

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Enforcement Service

Diesel Vehicle Inspection

Adopted Amendments: N.J.A.C. 13:20-7.3, 46.1, 46.2, 46.3, and 46.6

Proposed: April 1, 2019, at 51 N.J.R. 462(a).

Adopted: August 13, 2019, by the Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Filed: August 29, 2019, as R.2019 d.102, **without change**.

Authority: N.J.S.A. 39:2-3, 39:2A-28, and 39:8-40.

Effective Date: October 7, 2019.

Expiration Date: December 4, 2020.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

There are no Federal standards applicable to the adopted amendments, so no Federal standards analysis is required.

Full text of the adoption follows:

SUBCHAPTER 7. VEHICLE INSPECTION

13:20-7.3 Inspection facilities

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

(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, any diesel powered motor vehicle as defined at N.J.A.C. 13:20-46.1 that has failed roadside inspection for tampering, 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.)

SUBCHAPTER 46. DIESEL EMISSION INSPECTION AND MAINTENANCE PROGRAM

13:20-46.1 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 a vehicle, whether registered in this State or elsewhere, that is self-propelled by a compression type of internal combustion engine using diesel fuel and that (1) is designed or used for transporting persons or property on any public road, street, or highway or any public or quasi-public property in this State; (2) is greater than 8,500 pounds gross vehicle weight; (3) is not a diesel bus or heavy duty diesel truck; and (4) is not a heavy duty diesel truck or other diesel powered motor vehicle owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization for first aid, emergency, ambulance, rescue, or fire-fighting purposes. Diesel powered motor vehicle shall also mean a vehicle that is designed or used for construction or farming purposes and is greater than 8,500 pounds gross vehicle weight, except that the Motor Vehicle Commission, in

consultation with the Department of Environmental Protection, may exempt from the requirements of this definition diesel powered motor vehicles that are registered as construction vehicles under Titles 39 and 41 of the Revised Statutes or that are greater than 8,500 pounds gross vehicle weight and are designed or used for construction or farming purposes.

...

“State specialty inspection facility” means a test-only inspection facility that is operated by the Motor Vehicle Commission to inspect and re-inspect certain motor vehicles as defined at N.J.A.C. 13:20-7.3(d).

13:20-46.2 Diesel emission inspection requirements; exempt vehicles

(a) Except as otherwise provided in P.L. 1995, c. 157 and in (b) below, heavy-duty diesel trucks, diesel powered motor vehicles, and diesel buses (as defined in this subchapter) that are operated in New Jersey shall be subject to roadside diesel emission inspections in accordance with P.L. 1995, c. 157, this subchapter, and the applicable diesel emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14.

(b) (No change.)

13:20-46.3 Roadside inspections; scope; inspection procedures

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

(d) The Commission shall conduct a roadside diesel emission inspection on those heavy-duty diesel trucks and diesel powered motor vehicles directed to the inspection area by the New Jersey State Police or other proper authority. Heavy-duty diesel trucks that are found to be in proper operating condition at a roadside diesel emission inspection shall retain the existing diesel emission inspection certificate of approval or new heavy-duty diesel truck inspection decal issued therefor, if any. If a heavy-duty diesel truck passes a roadside diesel emission inspection and such truck is due for inspection at a diesel emission inspection center pursuant to N.J.S.A. 39:8-60 et seq., within the two-month period following the calendar month of the roadside diesel emission inspection approval, such heavy-duty diesel truck may be issued a diesel emission inspection certificate of approval for the inspection cycle applicable to such truck.

(e) (No change.)

(f) The owner or lessee of a heavy-duty diesel truck, diesel powered motor vehicle, or diesel bus registered in this State that is subject to roadside diesel emission inspection pursuant to P.L. 1995, c. 157, which fails to meet diesel emission inspection standards set forth in rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-14, shall have the vehicle repaired, adjusted, or corrected within 45 days in order to legally operate it in New Jersey.

(g) (No change.)

13:20-46.6 Civil penalty schedule; reduction of penalty

(a) The owner and the lessee, if any, of a heavy-duty diesel truck, diesel powered motor vehicle, or diesel bus operated in violation of N.J.S.A. 39:8-62 shall be jointly and severally liable for a civil penalty. For a first violation, the owner or lessee shall pay a civil penalty of \$700.00, except as otherwise provided in this section. For a second or subsequent violation, the owner or lessee shall pay a civil penalty of \$1,300, except as otherwise provided in this section.

