

## N.J.A.C. § 13:20-44.1

TITLE 13. LAW AND PUBLIC SAFETY  
CHAPTER 20. ENFORCEMENT SERVICE  
SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

## N.J.A.C. § 13:20-44.1

## § 13:20-44.1 Purpose

(a) P.L. 1995, c.112 provides for the licensing and regulation of private inspection facilities by the Director of the Division of Motor Vehicles. The purposes of this subchapter are to:

1. Establish a system for the licensing of private inspection facilities which perform inspections and/or reinspections on motor vehicles and issue certifications for motor vehicles, including emission control system inspections; and
2. Establish standards and procedures necessary to protect the public from incompetent, dishonest, deceptive and fraudulent practices in the inspection, reinspection and certification of motor vehicles, including emission control systems, and to eliminate or exclude from licensing those persons who engage in such practices or who otherwise demonstrate unfitness.

(b) The Division finds that in order to ensure that motor vehicles which are inspected, reinspected and certified by a private inspection facility are satisfactorily inspected, reinspected and certified and are in proper condition to be operated on the highways of this State and to ensure that inspections, reinspections and certifications are performed in accordance with the standards established by the Division at N.J.A.C. 13:20-33 and 13:20-43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, a licensed private inspection facility must possess certain equipment used in the inspection, reinspection and certification of motor vehicles, including emission control systems.

**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).

## Chapter Note

## N.J.A.C. § 13:20-44.2

## § 13:20-44.2 Definitions

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

"Advertising" means any printed or published materials including, but not limited to, direct mail, circulars, leaflets, pamphlets, newspapers, magazines, billboards, yellow pages of any telephone directory, radio and/or television broadcasts, and any other advertising medium of communication used to induce the public to seek the services of the private inspection facility. The term "advertising" shall not include printed or published materials appearing in the white pages of any telephone directory.

"Applicant" means any person applying under the provisions of this subchapter for an initial license to engage in the business of a private inspection facility or to renew an existing license. In the case of a partnership or corporation applying for a license, the term "applicant" shall respectively include all partners and/or officers and directors and/or persons having a controlling interest in a sole proprietorship or corporation.

"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.

"Controlling interest" means possession of the power to direct or cause the direction of the management and policies of a private inspection facility, whether through the ownership of voting securities or otherwise. The Director will presume that control in fact exists if any person or entity directly or indirectly owns, controls, holds the power to vote, or holds proxies representing 10 percent or more of the voting securities of any private inspection facility. This presumption may be rebutted by showing that control does not in fact exist. The Director may determine that control in fact exists, notwithstanding the presence or absence of a presumption to that effect.

"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.

"Engaged in the business" means:

1. Any person who inspects, reinspects and certifies motor vehicles, including motor vehicle emission control systems; or
2. Any person who for compensation negotiates, in any manner, with any customer to inspect, reinspect and certify motor vehicles, including emission control 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.

"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.

"Heavy-duty gasoline-fueled vehicle" means a gasoline-fueled motor vehicle that has a GVWR of more than 8,500 pounds and that is designed primarily for transportation of persons or property.

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

"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.

"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 a 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 emission testing equipment" means equipment in accordance with specifications contained in N.J.A.C. 7:27B-5.9. The equipment shall include all devices used for performing a motor vehicle emission inspection, including, but not limited to, exhaust gas analyzers, dynamometers, OBD scanners and analyzers, fuel cap leak testers, and computers and related software.

"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.

"Person" means any natural person, business, company, firm, partnership, association, corporation or any other entity.

"Place of business" means the address or location where the services of a private inspection facility are offered or ordinarily performed.

"Private inspection facility" means any person who for compensation engages in the business of inspecting, reinspecting and certifying motor vehicles, including emission control systems. For purposes of this subchapter, an employee of a private inspection facility who engages in the business of inspecting, reinspecting and certifying motor vehicles, including emission control systems, solely by reason of his or her employment is not deemed to be a private inspection facility and is not required to be licensed as such.

"Private inspection facility license" means a license issued to a private inspection facility which evidences the Director's authorization for the facility to engage in the inspection, reinspection and certification of motor vehicles, including motor vehicle emission control systems.

"Reconstructed vehicle" means a vehicle which has been materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

"Suspension, revocation or refusal to grant or renew" means administrative action by the Director, in accordance with the provisions of P.L. 1995, c.112 or this subchapter, to refuse to grant or renew a private inspection facility license or to suspend or revoke an existing 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).

Administrative change.

See: 33 New Jersey Register 4388(a).

## N.J.A.C. § 13:20-44.2

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. § 13:20-44.3

## § 13:20-44.3 Scope; license required; vehicle classes; inspection services; license classes

(a) This subchapter shall apply to every person engaged in the business of a private inspection facility which performs inspections, reinspections and certifications of motor vehicles, including emission control systems.

(b) No person shall, on or after June 29, 1995, engage in the business of a private inspection facility unless licensed by the Director in accordance with the provisions of this subchapter.

