

NEW JERSEY ADMINISTRATIVE CODE TITLE 13, CHAPTER 20,
SUBCHAPTER 26 COMPLIANCE WITH DIESEL EMISSION STANDARDS
AND EQUIPMENT, PERIODIC INSPECTION PROGRAM FOR DIESEL
EMISSIONS AND SELF-INSPECTION OF CERTAIN CLASSES OF MOTOR
VEHICLES

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§ 13:20-26.1 Applicability

~~This subchapter shall apply to all vehicles registered in this State.~~

§ 13:20-26.2 Definitions

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

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

“Diesel bus” means a diesel bus as defined pursuant to section 2 of P.L. 1995, c. 157 (N.J.S.A. 39:8-60), except that “diesel bus” shall include only diesel buses with a gross vehicle weight rating in excess of 14,000 pounds, and shall not include school buses or buses under the inspection jurisdiction of the Commission’s Commercial Bus Inspection and Investigation Unit.

“Diesel-powered motor vehicle” means any diesel-powered motor vehicle that is self-propelled by a compression ignition type of internal combustion engine using diesel fuel and that:

1. Is designed or used for transporting persons or property on any public road, street or highway or any public or quasi-public property in this State;
2. Is 10,000 pounds gross vehicle weight rating or more;
3. Is not a diesel bus or heavy-duty diesel truck; and
4. Is not a heavy-duty diesel truck or other diesel-powered motor vehicle owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization for first aid, emergency, ambulance, rescue, or fire fighting purposes.

“Diesel solid waste vehicle” means any on-road diesel vehicle with a gross vehicle weight rating in excess of 14,000 pounds that is used for the purposes of collecting or transporting residential or commercial solid waste, including vehicles powered by a diesel engine used for transporting waste containers, including, but not necessarily limited to, open boxes, dumpsters or compactors, which may be removed from the tractor. “Diesel solid waste vehicle” shall include solid waste cabs and solid waste single-unit vehicles.

“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 diesel truck” means any diesel-powered motor vehicle with a GVWR of 18,000 or more pounds that is designed or used for the transporting of property on any public road, street or highway or any public or quasi-public property in this State. For purposes of this subchapter, heavy-duty diesel truck shall not mean a heavy-duty diesel truck owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization and used for first aid, emergency, ambulance, rescue, or fire-fighting purposes.

“Lessee” means any person who exercises control or who operates a motor vehicle under an agreement or contract for 30 days or more.

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

“Regulated diesel solid waste vehicle” means any diesel solid waste vehicle registered in the State that is owned by the State or any political subdivision thereof, or a county or municipality or any political subdivision thereof, or that is owned by a person who has entered into a contract in effect on or after the effective date of P.L. 2005, c. 219 (N.J.S.A. 26:2C-8.26 et al.), with the State or any political subdivision thereof, or a county or municipality or any political subdivision thereof, to provide solid waste services.

“Vehicle” means every trailer, semitrailer, pole trailer, truck having a GVWR of 10,000 pounds or more, truck tractor as defined in N.J.S.A. 39:1-1 and every vehicle registered in this State engaged in interstate commerce that is now or hereafter subject to regulation and license by the Interstate Commerce Commission or its successor agency and/or the United States Department of Transportation, Federal Motor Carrier Safety Administration.

~~§ 13:20-26.3 Inspection and maintenance~~

(a) Every owner or lessee of a motor vehicle registered in this State shall systematically inspect and maintain, or cause to be systematically inspected and maintained, all motor vehicles subject to its control, and the accessories, required by 49 CFR Part 393, to be mounted thereon, to insure that such motor vehicle and accessories are in safe and proper operating condition. An owner or lessee shall maintain a systematic inspection and maintenance record for each vehicle. The inspection and maintenance records shall include, at a minimum, the following:

1. An identification of the vehicle including the New Jersey registration plate number, make, model, vehicle identification number, and number of tires, tire size, and number of ply;
2. A record of inspection and repairs indicating the nature of the repairs and the date of completion;
3. A lubrication record;
4. A systematic means for indicating for each vehicle the nature and due date of the inspection and maintenance operations to be performed; and
5. If a vehicle is leased or otherwise contracted for, the inspection and maintenance records shall also include the name of the lessor or contractor furnishing the motor vehicle.

(b) The inspection and maintenance records shall be maintained for a period of 24 months by the owner or lessee and shall be immediately available for inspection by the Chief Administrator or any other person authorized to inspect under this subchapter.

§ 13:20-26.4 Unsafe operations

~~An owner or lessee shall not operate or permit or require a driver to operate any motor vehicle determined by the inspection or operation thereof to be in such condition that its operation would~~

~~promulgated pursuant to Title 26, Chapter 2C of the New Jersey Statutes Annotated, Air Pollution Control Act of 1954.~~

§ 13:20-26.15 Penalties

Any owner or lessee who violates any provision of this subchapter may be subject to the suspension or revocation of his or her New Jersey registration privileges and/or may be subject to the loss of the self-inspection privilege authorized by this subchapter.

