Division may require to enable it to determine compliance with this subchapter.
- (b) A registered motor vehicle emission repair facility shall provide all of the information on the motor vehicle inspection report and inspection report supplement, if issued, relating to emission-related or OBD-related repairs required by (a) above and shall present the completed motor vehicle inspection report and inspection report supplement, if issued, to the owner or lessee upon delivery of the repaired motor vehicle to such owner or lessee.
- (c) The Division shall prescribe a Pre-inspection Repair Form for use by registered motor vehicle emission repair facilities for demonstrating that pre-inspection emission-related repairs have been performed by such facilities and shall contain all applicable information as set forth in (a)23 through 28 above. The Pre-inspection Repair Form may be used by a registered motor vehicle emission repair facility for demonstrating that post-inspection emission-related repairs have been performed by such facility only when the original motor vehicle inspection report or inspection report supplement, if issued, has been lost by the owner or lessee and has not been presented to the facility. The Pre-inspection Repair Form shall be completed and presented to the owner or lessee upon delivery of the repaired vehicle to such owner or lessee. No such Pre-inspection Repair Form shall be presented in blank to such owner or lessee or any other person; nor shall such form be furnished to such owner or lessee unless the vehicle identification number of the

N.J.A.C. § 13:20-43.9

repaired vehicle is clearly printed or written in ink on the face of said form. The form prescribed by the Division pursuant to this subsection may be reprinted as needed by registered motor vehicle emission repair facilities. The forms, as reprinted by a registered repair facility, shall contain the registration number of such facility and each form shall contain a unique control number which corresponds to the sequential order in which such forms were reprinted, and any other information that the Director may require.

NOTES:**HISTORY:**

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

Chapter Note

N.J.A.C. § 13:20-43.10

§ 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 or OBD-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 or OBD-related repairs on a motor vehicle that failed the emission or OBD 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 performs emission-related or OBD-related repairs to a motor vehicle that failed the emission or OBD 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 or OBD-related repairs of the emission control system and/or who performs an emission-related process on a motor vehicle that failed the emission or OBD 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 conducted in accordance with N.J.A.C. 13:20-43.14, for noncompliance with the emission or OBD inspection standards shall be subject to the separable portions of the inspection procedure for the vehicle model year (that is, fuel cap leak testing and either exhaust or OBD testing, whichever is applicable). Portions of the 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 or OBD-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.

NOTES:

N.J.A.C. § 13:20-43.10

HISTORY:

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

Chapter Note

N.J.A.C. § 13:20-43.11

§ 13:20-43.11 Inspection certificates of approval; inspection rejection stickers

(a) An inspection certificate of approval shall be issued for New Jersey registered motor vehicles that meet safety and emission or OBD standards. The inspection certificate of approval issued for motor vehicles other than motorcycles shall be affixed in accordance with N.J.A.C. 13:20-32.2(e) or 33.2(k), whichever is applicable, to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

(b) An inspection rejection sticker shall be issued by an official inspection facility for New Jersey registered motor vehicles other than motorcycles that fail to meet safety and/or emission or OBD standards. The inspection rejection sticker shall be affixed by an official inspection facility in accordance with N.J.A.C. 13:20-32.2(f) or, if applicable, N.J.A.C. 13:20-32.2(g), to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A licensed private inspection facility shall denote that a New Jersey registered motor vehicle other than a motorcycle has failed to meet safety and/or emission or OBD standards by defacing the inspection certificate of approval or certificate of waiver affixed to the motor vehicle, if any, in accordance with N.J.A.C. 13:20-33.2(l), except as otherwise provided at N.J.A.C. 13:20-33.2(m). The owner or lessee of a motor vehicle that has failed inspection shall have the necessary repairs made and shall present the motor vehicle 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.