(c) Private inspection facilities shall be licensed to engage in the inspection, reinspection and certification of light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of less than 10,000 pounds, motorcycles, buses (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), and jitneys; provided, however, private inspection facilities shall not inspect school buses, buses which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit, or motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

(d) Class I and Class II licensed private inspection facilities shall provide inspection, reinspection, and certification services in all motor vehicle inspection categories, other than motorcycle inspection categories, established by the Division, including the following inspection categories:

1. Credentials;
2. Engine emissions;
3. On-board diagnostics;
4. Brake system;
5. Exhaust system;
6. Steering, suspension, tires and wheels;
7. Glass (windshield, windows);
8. Electrical (all switches, signals, wipers, lenses and lights, including headlights); and
9. Miscellaneous (any inspection item not in other categories)

(e) Class III licensed private inspection facilities shall provide inspection, reinspection and certification services in all motorcycle inspection categories established by the Division, including the following inspection categories:

1. Credentials;
2. Brake system;
3. Exhaust system;
4. Steering, suspension, tires, and wheels;
5. Glazing (windscreen);
6. Electrical (all switches, signals, wipers, lenses, and lights, including headlights); and

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## 7. Miscellaneous (any inspection item not in other categories).

(f) Each motor vehicle inspection conducted by a private inspection facility 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.

(g) Private inspection facilities shall be licensed in the following classes:

1. Class I licenses shall be issued to private inspection facilities to engage in the inspection and certification of light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of less than 10,000 pounds, buses, and jitneys.

2. Class II licenses shall be issued to owners or lessees of fleets of 10 or more light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, or diesel-fueled trucks having a GVWR of less than 10,000 pounds to engage in the inspection and certification of such motor vehicles.

3. Class III licenses shall be issued to private inspection facilities to engage in the inspection and certification of motorcycles.

(h) Any private inspection facility which is also registered as a motor vehicle emission repair facility pursuant to N.J.A.C. 13:20-45 and which inspects, reinspects and certifies fleet motor vehicles that it owns or leases shall be exempted from the requirements of N.J.A.C. 13:20-45.10 for those vehicles.

**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. § 13:20-44.4

## § 13:20-44.4 Initial application for a license

(a) Any person seeking to engage in the business of a private inspection facility shall apply, in accordance with the provisions of this subchapter, to the Director for a license authorizing him or her to engage in such business. An application for a private inspection facility license may be obtained from the Private Inspection Facility Licensing Unit of the Division. The address of the Private Inspection Facility Licensing Unit is:

Division of Motor Vehicles  
 Business License Compliance  
 Private Inspection Facility Licensing Unit  
 225 East State Street  
 PO Box 170

Trenton, New Jersey 08666-0170

(b) Each applicant for a private inspection facility license 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 private inspection facility;
2. The name, business and residence address(es), driver's license number, social security number and telephone number(s) of:
  - i. The owner and/or possessor of a controlling interest of the facility, 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 businesses in which the applicant has been engaged for the five years preceding the date of application, and if employed, the names and addresses of the employers;
4. Whether the applicant has ever been convicted of a crime, disorderly persons offense or petty disorderly persons offense;
5. Whether the applicant has ever 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 N.J.A.C. 7:27-15.7 pertaining to tampering with emission control apparatus;
6. Whether the applicant has ever been denied, or had suspended or revoked, a license or registration to engage in any business, profession or occupation licensed or registered under the laws of any state; and
7. Whether the applicant has any interest in any other private inspection facility or any motor vehicle related business.

(c) Each initial application for a private inspection facility license shall be accompanied by proof of the following:

1. The New Jersey Sales Tax Identification Number;
2. The New Jersey Unemployment Registration Number;
3. The Federal Employer Identification Number;
4. The corporation code, if one has been issued by the Division;
5. Proof in such form as the Director may require that the applicant meets the requirements of N.J.A.C. 13:20-44.9; and
6. Proof of valid permits or other authorization from the appropriate Federal, State or other governmental agencies authorizing operation of the business or any equipment, service or process on the premises. These permits shall include, but are not limited to, proof of registration with the New Jersey Division of Taxation and the Department of Environmental Protection.

(d) Each initial application for a private inspection facility license shall be accompanied by a color photograph and a complete set of fingerprints for each natural person required to be listed on the application by this section.

1. The applicable nonrefundable fee as set forth in N.J.A.C. 13:59-1.3 payable to the Division of State Police-State Bureau of Identification shall be submitted for each natural person required to be fingerprinted. The payment of this fee shall be in the form of a cashier's check, certified check, money order, or ordinary business check as required by N.J.A.C. 13:59-1.3(g).

2. Fingerprints required by this subsection shall be taken by a member of the State Police or municipal law enforcement agency and submitted on the standard fingerprint cards as required by N.J.A.C. 13:59-1.4.

(e) Each initial application for a private inspection facility license shall be accompanied by proof of liability insurance coverage in the following minimum amounts: for injury to, or death of any one person in any one occurrence: \$ 100,000; for injury to, or death of two or more persons in any one occurrence: \$ 300,000; for damage to property in any one occurrence: \$ 50,000. Proof of insurance coverage shall be in the form of a certificate issued by the carrier

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containing a clause that 30 days prior notice shall be given to the Division of any cancellation or termination of the policy. Failure to maintain such insurance coverage shall be cause for immediate license suspension.

(f) Each initial application for a private inspection facility license shall be accompanied by the applicable fees as specified in N.J.A.C. 13:20-44.6.

