

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
NEW JERSEY ADMINISTRATIVE CODE
TITLE 7, CHAPTER 27
SUBCHAPTER 15
CONTROL AND PROHIBITION OF AIR POLLUTION
FROM GASOLINE-FUELED MOTOR VEHICLES

Filed:	January 6, 1972
Effective:	July 5, 1972
Amendment Promulgated:	June 26, 1974
Effective:	July 1, 1974
Amendment Effective:	January 31, 1975
See:	7 N.J.R. 102(b)
Amendment Effective:	April 1, 1975
See:	7 N.J.R. 206(c)
Amendment Effective:	October 1, 1975
See:	6 N.J.R. 173(a), 7 N.J.R. 206(c)
Amendment Promulgated:	January 6, 1976
Effective:	January 14, 1976
See:	8 N.J.R. 62(c)
Amendment Promulgated:	December 30, 1976
Effective:	January 3, 1977
See:	9 N.J.R. 77(c)
Amendment Adopted:	December 28, 1984
Effective:	January 21, 1985
Operative:	July 1, 1985
See:	16 N.J.R. 2889, 17 N.J.R. 189(b)
Amendment Adopted:	June 5, 1985
Effective:	July 1, 1985
Operative:	December 2, 1985
See:	17 N.J.R. 781(a), 17 N.J.R. 1649(a)
Amendment Adopted:	November 4, 1985
Effective:	December 2, 1985
Operative:	May 5, 1986
See:	16 N.J.R. 2886(a), 17 N.J.R. 2887(a)

Emergency Amendment Adopted:	June 29, 1995
Effective and Operative:	July 17, 1995
See:	27 N.J.R. 2752(a)
Amendment Adopted:	August 28, 1995
Effective and Operative:	July 17, 1995
See:	27 N.J.R. 3806(a)
Amendment Adopted:	May 31, 1996
Effective:	July 1, 1996
Operative:	July 30, 1996
See:	28 N.J.R. 3413(a)
Amendment Adopted:	January 7, 1997
Effective:	February 3, 1997
Operative:	March 7, 1997
See:	29 N.J.R. 498(a)
Amendment Adopted:	June 12, 1997
Effective:	July 7, 1997
Operative:	August 11, 1997
See:	29 N.J.R. 2826(b)
Amendment Adopted:	October 8, 1999
Effective:	November 15, 1999
Operative:	December 7, 1999
See:	31 N.J.R. 3627(a)
Administrative Corrections:	October 1, 2001
See:	33 N.J.R. 3550(a)
Amendment Adopted:	December 20, 2002
Effective:	January 21, 2003
Operative:	February 18, 2003
See:	35 N.J.R. 429(a)
Amendment Adopted:	October 19, 2009
Effective:	November 16, 2009
Operative:	December 18, 2009
See:	41 N.J.R. 4195(b)

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§ 7:27-15.1 Definitions

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

“Autobus” means any bus of any size or configuration, whether registered in this State or elsewhere, that is designed or used for intrastate or interstate transportation of passengers for hire or otherwise on a public road, street or highway or any public or quasi-public property in this State, including, but not limited to, autobuses under the jurisdiction of the New Jersey Department of Transportation pursuant to Titles 27 or 48 of the Revised Statutes; autobuses of the New Jersey Transit Corporation and its contract carriers that are under the inspection jurisdiction of the New Jersey Department of Transportation; autobuses that are subject to Federal motor carrier safety regulations; autobuses under the authority of the Interstate Commerce Commission or its successor agency; school buses, as defined pursuant to N.J.S.A. 39:1-1; and hotel, casino, charter and special buses.

“California Air Resources Board” or “CARB” means the agency of the State of California established and empowered to regulate sources of air contaminant emissions, including motor vehicles, pursuant to California Health & Safety Code, Sections 39500 et seq.

“Carbon monoxide” or “CO” means a gas having a molecular composition of one carbon atom and one oxygen atom.

“Certified configuration” means a vehicle-engine-chassis design for LDGVs and LDGTs or an engine design for HDGVs 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. CARB for model year 1966 or for a more recent model year.

“Clean Air Act” or “CAA” means the Federal Clean Air Act (42 U.S.C. 7401 et seq.) which consists of Public Law 159 (July 14, 1955; Stat. 322) and all subsequent amendments thereto.

“Commissioner” means the Commissioner of the Department of Environmental Protection.

“Crankcase emissions” means substances emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication system.

