

2. In all configurations, to the degree feasible, accessible parking spaces shall be located so that individuals with a disability are not compelled to wheel or walk behind parked cars. Additionally, in all configurations, ramps or curb ramps shall be provided to permit individuals with a disability access from the parking lot level to the servicing walkway. A curb ramp shall never be located where it would be blocked by a parked vehicle. In all configurations, provisions such as curb or bumpers should be included to prevent parked vehicles from blocking accessible walkways.

3. In the event that a polling location does not have permanent accessible parking spaces, temporary spaces can be designated for use by individuals with disabilities. All such temporary accessible spaces shall be clearly marked for use only by individuals with disabilities and all such spaces shall be located near an accessible polling place entrance.

4. In the event that off street metered parking is provided, such accessible parking spaces shall be reserved for individuals with disabilities by installing a meter cap over the meter. Such spaces should also be clearly marked for use only by individuals with disabilities.

(c) Accessible routes of travel are continuous, unobstructed paths connecting all accessible elements and spaces that can be negotiated by an individual with a disability. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps, and lifts. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. The standards for accessible routes shall conform to the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 1201 et seq.

(d) (No change.)

(e) Accessible entrances shall conform to the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 1201 et seq.

1. (No change.)

2. Doors should be easily opened by individuals with a disability and the elderly. Handles, pulls, latch sets, and other operating hardware that are easy to grasp with one hand and do not require twisting of the wrist, tight grasping, or tight pinching to operate shall be provided. If possible, exterior doors and non-fire doors which are difficult to open should be propped or tied open during voting hours.

3.-4. (No change.)

(f) (No change.)

(g) Interior routes to voting machines that are in excess of 50 feet shall provide a chair(s) in order to provide individuals with a disability and the elderly a resting stop. Such chairs, however, shall not project into the minimum required clear widths.

15:10-6.9 Voting aids

(a) The following voting aids shall be provided:

1. (No change.)

2. Sample ballots shall identify the accessibility of each polling place. The notice of accessibility shall be prominently identified on the sample ballot with a sign displaying the "International Symbol of Accessibility" and appropriate wordage to include "ACCESSIBLE POLLING LOCATION". Notice of non-accessible polling locations shall be prominently identified on the sample ballot with appropriate wordage to include "NON-ACCESSIBLE POLLING LOCATION—VOTE BY MAIL BALLOT AVAILABLE; CONTACT COUNTY CLERK".

3.-4. (No change.)

15:10-6.10 Reporting by county boards of elections; accessibility waivers

(a) No later than May 15 of every year, each voting accessibility advisory committee, established pursuant to P.L. 1991, c. 429 § 11 (N.J.S.A. 19:8-3.7), shall report to the Secretary of State and the county board of elections, on the form provided by the Secretary of State, a list of all polling places in the county, specifying any found inaccessible. The committee shall indicate the reasons for inaccessibility, according to guidelines established in the Federal Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and shall consult with the county board of election to determine the efforts made pursuant to P.L. 1991, c. 429 (N.J.S.A. 19:8-3.1 et seq.) to locate alternative polling places or the actions needed to make the existing facilities accessible. Each county board of election shall notify the Secretary of State and the committee of any changes in polling place locations before the next general election,

including any changes required due to the alteration of district boundaries.

1.-3. (No change.)

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Enforcement Service

Vehicle Inspection Rules

Emergency Exit Doors in Buses

Adopted Amendments: N.J.A.C. 13:20-7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 26.2, 26.11, 26.12, 26.16, 26.17, 32.1, 32.2, 32.3, 32.4, 32.20, 32.21, 32.22, 32.34, 33.1, 33.2, 33.3, 33.4, 33.5, 33.6, 33.7, 33.8, 33.9, 33.10, 33.11, 33.12, 33.13, 33.14, 33.15, 33.16, 33.17, 33.18, 33.19, 33.20, 33.21, 33.22, 33.23, 33.24, 33.25, 33.26, 33.27, 33.28, 33.29, 33.30, 33.31, 33.32, 33.33, 33.34, 33.35, 33.36, 33.37, 33.38, 33.39, 33.40, 33.41, 33.42, 33.43, 33.44, 33.45, 33.46, 33.47, 33.48, 33.49, 33.50, 43.1, 43.2, 43.2A, 43.4, 43.5, 43.6, 43.7, 43.8, 43.14, 43.16, 44.2, 44.3, and 44.10

Adopted Repeal and New Rule: N.J.A.C. 13:20-33 Appendix C

Adopted New Rule: N.J.A.C. 13:20-33.51

Adopted Repeals: N.J.A.C. 13:20-32.5 through 32.19, 32.23 through 32.33, and 32.35 through 32.49

Proposed: February 16, 2016, at 48 N.J.R. 249(a).

Adopted: April 26, 2016, by the Motor Vehicle Commission, Raymond P. Martinez, Chairman and Chief Administrator.

Filed: April 22, 2016, as R.2016 d.050, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 39:8-1, 39:8-2, 39:8-4, 39:8-4.1, 39:8-10, 39:8-45, 39:8-52, 39:8-53, 39:8-57, 39:8-64, 39:8-69, and 39:8-77.

Effective Date: May 16, 2016.

Expiration Date: December 4, 2020.

Summary of Public Comments and Agency Responses:

Sal Rivalvato, Executive Director, New Jersey Gasoline, C-Store, Automotive Association (NJGCA) and Cheryl Crick (with no stated affiliation) submitted written comments to the Commission regarding the notice of proposal.

1. COMMENT: NJGCA supports the end of emissions inspections for vehicles Model Year (MY) 1995 and older. These vehicles, which do not have on-board diagnostic (OBD) systems, require a more costly and time-consuming form of inspection, the two-speed idle (TSI) test. NJGCA comments indicate that the TSI test costs significantly more due to increased labor costs to perform the test, significantly more expensive inspection equipment, and monthly maintenance fees to calibrate the equipment. NJGCA points out there is not enough potential revenue to make TSI inspections worth the upfront and ongoing investment and opines that licensed private inspection facilities (PIF) will abandon the program before investing in new TSI equipment. NJGCA comments further indicate that from an environmental standpoint, the minimal benefit to the environment from continuing TSI inspections is outweighed by the costs involved in maintaining TSI inspection requirements. NJGCA also opines that eliminating TSI inspections will not necessarily result in detrimental effect to air quality because the vast majority of motor vehicles will continue to work as well as they currently do, and

those that do suffer some form of malfunction will potentially be replaced with an OBD-capable car.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

2. COMMENT: NJGCA strongly supports having all eligible commercial vehicle inspections be performed at PIFs. Commercial vehicles, unlike passenger vehicles, are still required to undergo an annual safety inspection. In addition to the tremendous societal benefit that comes from having these vehicles inspected for safety reasons, independent auto repairers also benefit. NJGCA's comment indicates that having a safety inspection performed at a PIF ensures that the inspection is performed by a professional who can alert the owner to general maintenance concerns, and any problems can be fixed immediately, without the need to make a separate appointment or trip. NJGCA further indicates that PIFs, most of which are small business owners, will prosper by increased inspections, which will create jobs and increase tax revenue.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

3. COMMENT: NJGCA supports the requirement that all re-inspections are to be performed at PIFs. NJGCA comments that although this will result in an increased inspection volume at the PIFs, it will not result in a meaningful increase in profits because re-inspection fees are capped. The real advantage is the PIFs' opportunity to establish new customer relations. NJGCA also points out that this change will stop certain motorists from taking advantage of taxpayers by obtaining multiple "free" re-inspections hoping to slip through the cracks and avoid emission repairs, because these re-inspections are not free, as the Commission pays a contractor for each inspection.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

4. COMMENT: NJGCA supports the various changes to simplify the licensing classifications for PIFs. NJGCA is also pleased by the fact that Class I facilities, which currently only perform OBD inspections on light duty vehicles, will now be able to perform them on heavy duty vehicles.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

5. COMMENT: NJGCA is concerned the term "passenger vehicle transportation" is too similar to "passenger vehicle," the requirements for which are substantially different. NJGCA seeks clarification that both the registration and the license plate will still read "limousine," "taxicab," etc. and not "passenger vehicle transportation." Additionally, NJGCA comments that this rulemaking should have created a new term, "transportation network vehicle," to cover passenger vehicles providing ridesharing for pay, and require those vehicles, like taxis and limousines, to be subject to annual emission and safety inspections.

RESPONSE: Vehicles registered and plated as passenger vehicle transportation (PVT) will require an annual emission and mechanical inspection at a PIF. This is not a new term, and the license plates for this category will still read "taxicab," "limousine," "ambulance," "mobility assistance vehicle," "hotel bus," "jitney," "paratransit," and "Omnibus 2," and be issued accordingly. The Commission does not have statutory authority to regulate "transportation network vehicles."