(g) If there are multiple locations for private inspection facilities owned by the same applicant, a separate application, accompanying documents, and application and license fee as specified in N.J.A.C. 13:20-44.6 shall be submitted for each such place of business.

(h) Upon preliminary approval of each initial license application, a license shall be issued to the private inspection facility. Each initial license issued to a private inspection facility on or after June 29, 1995 shall be effective on the date of issuance and shall continue in force and effect until June 30, 2000, and shall, thereafter, be renewed on an annual basis, unless such license is suspended or revoked by the Director. If there are multiple places of business for a private inspection facility, a separate license shall be issued for each such place of business.

(i) The Director may grant a conditional license to an applicant who submits proof that all of the requirements for licensing will be met in accordance with a schedule set by the Director, and who agrees that the conditional license will be surrendered immediately if proof is not provided in accordance with the schedule. The Director may suspend the license of an applicant who does not surrender the conditional license when so required.

(j) All private inspection facilities that apply to renew a private inspection facility license on or after June 29, 1995 must satisfy all of the requirements of (c)5 above. A private inspection facility whose license has been suspended by the Director and which applies for reinstatement on or after June 29, 1995 must satisfy the requirements of (c)5 above prior to restoration of the license.

(k) The Division shall not issue a private inspection facility license to an applicant who is the holder of a private inspection center license while any type of enforcement action, either judicial or administrative, is pending or in force against the applicant's private inspection center 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.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. § 13:20-44.5

**§ 13:20-44.5 Applicant qualifications**

(a) Each applicant shall be a proper person to hold a private inspection facility license. In assessing whether an applicant is a proper person, the Director shall consider the character, financial responsibility, prior record while operating as a principal of a business entity licensed or regulated by the Division, and criminal record of the individual applicant, the individual partners, the officers, directors and/or persons possessing a controlling interest, and anyone employed by, or otherwise associated in business with, the applicant. The Director shall also consider whether the private inspection facility has maintained acceptable levels of customer satisfaction, the nature and number of all valid customer complaints against the private inspection facility, and the manner and extent by which those complaints have been resolved by the private inspection facility.

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(b) Each applicant shall be at least 18 years old, and must have the legal capacity to contract, to be sued and to be liable for all debts.

## Chapter Note

## N.J.A.C. § 13:20-44.6

## § 13:20-44.6 Application and license fees

(a) Each initial application for a private inspection facility license shall be accompanied by a nonrefundable application fee of \$ 20.00 payable to the Division. In the event that an initial applicant simultaneously submits applications for a Class I and Class III private inspection facility license, only one application fee shall be payable to the Division pursuant to this subsection.

(b) Each initial or renewal application for a Class I or Class II private inspection facility license shall be accompanied by a license fee of \$ 250.00 payable to the Division. Such license fee shall be returned to the applicant only in the event that the Director refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.

(c) Each initial or renewal application for a Class III private inspection facility license shall be accompanied by a license fee of \$ 25.00 payable to the Division. Such license fee shall be returned to the applicant only in the event that the Director refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.

**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. § 13:20-44.7

## § 13:20-44.7 License renewals

(a) Each licensee shall, no later than 30 days before the expiration of the license, submit to the Director an application to renew its current license provided that such licensee is not prohibited from applying for a license as specified in N.J.A.C. 13:20-44.25. An application to renew a private inspection facility license may be obtained from the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a).

(b) Each application to renew a private inspection facility license shall be accompanied by the applicable license renewal fee(s) specified in N.J.A.C. 13:20-44.6 and proof of liability insurance coverage as specified in N.J.A.C. 13:20-44.4(e).

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(c) Upon approval of each renewal application, a license shall be issued to the private inspection facility. Each renewal license issued to a private inspection facility effective on or after July 1 of any year shall continue in force and effect until June 30 of the following year, unless such license is suspended or revoked by the Director.

**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. § 13:20-44.8

## § 13:20-44.8 Surrender of license

(a) Each private inspection facility 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 or failure to renew or other termination of a private inspection facility license, the license shall no longer be in force and effect and the license shall be surrendered forthwith upon demand of a Division representative.

## Chapter Note

## N.J.A.C. § 13:20-44.9

## § 13:20-44.9 Facilities and equipment

(a) Licensed private inspection facilities shall be located in a structure having a garage-type entrance and one or more service bays or lanes; except that licensed private inspection facilities which perform inspections, reinspections and certifications exclusively at the business locations of owners or lessees of fleet motor vehicles may be exempted from the provisions of this subsection.

(b) Motor vehicle emission testing equipment, approved by the Department of Environmental Protection, shall be owned or leased by a Class I or Class II licensed private inspection facility and shall be located on the business premises of the facility.

(c) A vehicle lift or heavy duty floor jack shall be available on the business premises of a Class I or Class II licensed private inspection facility.

(d) Brake testing equipment, for example, a drive-on horizontal scale or roller-type tester, shall be available on the business premises of the facility. The brake testing equipment requirements of this subsection may be waived by the Division upon receipt of written notification from the licensee expressing its commitment to make visual inspections of the brake system and to perform road tests of the brake system.

(e) A tire tread depth gauge calibrated in 32nds of an inch shall be available on the business premises of the facility.