“Data link connector” or “DLC” means a standardized 16-pin diagnostic test receptacle used to connect an analyzer to a motor vehicle.

“Department” means the Department of Environmental Protection.

“Diagnostic Trouble Code” or “DTC” means an alphanumeric code stored in the on board diagnostic system of a motor vehicle, which generally indicates the malfunction of a system or component. These codes are defined by SAE J2012 Diagnostic Trouble Code Definitions, (MAR92). Copies of SAE J2012 may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001.

“Element of design” means any automotive part or system on a motor vehicle that is subject to the Federal emission standards at 40 CFR Part 86 or California emission standards at California Code of Regulations Title 13 which:

1. Is included in the motor vehicle’s certified configuration; and
2. Could affect the emission of any regulated air contaminant from the motor vehicle.

“Emission control apparatus” means any device employed by the vehicle manufacturer which prevents or controls the emission of any air contaminant, including associated components which monitor the function and maintenance of these devices.

“EPA” means the United States Environmental Protection Agency.

“EPA Memorandum 1A” means the memorandum dated June 25, 1974, and issued by the EPA’s Office of Enforcement and General Counsel, which sets forth the EPA’s interim tampering enforcement policy. This term also includes any revisions to the policy set forth in the June 25, 1974 memorandum that are subsequently issued by the EPA. A copy of this EPA memorandum has been filed with the Office of Administrative Law and may be obtained from the Bureau of Motor Vehicle Inspection and Maintenance in the Department of Environmental Protection.

“Exhaust emissions” means substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

“G/mi” means grams per mile.

“Gasoline-fueled” means powered in whole or in part by a hydrocarbon fuel other than diesel fuel, including, but not limited to, gasoline, natural gas, liquefied petroleum gas or propane or powered by alcohol fuels, hydrocarbon-alcohol fuel blends or hydrogen.

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

“Heavy-duty gasoline-fueled vehicle” or “HDGV” means a gasoline-fueled motor vehicle that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or property.

“Hydrocarbons (HC)” means any compound or mixture of compounds whose molecules consist of atoms of hydrogen and carbon only.

“Idle” means an operating mode where the vehicle engine is not engaged in gear and where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer.

“Light-duty gasoline-fueled truck” or “LDGT” 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:

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

“Light-duty gasoline-fueled truck 1” or “LDGT1” means a light-duty gasoline-fueled truck with a GVWR of 6,000 pounds or less.

“Light-duty gasoline-fueled truck 2” or “LDGT2” means a light-duty gasoline-fueled truck with a GVWR of more than 6,000 pounds.

“Light-duty gasoline-fueled vehicle” or “LDGV” 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 no more than 12 passengers.

“Malfunction indicator light” or “MIL” means the light located on the dashboard instrument panel of an OBD-equipped motor vehicle that indicates a malfunction detected by the OBD system by illuminating the words “check engine,” “service engine” or an engine pictograph with the word “check” or “service.”

“Model year” means the manufacturer’s annual production period (as determined under 40 CFR section 85.2304 (60 Fed. Reg. 4738, Jan. 24, 1995), as the same is

amended or supplemented) which includes January 1 of such calendar year, provided, that if the manufacturer has no annual production period, this term shall mean the calendar year. A specific model year shall include January 1 of the calendar year for which it is designated and shall not include a January 1 of any other calendar year. Thus, the maximum duration of a model year is one calendar year plus 364 days (or 365 days if a leap year).

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

“Motor Vehicle Commission” or “MVC” means the New Jersey Motor Vehicle Commission established by the Motor Vehicle Security and Customer Service Act (N.J.S.A. 39:2A-1 et seq.).

“Motor vehicle testing equipment” means equipment used to conduct a test of a gasoline-fueled motor vehicle set forth at N.J.A.C. 7:27B-5, and which satisfies all applicable specifications set forth at N.J.A.C. 7:27B-5.8, Specifications for motor vehicle testing equipment for use in the New Jersey Enhanced Inspection and Maintenance Program. For motor vehicle inspections conducted pursuant to N.J.A.C. 7:27B-5 and this subchapter, this term shall include all devices used for performing a motor vehicle inspection, including, but not limited to, exhaust gas analyzers, dynamometers, on-board diagnostic scanners and analyzers, fuel cap leak testers and computers and related software.