NOTES:**HISTORY:**

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

Chapter Note

N.J.A.C. § 13:20-43.12

§ 13:20-43.12 Inspection extensions

(a) A motor vehicle which is registered in New Jersey that cannot be presented for inspection in this State prior to the expiration of the certificate of approval or certificate of waiver issued for the motor vehicle shall be deemed to be in compliance with the inspection requirements of this State if the motor vehicle is presented for an inspection in the state or region in which it is temporarily located, provided that such inspection is performed in an enhanced I/M program. In order to avoid sanctions for failure to comply with the inspection requirements of this State, it shall be the responsibility of the owner or lessee of the motor vehicle to transmit to the Division proof that the motor vehicle has been inspected by another state's enhanced I/M program. Such proof shall consist of a report issued by the enhanced I/M program of such other state containing the license plate number or vehicle identification number of the motor vehicle inspected, the date and location of inspection, and the results of such inspection. If such proof has been submitted and a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle except as hereafter provided. The Director shall issue an additional inspection extension(s) pursuant to this subsection to a motor vehicle owner or lessee who is on active military duty or who is attending college or graduate school in a state or region that has an enhanced I/M program; provided, however, that continuing proof that the motor vehicle has been presented for inspection in another state's enhanced I/M program is transmitted to the Division by the owner or lessee of the motor vehicle.

(b) The owner or lessee of a motor vehicle registered in New Jersey which cannot be presented for inspection in this or another State prior to the expiration of the certificate of approval or certificate of waiver issued for the motor vehicle because it is temporarily located in a state or region that does not have an enhanced I/M program shall notify the Division of the date upon which the motor vehicle will be returned to New Jersey. If a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle except as hereafter provided. The Director shall issue an inspection extension of greater length pursuant to this subsection to a motor vehicle owner or lessee who is on active military duty and is stationed in another state or region that does not have an enhanced I/M program, or to a motor vehicle owner or lessee who is attending college or graduate school in another state or region that does not have an enhanced I/M program.

(c) The owner or lessee of a motor vehicle registered in New Jersey which cannot be presented for inspection or reinspection prior to the date by which the motor vehicle must be presented for such inspection or reinspection due to the ill health of the motor vehicle owner or lessee, or for other good cause, shall notify the Division of such circumstance. If a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected or reinspected; provided, however, that such an extension shall not be granted for a motor vehicle which has failed inspection and requires repairs pursuant to N.J.A.C. 13:20-7.6. The inspection extension shall be valid until such date as specified by the Director or his or her designee, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle.

(d) The owner or lessee of a motor vehicle registered in New Jersey which has failed inspection and requires repairs, other than repairs required to be made pursuant to N.J.A.C. 13:20-7.6, which cannot be completed prior to the date by which the motor vehicle must be presented for reinspection due to the nature of the repairs which are required, shall notify the Division of the date upon which the repairs to the motor vehicle shall be completed. If a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle reinspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the repairs to the motor vehicle have been completed, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle.

NOTES:

HISTORY:

N.J.A.C. § 13:20-43.12

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Chapter Note

N.J.A.C. § 13:20-43.13

§ 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 that fails to satisfy the applicable emission or OBD inspection 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-5 shall be eligible for a certificate of waiver if the following requirements are satisfied:

1. The motor vehicle has failed to pass a loaded-mode emission reinspection or an OBD reinspection, whichever is applicable, after all qualifying repairs have been completed;
2. The motor vehicle has passed an idle emission test conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.3(b);
3. The motor vehicle has passed a safety inspection conducted in accordance with N.J.A.C. 13:20-32 or 33, whichever is applicable, and this subchapter;
4. The owner or lessee has provided written proof to the satisfaction of the Director that all available warranty repairs have been made to the motor vehicle or a written denial of warranty coverage from the manufacturer or authorized dealer in a form prescribed for such purpose by the Director;
5. Repairs were appropriate to the cause of the test failure and were performed 60 days or less prior to the date on which the initial enhanced test was due;
6. Emission-related or OBD-related repairs were performed by a registered motor vehicle emission repair facility or by the owner or lessee of the motor vehicle, provided he or she possesses a nationally-recognized certification for emission-related diagnosis and repairs. Any owner or lessee of a motor vehicle may perform emission-related or OBD-related repairs of the emission control system and/or may perform an emission-related process; provided, that only the cost of parts incurred by the owner or lessee during the course of the repair of such system shall be applied toward the applicable waiver amount in (a)8 below;
7. Original repair receipts are submitted to the Division verifying that qualifying repairs have been performed; and
8. The owner or lessee has expended no less than \$ 450.00 for emission-related or OBD-related repairs of the motor vehicle excluding any repairs made under warranty coverage.