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(f) Electronic medium for retrieval of motor vehicle inspection information from, and for transmission of motor vehicle inspection information to, the Division's data base shall be available on the business premises of a Class I or Class II licensed private inspection facility.

**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. § 13:20-44.10

## § 13:20-44.10 Inspection certificates of approval

(a) The inspection certificate of approval issued for motor vehicles, other than motorcycles, shall be composed of a base inspection sticker and insert indicating respectively the year and month of expiration of the certificate of approval. The insert shall contain a bar-coded identifier linked to the motor vehicle. The inspection certificate of approval issued for motorcycles shall be composed of a one-piece sticker indicating the year and month of expiration of the certificate of approval.

(b) Base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles shall be purchased by a licensee, by mail or in person, from the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a).

(c) Base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles shall be purchased by a licensee at \$ 1.00 per sticker in quantities of 25 or more.

(d) A licensee shall secure base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles in a locked place of limited access, such as a safe, cabinet, or desk drawer. The licensee is solely responsible for the security of base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles. A licensee's failure to take necessary precautions to secure base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles from loss or theft shall be cause for suspension or revocation of the license.

(e) A licensee shall affix an inspection certificate of approval to a motor vehicle only after inspection or reinspection has been successfully completed.

(f) When defects detected at an inspection conducted at an official inspection facility or at a private inspection facility have been repaired or adjusted by the licensee or by an employee of the licensee, the licensee shall insure, prior to affixation of a certificate of approval on the vehicle, that the person or persons who performed the repair or adjustment work has signed his or her name on the motor vehicle inspection report. When defects detected at inspection have been repaired by someone other than the licensee or an employee of the licensee, the licensee shall insure, prior to affixation of a certificate of approval on the vehicle, that the person or persons who inspected the vehicle have signed his or her name on the motor vehicle inspection report at the bottom of its reverse side.

(g) A Class I or Class II licensed private inspection facility shall not certify the emissions or on-board diagnostics of any motor vehicle unless an emission inspector licensed by the Division in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-43.17 has personally performed the emission or OBD inspection or reinspection and has determined that the motor vehicle meets the inspection standards adopted by the Division at N.J.A.C. 13:20-43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. A Class I or Class II licensed private inspection facility shall not certify the emissions or on-board diagnostics of any motor vehicle that

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has been rejected because of an emission test or OBD inspection failure unless a certified emission repair technician or the owner or lessee of the motor vehicle has performed the emission-related or OBD-related repairs.

(h) A licensee shall secure motor vehicle inspection reports separate and apart from base inspection stickers for motor vehicles other than motorcycles, and shall secure motorcycle inspection cards separate and apart from inspection certificates of approval for motorcycles, in a locked place of limited access, such as a safe, cabinet, or desk drawer.

(i) A licensee shall record the date of issuance of the inspection certificate of approval on the corresponding motor vehicle inspection report or motorcycle inspection card.

(j) A licensee shall retain defective or voided inspection certificates of approval, motor vehicle inspection reports, and motorcycle inspection cards and shall surrender them to a Division representative at the time of a periodic audit conducted by the Division.

(k) A licensee shall notify the local law enforcement agency upon determining that a base inspection sticker(s) for a motor vehicle other than a motorcycle or a certificate(s) of approval for a motorcycle has been stolen and shall file a copy of such report with the Division.

(l) A licensee shall return all unused base inspection stickers for motor vehicles other than motorcycles, all unused certificates of approval for motorcycles, all unused motor vehicle inspection reports, and all unused motorcycle inspection cards to a Division representative upon the licensee's discontinuation of inspection certification services.

(m) A licensee shall be solely responsible for base inspection stickers for motor vehicles other than motorcycles, certificates of approval for motorcycles, motor vehicle inspection reports, and motorcycle inspection cards issued to it by the Division.

**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. § 13:20-44.11

## § 13:20-44.11 Responsibility of licensees

(a) In the case of a sole proprietorship, the owner and/or possessor of a controlling interest in the private inspection facility shall be responsible to the Director for the conduct of the business of the facility and for all actions performed by its employees in connection with the business of the facility concerning violations of P.L. 1995, c.112 or this subchapter.

(b) In the case of a partnership or corporation, each partner, or corporate officer and/or director, or any person or entity possessing a controlling interest, as the case may be, shall be held individually responsible to the Director for the conduct of the business of the facility and for all actions performed by its employees in connection with the business of the facility concerning violations of P.L. 1995, c.112 or this subchapter.

## Chapter Note

## N.J.A.C. § 13:20-44.12

## § 13:20-44.12 Notice and recordkeeping requirements

(a) Each licensee, except a Class II licensed private inspection facility, shall display an outdoor sign which shall read: "Official New Jersey Private Inspection Facility." The sign shall include the license number of the private inspection facility. The sign shall contain letters at least two inches high with a stroke of approximately one-half inch, be visible from the road and be located in a conspicuous location for the general public to see. If zoning ordinances prohibit the posting of such sign or such posting is otherwise impractical, the licensee shall prominently display such sign on the exterior of the private inspection facility.

(b) Every license issued in accordance with this subchapter shall be prominently displayed in the office, waiting area or other conspicuous location which is accessible to the public at the private inspection facility.

(c) Every licensed private inspection facility shall maintain copies of all motor vehicle inspection reports and other documents prepared by that facility for inspections, reinspections, certifications and repair work performed by that facility.