“Motorized bicycle” means a pedal bicycle which is capable of a maximum speed of no more than 25 miles per hour on a flat surface and which has a helper motor which;

1. Has a maximum piston displacement that is less than 50 cubic centimeters; or
2. Is rated at no more than 1.5 brake horsepower.

“New motor vehicle” means a newly-manufactured motor vehicle, prior to its delivery to the ultimate purchaser.

“New motor vehicle dealer” means any person licensed pursuant to N.J.S.A. 39:10-19 to sell new motor vehicles.

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

“Official inspection facility” means a test-only inspection facility operated by, licensed by or under contract with the MVC, whose exclusive function is conducting emissions inspections.

“On board diagnostics” or “OBD” means an automotive diagnostic system complying with California OBD regulations at Title 13 California Code section 1968.1 or EPA OBD regulations at 40 CFR Part 86.

“Oxides of nitrogen” or “NO[x]” means all the oxides of nitrogen including, but not limited to, nitric oxide (NO) and nitrogen dioxide (NO₂), except nitrous oxide (N₂O).

“Person” means any individual or entity and shall include, without limitation, corporations, companies, associations, societies, firms, partnerships, and joint stock companies, and shall also include, without limitation, all political subdivisions of any States, and any agencies or instrumentalities thereof.

“Predelivery checklist” means a schedule of items and procedures which a new motor vehicle dealer is required or requested by a manufacturer to check or follow prior to delivery of a new motor vehicle to the ultimate purchaser.

“Private inspection facility” or “PIF” means a facility licensed by the MVC to perform emissions inspections that may also offer motor vehicle parts and repair services.

“Quasi-public property” means any property that, although under private ownership or control, is accessible to the public. This term shall include, but shall not be limited to, the New Jersey Turnpike, the Garden State Parkway, shopping mall roadways and parking lots, private business roadways and nonresidential parking lots.

“RPM” means revolutions per minute.

“Smoke” means small gasborne and airborne particles, exclusive of water vapor, arising from a process of combustion in sufficient number to be observable.

“Tier 1 Standards” means standards for LDGTs and LDGVs of model years 1994 and later, prescribed at section 202(g) of the Clean Air Act, 42 U.S.C.A. 7521(g).

“Ultimate purchaser” means any person, other than a motor vehicle dealer purchasing in his capacity as a motor vehicle dealer, who in good faith purchases a motor vehicle for purposes other than for resale as a motor vehicle dealer.

“Vehicle curb weight” means the actual weight of a motor vehicle in operational status or the weight given by the manufacturer for such a motor vehicle. Such weight shall include the weight of all standard equipment, of the fuel at nominal tank capacity, and of optional equipment computed in accordance with 40 CFR section 86.082-24. This term, with respect to an incomplete light-duty gasoline truck, shall be the weight given by the manufacturer for such a truck.

§ 7:27-15.2 Applicability

(a) Except as provided in (b) and (c) below, this subchapter applies to all light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks and heavy-duty gasoline-fueled vehicles.

(b) This subchapter does not apply to:

1. Motor vehicles operated solely on diesel fuel; and
2. Motorcycles.

(c) N.J.A.C. 7:27-15.3, 15.4, 15.5 and 15.6 apply only to those light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks and heavy-duty gasoline-fueled vehicles that are subject to inspection in accordance with N.J.S.A. 39:8.

(d) This subchapter shall apply to any person and the United States, all political subdivisions of the United States, and any agencies or instrumentalities thereof.

§ 7:27-15.3 General public highway standards

(a) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit the operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi-public property in the State if the vehicle emits visible smoke in the exhaust emissions or in the crankcase emissions for a period in excess of three consecutive seconds.

(b) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit the operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi-public property in the State, if the vehicle emits hydrocarbons (HC) or carbon monoxide (CO) in the exhaust emissions in excess of any applicable standards set forth at N.J.A.C. 7:27-15.6(b).

(c) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit the operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi public property in the State if the motor vehicle does not satisfy and pass all applicable motor vehicle inspection testing requirements at N.J.A.C. 7:27-15.5.

(d) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit the operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi-public property in the State if the motor vehicle is a 1968 or later model year vehicle (or, if the vehicle was originally sold in California, a 1966 or later model year vehicle), and the motor vehicle is not certified by either of the following agencies as meeting the applicable emission standards for motor vehicles manufactured in the model years listed below:

1. EPA for model years 1968 and later; or
2. CARB for model year 1966 and later motor vehicles originally sold in California.