6. COMMENT: NJGCA strongly opposes the amendments to allow self-inspection for diesel vehicles with a GVWR over 8,500 pounds (down from 10,000 pounds); gas and bi-fueled MY 2007 or older with a GVWR 8,500 to 14,000 pounds; and gas and bi-fueled MY 2013 or older with a GVWR 14,000 pounds and greater. NJGCA states that although these vehicles are required to self-inspect for emissions and safety, in reality, vehicle owners simply ignore the laws and do not comply, which results in damage to air quality. NJGCA requests that the Commission eliminate self-inspection for diesel-fueled vehicles with a GVWR between 10,000 and 18,000 pounds.

RESPONSE: The Commission expanded the category of diesel-fueled vehicles that are required to self-inspect from vehicles with a GVWR over 10,000 pounds to vehicles with a GVWR over 8,500 pounds due to the fact there is no emissions test for these vehicles. Further, only commercially plated vehicles are required to get a mechanical inspection, which will no longer be performed at the central inspection facilities (CIF). There is no data to suggest that current diesel-fueled vehicle owners who are required to self-inspect are not in compliance with

current emissions and safety standards and that the expansion of that category will result in damage to air quality. Finally, the number of mechanical inspections for diesel-fueled vehicles with a GVWR between 8,501 and 9,999 pounds is a very small number.

7. COMMENT: NJGCA supports the expansion of OBD testing for gas and bi-fueled vehicles MY 2008 and newer with a GVWR 8,501 to 14,000 pounds, gas and bi-fueled vehicles MY 2014 and newer with a GVWR over 14,000 pounds, and diesel vehicles MY 2014 and newer with a GVWR over 14,000 pounds. OBD testing is convenient for the motorist and the inspector, and the most effective form of emissions testing.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

8. COMMENT: NJGCA supports the amendment that only allows a CIF to perform initial emissions inspections but feels the amendment does not go far enough and that the Commission should abandon the current hybrid inspection system for a completely decentralized inspection system with all inspections performed at PIFs. NJGCA is of the opinion that a completely decentralized program would work in New Jersey with its current PIF network, benefit hundreds of small businesses, save the State \$40 million and allow the State to sell the property on which CIFs are located.

RESPONSE: After extensive study, cost modeling, consultant input, and stakeholder input, the State determined that a hybrid inspection program would provide the best economies of scale for the State and the motoring public. Cost modeling determined that although a decentralized program may save the State \$40 million, that money would be transferred to the public as a cost to the public. Additionally, the Commission determined that there is not yet full public trust in a totally decentralized system and that the public prefers that the State maintain a hybrid program. Finally, there is no indication the State would be able to sell the CIF properties, as many of these properties are also used by the Commission for motor vehicle agencies.

9. COMMENT: NJGCA opposes changes to the temporary authorization certificate rules at N.J.A.C. 13:20-7.4. NJGCA would like PIFs to inspect used vehicles that are less than five model years old at the owner's request, and issue those vehicles an inspection sticker. NJGCA also maintains that Commission staff has informed the PIFs that it is illegal for a PIF to issue an inspection sticker to a vehicle less than five model years old.

RESPONSE: Passenger vehicles that are less than five model years old are exempt from inspections. Rules require new cars purchased in another jurisdiction to go to a CIF to obtain a New Jersey inspection decal. Used motor vehicles that do not have a New Jersey inspection decal and are less than five model years old must also go to a CIF for an inspection decal. Requiring both new and used vehicles to go to a CIF for an initial inspection decal promotes consistency and allows for a dedicated, controlled inventory of decals. These vehicles are not inspected, but receive a decal that expires on the last day of the last month of the vehicle's fifth model year. Only the CIFs have five-year inspection decals, while PIFs have only two-year inspection decals. If a used vehicle went to a PIF, it would receive a decal that would expire in two years when the vehicle may not be due for inspection for another three to five years, which would result in those vehicles having an expired inspection decal or obtaining an inspection while still statutorily exempt. The proposed amendments do not prohibit a PIF from performing a courtesy inspection, but since these vehicles are exempt from inspection, the PIF cannot provide the vehicle with an inspection sticker.

10. COMMENT: NJGCA supports the requirement that passenger vehicles, commercial vehicles, and passenger vehicle transportation must all receive an anti-tampering exhaust check. Any change that reduces fraud on the part of motorists, and that increases awareness of fraud by licensed inspectors is welcome.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

11. COMMENT: NJGCA supports the requirement that a vehicle be inspected for multiple catalytic converters.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

12. COMMENT: NJGCA supports listing specific examples of safety-related issues that would cause an inspection to be terminated and the vehicle to fail since a vehicle that is too unsafe to conduct an emissions inspection should not be on the road.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

13. COMMENT: NJGCA supports the codification that replicas of collector vehicles are not actually collector vehicles and should not be treated as such by the laws of the State.

RESPONSE: The Commission appreciates and agrees with the favorable comment and thanks NJGCA for their support.

14. COMMENT: NJGCA comments that the requirement that emissions repairs be performed at a certified Emission Repair Facility (ERF) by a certified Emissions Repair Technician (ERT) or that the vehicle be self-repaired is being ignored. NJGCA comments that repairs are performed by unlicensed ERFs, following which the motorists bring the vehicles to a PIF to be re-inspected, and the PIFs are being asked to vouch for the repairs. NJGCA would like regulations to be adopted to allow a PIF to charge to certify repairs performed by an unlicensed ERF before re-inspecting the repairs. NJGCA states that this will encourage all ERFs to become PIFs and all PIFs to become ERFs.

RESPONSE: The Commission's rules do not require a PIF to vouch for repairs performed by another facility or the vehicle owner. If a vehicle that has been self-repaired is presented at a PIF for re-inspection, the PIF can charge one-half of the PIF's posted hourly labor rate for the re-inspection, plus the \$2.50 sticker fee. If the PIF makes the repair, then the PIF cannot charge for the re-inspection, but can charge for the repair and the \$2.50 sticker fee.

15. COMMENT: Cheryl Crick, with no stated affiliation, commented that the Commission should not cut tailpipe testing for the 200,000 older passenger vehicles because it is dangerous for all citizens, as these vehicles are the ones most likely to pollute the air.

RESPONSE: After detailed cost modeling and emissions reduction modeling, the Commission determined that given the diminishing size of the vehicle population requiring the TSI emissions test and the diminishing emissions benefit from testing these vehicles, as well as the high cost to test these vehicles, it is no longer cost effective to continue with TSI testing over the next six years in the next inspection/maintenance (I/M) program. Cost modeling determined that TSI testing versus OBD-only testing would increase the cost by \$3.00 to \$5.00 per inspection. The State performs approximately 2,400,000 inspections per year; thus, this would increase the cost of the next I/M program by a minimum of \$7.2 million per year. As of December 2015, only approximately nine percent of 1995 and older passenger vehicles failed a TSI test, further indicating the cost of TSI testing adds negligible emissions benefits. In most cases, older passenger vehicles are properly functioning and do not significantly contribute to air pollution.

Summary of Agency-Initiated Changes:

The Commission made several edits to weight descriptions to keep the weight descriptions consistent throughout the rules. At N.J.A.C. 13:20-7.2(b)2, the Commission substituted GVWR of 8,500 or less for GVWR of less than 8,500.

At N.J.A.C. 13:20-26.2, in the definition of "diesel-powered motor vehicle," the Commission substituted 8,501 pounds gross vehicle weight rating or more, for 8,500 pounds gross vehicle weight rating or more. The definition of "vehicle" is also changed, substituting GVWR of 8,501 pounds or more for GVWR of 8,500 pounds or more.

At N.J.A.C. 13:20-44.3(c), the Commission substituted GVWR of 8,500 pounds or less and 18,000 pounds or more for GVWR of less than 8,501 pounds or greater than 17,999 pounds. The wording in N.J.A.C. 13:20-44(h)1 was also revised, to add heavy-duty gasoline-fueled vehicles and diesel fueled trucks having a GVWR of 18,000 pounds or more. This change clarifies and makes consistent the wording of paragraphs (h)1 and 2, since PIFs and PIFs with a fleet endorsement have always been allowed to inspect the same classes of vehicles. N.J.A.C. 13:20-44.3(h)2 is also being revised, from GVWR of less than 8,501 pounds to 8,500 pounds or less.

These changes are technical in nature and do not enlarge or curtail the scope of the rules, or what will be affected by the rules, or change what is mandated by the rules.

Federal Standards Statement

Executive Order No. 27 (1994) and P.L. 1995, c. 65, require that a State agency that adopts, readopts, or amends rules that exceed Federal standards or requirements include in the proposed rulemaking a comparison with Federal law. Federal law, 49 U.S.C. § 30111(a), provides that the United States Secretary of Transportation shall prescribe motor vehicle safety standards. The Secretary of Transportation has established safety standards for motor vehicles and motor vehicle equipment at 49 CFR 571.101 et seq. The adopted amendments, repeals, and new rules are consistent with Federal safety standards.

The adopted amendment requiring that all self-inspected vehicle equipment, such as head lamps and brakes shall not only meet Federal standards but should also be inspected in accordance with standards now or hereafter prescribed by Federal law. The adopted amendment ensures that self-inspections performed in the State meet Federal requirements. The State's inspection standards do not exceed Federal standards. The adopted amendments, repeals, and new rules require collector vehicles to comply with all applicable State and Federal safety regulations and the State's safety rules do not exceed the Federal standards.