1. Such copies shall be kept for at least four years and shall be available for inspection by the Director, the Attorney General, the Commissioner of the Department of Environmental Protection, the Director of the Division of Consumer Affairs, the Superintendent of the Division of State Police, or any person designated by them, during normal business hours.

2. A licensee's failure to permit such inspection shall subject the licensee to administrative action pursuant to this subchapter.

(d) Every private inspection facility shall, upon request of the Director or any person designated by him or her, provide the Director or his or her designee with a list of its employees in such form and detail as may be required by the Director or his or her designee. Failure to provide such list when requested shall subject the licensee to administrative action pursuant to this subchapter.

(e) The licensee shall notify the Director in writing within 10 days whenever any person acquires ownership or control of 10 percent or more of the stock of a private inspection facility, or whenever a person becomes a partner or limited partner in a private inspection facility.

(f) The licensee shall notify the Director in writing within 10 days of any change in address of the private inspection facility or of any change in address of persons or entities required to be listed on the application by N.J.A.C. 13:20-44.4.

(g) The licensee shall notify the Director in writing within 10 days whenever any person or entity required to be listed on the application by N.J.A.C. 13:20-44.4 is no longer associated with the private inspection facility.

(h) All written notifications required by this subchapter shall be made by either personal delivery or sent by certified mail to the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a).

(i) An amended application shall be filed by the licensee with the Director when there is a substitution and/or addition of persons or entities required to be listed on the application by N.J.A.C. 13:20-44.4. The licensee shall also comply with the requirements of N.J.A.C. 13:20-44.6(a) and 13:20-44.4(d).

(j) Any process issued to a licensee pursuant to the statutory authority of the Director including, but not limited to, subpoenas, orders, and orders to show cause, may be served upon a licensee or counsel of record, by sending said process by certified or ordinary mail, to the business address of the private inspection facility or to counsel's address on record with the Division.

## N.J.A.C. § 13:20-44.12

**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. § 13:20-44.13

## § 13:20-44.13 Records; inspection reports

(a) A licensee shall maintain copies of motor vehicle inspection reports and motorcycle inspection cards in an order corresponding to the date on which the inspection certificate of approval was issued.

(b) A licensee shall maintain repair orders and invoices (bills for parts and labor) in the form required by N.J.A.C. 13:45A-26C.

(c) A licensee shall record the repair order and invoice number or numbers on the motor vehicle inspection report or motorcycle inspection card.

(d) Records required to be maintained by a licensee pursuant to this section shall remain on file at the licensee's place of business for a period of four years from the date of issuance of the inspection certificate of approval.

(e) Records required to be maintained by a licensee pursuant to this section shall be made available by the licensee for examination by authorized representatives of the Division, the Department of Environmental Protection or the Division of Consumer Affairs at any time during regular business hours. Investigators and other authorized representatives of the Division, the Department of Environmental Protection or the Division of Consumer Affairs shall be granted access to the licensee's business premises during regular business hours.

(f) A licensee's failure to permit investigators and other personnel from the Division, the Department of Environmental Protection, or the Division of Consumer Affairs on the premises of the licensee during regular business hours for purposes of conducting investigations shall be cause for suspension or revocation of the private inspection facility license. Such investigations may include, but shall not be limited to, discussions with customers, examination of motor vehicle emission testing and OBD inspection equipment, and other equipment specified in N.J.A.C. 13:20-44.9, questioning of employees and the employment of such other investigatory techniques as may be necessary for the enforcement of this subchapter and the provisions of Title 39, Title 26 and Title 56 of the Revised Statutes and the regulations adopted thereunder by the Division at N.J.A.C. 13:20-43, the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5, and the Division of Consumer Affairs at N.J.A.C. 13:45A-26C.

**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. § 13:20-44.14

#### § 13:20-44.14 Certification of inspection

(a) Each Class I or Class II licensed private inspection facility shall have the authority to perform inspections in all motor vehicle inspection categories established by the Division and to certify that specific items for which a motor vehicle was rejected at inspection have been corrected so that the motor vehicle is in proper operating condition and that it conforms to the inspection standards adopted by the Division at N.J.A.C. 13:20-33 and 43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(b) Each Class III licensed private inspection facility shall have the authority to perform inspections in all motorcycle inspection categories established by the Division and to certify that specific items for which a motorcycle was rejected at inspection have been corrected so that the motorcycle is in proper operating condition.

(c) A Class I or Class II licensed private inspection facility shall not certify that items for which a motor vehicle was rejected at inspection have been corrected unless the licensee, or a licensed emission inspector or mechanic acting as an employee or agent of the licensee, has inspected the motor vehicle in accordance with N.J.A.C. 13:20-33 and has determined that all defects detected at inspection have been corrected so that the motor vehicle is in proper operating condition and that it conforms to the inspection standards adopted by the Division at N.J.A.C. 13:20-33 and 43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(d) A Class III licensed private inspection facility shall not certify that items for which a motorcycle was rejected at inspection have been corrected unless the licensee has inspected the motorcycle and has determined that all defects detected at inspection have been corrected so that the motorcycle is in proper operating condition and that it conforms to the inspection standards adopted by the Division at N.J.A.C. 13:20-33.