(b) A waiver shall not be issued to a motor vehicle for tampering-related repairs. The cost of tampering-related repairs shall not be counted towards the cost limits in (a)8 above.

(c) A waiver shall expire at the end of the specific inspection cycle for which it was granted, after which the vehicle shall either pass inspection or qualify for issuance of another waiver pursuant to this section.

(d) The Director, or his or her designee, shall issue a certificate of waiver for those motor vehicles satisfying all the requirements of this section. The certificate of waiver shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

NOTES:**HISTORY:**

N.J.A.C. § 13:20-43.13

Amended by R.1997 d.100, effective March 3, 1997.

See: 28 New Jersey Register 2334(a), 29 New Jersey Register 788(a).

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Administrative change.

See: 33 New Jersey Register 4388(a).

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

Chapter Note

N.J.A.C. § 13:20-43.14

§ 13:20-43.14 On-road inspections; scope; inspection procedures; criteria for selecting vehicles; procedures upon inspection failure

(a) On-road motor vehicle safety and emission or OBD inspection is intended to complement the safety and emission or OBD inspection otherwise required in the State of New Jersey by law or regulation.

(b) On-road inspection shall consist of a safety inspection, a visible smoke test, an emission test or an OBD inspection, whichever is applicable, a fuel cap leak test, an inspection for the presence and integrity of the motor vehicle's catalytic converter, including a tap test thereof, an examination of the driver's license, motor vehicle registration certificate and insurance identification card, and such other tests as may be determined by the Director.

(c) On-road emission tests and OBD inspections shall be conducted using emission test and OBD inspection equipment approved by the Director after consultation with the Department of Environmental Protection in accordance with N.J.A.C. 7:27B-5.9.

(d) On-road emission tests and OBD inspections shall be conducted using the inspection standards and test procedures set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(e) The Division shall use the following criteria in determining which motor vehicles shall be subjected to on-road inspection:

1. Motor vehicles with an observable defect(s);
2. Motor vehicles without an inspection certificate of approval or certificate of waiver;
3. Motor vehicles with an expired inspection certificate of approval or certificate of waiver;
4. Motor vehicles with an expired inspection rejection sticker or other indication that the motor vehicle has failed inspection and has not been presented for reinspection within the period of time specified in N.J.A.C. 13:20-7.5, 7.6(a), or (g) below, whichever is applicable;
5. Motor vehicles without a registration plate(s) and/or registration plate decal(s);
6. Motor vehicles with an expired registration plate decal(s);
7. Motor vehicles which fail to meet minimum emission standards as determined by a remote sensing device; or

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8. Motor vehicles that correspond to a predetermined numerical sequence established by Division supervisory personnel for subjecting motor vehicles to on-road inspection (for example, every fifth motor vehicle, every tenth motor vehicle, etc.)

(f) If a motor vehicle subject to on-road inspection fails to meet safety, emission, or OBD inspection standards, an inspection rejection sticker shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

(g) The owner or lessee of a motor vehicle which has failed an on-road inspection shall have the necessary repairs made and present the motor vehicle for reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.6(a).

NOTES:**HISTORY:**

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Administrative change.

See: 33 New Jersey Register 4388(a).

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

Chapter Note

N.J.A.C. § 13:20-43.15

§ 13:20-43.15 Recall compliance procedures; purpose; applicability; notice to owner; recall compliance form; transfer of ownership; denial and suspension of registration

(a) Owners and lessees of motor vehicles which are included in either a "Voluntary Emissions Recall" as defined at 40 C.F.R. § 85.1902(d), or in a remedial plan determination made pursuant to section 207(c) of the Federal Clean Air Act, shall present such vehicles to the manufacturer or authorized dealer for emission-related repairs and shall comply with the procedures set forth in this section.