§ 7:27-15.4 New motor vehicle dealer inspections

(a) A new motor vehicle dealer shall ensure that, prior to delivery by the new motor vehicle dealer to the ultimate purchaser, any gasoline-fueled new motor vehicle subject to this subchapter pursuant to N.J.A.C. 7:27-15.2 conforms to the emission specifications prescribed by the manufacturer for the new motor vehicle. These specifications may be prescribed by the manufacturer in the new motor vehicle predelivery check list provided for the dealer's use in assuring proper functioning of the vehicle emission control apparatus.

(b) Whenever applicable emission specifications are not prescribed by the manufacturer, the inspection standards as set forth in N.J.A.C. 7:27-15.6(b) shall apply to the new motor vehicle.

§ 7:27-15.5 Motor vehicle inspections

(a) The owner of a motor vehicle subject to this section pursuant to N.J.A.C. 7:27-15.2 shall have the motor vehicle periodically inspected in accordance with this section.

(b) The motor vehicle shall be inspected at least once every two years. This biennial inspection shall be deemed an "on-cycle" inspection and shall include an initial inspection, together with any reinspections required pursuant to (h) below. In addition, in accordance with its procedures, the MVC may require the owner of a motor vehicle to have it inspected more frequently than every two years. Such more frequent inspections shall be deemed to be "off-cycle" inspections and shall also include an initial inspection together with any reinspections required pursuant to (h) below. In the case of a motor vehicle subject to the school bus inspection program as generally set forth at N.J.A.C. 13:20-30, an initial inspection shall be required annually as provided at N.J.A.C. 13:20-30.13.

(c) Initial inspections and reinspections for an on-cycle or an off-cycle inspection shall be performed at either an official inspection facility or at a PIF, or, in the case of a motor vehicle subject to the MVC's school bus inspection program as generally set forth at N.J.A.C. 13:20-30.1, at the premises or place of business of the operator of such vehicle, as provided at N.J.A.C. 13:20-30.13.

(d) A motor vehicle inspection is not complete until the motor vehicle passes all of the tests and satisfies all of the requirements, as specified in (f) below, that constitute the inspection or reinspection at an appropriate inspection facility, as specified in (c) above.

(e) The motor vehicle shall be inspected as presented at the inspection facility without repair or adjustment prior to the inspection.

(f) A motor vehicle inspection shall include the following:

1. A visible smoke test conducted in accordance with N.J.A.C. 7:27B-5.3(a);

2. Unless the motor vehicle is exempt pursuant to N.J.A.C. 7:27-15.6(e) or (f), an exhaust emission test or an OBD inspection utilizing motor vehicle testing equipment approved by the Department. The specific exhaust emission test or OBD inspection to be conducted shall be determined in accordance with (g) below;

3. For an LDGV, LDGT or HDGV of model year 1975 or later, an emission control apparatus compliance examination conducted in accordance with N.J.A.C. 7:27B-5.5;

4. For an LDGV, LDGT or HDGV of model year 2000 or earlier originally equipped with a sealed fuel filler cap (that is, not a directly vented fuel filler cap), a fuel cap leak test utilizing motor vehicle testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-5.7; and

5. For any motor vehicle that is subject to a recall notice issued to the owner on or after January 1, 1995, pursuant to either a "Voluntary Emissions Recall" as defined at 40 C.F.R. section 85.1902(d) or to a remedial plan determination made pursuant to 42 U.S.C.A. section 7541(c), the provision by the owner of the motor vehicle of documentation that all applicable recall repairs have been completed; provided, however, for any recall notice received fewer than 60 days prior to inspection, provision of this documentation may, instead, be provided at the next scheduled vehicle inspection.

(g) An OBD-eligible motor vehicle will receive an OBD inspection. For a motor vehicle that is not OBD-eligible the exhaust emission test to be used pursuant to (f)2 above shall be as follows:

1. The idle test set forth at N.J.A.C. 7:27B-5.3(b), if the motor vehicle is either of the following types:

i. A motor vehicle of model year 1980 or earlier; or

ii. A motor vehicle that has a GVWR in excess of 8,500 pounds; or

2. The two speed idle test at N.J.A.C. 7:27B-5.4, if the motor vehicle is either of the following types and is not otherwise designated for testing with the idle test, as determined at (g)1 above:

i. A motor vehicle of model year 1981 through model year 1995; or

ii. A motor vehicle of model year 1996 or later that is not OBD-eligible;

(h) The owner of a motor vehicle that fails to pass all of the tests that constitute a motor vehicle inspection pursuant to (f) above shall have it reinspected in accordance with every applicable element of (f) above by the deadline specified by the MVC at N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), as applicable. Operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi-public property in the State shall be prohibited pursuant to N.J.A.C. 7:27-15.3(c) unless, by the deadline established by the MVC at N.J.A.C. 13:20-7.5, 7.6(a) or 43.14(g), as applicable, the motor vehicle passes all of the tests and meets all the requirements that constitute the inspection or reinspection.