(e) Certification shall be evidenced by the affixation of a certificate of approval on a motor vehicle as specified in N.J.A.C. 13:20-43.11(a) and 33.2(k), or by the affixation of a certificate of approval on a motorcycle as specified in N.J.A.C. 13:20-33.2(n).

(f) Certification of a motor vehicle by a Class I or Class II licensed private inspection facility or an employee thereof shall constitute the licensee's representation that the licensee, or a licensed emission inspector or mechanic, has inspected the motor vehicle in accordance with N.J.A.C. 13:20-33 and has determined that the motor vehicle is in proper operating condition and conforms to the inspection standards adopted by the Division at N.J.A.C. 13:20-33 and 43 and the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(g) Certification of a motorcycle by a Class III licensed private inspection facility or an employee thereof shall constitute the licensee's representation that the licensee has inspected the motorcycle and has determined that the motorcycle is in proper operating condition and conforms to the inspection standards adopted by the Division at N.J.A.C. 13:20-33.

(h) The fee which a licensee may charge the consumer for affixing a certificate of approval shall not exceed \$ 2.50.

(i) The fee which a licensee may charge for reinspection of items for motor vehicles having a GVWR of 8,500 pounds or less, motor vehicles having a GVWR greater than 8,500 pounds, and motorcycles rejected after inspection and which have been repaired by the motor vehicle owner or lessee or someone not under the direction of the licensee shall not exceed that portion of the licensee's established hourly labor charge for repair service as specified by the Director to be the average time required to reinspect a particular item of equipment. A licensee shall inform the consumer in advance that the licensee's charge for such reinspection shall not exceed that portion of the hourly labor rate.

## N.J.A.C. § 13:20-44.14

(j) Every licensee who performs inspection certification services for the general public shall conspicuously display a schedule of inspection charges at his or her place of business and shall file a copy thereof with the Private Inspection Facility Licensing Unit of the Division. The schedule of inspection charges shall specifically set forth the inspection charge for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less and the inspection charge for the initial inspection of motor vehicles having a GVWR greater than 8,500 pounds. The posted schedule shall not be smaller than one square foot.

**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).

## Chapter Note

## N.J.A.C. § 13:20-44.15

## § 13:20-44.15 Advertising

(a) Any advertising used by the private inspection facility in any printed or published material shall contain and prominently display the license number of the facility.

(b) Any advertising used by the private inspection facility in any radio broadcast shall disclose that the facility is licensed by the State of New Jersey.

(c) Any advertising used by the private inspection facility in any television broadcast shall prominently display the license number of the facility at the end of such broadcast.

## Chapter Note

## N.J.A.C. § 13:20-44.16

## § 13:20-44.16 Storage rates

Every private inspection facility which charges a per diem fee to store a motor vehicle on its premises shall disclose in writing, prior to initiating inspection certification services, the amount of such storage charge to the customer.

## Chapter Note

N.J.A.C. § 13:20-44.17

N.J.A.C. § 13:20-44.17

## § 13:20-44.17 Additional violations

(a) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Director may refuse to issue a license or a renewal thereof, or suspend or revoke the existing license of any private inspection facility if he or she determines that the applicant or licensee:

1. Has made a false statement or concealed a fact in connection with the application for a license or a renewal thereof;

2. Is not the owner of, or possessor of a controlling interest in, the private inspection facility;

3. Has been found to have tampered with emission control apparatus in violation of N.J.A.C. 7:27-15.7;

4. Has been found to have violated or conducted fraudulent or deceptive practices concerning the inspection, reinspection, certification and/or repair of motor vehicles in violation of N.J.S.A. 39:8-1 et seq., 56:8-1 et seq., N.J.A.C. 13:45A-26C or this subchapter;

5. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which would be:

i. Any of the following offenses under the "New Jersey Code of Criminal Justice," P.L. 1978, c.95 (Title 2C of the New Jersey Statutes) as amended and supplemented:

All crimes of the first degree;

N.J.S.A. 2C:5-1 (attempt to commit an offense which is listed in this subparagraph);

N.J.S.A. 2C:5-2 (conspiracy to commit an offense which is listed in this subparagraph);

N.J.S.A. 2C:11-4b (manslaughter);

N.J.S.A. 2C:11-5 (vehicular homicide);

N.J.S.A. 2C:12-1b (aggravated assault);

N.J.S.A. 2C:13-1 (kidnapping);

N.J.S.A. 2C:14-1 et seq. (sexual offenses);

N.J.S.A. 2C:15-1 (robberies);

N.J.S.A. 2C:17-1a and b (crimes involving arson and related offenses);

N.J.S.A. 2C:17-2a and b (causing or risking widespread injury or damage);

N.J.S.A. 2C:18-2 (burglary);

N.J.S.A. 2C:20-1 et seq. (theft and related offenses);

N.J.S.A. 2C:21-4a (falsifying or tampering with records);

N.J.S.A. 2C:27-1 et seq. (bribery and corrupt influence);

N.J.S.A. 2C:28-1 et seq. (perjury and other falsification in official matters);

N.J.S.A. 2C:30-2 and N.J.S.A. 2C:30-3 (misconduct in office and abuse of office);

N.J.S.A. 2C:35-5 (manufacturing, distributing or dispensing a controlled dangerous substance or a controlled dangerous substance analog);