Adopted new N.J.A.C. 13:20-33.51 requires that buses be inspected to make sure emergency exit doors are in compliance with all State and Federal safety rules; and the State's safety regulations do not exceed Federal safety regulations.

The Enhanced Motor Vehicle Inspection and Maintenance Program implements the Federal Clean Air Act, Chapter 85 Air Pollution Prevention and Control (42 U.S.C. §§ 7401 et seq.) by establishing an enhanced motor vehicle inspection and maintenance program for New Jersey. The Federal law establishes standards for the reduction of specific mobile source pollutants that a geographic area must achieve through a State's Enhanced Motor Vehicle Inspection and Maintenance Program. The State will be able to satisfy all applicable USEPA Performance standards set forth in the Clean Air Act with the inspection program as adopted in this rulemaking, which provides for an OBD-only emission testing environment with a visual gas cap check and the adopted amendments, repeals, and new rules do not exceed Federal USEPA Performance standards.

Full text of the adopted amendments and new rules follows (additions to proposal indicated in boldface with asterisk *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 7. VEHICLE INSPECTION

13:20-7.1 Definitions

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

...
 "Commercial vehicle" means all vehicles registered according to N.J.S.A. 39:3-20, regardless of weight (if gasoline or bi-fueled) or having a GVWR of 8,500 pounds or less (if diesel fueled).

...
 "Initial inspection" means the required inspection conducted on a motor vehicle at the beginning of each inspection cycle as appropriate for the vehicle to obtain a certificate of approval for a new inspection cycle.

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

"Omnibus 2" means motor vehicles operated by a company or individual that provides passenger transportation to a target audience and market that is not in competition with a publicly regulated transit route or does not collect fares from the general public.

...

“Passenger vehicle” means all vehicles registered with registration codes 1 through 9, 12 (not utilized to transport passengers), 15, 31, and 73.

“Passenger vehicle transportation” means vehicles regardless of fuel type, plated as taxicab, limousine, jitney, Omnibus 2, hotel bus, paratransit vehicle, mobile assistance vehicle, or ambulance, except those vehicles inspected by the Commission’s Inspection Services Bus Unit.

“Re-inspection” means any subsequent inspection required due to a failure of an initial inspection, in order for a vehicle to obtain a certificate of approval.

13:20-7.2 Inspection of motor vehicles; test frequency; exempt vehicles
(a) (No change.)

(b) Notwithstanding (a) above, the following motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1 shall be inspected on an annual basis:

1. (No change.)
2. Diesel-fueled motor vehicles having a GVWR of *[less than]* 8,500 pounds *or less* that are registered as commercial vehicles;
3. Passenger vehicle transportation;
4. Heavy duty diesel powered motor vehicles having a GVWR of 18,000 pounds or more; and
5. (No change in text.)

(c) The following vehicles, some of which may be subject to inspection under other provisions of law or rule, shall be exempt from the inspection requirements of this subchapter:

- 1.-7. (No change.)
8. Diesel-fueled motor vehicles having a GVWR of 8,501 pounds or more that are required to be inspected by the owner or lessee of the vehicle in accordance with N.J.A.C. 13:20-26;
- 9.-12. (No change.)
13. Tactical military vehicles operated on Federal installations within this State;
14. Electric vehicles and other vehicles not fueled by hydrocarbon based fuel;
15. Vehicles with model year 1995 and older except those vehicles in (b)1 through 5 above;
16. Vehicles registered under provision of N.J.S.A. 39:3-18;
17. Gasoline or bi-fueled model year 2007 or older passenger vehicles with a GVWR of 8,501 to 14,000 pounds; and
18. Gasoline or bi-fueled model year 2013 or older passenger vehicles with a GVWR of 14,001 pounds or greater.

13:20-7.3 Inspection facilities

(a) (No change.)

(b) Official inspection facilities shall perform initial inspections on passenger vehicles. Official inspection facilities shall not perform inspections on commercial vehicles, passenger vehicle transportation, school buses, retired school buses that are subject to inspection in accordance with N.J.A.C. 13:20-30, buses that are subject to inspection by the Commission’s Inspection Services Bus Unit, or motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37.

(c) Licensed private inspection facilities shall perform initial inspections and re-inspections on all vehicles subject to inspection pursuant to N.J.S.A. 39:8-1. Licensed private inspection facilities shall not perform inspections on school buses, buses that are subject to inspection by the Commission’s Inspection Services Bus Unit, or motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37.

(d) State specialty inspection facilities shall perform inspections on motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37, motor vehicles that are operated by disabled persons and that have been modified at the direction of the New Jersey Department of Labor and Workforce Development, Division of Vocational Rehabilitation Services, so that such vehicles are fully controlled by specially designed mechanical devices for the disabled, reconstructed vehicles as defined in N.J.A.C. 13:20-44.2, salvage motor vehicles that are subject to inspection in accordance with N.J.A.C. 13:21-

22, passenger vehicle transportation, collector vehicles, any motor vehicle that the Chief Administrator may require to be presented for inspection for auditing purposes, and any motor vehicle that has failed inspection at an official inspection facility or a licensed private inspection facility that is presented for re-inspection by the owner or lessee thereof because he or she disputes the inspection failure.

(e) (No change.)

13:20-7.4 Temporary authorization certificates; period of validity

(a) (No change.)

(b) A motor vehicle for which a temporary authorization certificate has been issued pursuant to (a) above that is registered as a commercial vehicle or passenger vehicle transportation shall be presented for inspection at a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on an annual basis, except as otherwise provided by law or rule.

(c) Whenever a passenger vehicle, which has been previously registered other than on a temporary basis in a foreign jurisdiction and is five model years old or older or will become five model years old within the two-month period following the calendar month of initial registration in this State, is initially registered in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The passenger vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule.

(d) Whenever a new passenger vehicle, which has been purchased in a foreign jurisdiction and temporarily registered therein, is initially registered by the purchaser in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented at an official inspection facility for the issuance of an inspection decal within 14 days of the date of issuance of the temporary authorization certificate. A new passenger vehicle receiving a decal pursuant to this subsection shall be subject to inspection not later than five years from the last day of the calendar month in which the decal was issued for such motor vehicle, and the decal affixed to such motor vehicle pursuant to this subsection shall so indicate. A new motor vehicle receiving a decal pursuant to this subsection that is registered as a commercial vehicle or passenger vehicle transportation shall be subject to inspection not later than one year from the last day of the calendar month in which the decal was issued for such motor vehicle and the decal affixed to such motor vehicle pursuant to this subsection shall so indicate.

(e) Whenever a used motor vehicle, which has been purchased in this or any other State and which has affixed thereto an unexpired New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State and the unexpired inspection certificate of approval or inspection decal indicates that the motor vehicle is due for inspection within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall either:

1. Present such motor vehicle for inspection at the appropriate inspection facility as specified in N.J.A.C. 13:20-7.3 within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule; or

2. Present such motor vehicle for inspection at the appropriate inspection facility as specified in N.J.A.C. 13:20-7.3 no later than the expiration date of the New Jersey inspection certificate of approval or inspection decal affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule.

(f) Whenever a used motor vehicle, which has been purchased in this or any other State and which has affixed thereto an unexpired New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State and the unexpired inspection certificate of approval or inspection decal indicates that the motor vehicle is not due for inspection within the two-month period following the

calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall either:

1. Present such motor vehicle for inspection at a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle inspected pursuant to this paragraph that is found to be in proper operating condition shall retain the existing inspection certificate of approval or inspection decal issued therefor and shall next be inspected at the appropriate inspection facility as specified in N.J.A.C. 13:20-7.3 no later than the expiration date of the New Jersey inspection certificate of approval or inspection decal affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule. A motor vehicle inspected pursuant to this paragraph that is found to be defective shall be subject to re-inspection by a licensed private inspection facility no later than the last day of the calendar month following the calendar month in which the motor vehicle failed inspection, except as otherwise provided at N.J.A.C. 13:20-7.6(a). Following successful completion of re-inspection at a licensed private inspection facility, the motor vehicle shall be issued an inspection certificate of approval having an expiration date that coincides with that of the unexpired New Jersey inspection certificate of approval or inspection decal that was affixed to the motor vehicle at the time of its purchase and the motor vehicle shall next be inspected at the appropriate inspection facility as specified in N.J.A.C. 13:20-7.3 no later than that expiration date. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule; or

2. Present such motor vehicle for inspection at the appropriate inspection facility as specified in N.J.A.C. 13:20-7.3 no later than the expiration date of the New Jersey inspection certificate of approval or inspection decal affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule.

(g) Whenever a used motor vehicle registered as a passenger vehicle, which has been purchased in this or any other state and which does not have affixed thereto a New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State and the motor vehicle is less than five model years old and will not become five model years old within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall present such motor vehicle at an official inspection facility for the issuance of an inspection decal within 14 days of the date of issuance of the temporary authorization certificate. A motor vehicle receiving a decal pursuant to this paragraph shall be subject to inspection during the calendar year in which the motor vehicle becomes five model years old, no later than the last day of the calendar month within that year that is designated on the decal affixed to such motor vehicle pursuant to this paragraph. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule.