(i) An on-road inspection conducted pursuant to N.J.A.C. 13:20-43.14 may include the following:

1. A visible smoke test conducted in accordance with N.J.A.C. 7:27B-5.3(a);

2. Unless the motor vehicle is exempt pursuant to N.J.A.C. 7:27-15.6(e) or (f), an idle test utilizing motor vehicle testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-5.3(b);

3. A two speed idle test utilizing motor vehicle testing equipment and conducted in accordance with N.J.A.C. 7:27B-5.4;

4. For an LDGV, LDGT or HDGV of model year 1975 or later, an emission control apparatus compliance examination conducted in accordance with N.J.A.C. 7:27B-5.5;

5. For an LDGV, LDGT or HDGV of model year 2000 or earlier originally equipped with a sealed fuel filler cap (that is, not a directly vented fuel filler cap), a fuel cap leak test utilizing motor vehicle testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-5.7;

6. For an LDGV or LDGT of model year 1996 or later, an OBD inspection utilizing motor vehicle testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-5.6; and

7. Any other tests deemed appropriate by the Chief Administrator of the MVC that are directed toward detecting acts of tampering with emission control apparatus specifically prohibited at N.J.A.C. 7:27-15.7(a)1 or toward identifying vehicles operated in violation of N.J.A.C. 7:27-15.3(d). Such tests may include visual or functional checks of emission control apparatus and elements of design.

(j) A motor vehicle inspection test using remote sensing techniques shall include the following:

(Reserved)

(k) Any motor vehicle that fails an on-road inspection conducted pursuant to (i) above or a remote sensing test conducted pursuant to (j) above shall be subject to an off-cycle inspection. An off-cycle inspection shall consist of all test procedures and requirements to which a motor vehicle would normally be subject in accordance with (f) above. If the motor vehicle fails the initial off-cycle inspection, the provisions of (h) above apply.

(l) Each year MVC shall conduct a program evaluation test, which shall entail additional testing for at least 0.1 percent of those motor vehicles subject to inspection during that year. The motor vehicles subject to the program evaluation testing shall be selected by the MVC in accordance with its procedures. The results of the program evaluation test shall not be used in determining whether a motor vehicle has passed or failed its motor vehicle inspection with regard to exhaust emissions.

(m) A motor vehicle that is not equipped with an OBD system is not OBD-eligible. A motor vehicle of model year 1996 or later that is equipped with an OBD system will be presumed to be eligible for an OBD inspection unless it meets one of the following criteria:

1. The motor vehicle has a DLC which is in a location not readily accessible during a typical inspection procedure, provided that the DLC is in its original configuration as supplied by the motor vehicle manufacturer and has not been obstructed, damaged, removed or modified;

2. The motor vehicle OBD system, as designed by the motor vehicle manufacturer, has difficulty setting or maintaining an adequate number of readiness monitors;

3. The motor vehicle OBD system, as designed by the motor vehicle manufacturer, employs a communications protocol which is currently incompatible with approved motor vehicle testing equipment; or

4. The motor vehicle is otherwise identified by the EPA or the Department as not technologically or functionally capable of OBD inspection.

(n) The Department shall maintain a list of makes and model years of motor vehicles that it has determined to not be OBD-eligible, based on the criteria set forth at (m) above. A copy of this list will be available from the Department by contacting the Bureau of Motor Vehicle Inspection and Maintenance at (609) 530-4035 and can also be viewed and downloaded from the Department's website at www.state.nj.us/dep/aqm.

§ 7:27-15.6 Motor vehicle inspection standards

(a) A light-duty gasoline-fueled vehicle, light-duty gasoline-fueled truck or heavy-duty gasoline-fueled vehicle shall not emit visible smoke in the exhaust emissions or in the crankcase emissions for a period in excess of three consecutive seconds when measured using the test procedure established at N.J.A.C. 7:27B-5.3(a).