N.J.S.A. 2C:35-6 (employing a juvenile in a drug distribution scheme);

## N.J.A.C. § 13:20-44.17

N.J.S.A. 2C:35-7 (distributing, dispensing, or possessing a controlled dangerous substance or controlled substance analog on or within 1,000 feet of school property or bus);

N.J.S.A. 2C:35-10 (possession, use or being under the influence of a controlled dangerous substance or a controlled substance analog, or failure to make lawful disposition of same);

N.J.S.A. 2C:35-11 (distribution, possession or manufacture of imitation controlled dangerous substances);

N.J.S.A. 2C:35-13 (acquisition of controlled dangerous substances by fraud); or

ii. Any other offense under New Jersey or Federal law which indicates that licensure of the applicant or continued licensure of the licensee would be inimical to the licensing standards set forth in P.L. 1995, c.112 and this subchapter;

6. Demonstrates a pattern of conduct whereby inspections, reinspections, certifications and/or repairs made by the private inspection facility were not made in the prescribed manner;

7. Issues a check in payment of any fees required by this subchapter which is subsequently dishonored;

8. Has failed to comply with any of the provisions of this subchapter;

9. Fails to maintain an approved place of business in accordance with this subchapter;

10. Fails to pay any fee required by law or regulation;

11. Does not have valid permits, as provided in N.J.A.C. 13:20-44.4(c) 6, or other authorization from the appropriate Federal, State or other governmental agency authorizing operation of the business or operation of any equipment, service or process on the premises;

12. Fails to notify the Director in writing as required by N.J.A.C. 13:20-44.12(e), (f) and (g);

13. Has in its possession any motor vehicle, major motor vehicle component part or component part as defined in N.J.S.A. 39:10B-1 or replacement parts on which the vehicle identification number or other identification affixed thereto in accordance with Federal theft prevention standards has been removed, altered, defaced, destroyed, or so covered as to be concealed;

14. Has performed an emission-related or OBD-related repair without being registered as a motor vehicle emission repair facility; or

15. For other good cause.

**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. § 13:20-44.18

## N.J.A.C. § 13:20-44.18

A Class I or Class II licensed private inspection facility shall employ an emission inspector licensed in accordance with N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-43.17.

**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. § 13:20-44.19

## § 13:20-44.19 Mechanic qualifications

(a) If the private inspection facility performs safety equipment repairs, the licensee or someone in his or her employment shall meet one of the following criteria:

1. One year experience as a paid automotive mechanic and successful completion of advanced courses in automotive mechanics specifically designed for professionals engaged in the trade; or

2. Three or more years paid experience in general automotive repair and service or at least one year paid experience and completion of an automotive repair course at a vocational school, provided the applicant has successfully passed the National Institute for Automotive Service Excellence Test for engine tuneup and at least one other test from the following areas:

- i. Brakes;
- ii. Front end; or
- iii. Automotive electrical systems.

## Chapter Note

## N.J.A.C. § 13:20-44.20

## § 13:20-44.20 Additional penalties; schedule of penalties

(a) 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 grant or renew the license of a private inspection facility, the Director shall also have the authority to impose, as an alternative or in addition to such suspension, revocation or refusal to grant or renew, an official warning.

(b) The following penalty schedule shall apply to private inspection facilities that violate P.L. 1995, c.112, N.J.A.C. 13:20-33, or this subchapter.

1. For intentionally or willfully improperly passing 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 \$ 1,000.00 civil first violation

## N.J.A.C. § 13:20-44.20

penalty

- ii. Two year license suspension; plus \$ 5,000.00 civil penalty second violation
- iii. Lifetime license revocation; plus \$ 7,500.00 civil penalty third violation

2. For gross negligence in passing 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 first violation
- ii. One year license suspension; plus \$ 1,000.00 civil penalty second violation
- iii. Two year license suspension; plus \$ 2,000.00 civil penalty third violation
- iv. Lifetime license revocation; plus \$ 5,000.00 civil penalty fourth violation

3. For simple negligence in passing 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 first violation
- ii. Six month license suspension; plus \$ 500.00 civil penalty second violation
- iii. One year license suspension; plus \$ 750.00 civil penalty third violation
- iv. One year license suspension; plus \$ 750.00 civil penalty fourth violation
- v. Two year license suspension; plus \$ 1,000.00 civil penalty fifth and subsequent violations

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

i. Three-year license denial

5. For fraudulently affixing certificate of approval or certificate of waiver:

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

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 altered, forged, stolen, or counterfeit certificate of approval, certificate of waiver or rejection sticker:

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

## N.J.A.C. § 13:20-44.20

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 failing to produce inspection records:

- i. Immediate license suspension until compliance

10. For an unlicensed person performing an emission test or OBD inspection:

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

11. 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  |

12. 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

13. For certifying a vehicle that does not meet State equipment safety standards:

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

violations

14. 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

15. 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:

- |      |   |                      |
|------|---|----------------------|
| i.   | One-month license suspension; plus<br>\$ 100.00 civil penalty per certificate | first violation      |
| ii.  | Two-month license suspension plus<br>\$ 250.00 civil penalty per certificate  | second violation     |
| iii. | One-year license suspension plus  | third and subsequent |