(b) Recall compliance procedures set forth in this section shall apply to all motor vehicles for which owner recall notification occurs after January 1, 1995.

(c) The EPA or an entity approved by the EPA shall provide the Division with a list of vehicle identification numbers with unresolved recalls.

(d) The Division shall provide written notice to an owner or lessee of a motor vehicle which is contained on an EPA list of vehicle identification numbers with unresolved recalls. The notice shall inform the owner or lessee of the following:

1. That the vehicle is subject to a recall notification;
2. That the vehicle must be presented to the manufacturer or authorized dealer for emission-related repairs; and
3. That proof of compliance with the recall notice must be submitted to the Division as a precondition to the Division's issuance of a certificate of approval for the vehicle.

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(e) The Division shall prescribe a Recall Compliance Form for use in demonstrating recall compliance in accordance with this section. The Recall Compliance Form shall be provided to an owner or lessee with the written notice required under (d) above. The owner or lessee shall submit the Recall Compliance Form to the manufacturer or authorized dealer when he or she presents the vehicle for emission-related recall repairs. The manufacturer or authorized dealer shall be responsible for providing the information required on the Recall Compliance Form. The manufacturer or authorized dealer shall provide the owner or lessee with the completed Recall Compliance Form. The owner or lessee of the vehicle shall submit the Recall Compliance Form to the Division. The manufacturer or authorized dealer shall maintain a copy of the Recall Compliance Form in its files for a period of five years from the date of completion of the emission-related repairs. The manufacturer or authorized dealer shall make available the completed Recall Compliance Form upon the request of the Director or his or her designee.

(f) The Recall Compliance Form shall include the following:

1. The VIN, make, and model year of the vehicle;
2. The recall campaign number;
3. The date emission-related repairs were completed;
4. The name, address and telephone number of the authorized dealer completing the emission-related repairs; and
5. The dealer license number, if the authorized dealer completing the emission-related repairs is located in New Jersey.

(g) Except as otherwise provided in this section, the Division shall deny the issuance or renewal of the registration of a motor vehicle and shall suspend the registration of a motor vehicle if the owner or lessee has not filed or caused to be filed with the Division within six months of the written notice provided under (d) above proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer.

(h) The denial of the registration shall be effective on the first day following the expiration date of the motor vehicle's registration. The suspension of the registration shall be effective on the date specified by the Division in an order of suspension issued to the owner or lessee.

1. The Division shall not suspend a motor vehicle registration pursuant to this section if the owner or lessee has surrendered to the Division the registration certificate and registration plates issued thereto.

2. The Division shall not deny a motor vehicle registration pursuant to this section if the owner or lessee presents or causes the motor vehicle to be presented to the manufacturer or authorized dealer for emission-related recall repairs and files or causes to be filed with the Division proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer.

NOTES:**HISTORY:**

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Chapter Note

N.J.A.C. § 13:20-43.16

§ 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 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. Surrenders or causes to be surrendered to the Division the registration certificate and registration plates issued for the motor vehicle within the period of time provided in the Division's notice of scheduled registration suspension; or

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 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. Surrenders or causes to be surrendered to the Division the registration certificate and registration plates issued for the motor vehicle within the period of time provided in the Division's notice of scheduled registration suspension; or

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) The Division shall not issue a motor vehicle registration renewal application if the registration for the motor vehicle is denied or suspended in accordance with this section.