1. Whenever a used motor vehicle that is registered as a commercial vehicle or passenger vehicle transportation, which has been purchased in this or any other state and which does not have affixed thereto a New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State, the registrant thereof shall present such motor vehicle for inspection at a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on an annual basis, except as otherwise provided by law or rule.

(h) Whenever a used motor vehicle, which has been purchased in this or any other state and which does not have affixed thereto a New Jersey inspection certificate of approval or inspection decal, is initially registered by the purchaser in this State and the motor vehicle is five model years old or older or will become five model years old within the two-month period following the calendar month in which such motor vehicle is initially registered by the purchaser in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at the appropriate inspection facility as specified in N.J.A.C. 13:20-7.3 within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle

shall thereafter be inspected on a biennial basis, except as otherwise provided by law or rule.

(i) Whenever a used motor vehicle, which has been purchased in this State and is less than five model years old and will not become five model years old within the two-month period following the calendar month of initial registration by the purchaser in this State and which has affixed thereto a collector motor vehicle windshield sticker issued pursuant to N.J.A.C. 13:20-43.2(e), is initially registered by the purchaser in this State, the windshield sticker shall be deemed void and the registrant thereof shall be issued a temporary authorization certificate and in accordance with N.J.A.C. 13:20-43.17 shall either:

Recodify existing 2. and 3. as 1. and 2. (No change in text.)

(j) (No change.)

13:20-7.5 Adjustments, corrections, or repairs

If a motor vehicle inspection as required by N.J.S.A. 39:8-1 discloses the necessity of adjustments, corrections, or repairs, it shall be incumbent upon the owner or lessee of such motor vehicle to have such adjustments, corrections, or repairs made and to present the motor vehicle for re-inspection no later than the last day of the calendar month following the calendar month in which the motor vehicle was due for inspection, except as otherwise provided at N.J.A.C. 13:20-7.6(a). However, if an on-road inspection required by N.J.S.A. 39:8-2 discloses the necessity of adjustments, corrections, or repairs, it shall be incumbent upon the owner or lessee of such motor vehicle to have such adjustments, corrections, or repairs made and to present the motor vehicle for re-inspection at a licensed private inspection facility within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.6(a).

13:20-7.6 Immediate repairs

(a) When the nature of the defect(s) found at a motor vehicle inspection is such as to constitute a hazard to the public safety, so as to require immediate repairs to such motor vehicle, such repairs shall be made and the motor vehicle presented for re-inspection at a licensed private inspection facility within 48 hours.

(b) (No change.)

SUBCHAPTER 26. COMPLIANCE WITH DIESEL EMISSION STANDARDS AND EQUIPMENT, PERIODIC INSPECTION PROGRAM FOR DIESEL EMISSIONS, AND SELF-INSPECTION OF CERTAIN CLASSES OF MOTOR VEHICLES

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.

“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. (No change.)
2. Is *[8,500]* ***8,501*** pounds gross vehicle weight rating or more;
- 3.- 4. (No change.)

“Vehicle” means every trailer, semitrailer, pole trailer, truck having a GVWR of *[8,500]* ***8,501*** 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.

13:20-26.11 Required inspection and maintenance

(a) The following items of equipment shall be inspected and maintained at least once every three months:

- 1.-13. (No change.)
14. Exhaust system and exhaust emissions, including the requirements set forth at N.J.A.C. 7:27-14.4(a)2, 3, 4, and 5 and 14.5(d); and
15. (No change.)

13:20-26.12 Standards of inspection

All equipment subject to inspection shall meet and shall be inspected in accordance with the standards now or hereafter prescribed by Federal law or rule, New Jersey statute, or Motor Vehicle Commission rule.

13:20-26.16 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 shall be inspected on a biennial basis at an official inspection facility or a licensed private inspection facility; provided, however, if that gasoline-fueled and bi-fueled trucks are registered as commercial motor vehicles shall be inspected on an annual basis at 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) (No change.)

(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 private inspection facility licensed pursuant to N.J.A.C. 13:20-44 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) (No change.)

(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 seq. shall present his or her heavy-duty diesel truck, diesel-powered motor vehicle, diesel bus, or regulated diesel solid waste vehicle to a private inspection facility licensed pursuant to N.J.A.C. 13:20-44, so that the installation of the required best available retrofit technology device(s) can be confirmed and verified by the private inspection facility 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 private inspection facility and that such facility 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) (No change.)

SUBCHAPTER 32. INSPECTION STANDARDS AND TEST PROCEDURES TO BE USED BY OFFICIAL INSPECTION FACILITIES

13:20-32.1 Definitions

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

...
 "Commercial vehicle" means all vehicles registered according to N.J.S.A. 39:3-20, regardless of weight (if gasoline or bi-fueled) or having a GVWR of 8,500 pounds or less (if diesel fueled).

...
 "Initial inspection" means the required inspection conducted on a motor vehicle at the beginning of each inspection cycle as appropriate for the vehicle to obtain a certificated of approval for a new inspection cycle.

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

"Omnibus 2" means motor vehicles operated by a company or individual that provides passenger transportation to a target audience and market that is not in competition with a publicly regulated transit route or does not collect fares from the general public.

...
 "Passenger vehicle" means all vehicles registered with registration codes 1 through 9, 12 (not utilized to transport passengers), 15, 31, and 73.

"Passenger vehicle transportation" means vehicles regardless of fuel type, plated as taxicab, limousine, jitney, Omnibus 2, hotel bus, paratransit vehicle, mobile assistance vehicle, or ambulance, except those vehicles inspected by the Commission's Inspection Services Bus Unit.

...
 "Re-inspection" means any subsequent inspection required due to a failure of an initial inspection, in order for a vehicle to obtain a certificate of approval.

13:20-32.2 General provisions; official inspection facilities

(a) This subchapter contains the inspection standards and test procedures to be used by official inspection facilities when inspecting and certifying passenger vehicles.

(b) Official inspection facilities shall be authorized to engage in the initial inspection of passenger vehicles. Official inspection facilities shall not inspect commercial vehicles, passenger vehicle transportation, school buses, retired school buses that are subject to inspection in accordance with N.J.A.C. 13:20-30, buses that are subject to inspection by the Motor Vehicle Commission's Inspection Services Bus Unit, or motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37.

(c) An official inspection facility shall be authorized to affix an inspection certificate of approval on a passenger vehicle upon initial inspection as certification of compliance with inspection requirements. All motor vehicles requiring a re-inspection must be presented at a private inspection facility, licensed by the Motor Vehicle Commission.

(d) If a passenger vehicle registered in New Jersey conforms to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, the motor vehicle shall be certified by an official inspection facility by removing the previously-issued inspection certificate of approval, inspection decal, or inspection rejection sticker, if any, and replacing it with a current inspection certificate of approval. The inspection certificate of approval issued by an official inspection facility shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the inspection certificate of approval shall be completely visible from the front of the motor vehicle. The inspection certificate of approval shall be affixed in an upright position.

(e) If a passenger vehicle registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, an official inspection facility shall present the motor vehicle inspection report for the passenger vehicle to the operator thereof, and shall affix an inspection rejection sticker to the lower left corner of the

windshield inside the passenger compartment of the motor vehicle directly above the previously-issued certificate of approval or inspection decal, if any, affixed to the windshield. If there is no previously-issued certificate of approval or inspection decal affixed to the windshield, an official inspection facility shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. If the motor vehicle that has failed inspection is a motor vehicle that has been presented for inspection in accordance with N.J.A.C. 13:20-7.4(e)1 or (j)1, an official inspection facility shall remove the previously-issued inspection certificate of approval, inspection decal, and/or collector motor vehicle windshield sticker, if any, affixed to the windshield and shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. The inspection rejection sticker shall be an indication that adjustments, corrections, or repairs to the motor vehicle that has failed inspection must be made and the motor vehicle presented for re-inspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(f) Notwithstanding (e) above, if a passenger vehicle registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, and the nature of the defect(s) found is such as to constitute a hazard to the public safety, so as to require immediate repairs to such motor vehicle, an official inspection facility shall present the motor vehicle inspection report or inspection card for the passenger vehicle to the operator thereof, shall remove the previously-issued inspection certificate of approval, inspection decal, and/or inspection rejection sticker, if any, and shall affix a "48 hour" inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A defect that constitutes a hazard to the public safety, so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the items specified in N.J.A.C. 13:20-7.6(b). The "48 hour" inspection rejection sticker shall be an indication that the defect(s) deemed to constitute a hazard to the public safety must be repaired and the motor vehicle presented for re-inspection within the period of time set forth in N.J.A.C. 13:20-7.6(a).

(g) (No change)

(h) Any motor vehicle presented for initial inspection shall undergo a complete inspection. Once the inspection has commenced it shall not be terminated until the motor vehicle is either certified or rejected. An inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection and the vehicle shall fail the inspection. These conditions include, but are not limited to:

1. Flat tire(s);
2. Excessive smoke;
3. Uncontrollable engine speed;
4. Brake system failure;
5. Inability of the vehicle to move forward and/or in reverse;
6. Major fluid leak which impairs the vehicle's ability to operate while being inspected; and
7. Inability of the vehicle to operate.