\$ 500.00 civil penalty per certificate violations

16. 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

17. For failing to maintain insurance coverage:

i. Minimum 15-day license suspension and until compliance

18. For failure to provide a motor vehicle inspection report, repair order, invoice, and/or Emission Repair Facility list to a customer:

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

19. For failure to post license:

- |                                   |                      |
|-----------------------------------|----------------------|
| i. Written warning                | first violation      |
| ii. 20-day license suspension     | second violation     |
| iii. Two-month license suspension | third and subsequent |

## violations

20. For failure to post outdoor sign:

- |                                   |                      |
|-----------------------------------|----------------------|
| i. Written warning                | first violation      |
| ii. 20-day license suspension     | second violation     |
| iii. Two-month license suspension | third and subsequent |

## violations

21. For failure to post hourly rate and/or inspection fees:

- |                                   |                      |
|-----------------------------------|----------------------|
| i. Written warning                | first violation      |
| ii. 20-day license suspension     | second violation     |
| iii. Two-month license suspension | third and subsequent |

## violations

22. For failure to pay fee(s):

i. License suspension until compliance

23. For criminal conviction which is disqualifying:

i. Indefinite license denial/suspension

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

**NOTES:****HISTORY:**

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).

## N.J.A.C. § 13:20-44.21

## N.J.A.C. § 13:20-44.21

## § 13:20-44.21 Investigations

(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 a private inspection facility.

(b) The Director, or any person designated by him or her, shall have the power to conduct investigations, administer oaths, interrogate licensees, issue subpoenas, summonses and/or complaints and compel witnesses to appear at any hearing.

(c) Except as set forth in N.J.A.C. 13:20-44.12(j), subpoenas shall be served in the same manner, and the 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 these rules 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.

## Chapter Note

## N.J.A.C. § 13:20-44.22

## § 13:20-44.22 Written notice of suspension or revocation or refusal to grant or renew license

(a) The Director shall notify the applicant, in writing by certified mail, of any refusal to grant or renew a private inspection facility license to the applicant 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 licensee, in writing by certified mail, of any proposed suspension or revocation of the private inspection facility license and the grounds thereof. Written notice shall be mailed to the place of business on record with the Division. Unless the licensee files with the Director a written request for a hearing in accordance with N.J.A.C. 13:20-44.23, the private inspection facility license shall be suspended or revoked on the date specified in such notice.

## Chapter Note

## N.J.A.C. § 13:20-44.23

## § 13:20-44.23 Request for hearing

(a) If an applicant has been notified in accordance with N.J.A.C. 13:20-44.22(a) that the Director refuses to grant or renew a private inspection facility license to him or her, 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

## N.J.A.C. § 13:20-44.23

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. 13:20-44.22(a).

(b) If a licensee has been notified in accordance with N.J.A.C. 13:20-44.22(b) of a proposed suspension or revocation of his or her private inspection facility license, the licensee shall be entitled to an administrative hearing concerning such proposed suspension or revocation provided that the licensee 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 licensee by the Division in accordance with N.J.A.C. 13:20-44.22(b).

(c) Any written request for a hearing by an applicant or licensee shall be sent to the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a). The hearing request shall contain the following information:

1. The name, license number, place of business and telephone number of the private inspection facility;
2. A concise statement of facts constituting each ground of defense;
3. A specific admission, denial or explanation of each fact alleged by the Division in its notice or order to show cause, or if without knowledge thereof, a statement to that effect; any allegation in the Division's notice or order to show cause 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 applicant or licensee does not file a written request for a hearing in accordance with (a), (b), or (c) above, the suspension, revocation or refusal to grant or renew the private inspection facility license shall be effective on the date specified in such notice. The private inspection facility shall cease all activities of the business of a private inspection facility effective on the date specified in such notice.

**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).

## Chapter Note

## N.J.A.C. § 13:20-44.24

## § 13:20-44.24 Hearing procedures

Any hearing concerning the suspension, revocation or refusal to grant or renew a private inspection facility 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.

## Chapter Note

## N.J.A.C. § 13:20-44.25

## § 13:20-44.25 Limitations on issuance of license after suspension, revocation or refusal to grant or renew

## N.J.A.C. § 13:20-44.25

(a) No person whose application for a private inspection facility license is refused shall be entitled to apply for a license under this subchapter for a period of one year from the effective date of such refusal.

(b) No person whose license is suspended or revoked shall be entitled to apply for a license under this subchapter during the period of suspension or revocation.

## Chapter Note

## N.J.A.C. § 13:20-44.26

## § 13:20-44.26 License restoration

(a) A fee of \$ 50.00 shall be payable to the Division for the restoration of a private inspection facility license which is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter. Such license restoration fee shall be paid to the Division before the license may be restored.

(b) Each suspension or revocation of any private inspection facility license, pursuant to N.J.S.A. 39:8-1 et seq. or any regulation adopted thereunder, shall continue in force and effect until such license is restored by the Director.

(c) In the case of every suspension or revocation of a private inspection facility license for a fixed period of time, the licensee, as a condition precedent to restoration, shall make application to the Director, in such form as the Director may determine, and pay the license restoration fee specified in (a) above. The Director may, upon notice and an opportunity to be heard, deny any application for restoration of a private inspection facility license for good cause.

## Chapter Note