(d) The Division shall issue a notice of conditional registration restoration to a motor vehicle owner or lessee who has applied for the restoration of a motor vehicle registration which has been denied or suspended pursuant to this section provided he or she has paid the registration restoration fee in accordance with N.J.S.A. 39:3-10a and N.J.A.C. 13:21-9.3(b) and, if applicable, the registration renewal fee required by law; provided, however, a notice of conditional registration restoration shall not be issued if the motor vehicle registration is otherwise suspended and is not eligible for restoration. The conditional registration restoration shall authorize the operation of such motor vehicle only for the following purposes:

1. To travel to and from an official inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

2. To travel to and from a Class I or Class II licensed private inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

3. To travel to and from a State specialty inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

4. To travel to and from a registered motor vehicle emission repair facility where the repair of such motor vehicle is to be performed; or

5. To travel to and from a repair facility where the repair of such motor vehicle is to be performed.

(e) A notice of conditional registration restoration issued pursuant to (d) above shall be valid for a period not to exceed 14 days. The registration suspension of a motor vehicle for which a notice of conditional registration restoration has been issued by the Division pursuant to (d) above shall be reinstated if an inspection certificate of approval or certificate of waiver is not issued for such motor vehicle prior to the expiration of the notice of conditional registration restoration.

(f) The Division shall issue a conditional registration certificate to the purchaser of a used motor vehicle for which the registration thereof had been denied or suspended pursuant to this section prior to the date of sale provided the registrant has paid the registration fee required by law; provided, however, a conditional registration certificate shall not be issued if the purchaser's registration privilege is otherwise suspended and is not eligible for restoration. The conditional registration shall authorize the operation of such motor vehicle only for the following purposes:

1. To travel from the place of purchase to the purchaser's residence or place of business;

2. To travel to and from an official inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

3. To travel to and from a Class I or Class II licensed private inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

4. To travel to and from a State specialty inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

5. To travel to and from a registered motor vehicle emission repair facility where the repair of such motor vehicle is to be performed; or

6. To travel to and from a repair facility where the repair of such motor vehicle is to be performed.

(g) A conditional registration certificate issued pursuant to (f) above shall be valid from the date of its issuance. The registration of a motor vehicle for which a conditional registration has been issued by the Division pursuant to (f) above shall be suspended if an inspection certificate of approval or certificate of waiver is not issued for such motor vehicle within 14 days of the issuance of the conditional registration certificate.

(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.

(i) A motor vehicle owner or lessee whose motor vehicle registration has been denied or suspended pursuant to this section shall not operate or permit the operation of such motor vehicle during the period of such denial or suspension. A person who operates or permits the operation of a motor vehicle during a period of denial or suspension shall be subject to the penalties set forth in N.J.S.A. 39:3-4, 39:3-40 and 39:5-35.

NOTES:

HISTORY:

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Chapter Note

N.J.A.C. § 13:20-43.17

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

(a) No person shall perform an emission or OBD inspection required by this subchapter unless licensed by the Division to perform such inspection. In order to obtain licensure as a motor vehicle emission inspector, an applicant shall complete a training program that shall consist of acquiring an understanding of:

1. The air pollution problem, its causes and effects;
2. The purpose, function, and goal of the enhanced motor vehicle inspection and maintenance program;
3. Emission and OBD inspection regulations and procedures;
4. Technical details of emission test and OBD inspection procedures and the rationale for their design;
5. Emission control device function, configuration, and inspection;
6. Emission test and OBD inspection 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 inspection process.

(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 N.J.A.C. 13:20-43.21.

(c) An applicant for licensure as a motor vehicle emission inspector shall submit to the Division a license fee of \$ 50.00 and a certificate confirming that the applicant has successfully completed training and testing at a Division-approved emission inspector training program. The applicant shall have attained a score of at least 80 percent of correct responses on a written examination covering all aspects of the training. In addition, a hands-on test shall have been administered in which the applicant demonstrated, without assistance, the ability to conduct a proper inspection, to properly utilize equipment, and to follow other procedures adopted by the Division. Inability to properly conduct any emission test or OBD inspection procedure shall constitute failure of the test.