(i) Any motor vehicle for which the current inspection certificate of approval or inspection decal has been lost, stolen, destroyed, or defaced, or any motor vehicle that has had its windshield replaced, may be presented at an official inspection facility for the issuance of a replacement inspection certificate of approval or inspection decal. Such a replacement inspection certificate of approval or inspection decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious emission-related or OBD-related defects.

(j) Any new motor vehicle purchased in a foreign jurisdiction for which a temporary authorization certificate has been issued by the Motor Vehicle Commission in accordance with N.J.A.C. 13:20-7.4(d) shall be presented at an official inspection facility for the issuance of an

appropriate inspection decal. A new motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(d) and this subsection shall be subject to inspection not later than five years from the last day of the calendar month in which the decal was issued for such motor vehicle and the decal affixed to such motor vehicle pursuant to N.J.A.C. 13:20-7.4(d) and this subsection shall so indicate; provided, however, that a new motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(d) and this subsection that is registered as a commercial vehicle or passenger vehicle transportation shall be subject to inspection not later than one year from the last day of the calendar month in which the decal was issued for such motor vehicle and the decal affixed to such motor vehicle pursuant to N.J.A.C. 13:20-7.4(d) and this subsection shall so indicate. Such a decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious emission-related or OBD-related defects.

(k) Any motor vehicle less than five model years old for which a temporary authorization certificate has been issued by the Motor Vehicle Commission in accordance with N.J.A.C. 13:20-7.4(a), (g), or (i) that is presented at an official inspection facility and is eligible for the issuance of an inspection decal pursuant to N.J.A.C. 13:20-7.4(a), (g)1, or (i)2 shall be subject to the provisions of this subsection. A motor vehicle receiving a decal pursuant to N.J.A.C. 13:20-7.4(a), (g)1, or (i)2 and this subsection shall be subject to inspection during the calendar year in which the motor vehicle becomes five model years old no later than the last day of the calendar month within that year that is designated on the decal affixed to such motor vehicle pursuant to N.J.A.C. 13:20-7.4(a), (g)1, or (i)2 and this subsection. Such a decal shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle.

13:20-32.3 Credentials; official inspection facilities

(a)-(b) (No change)

13:20-32.4 License plates; official inspection facilities

(a)-(b) (No change)

13:20-32.20 Vehicle inspection: exhaust system; official inspection facilities

A passenger vehicle shall not be certified if there is evidence of tampering with emission control apparatus in violation of N.J.A.C. 7:27-15.7.

13:20-32.21 Vehicle inspection: visible smoke and on-board diagnostics test(s); official inspection facilities

(a) With respect to each gasoline-fueled or bi-fueled passenger vehicle that is presented for inspection, an official inspection facility shall conduct the emission or OBD test(s) specified for such motor vehicle at N.J.A.C. 13:20-43.8 in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5.

(b) With respect to each OBD-equipped and OBD-eligible diesel-fueled passenger vehicle with model year 1997 or newer having a GVWR of 8,500 pounds or less that is presented for inspection, an official inspection facility shall conduct a visible smoke test and an OBD test specified for such motor vehicle in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4. An OBD inspection shall not be required pursuant to this subsection for any OBD-equipped diesel-fueled motor vehicle that is not OBD-eligible, as shall be determined by the Department of Environmental Protection.

13:20-32.22 On-board diagnostics inspection equipment maintenance; official inspection facilities

OBD inspection equipment shall be maintained in accordance with the manufacturer's requirements and the general instructions for all tests adopted by the Department of Environmental Protection at N.J.A.C. 7:27B-4.2(b) and 5.2.

13:20-32.34 Vehicle inspection: fuel system; official inspection facilities

Fuel leakage at any point in the motor vehicle fuel system shall be cause for rejection. The fuel tank and piping shall be securely mounted and in proper condition and the fuel tank shall be properly capped.

SUBCHAPTER 33. INSPECTION STANDARDS AND TEST PROCEDURES TO BE USED BY LICENSED PRIVATE INSPECTION FACILITIES

13:20-33.1 Definitions

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

...
 "Class I" means a licensed private inspection facility equipped with Department of Environmental Protection-approved OBD equipment as set forth at N.J.A.C. 7:27B-5.6.

"Class II" means a licensed private inspection facility equipped with Department of Environmental Protection-approved smoke opacity equipment or smoke meter used for testing as set forth at N.J.A.C. 7:27-14.5.

"Class III" means a licensed private inspection facility equipped with Department of Environmental Protection-approved OBD test equipment used for testing as set forth at N.J.A.C. 7:27B-5.6 and Department of Environmental Protection-approved smoke opacity equipment or smoke meter used for testing as set forth at N.J.A.C. 7:27-14.5.

"Commercial motor vehicle inspection" means the annual inspection for mechanical defects with applicable emission test or emission component test of passenger vehicle transportation and commercial vehicles, except for diesel-fueled vehicles that are registered as commercial vehicles having a GVWR of greater than 8,500 pounds.

"Commercial vehicle" means all vehicles registered according to N.J.S.A. 39:3-20, regardless of weight (if gasoline or bi-fueled) or having a GVWR of 8,500 pounds or less (if diesel fueled).

...
 "Initial inspection" means the required inspection conducted on a motor vehicle at the beginning of each inspection cycle as appropriate for the vehicle to obtain a certificate of approval for a new inspection cycle.

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

"Omnibus 2" means motor vehicles operated by a company or individual that provides passenger transportation to a target audience and market that is not in competition with a publicly regulated transit route or does not collect fares from the general public.

...
 "Passenger vehicle" means all vehicles registered with registration codes 1 through 9, 12 (not utilized to transport passengers), 15, 31, and 73.

"Passenger vehicle transportation" means vehicles regardless of fuel type, plated as taxicab, limousine, jitney, Omnibus 2, hotel bus, paratransit vehicle, mobile assistance vehicle, or ambulance, except those vehicles inspected by the Commission's Inspection Services Bus Unit.

...
 "Re-inspection" means any subsequent inspection required due to a failure of an initial inspection in order for a vehicle to obtain a certificate of approval.

13:20-33.2 General provisions; Class I, II, and III licensees

(a) This subchapter contains the inspection standards and test procedures to be used by Class I, Class II, and Class III licensed private inspection facilities when conducting the following vehicle inspections:

1.-3. (No change.)

(b)-(c) (No change.)

(d) The fee that may be charged by a licensed private inspection facility for an initial passenger vehicle inspection shall not exceed the schedule of inspection charges displayed at the facility's place of

business and on file with the Motor Vehicle Commission's Private Inspection Facility Licensing Unit. The schedule of inspection charges for a licensed private inspection facility shall specifically set forth the inspection charge for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less and if applicable the inspection charge for the initial inspection of motor vehicles having a GVWR greater than 8,500 pounds.

(e) (No change.)

(f) A Class I, Class II, or Class III licensed private inspection facility shall not perform emission-related or OBD-related motor vehicle repairs, unless it is registered with the Motor Vehicle Commission as a motor vehicle emission repair facility in accordance with N.J.A.C. 13:20-45.

(g) (No change.)

(h) A private inspection facility license also requires re-inspection and certification of a motor vehicle when the motor vehicle owner or lessee, or someone not under the direction of the licensee, has made the repairs, adjustments, or corrections. In such cases, the private inspection facility shall re-inspect the rejected item(s) to determine if they conform to the standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable. If such defect(s) have been brought into compliance with the standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, an inspection certificate of approval shall be affixed to the motor vehicle. A private inspection facility may charge a fee for such re-inspection service for motor vehicles having a GVWR of 8,500 pounds or less based on the facility's established hourly labor charge for repair service, but only that portion of an hour which the Motor Vehicle Commission has established to be the average time for re-inspection of specific rejected items for motor vehicles having a GVWR of 8,500 pounds or less by Class I or Class III licensees as set forth in Appendix A, incorporated herein by reference; or that portion of an hour which the Motor Vehicle Commission has established to be the average time for re-inspection of specific rejected items for motor vehicles having a GVWR greater than 8,500 pounds by Class I or Class III licensees as set forth in Appendix B, incorporated herein by reference; or that portion of an hour which the Motor Vehicle Commission has established to be the average time for re-inspection of specific rejected items for Class II or Class III licensees as set forth in Appendix C, incorporated herein by reference.

(i)-(j) (No change.)

(k) If a passenger vehicle, commercial vehicle and passenger vehicle transportation registered in New Jersey conforms to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, the motor vehicle shall be certified by a private inspection facility licensee by removing the previously-issued inspection certificate of approval, inspection decal, or inspection rejection sticker, if any, and replacing it with a current inspection certificate of approval. The inspection certificate of approval issued by a private inspection facility licensee shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the inspection certificate of approval shall be completely visible from the front of the motor vehicle. The inspection certificate of approval shall be affixed in an upright position.