(b) A light-duty gasoline-fueled vehicle, light-duty gasoline-fueled truck or heavy-duty gasoline-fueled vehicle shall not emit carbon monoxide (CO) or hydrocarbons (HC) in the exhaust emissions in excess of the following standards:

1. If, pursuant to the provisions of N.J.A.C. 7:27-15.5(g), a motor vehicle is tested using the idle test, the motor vehicle shall be subject to the exhaust emission standards set forth in Table 1 below. Compliance with these standards shall be determined in accordance with the inspection test procedure at N.J.A.C. 7:27B-5.3(b);

TABLE 1

EXHAUST EMISSION STANDARDS FOR THE IDLE TEST

LDGVs and LDGTs Powered by Gasoline

Model Year	CO (% by volume)	HC (ppm as hexane)
Pre-1968	8.5	1400
1968-1970	7.0	700
1971-1974	5.0	500
1975-1980	3.0	300
1981 & Later	1.2	220

HDGVs Powered by Gasoline

Model Year	CO (% by volume)	HC (ppm as hexane)
Pre-1968	8.5	1400
1968-1970	8.5	1200
1971-1974	6.0	700
1975-1978	4.0	500

1979 & Later 3.0 300

2. If, pursuant to the provisions of N.J.A.C. 7:27-15.5(g), a motor vehicle is tested using the two speed idle test, the motor vehicle shall be subject to the applicable exhaust emission standards set forth in Table 2 below. Compliance with these standards shall be determined in accordance with the inspection test procedure at N.J.A.C. 7:27B-5.4;

TABLE 2

EXHAUST EMISSION STANDARDS FOR THE TWO SPEED IDLE TEST

LDGVs and LDGTs Powered by Gasoline

Model Year	CO (% by volume)	HC (ppm as hexane)
1981 & Later	1.2	220

3. If, pursuant to the provisions of N.J.A.C. 7:27-15.5(g), a motor vehicle is tested using an OBD inspection conducted in accordance with the inspection test procedure at N.J.A.C. 7:27B-5.6, it shall be considered to have passed said inspection unless:

- i. The DLC cannot be found or is damaged/obstructed in such a way as to not allow a connection between the analyzer and the motor vehicle;
- ii. Communication cannot be established between the analyzer and the vehicle's OBD system;
- iii. The MIL is not illuminating when commanded to light;
- iv. The number of systems that have non-continuous readiness monitors, which are not ready for inspections equals or exceeds the following criteria: three "not ready" codes for motor vehicles model year 1996 through 2000 and two "not ready" codes for motor vehicles model year 2001 and newer, as established at 40 CFR 51.357, incorporated herein by reference;
- v. Any continuous readiness monitor is not supported or not ready;
- vi. The MIL is illuminated while the vehicle's engine is running;
- vii. DTCs have been detected by the OBD system to cause the MIL to be commanded on; or

viii. A motor vehicle fails an initial OBD inspection as indicated by one or more catalyst DTCs and the catalyst readiness monitor indicates the monitor is not ready during the OBD reinspection.

(c) A gasoline-fueled motor vehicle, which is subject to inspection pursuant to N.J.A.C. 7:27-15.5(a) shall, as a condition of compliance with said inspection, have a properly functioning and properly maintained emission control apparatus as determined according to the inspection test procedures established at N.J.A.C. 7:27B-5.5.

(d) Except as provided in (e) and (f) below, the applicability of the standards set forth in this subchapter and of the test procedure set forth at N.J.A.C. 7:27B-5.3 through 5.7, to a motor vehicle with an engine other than the engine originally installed by the manufacturer shall be based on the chassis type and model year of the motor vehicle, not on the engine model year.

(e) A motor vehicle that is modified to operate solely on a fuel other than that for which the motor vehicle was originally equipped shall be subject to the test procedures and standards applicable to a motor vehicle of the current fuel type. If the motor vehicle's fuel type after modification is one to which this subchapter does not apply (for example, a gasoline engine replaced with a diesel engine), the motor vehicle shall be exempt from this subchapter.

(f) A motor vehicle that is modified or manufactured to operate on more than one fuel type shall be subject to exhaust emission standards that apply to the motor vehicle for each fuel type for which the motor vehicle is equipped. Such motor vehicle shall be subject to an exhaust emission test for each fuel type on which it operates and shall comply with all applicable standards for each fuel type. Such motor vehicle shall also be subject to a fuel cap leak test when operating on gasoline. If the motor vehicle is capable of simultaneous operation on more than one fuel type (for example, flexible fuel, gasoline-methanol vehicle), the motor vehicle shall be subject to an exhaust emission test using the fuel mixture in the vehicle at the time of inspection and subject to the exhaust emission standards applicable to vehicles powered by gasoline.