(d) A motor vehicle emission inspector license shall be valid for two years. Refresher training and testing shall be required prior to renewal of the license, and each application for license renewal shall be accompanied by the applicable fee specified in (c) above. For purposes of this subsection, "refresher training and testing" shall mean either a training program as set forth in (a) above or an on-the-job evaluation of the licensee's inspection performance and knowledge of current inspection requirements by the Director or his or her designee.

(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.

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(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.

NOTES:**HISTORY:**

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 New Jersey Register 2466(a), 31 New Jersey Register 4078(a).

Amended by R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

Chapter Note

N.J.A.C. § 13:20-43.18

§ 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. Fraudulently, willfully, or negligently conducting an improper emission or OBD inspection of a motor vehicle;
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. Violation of any procedure established by the Division or the Department of Environmental Protection for the conduct of emission or OBD inspections;
4. Fraudulently, willfully or negligently issuing an improper certificate of approval or certificate of waiver; or
5. Other good cause.

(b) An emission inspector who fraudulently or willfully conducts an improper emission or OBD 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 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 pursuant to this subchapter.

(c) Any applicant who submits false information when applying for a motor vehicle emission inspector license may be disqualified from receiving the license. In addition, any licensee whose eligibility for a license was based on the submission of false information is subject to license suspension or revocation by the Division.

(d) A motor vehicle emission inspector license may be suspended immediately by the Director upon a charge of a violation that directly affects emission reduction benefits or compromises the integrity of the inspection system. If the Director determines that the public interest requires suspension of a license pursuant to this subchapter prior to hearing, the Director may do so, provided that notice containing the reasons for such suspension and the effective date of the

suspension is provided to the licensee in person, or by certified or regular mail, prior thereto and the licensee is afforded the opportunity to request in writing a hearing within 10 days of the effective date of the suspension. When a licensee requests an administrative adjudication it shall be held as soon thereafter as practicable. If the Director determines it necessary to suspend a license prior to hearing and the licensee submits a request for a hearing within the time prescribed by this section, the Director may require that a preliminary hearing be held or may refer the matter to the Office of Administrative Law for a preliminary hearing to determine whether sufficient cause exists to continue such suspension until a plenary hearing can be conducted.

(e) Any hearing concerning the suspension, revocation, or refusal to 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. For intentionally or willfully improperly passing or waiving a motor vehicle for any required portion of the emission test or OBD inspection in violation of rules or procedural requirements:

- i. Six month license suspension; plus \$ 500.00 civil penalty; plus mandatory retraining and retesting first violation
- ii. Two year license suspension; plus \$ 1,000.00 civil penalty; plus mandatory retraining and retesting second violation
- iii. Lifetime license revocation; plus \$ 2,000.00 civil penalty third violation

2. For gross negligence in passing or waiving a motor vehicle for any required portion of the emission test or OBD inspection in violation of rules or procedural requirements:

- i. Three month license suspension; plus \$ 500.00 civil penalty; plus mandatory retraining and retesting first violation
- ii. Six month license suspension; plus \$ 750.00 civil penalty; plus mandatory retraining and retesting second violation
- iii. Two year license suspension; plus \$ 1,000.00 civil penalty; plus mandatory retraining and retesting third violation
- iv. Lifetime license revocation; plus \$ 2,000.00 civil penalty fourth violation

3. For simple negligence in passing or waiving a motor vehicle for any required portion of the emission test or OBD inspection in violation of rules or procedural requirements:

- i. Two week license suspension; plus \$ 500.00 civil penalty; plus mandatory retraining and retesting first violation
- ii. One month license suspension; plus \$ 500.00 civil penalty; plus mandatory retraining and retesting second violation
- iii. Three month license suspension; plus \$ 750.00 civil penalty; plus mandatory retraining and retesting third violation
- iv. Six month license suspension; plus \$ 750.00 civil penalty; plus mandatory retraining and retesting fourth violation
- v. Two year license suspension; plus \$ 1,000.00 civil penalty; plus fifth and subsequent violations

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mandatory retraining and retesting