(l) If a passenger vehicle, commercial vehicle, or passenger vehicle transportation registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, a private inspection facility licensee shall present the motor vehicle inspection report for such motor vehicle to the operator thereof, and the licensee shall deface the previously-issued inspection certificate of approval or inspection decal affixed to the motor vehicle, if any, by cutting it in a diagonal manner from the upper right corner of the certificate to the lower left corner of the certificate as viewed from inside

the passenger compartment of the motor vehicle and removing the lower right half of such certificate. This shall be an indication that adjustments, corrections, or repairs to the motor vehicle that has failed inspection must be made and the motor vehicle presented for re-inspection within the period of time set forth in N.J.A.C. 13:20-7.5. If there is no previously-issued certificate of approval or inspection decal affixed to the windshield, the motor vehicle inspection report issued to the operator of the motor vehicle by the licensed private inspection facility shall be an indication that adjustments, corrections, or repairs to the motor vehicle that has failed inspection must be made and the motor vehicle presented for re-inspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(m) Notwithstanding (l) above, if a passenger vehicle, commercial vehicle, or passenger vehicle transportation registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5 or 7:27-14 and 7:27B-4, whichever are applicable, and the nature of the defect(s) found is such as to constitute a hazard to the public safety so as to require immediate repairs to such motor vehicle, a private inspection facility licensee shall present the motor vehicle inspection report for such motor vehicle to the operator thereof, shall remove the previously-issued inspection certificate of approval, inspection decal, and/or inspection rejection sticker, if any, and shall affix a "48 hour" inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A defect that constitutes a hazard to the public safety so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the items specified in N.J.A.C. 13:20-7.6(b). The "48 hour" inspection rejection sticker shall be an indication that the defect(s) deemed to constitute a hazard to the public safety must be repaired and the motor vehicle presented for re-inspection within the period of time set forth in N.J.A.C. 13:20-7.6(a).

(n)-(u) (No change.)

(v) Any motor vehicle presented for initial inspection shall undergo a complete inspection. Once the inspection has commenced it shall not be terminated until the motor vehicle is either certified or rejected. An inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection and the vehicle shall fail the inspection. These conditions include, but are not limited to:

1. Flat tire(s);
 2. Excessive smoke;
 3. Uncontrollable engine speed;
 4. Brake system failure;
 5. Inability of the vehicle to move forward and/or in reverse;
 6. Major fluid leak which impairs the vehicle's ability to operate while being inspected; and
 7. Inability of the vehicle to operate.
- (w) (No change.)

13:20-33.3 Credentials; private inspection facilities
(a)-(d) (No change.)

13:20-33.4 License plates; private inspection facilities
(a)-(c) (No change.)

13:20-33.5 Commercial vehicle inspection: steering and suspension
(a)-(h) (No change.)

13:20-33.6 Commercial vehicles inspection: front parking lights
(a)-(c) (No change.)

13:20-33.7 Commercial vehicle inspection: glazing
(a)-(q) (No change.)

13:20-33.8 Commercial vehicle inspection: obstruction to driver's vision
(a)-(d) (No change.)

13:20-33.9 Commercial vehicle inspection: horn
(a)-(b) (No change.)

13:20-33.10 Commercial vehicle inspection: windshield wipers
(a)-(g) (No change.)

13:20-33.11 Commercial vehicle inspection: clearance lights
(a)-(e) (No change.)

13:20-33.12 Commercial vehicle inspection: turn signals and hazard warning signals
(a)-(h) (No change.)

13:20-33.13 Commercial vehicle inspection: reflectors
(a)-(i) (No change.)

13:20-33.14 Commercial vehicle inspection: identification lights
(a)-(d) (No change.)

13:20-33.15 Commercial vehicle inspection: side-marker lights
(a)-(d) (No change.)

13:20-33.16 Commercial vehicle inspection: taillights and license plate light
(a)-(g) (No change.)

13:20-33.17 Commercial vehicle inspection: stoplights
(a)-(h) (No change.)

13:20-33.18 Commercial vehicle inspection: wheels
(a)-(b) (No change.)

13:20-33.19 Commercial vehicle inspection: tires
(a)-(e) (No change.)

13:20-33.20 Vehicle inspection: exhaust system
(a) Passenger vehicles, commercial vehicles, or passenger vehicle transportation shall not be certified if there is evidence of tampering with the emission control apparatus.

(b) In the case of commercial vehicle inspection, the following shall not be certified if:

1.-7. (No change.)

(c) Notwithstanding (a) and (b) above, certification of a motor vehicle shall not be refused because a muffler has drain holes that were placed in it at the time of manufacture for drainage purposes.

13:20-33.21 Prescribed emission or on-board diagnostics test(s)
(a)-(b) (No change.)

(c) With respect to each diesel-fueled motor vehicle that is registered as a commercial vehicle with model year 1996 or older having a GVWR of 8,500 pounds or less that is presented for inspection, a licensed private inspection facility shall conduct a visible smoke test specified for such motor vehicle in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4.

13:20-33.22 Emission test equipment and on-board diagnostics inspection equipment maintenance

The emission test equipment and OBD inspection equipment shall be maintained in accordance with the manufacturer's requirements and the general instructions for all tests adopted by the Department of Environmental Protection at N.J.A.C. 7:27B-4.2(b) and 5.2.

13:20-33.23 Commercial vehicle inspection: headlights
(a)-(p) (No change.)

13:20-33.24 Commercial vehicle inspection: rear view mirrors
(a)-(e) (No change.)

13:20-33.25 Commercial vehicle inspection: miscellaneous lights
(a)-(n) (No change.)

13:20-33.26 Commercial vehicle inspection: wiring and switching
(a)-(c) (No change.)

13:20-33.27 Commercial vehicle inspection: headlight beam indicator light

Certification of a motor vehicle shall not be refused because the headlight beam indicator light is inoperative or does not operate properly; however, the motorist shall be advised to have the defect corrected.

13:20-33.28 Commercial vehicle inspection: turn signal and hazard warning signal indicator lights
(a)-(e) (No change.)

ADOPTIONS

TRANSPORTATION

- 13:20-33.29 Commercial vehicle inspection: antenna
Any antenna mounted on a motor vehicle shall be securely attached, so as not to swing or project in a hazardous manner. Certification of a motor vehicle shall not be refused because of an insecure antenna; however, the motorist shall be advised to have the condition corrected.
- 13:20-33.30 Commercial vehicle inspection: body
(a)-(c) (No change.)
- 13:20-33.31 Commercial vehicle inspection: bumpers
(a)-(c) (No change.)
- 13:20-33.32 Commercial vehicle inspection: doors
(a)-(c) (No change.)
- 13:20-33.33 Commercial vehicle inspection: fenders and fender flaps
(a)-(b) (No change.)
- 13:20-33.34 Fuel system
Fuel leakage at any point in the motor vehicle fuel system shall be cause for rejection. The fuel tank and piping shall be securely mounted and in proper condition and the fuel tank shall be properly capped.
- 13:20-33.35 Commercial vehicle inspection: hood
Motor vehicles shall be equipped with an engine hood. The hood shall be properly secured and latched, and all hinges, latches, and other components shall be in proper operating condition.
- 13:20-33.36 Commercial vehicle inspection: lettering
(a)-(c) (No change.)
- 13:20-33.37 Commercial vehicle inspection: ornaments
All motor vehicle ornaments shall be free of sharp parts or edges that could cause injury to persons.
- 13:20-33.38 Commercial vehicle inspection: pedals
Brake, clutch, and accelerator pedals shall have rubber pads or some other method of providing the pedals with a non-skid surface. All pedals shall be in proper operating condition.
- 13:20-33.39 Commercial vehicle inspection: racks or carriers
A motor vehicle may be equipped with racks or carriers provided the maximum vehicle dimensional limits set forth in N.J.S.A. 39:3-84 are not exceeded and provided they do not create a dangerous condition that may cause injury to persons.
- 13:20-33.40 Commercial vehicle inspection: reflective tape
Reflective tape of a color amber to white may be displayed on the front of a motor vehicle. Reflective tape of a color red or amber to white may be displayed on the rear of a motor vehicle.
- 13:20-33.41 Commercial vehicle inspection: seats
All motor vehicle seats shall be securely mounted and free of hazardous conditions. The driver's seat shall lock securely in a position that permits the safe operation of the motor vehicle.
- 13:20-33.42 Commercial vehicle inspection: seat belts; air bags
(a)-(c) (No change.)
- 13:20-33.43 Commercial vehicle inspection: gear shift indicator
A motor vehicle equipped with an automatic transmission shall be equipped with a gear shift indicator in proper operating condition. Certification of a motor vehicle shall not be refused because of a minor misalignment of a gear shift indicator (that is, a misalignment of not more than one-half the distance between shift positions); however, the motorist shall be advised to have the defect corrected.
- 13:20-33.44 Commercial vehicle inspection: transmission
The transmission of a motor vehicle shall operate properly and shall be capable of operating in reverse. A reverse detent mechanism shall be present and shall be in proper operating condition.
- 13:20-33.45 Commercial vehicle inspection: television, videocassette recorder, or digital video disk player; video camera; global positioning system
(a)-(c) (No change.)