§ 13:20-26.16 Periodic inspection at an official inspection facility or a licensed private inspection facility

Notwithstanding, and in addition to, any other provision or requirement of this subchapter, gasoline-fueled and bi-fueled trucks having a GVWR of 10,000 pounds or more shall be inspected pursuant to N.J.S.A. 39:8-1 on a biennial basis at an official inspection facility or a licensed private inspection facility; provided, however, that gasoline-fueled and bi-fueled trucks having a GVWR of 10,000 pounds or more that are registered as commercial motor vehicles pursuant to N.J.S.A. 39:3-20 shall be inspected pursuant to N.J.S.A. 39:8-1 on an annual basis at an official inspection facility or a licensed private inspection facility.

~~**§ 13:20-26.17 Compliance with diesel emission standards, equipment requirements and test procedures; inspection and verification of installation of best available retrofit technology devices; periodic inspection program for diesel emissions; self-inspection; exempt vehicles**~~

(a) Except as otherwise provided in P.L. 1995, c. 157, heavy-duty diesel trucks operating in New Jersey shall be subject to applicable diesel emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14, an examination of the muffler and diesel emission control apparatus pursuant to N.J.A.C. 7:27-14 and diesel test procedures set forth in N.J.A.C. 7:27B-4.

(b) The owner or lessee of a heavy-duty diesel truck registered in this State shall submit proof to the New Jersey Motor Vehicle Commission that the vehicle has, within 90 days after the date of registration or renewal thereof, complied with the requirements for periodic inspection. Compliance with the requirements for periodic inspection shall mean that the vehicle has been tested for smoke opacity at a diesel emission inspection center licensed pursuant to N.J.A.C. 13:20-47 and that the vehicle has successfully passed a test procedure for smoke opacity as set forth in N.J.A.C. 7:27B-4; provided, however, that with regard to a new heavy-duty diesel truck, ~~compliance with the requirements for periodic inspection shall mean that the vehicle has been~~

~~inspected by a new motor vehicle dealer or motor vehicle leasing company in accordance with N.J.A.C. 13:20-27.~~

(c) Certification of self-inspection pursuant to N.J.A.C. 13:20-26.11 and 26.13 is a representation by the owner or lessee of any heavy-duty diesel truck that, at a minimum, the diesel vehicle is in compliance with the Department of Environmental Protection emission standards set forth in N.J.A.C. 7:27-14, all applicable requirements regarding the muffler and emission control apparatus and that the diesel vehicle can successfully pass the test procedures set forth in N.J.A.C. 7:27B-4. Any certification of self-inspection shall require compliance with the requirements of (b) above.

(d) The owner or lessee of a heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus, or regulated diesel solid waste vehicle, as defined in N.J.S.A. 26:2C-8.27 and this subchapter, who is required to install a best available retrofit technology device(s) pursuant to a Notice of Intent to Comply, a regulated fleet retrofit plan, combined regulated fleet retrofit plan, fleet averaging plan, or combined fleet averaging plan pursuant to N.J.S.A. 26:2C-8.26 et al. shall present his or her heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus or regulated diesel solid waste vehicle to a diesel emission inspection center licensed pursuant to N.J.A.C. 13:20-47 so that the installation of the required best available retrofit technology device(s) can be confirmed and verified by the diesel emission inspection center in accordance with the procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 32. Compliance with the requirements of this subsection shall mean that the diesel vehicle has been inspected at a licensed diesel emission inspection center and that such center has confirmed and verified that the best available retrofit technology device(s) has been installed on such heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus or regulated diesel solid waste vehicle. A heavy-duty diesel truck or regulated diesel solid waste vehicle shall be presented for inspection at the time of the next annual periodic inspection following the installation of the best available retrofit technology device(s) on such heavy-duty diesel truck or regulated diesel solid waste vehicle. A diesel-powered motor vehicle or diesel bus shall be presented for inspection within 90 days following the installation of the best available retrofit technology device(s) on such diesel-powered motor vehicle or diesel bus.

(e) The following motor vehicles, some of which may be subject to inspection under other provisions of law or regulation, shall be exempt from the periodic diesel emission inspection requirements of this subchapter:

1. Diesel-powered motor vehicles, as defined in N.J.S.A. 39:8-60, that are registered as contractor equipment in-transit vehicles pursuant to N.J.S.A. 39:4-30;
2. Heavy-duty diesel trucks and other diesel-powered motor vehicles, as defined in N.J.S.A. 39:8-60, which are designed for farming purposes and registered pursuant to N.J.S.A. 39:3-24 or 39:3-25; and
3. Heavy-duty diesel trucks and other diesel-powered motor vehicles, as defined in P.L. 1995, c.157, which are owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization and used for first aid, emergency, ambulance, rescue, or fire-fighting purposes.