(g) The provisions of (d), (e), and (f) above shall not be construed to allow any of the following acts, if such act is prohibited by N.J.A.C. 7:27-15.7:

1. The installation of an engine into a motor vehicle other than the engine originally installed by the manufacturer;
2. The operation of a motor vehicle on a fuel other than that for which the motor vehicle was originally equipped; and
3. The modification of a motor vehicle to operate on more than one fuel type.

§ 7:27-15.7 Prohibition of tampering with emission control apparatus

(a) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit any of the following, unless it is performed in accordance with EPA Memorandum 1A or it is exempt from prohibition by CARB executive order (information on devices or modifications approved by CARB executive order may be obtained from the California Air Resources Board, 1001 "I" Street, PO BOX 2815, Sacramento, CA 95812 or at www.arb.ca.gov):

1. The disconnection, detachment, deactivation, or any other alteration or modification from the design of the original vehicle manufacturer of an element of design installed on any motor vehicle with a certified configuration, except temporarily for the purpose of diagnosis, maintenance, repair or replacement;

2. The operation on the public roads, streets or highways of the State or any public or quasi-public property in the State of any motor vehicle with a certified configuration in which any element of design installed on such vehicle has been disconnected, detached, deactivated, or in any other way altered or modified from the design of the original vehicle manufacturer;

3. The sale, lease, or offer for sale or lease, of any motor vehicle with a certified configuration in which any element of design installed on such vehicle has been disconnected, detached, deactivated, or in any other way altered or modified from the design of the original vehicle manufacturer; or

4. The sale, or offer for sale, of any device or component as an element of design intended for use with, or as part of, any motor vehicle or motor vehicle engine with a certified configuration, which is not designed to duplicate the function and performance of any element of design installed by the original vehicle manufacturer.

§ 7:27-15.8 Idle standard

(a) No person shall cause, suffer, allow, or permit the engine of a gasoline-fueled motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion.

(b) The provisions of (a) above shall not apply to:

1. Buses while actively discharging or picking up passengers. This exemption is limited to 15 consecutive minutes in a 60-minute period;

2. Any motor vehicle idling in traffic, or a motor vehicle other than a school bus idling in a queue of motor vehicles, that are intermittently motionless and moving because the progress of the motor vehicles in the traffic or the queue has been stopped or slowed by the congestion of traffic on the roadway or by other conditions over which the driver of the idling motor vehicle has no control;

3. Motor vehicles whose primary and/or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion. This use includes, but is not limited to, operating lift gate pumps and controlling cargo temperature. This exemption does not apply to passenger compartment heating or passenger compartment air conditioning;

4. Motor vehicles being or waiting to be examined by State or Federal motor vehicle inspectors;

5. Vehicles that are actively performing emergency services. Examples include fire vehicles, police vehicles, public utility vehicles, military tactical vehicles and snow removal vehicles, during the time that such vehicles are actively performing emergency services;

6. Motor vehicles while being repaired or serviced, provided that operation of the engine is essential to the proper repair or service; or

7. Motor vehicles manufactured with a sleeper berth while being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting, unless the vehicle is equipped with a functional auxiliary power system designed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather start-up difficulties.

§ 7:27-15.9 Non-interference with the motor vehicle codes

Nothing in this subchapter is intended to limit or deny the inspection of motor vehicles in accordance with regulations established pursuant to N.J.S.A. 39:8-2, 39:3-70, 39:3-76, and 39:10-26.

APPENDIX

The following table highlights the provisions of N.J.A.C. 7:27-15.5(f) to show generally the emissions tests to be administered to each category of vehicle inspected or reinspected:

Test/model year	1980 and older	1981 – 1995	1996 and newer
idle	all	GVWR > 8,500	GVWR > 8,500
two speed idle	--	GVWR < 8,501	all OBD-equipped but not OBD-eligible with GVWR < 8,501
OBD	--	--	all OBD-equipped and eligible with GVWR < 8,501
Gas Cap	all equipped with sealed systems (1971 and newer)	all	all models through 2000
Visible smoke	all	all	all
Catalytic converter check	all originally equipped (1975 and newer)	all	all