- 13:20-33.46 Commercial vehicle inspection: trunk lid
A motor vehicle trunk lid shall be capable of being securely fastened in accordance with the motor vehicle manufacturer's original design and specification.
- 13:20-33.47 Commercial vehicle inspection: service brakes (including service brake equalization and service brake pedal reserve)
(a)-(n) (No change.)
- 13:20-33.48 Commercial vehicle inspection: parking brake
(a)-(c) (No change.)
- 13:20-33.49 Commercial vehicle inspection: speed recording instrument (speedometer); mileage recording instrument (odometer)
Certification of a motor vehicle shall be refused if the speed recording instrument (speedometer) or the mileage recording instrument (odometer) for such motor vehicle is inoperative or does not operate properly.
- 13:20-33.50 Smoke opacity testing
All diesel powered vehicles with a gross vehicle weight of 18,000 pounds or more are required to be tested on an annual basis in accordance with N.J.A.C. 7:27-14.6 and 14.4.
- 13:20-33.51 Emergency exits for buses
The emergency exit door on all buses shall comply with provisions of 49 CFR 393.62, which are incorporated herein by reference.

APPENDIX C

AVERAGE LENGTH OF TIME REQUIRED TO RE-INSPECT A SPECIFIC ITEM ON A HEAVY-DUTY DIESEL TRUCK OR DIESEL BUS

<u>Item Re-inspected</u>	<u>Time Required</u>
Credentials.....	0.1 hour*
Emission Control Apparatus.....	0.2 hour
Governor.....	0.2 hour
Exhaust System	0.2 hour
Emission Control System	0.3 hour
Engine Emissions (Opacity)	0.3 hour

* Note: If this is the only item to be re-inspected on a vehicle, the re-inspection time shall be considered to be 0.2 hour.

SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

- 13:20-43.1 Definitions
The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.
...
"Class I" means a licensed private inspection facility equipped with Department of Environmental Protection-approved OBD equipment as set forth at N.J.A.C. 7:27B-5.6.
"Class II" means a licensed private inspection facility equipped with Department of Environmental Protection-approved smoke opacity equipment or smoke meter used for testing as set forth at N.J.A.C. 7:27-14.5.
"Class III" means a licensed privately owned and operated inspection facility equipped with Department of Environmental Protection-approved OBD equipment used for testing as set forth at N.J.A.C. 7:27B-5.6 and Department of Environmental Protection-approved smoke opacity equipment or smoke meter used for testing as set forth at N.J.A.C. 7:27-14.5.
...
"Commercial vehicle" means all vehicles registered according to N.J.S.A. 39:3-20, regardless of weight (if gasoline or bi-fueled) or having a GVWR of 8,500 pounds or less (if diesel fueled).
...
"Initial inspection" means the required inspection conducted on a motor vehicle at the beginning of each inspection cycle as appropriate for the vehicle to obtain a certificate of approval for a new inspection cycle.

...
 "Kit vehicle" means an automobile that is available as a set of parts that a manufacturer sells and the buyer himself or herself, the manufacturer, or a third party, then assembles into a functioning car.

...
 "Omnibus 2" means motor vehicles operated by a company or individual that provides passenger transportation to a target audience and market that is not in competition with a publicly regulated transit route or does not collect fares from the general public.

...
 "Passenger vehicle" means all vehicles registered with registration codes 1 through 9, 12 (not utilized to transport passengers), 15, 31, and 73.

"Passenger vehicle transportation" means vehicles regardless of fuel type, plated as taxicab, limousine, jitney, Omnibus 2, hotel bus, paratransit vehicle, mobile assistance vehicle, or ambulance, except those vehicles inspected by the Commission's Inspection Services Bus Unit.

...
 "Re-inspection" means any subsequent inspection required due to a failure of an initial inspection in order for a vehicle to obtain a certificate of approval.

...
 "Replica vehicle" means a reproduction of an early vintage vehicle built on a custom frame or chassis from another manufacturer or not the original chassis.

13:20-43.2 Inspection requirements for motor vehicles; exempt vehicles

(a) (No change.)

(b) The following vehicles, some of which may be subject to inspection under other provisions of law or rule, shall be exempt from the inspection requirements of this subchapter:

1. -8. (No change.)

9. Diesel-fueled motor vehicles having a GVWR greater than 8,500 pounds but less than 18,000 pounds are required to be inspected by the owner or lessee of the vehicle in accordance with N.J.A.C. 13:20-26;

10.-13. (No change.)

14. Tactical military vehicles operated on Federal installations within this State;

15. Electric vehicles and other vehicles not fueled by hydrocarbon-based fuel(s);

16. Passenger vehicles with model year 1995 and older;

17. Vehicles registered in accordance with N.J.S.A. 39:3-18;

18. Gasoline or bi-fueled model year 2007 or older passenger vehicles with a GVWR of 8,501 to 14,000; and

19. Gasoline or bi-fueled model year 2013 or older passenger vehicles with a GVWR of 14,001 pounds or greater.

13:20-43.2A Designation of collector motor vehicles

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

1.-2. (No change.)

3. The vehicle is not driven in excess of the maximum mileage permitted by the terms of a valid limited use motor vehicle insurance policy issued for such vehicle;

4. The vehicle currently qualifies for, and is covered by, motor vehicle insurance coverage of a kind intended for limited use collector motor vehicles, proof of which shall be supplied to the Motor Vehicle Commission at the time of application for designation as a collector motor vehicle, which policy shall limit the mileage of the vehicle to 3,000 miles per year or less; and either:

i. (No change.)

ii. Proof that at the time of qualification for designation as a "collector motor vehicle" that the make and model of such vehicles exist in such limited numbers, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner or lessee to the Motor Vehicle Commission, as may be accepted by the Chief Administrator in his or her discretion, so as to establish the

vehicle as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns;

5. The vehicle conforms to all applicable Federal and State motor vehicle safety and emission requirements in effect on the date of manufacture; and

6. The vehicle is not a kit or replica vehicle.

(b) (No change.)

(c) The owner or lessee of any motor vehicle qualifying as a "collector motor vehicle" shall be eligible to purchase from the Motor Vehicle Commission a distinctive windshield sticker, of a design and dimensions to be approved by the Chief Administrator, said sticker to be affixed in lieu of a certificate of approval or inspection decal, by an authorized representative of the Motor Vehicle Commission, indicating that said motor vehicle is a "collector motor vehicle" that is exempt from the inspection requirements of N.J.S.A. 39:8-1. The windshield sticker shall be valid for five years from the month of issuance; provided, however, that a windshield sticker issued pursuant to this subsection for a "collector motor vehicle" that is at least 21 years old shall be valid until the vehicle becomes 25 years old and shall be nonrenewable.

(d) (No change.)

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

(f) The cost of an initial collector vehicle voucher shall be \$25.00 and \$25.00 for the renewal of the collector vehicle voucher thereafter.

(g) (No change.)

13:20-43.4 Federal motor vehicles

(a) (No change.)

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles that are inspected pursuant to this section shall be inspected by a private inspection facility licensed by the Motor Vehicle Commission pursuant to N.J.A.C. 13:20-44.

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

1.-9. (No change.)

(d) (No change.)

13:20-43.5 Motor vehicles registered in other states

(a) (No change.)

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles that are inspected pursuant to this section shall be inspected by a private inspection facility licensed by the Motor Vehicle Commission pursuant to N.J.A.C. 13:20-44.

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

(d) (No change.)

13:20-43.6 Fleet motor vehicles

All fleet motor vehicles, including those that are available for lease or rent, which are registered in this State, or are registered in another state and primarily operated in New Jersey, shall be inspected in accordance with this subchapter and the emission or OBD inspection standards and test procedures adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-5. A fleet motor vehicle shall be inspected at the appropriate inspection facility as specified in N.J.A.C. 13:20-7.3. The owner or lessee of fleet motor vehicles may apply for and be licensed by the Motor Vehicle Commission as a private inspection facility in accordance with N.J.S.A. 39:8-1 et seq., and N.J.A.C. 13:20-44.

13:20-43.7 Test frequency

(a) (No change.)

(b) Notwithstanding (a) above, the following motor vehicles subject to inspection pursuant to this subchapter shall be inspected on an annual basis:

1. (No change.)
2. Passenger vehicle transportation;
Recodify existing 6. and 7. as 3. and 4. (No change in text.)

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

(a) An OBD inspection shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.6 on all OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled motor vehicles having a GVWR of 8,500 pounds or less and gasoline-fueled and bi-fueled vehicles with model year 2008 and newer having a GVWR from 8,501 pounds to 14,000 pounds and model year 2014 and newer having a GVWR of 14,001 pounds or more. An OBD inspection shall also be conducted in accordance with N.J.A.C. 7:27-14.5 and 7:27B-4.8 on all OBD-equipped and OBD-eligible diesel-fueled vehicles with model year 1997 and newer having a GVWR of 8,500 pounds or less. Notwithstanding N.J.A.C. 13:20-43.2(b)11, an annual OBD inspection shall be conducted by the Motor Vehicle Commission's Bus Inspection Services Unit in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.6 on all OBD-equipped and OBD-eligible gasoline-fueled and bi-fueled school and commercial buses with model year 1996 and newer having a GVWR of 8,500 pounds or less, model year 2008 and newer having a GVWR from 8,501 pounds to 14,000 pounds, and model year 2014 and newer having a GVWR of 14,001 pounds or more. All motor vehicles that are subject to an OBD inspection shall not exceed the OBD inspection standards established at N.J.A.C. 7:27-15 for such motor vehicles by the Department of Environmental Protection. An OBD inspection shall not be required pursuant to this subsection for any OBD-equipped motor vehicle that is not OBD-eligible as shall be determined by the Department of Environmental Protection.