4. For misrepresentation on application (fraud or misrepresentation in securing the license):

i. Three-year license denial or suspension

5. For fraudulently affixing certificate of approval, certificate of waiver or rejection sticker:

- i. Immediate two-year license suspension; first violation plus \$ 500.00 civil penalty
- ii. Immediate four-year license suspension; second violation plus \$ 1,000.00 civil penalty
- iii Lifetime license revocation; plus third violation
 .
 \$ 2,000.00 civil penalty

6. For fraud or misrepresentation in the conduct of the licensed activity:

- i. Immediate two-year license suspension first violation
- ii. Immediate four-year license suspension second violation
- iii Lifetime license revocation third violation

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

- i. Two-year license suspension first violation
- ii. Four-year license suspension second violation
- iii Lifetime license revocation third violation

8. For furnishing, lending, giving or selling a certificate of approval, certificate of waiver or rejection sticker without performing the required inspection or reinspection:

- i. Two-year license suspension first violation
- ii. Four-year license suspension second and subsequent violations

9. For fraudulent recordkeeping:

- i. Immediate two-year license suspension first violation
- ii. Immediate four-year license suspension second violation
- iii Lifetime license revocation third violation

10. For failing to produce inspection records:

i. Immediate license suspension until compliance

11. For improper recordkeeping:

- i. One-month license suspension first violation
- ii. Two-month license suspension second violation
- iii. Six-month license suspension third and subsequent violations

12. For improper security of certificates of approval, certificates of waiver and/or rejection stickers:

- i. Written warning first violation
- ii. Two-month license suspension second violation
- iii Six-month license suspension third and subsequent

violations

13. For lost or stolen certificates of approval, certificates of waiver, and/or rejection stickers for which the licensee does not properly account. A licensee can "properly account" for such documents by demonstrating, to the satisfaction of the Director, that they were lost or stolen under circumstances beyond the reasonable control of the licensee:

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- | | |
|----------------------------------|----------------------|
| i. One-month license suspension | first violation |
| ii. Two-month license suspension | second violation |
| iii One-year license suspension | third and subsequent |
| . | violations |

14. For overcharging on inspection/reinspection:

- | | |
|-------------------------------|----------------------|
| i. Written warning | first violation |
| ii. 30-day license suspension | second violation |
| iii 60-day license suspension | third and subsequent |
| . | violations |

15. For failure to provide vehicle inspection report and/or work order to the customer:

- | | |
|---------------------------------|----------------------|
| i. 30-day license suspension | first violation |
| ii. 60-day license suspension | second violation |
| iii One-year license suspension | third and subsequent |
| . | violations |

16. For criminal conviction which is disqualifying:

- i. Indefinite denial/suspension

Issuance/restoration predicated on standards set forth in the Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.).

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

- | | |
|----------------------------------|-------------------------------------|
| i. Two-year license suspension | first violation |
| ii. Four-year license suspension | second and subsequent
violations |

18. For failing to produce an emission inspector license:

- | | |
|---|------------------------------------|
| i. Immediate cessation of licensed activity until compliance; plus written warning | first violation |
| ii. Immediate cessation of licensed activity until compliance; plus \$ 25.00 civil penalty | second violation |
| iii. Immediate cessation of licensed activity until compliance; plus \$ 50.00 civil penalty; plus 30-day license suspension | third and subsequent
violations |

(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).

NOTES:**HISTORY:**

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 New Jersey Register 3720(a), 33 New Jersey Register 269(a).

Amended by R.2001 d.358, effective October 15, 2001.

N.J.A.C. § 13:20-43.18

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(a).