(b) A smoke opacity test shall be conducted in accordance with N.J.A.C. 7:27B-4.3 on all diesel-fueled motor vehicles having a GVWR greater than 17,999 pounds unless the vehicle was originally manufactured with a particular design characteristic that makes it either impractical or hazardous to conduct a smoke opacity test on the vehicle, as shall be determined in the discretion of Chief Administrator. Diesel-fueled motor vehicles having a GVWR greater than 17,999 pounds with model year 2014 and newer shall receive an OBD inspection.

(c) A visual fuel cap check shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.7.

(d) (No change in text.)

(e) A visible smoke test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-5 on all gasoline-fueled and bi-fueled motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1. With respect to each OBD-equipped and OBD-eligible diesel-fueled passenger vehicle with model year 1997 or newer having a GVWR of 8,500 pounds or less that is presented for inspection, a visible smoke test and an OBD test specified for such motor vehicle shall be conducted in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-14 and 7:27B-4.

(f) (No change in text.)

(g) A motor vehicle inspection shall be conducted on all motor vehicles subject to inspection in accordance with N.J.S.A. 39:8-1; provided, however, that with regard to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 and motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5, the equipment inspection required by this subsection shall be limited to an inspection of the motor vehicle's exhaust system. The following equipment for commercial vehicles and passenger vehicle transportation shall be subject to inspection:

- 1.-17. (No change.)
- (h) (No change in text.)

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

(a) (No change.)

(b) On-road inspection shall consist of a visible smoke test, an OBD inspection, a visual fuel cap check, an inspection for the presence and integrity of the motor vehicle's catalytic converter(s), an examination of the driver's license, motor vehicle registration certificate, and insurance identification card, mechanical inspection, if required by rule, and such other tests as may be determined by the Chief Administrator.

(c)-(g) (No change.)

13:20-43.16 Registration denial; suspension of registration; motor vehicles not inspected by certificate of approval or inspection decal expiration date; motor vehicles that have failed inspection and have not been presented for re-inspection; conditional registration restoration; reinstatement of registration suspension due to noncompliance; conditional registration; suspension of conditional registration due to noncompliance; penalties

(a)-(c) (No change.)

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

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

2.-5. (No change.)

(e) (No change.)

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

1. (No change)

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

3.-6. (No change)

(g)-(i) (No change.)

SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

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.

...
"Class I" means a licensed private inspection facility equipped with Department of Environmental Protection-approved OBD equipment as set forth at N.J.A.C. 7:27B-5.6.

"Class II" means a licensed private inspection facility equipped with Department of Environmental Protection-approved smoke opacity equipment or smoke meter used for testing as set forth at N.J.A.C. 7:27-14.5.

"Class III" means a licensed private inspection facility equipped with Department of Environmental Protection-approved OBD equipment used for testing as set forth at N.J.A.C. 7:27B-5.6 and Department of Environmental Protection-approved smoke opacity equipment or smoke meter used for testing as set forth at N.J.A.C. 7:27-14.5.

"Commercial motor vehicle inspection" means the annual inspection for mechanical defects with applicable emission test or emission component test of passenger vehicle transportation and commercial

vehicles except for diesel-fueled vehicles that are registered as commercial vehicles having a GVWR of greater than 8,500 pounds.

“Commercial vehicle” means all vehicles registered according to N.J.S.A. 39:3-20, regardless of weight (if gasoline or bi-fueled) or having a GVWR of 8,500 pounds or less (if diesel fueled).

“Initial inspection” means the required inspection conducted on a motor vehicle at the beginning of each inspection cycle as appropriate for the vehicle to obtain a certificate of approval for a new inspection cycle.

“Motor vehicle emission testing equipment” means equipment in accordance with specifications contained in N.J.A.C. 7:27B-5.8 and 4.6. The equipment shall include all devices used for performing a motor vehicle emission inspection, including, but not limited to, OBD scanners, computers, and related software or a smoke meter.

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

“Omnibus 2” means motor vehicles operated by a company or individual that provides passenger transportation to a target audience and market that is not in competition with a publicly regulated transit route or does not collect fares from the general public.

“Passenger vehicle” means all vehicles registered with registration codes 1 through 9, 12 (not utilized to transport passengers), 15, 31, and 73.

“Passenger vehicle transportation” means vehicles regardless of fuel type, plated as taxicab, limousine, jitney, Omnibus 2, hotel bus, paratransit vehicle, mobile assistance vehicle or ambulance, except those vehicles inspected by the Commission’s Inspection Services Bus Unit.

“Re-inspection” means any subsequent inspection required due to a failure of an initial inspection in order for a vehicle to obtain a certificate of approval.

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

(a) – (b) (No change.)

(c) Private inspection facilities shall be licensed to engage in the inspection, re-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 8,501]* ***8,500*** pounds or *[greater than 17,999]* ***less and 18,000*** pounds ***or more*** and passenger vehicle transportation; provided, however, private inspection facilities shall not inspect school buses, buses which are subject to inspection by the Motor Vehicle Commission’s Inspection Services Bus Unit, or motor vehicles with elevated chassis height that are subject to inspection in accordance with N.J.A.C. 13:20-37.

(d) Licensed private inspection facilities shall provide inspection, re-inspection, and certification services for all classes of motor vehicles established by the Motor Vehicle Commission, including the following inspection categories:

1. (No change.)

Recodify existing 3.-9. as 2.-8. (No change in text.)

(e) Licensed private inspection facilities shall provide inspection, re-inspection, and certification services in motor vehicle inspection categories, other than the engine emissions inspection category for passenger and commercial vehicles inspection in accordance with N.J.S.A. 39:8-1 and established by the Motor Vehicle Commission, including credentials and on-board diagnostics.

(f) Class II and Class III private inspection facilities shall provide inspection, re-inspection, and certification services in motor vehicle inspection categories for all heavy-duty diesel-powered motor vehicles having a GVWR of 18,000 pounds or more as established by the Motor Vehicle Commission, including credentials and smoke opacity testing or OBD.

(g) (No change in text.)

(h) Private inspection facilities must have Department of Environmental Protection-approved emission equipment to perform a specific test set forth at N.J.A.C. 7:27B-4 and 7:27-15.5.

1. A license shall be issued to private inspection facilities to engage in the inspection and certification of OBD-equipped and OBD-eligible 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 8,500 pounds or less; ***diesel-fueled trucks having a GVWR of 18,000 pounds or more***; and passenger vehicle transportation.

2. A private inspection facility with a fleet license 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; diesel-fueled trucks having a GVWR of *[less than 8,501]* ***8,500*** pounds ***or less***; diesel-fueled trucks having a GVWR of 18,000 pounds or more; and passenger vehicle transportation to engage in the inspection and certification of such motor vehicles.

Recodify existing (j)-(l) as (i)-(k) (No change in text.)

13:20-44.10 Inspection certificates of approval

(a) The inspection certificate of approval for motor vehicles shall be composed of a base inspection sticker and insert indicating respectively the year and month of expiration of the certificate of approval. 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)-(n) (No change.)

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

General Policies and Procedures Business Registration and Tax Clearance Requirements for License Holders

Adopted New Rules: N.J.A.C. 18:2-11

Proposed: August 17, 2015, at 47 N.J.R. 2052(a).

Adopted: April 18, 2016, by John J. Ficara, Acting Director, Division of Taxation.

Filed: April 18, 2016, as R.2016 d.048, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 54:50-1, 54:50-24, and 54:50-26.1 through 26.3.

Effective Date: May 16, 2016.

Expiration Date: November 24, 2022.

Summary of Public Comment and Agency Reponse:

No comments were received.

Summary of Agency-Initiated Changes:

The new rules are changes upon adoption to clarify the Division’s policy as follows: N.J.A.C. 18:2-11.3(b) is changed to clarify that the Division must first request the information from a State agency before sending a preliminary notice to a license holder requesting the same information, as required by N.J.S.A. 54:50-26.1; N.J.A.C. 18:2-11.4 is changed to increase the amount of time in which a license holder has to comply with the business registration requirements of any State tax administered by the Division of Taxation from 10 days to 15 days, and to clarify that the time to comply (15 days) begins from the date of the Director’s notice; and N.J.A.C. 18:2-11.5(a)3 is changed to clarify that entering into a payment arrangement for any outstanding State tax liability that was approved by the Director in writing by the 60-day deadline would also satisfy the criteria and prevent the Division from sending a demand for license suspension to a licensing State agency.