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

Chapter Note

N.J.A.C. § 13:20-43.19

§ 13:20-43.19 Quality assurance; auditor training

(a) Any person licensed or authorized by the Division to perform inspections required by this subchapter shall cooperate fully with the Division, the Department of Environmental Protection, or their authorized representatives, in the conduct of any audits or reviews authorized by the Division or the Department. All books, records, documents, papers, reports, or data relating to the performance of inspections required by this subchapter, in whatever form kept, shall be open to inspection by the Division or the Department of Environmental Protection at such times and at such locations as the Division or the Department may specify. The Division, the Department of Environmental Protection, or their authorized representatives, may conduct covert and overt audits of the performance of inspectors or inspection facilities and the equipment utilized by such persons at any times during which inspections are being performed or the facility is open for business. In conducting an audit or review, the Division, the Department of Environmental Protection, or their authorized representatives shall be given unfettered access to all areas of an inspection facility and to all equipment at such facility. The Division or the Department of Environmental Protection may conduct audits or reviews at such frequencies as they deem appropriate to assure the integrity and performance of the inspection system.

(b) Auditors shall be formally trained and knowledgeable in:

1. The use of analyzers;
2. Program rules and regulations;
3. The basics of air pollution control;
4. Basic principles of motor vehicle engine repair relating to emission performance;
5. Emission control systems;
6. OBD systems;
7. Evidence gathering;
8. State administrative procedures laws;
9. Quality assurance practices; and
10. Covert audit procedures.

NOTES:**HISTORY:**

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

Chapter Note

N.J.A.C. § 13:20-43.20

N.J.A.C. § 13:20-43.20

§ 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.

NOTES:**HISTORY:**

New Rule, R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Chapter Note

N.J.A.C. § 13:20-43.21

§ 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.

6. Emission test and OBD inspection equipment operation, calibration, and maintenance;
7. OBD system function, configuration, and inspection;
8. Quality control procedures and their purpose;
9. Public relations; and
10. Personal safety and health issues related to the enhanced motor vehicle emission and OBD 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 and OBD 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, O₂, CO₂, and NO);
- (3) Understanding and utilizing exhaust gas analyzers; and
- (4) Oxides of nitrogen (NO_x) production and control; 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. Emission control apparatus compliance testing:

i. General information:

- (1) Understanding catalytic converters; and
- (2) Understanding and utilizing fuel cap leak and emission control apparatus testing equipment; and

ii. Detailed information:

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

- (2) Knowledge of how to perform the inspection for the presence of a catalytic converter;
- (3) Knowledge of the inspection regulations and procedures for emission control apparatus testing;
- (4) Quality control procedures for emission control apparatus testing and their purpose;
- (5) Safety and health issues related to the emission control apparatus inspection process; and
- (6) Public relations and customer interaction;

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; and

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 and OBD 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 one 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.

NOTES:

HISTORY:

New Rule, R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Amended by R.2003 d.206, effective May 19, 2003.

See: 34 New Jersey Register 2523(a), 35 New Jersey Register 2251(b).

Chapter Note

N.J.A.C. § 13:20-43.22

(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.

NOTES:**HISTORY:**

New Rule, R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Chapter Note

N.J.A.C. § 13:20-43.23

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

NOTES:**HISTORY:**

New Rule, R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Chapter Note

N.J.A.C. § 13:20-43.24

§ 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.

NOTES:**HISTORY:**

N.J.A.C. § 13:20-43.24

New Rule, R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Chapter Note

N.J.A.C. § 13:20-43.25

§ 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.

NOTES:**HISTORY:**

New Rule, R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Chapter Note

N.J.A.C. § 13:20-43.26

N.J.A.C. § 13:20-43.26

§ 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.

NOTES:**HISTORY:**

New Rule, R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Chapter Note

N.J.A.C. § 13:20-43.27

§ 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.

NOTES:**HISTORY:**

New Rule, R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Chapter Note

N.J.A.C. § 13:20-43.28

N.J.A.C. § 13:20-43.28

§ 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.

NOTES:**HISTORY:**

New Rule, R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Chapter Note

N.J.A.C. § 13:20-43.29

§ 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, PO 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;

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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.

NOTES:**HISTORY:**

New Rule, R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Chapter Note

N.J.A.C. § 13:20-43.30

§ 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.

NOTES:**HISTORY:**

New Rule, R.2001 d.358, effective October 15, 2001.

See: 33 New Jersey Register 1894(a), 33 New Jersey Register 3651(b).

Chapter Note