(b) A second or subsequent violation is one that occurs within one year of the occurrence of a previous violation of N.J.S.A. 39:8-62 committed with respect to the same heavy-duty diesel truck, diesel powered motor vehicle, or diesel bus. This one-year period shall be determined without regard to the date of the hearing that adjudicated the violation and without regard to the identity of the defendant against whom it was adjudicated.

(c) The complaint and summons alleging a violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck, diesel powered motor vehicle, or diesel bus shall state whether the charges pertain to a first violation or to a second or subsequent violation, but if the complaint and summons fail to allege a second or subsequent violation, the civil penalty imposed shall be that for a first violation.

(d) The penalty for a first violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck, diesel powered motor vehicle, or diesel bus may be reduced to \$150.00 and the penalty for a second or subsequent violation may be reduced to \$500.00 if the defendant provides

a certification of the smoke opacity-related repairs or other non-tampering emission-related repairs to the vehicle that is satisfactory to the court and in compliance with emission standards. The certification of compliance and repairs shall consist of the following:

1.-3. (No change.)

(e) (No change.)

(f) A defendant who is charged with a violation of N.J.S.A. 39:8-62 with regard to the operation of a heavy-duty diesel truck, diesel powered motor vehicle, or diesel bus and who is permitted to waive appearance and plead guilty by mail shall also be permitted to submit the certification of emission-related repairs and compliance with emission standards by mail. If the court deems the certification to be inadequate, it shall afford the defendant the option to withdraw the guilty plea.

(g) (No change.)

(h) The operator of a heavy-duty diesel truck, diesel powered motor vehicle, or diesel bus who fails to comply with any direction given by an enforcement officer or who refuses to submit or resists submitting a vehicle under the operator’s control for roadside inspection, or who fails to comply with any other obligation imposed upon that person as part of the roadside diesel emission inspection program shall be jointly and severally liable with the owner and the lessee, if any, of the vehicle for a civil penalty of \$500.00; provided, however, that the New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(i) The owner and the lessee, if any, of a heavy-duty diesel truck or diesel bus subject to periodic inspection who fails to submit such vehicle for periodic inspection or who fails to effect repairs on a vehicle that has failed periodic inspection shall be liable for a civil penalty of \$500.00. The New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(j) The owner and the lessee, if any, of a heavy-duty diesel truck, diesel powered motor vehicle, or diesel bus who disconnects, detaches, deactivates, or in any way renders inoperable or less effective an element of design or the exhaust system, including the emission control apparatus and the exhaust aftertreatment apparatus, except temporarily for the purpose of diagnosis, repair, replacement, or maintenance, shall be liable for a civil penalty of \$500.00. The New Jersey Transit Corporation shall not be liable for any such civil penalty if the diesel bus that is the subject of the violation is operated by a lessee or contractor, or any employee or agent of a lessee or contractor, of the New Jersey Transit Corporation.

(k) The owner and the lessee, if any, of a diesel powered motor vehicle who disconnects, detaches, deactivates, or in any way renders inoperable or less effective, an element of design or exhaust system, including the emission control apparatus and exhaust aftertreatment apparatus, except temporarily for the purpose of diagnosis, repair, replacement, or maintenance shall be subject to re-inspection at a State specialty inspection facility. The Chief Administrator may suspend the registration privileges of an owner or lessee for failure to re-inspect the failed vehicle within 45 days of the occurrence of the violation.

(a)

**MOTOR VEHICLE COMMISSION
LICENSING SERVICE**

**License and Registration Renewals, Duplicates,
Interim Driver Licenses, and Non-Driver
Identification Cards and Restorations**

**Adopted Amendments: N.J.A.C. 13:21-9.5, 9.6, 9.7,
9.9, 9.10, 9.11, 9.12, and 9.14**

Adopted New Rules: N.J.A.C. 13:21-9.7 and 9.8

Proposed: April 1, 2019, at 51 N.J.R. 464(a).

Adopted: August 8, 2019, by the Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Filed: September 10, 2019, as R.2019 d.108, **without change**.

Authority: N.J.S.A. 39:2-3, 39:2-3.8, 39:2A-28, 39:3-4, and 39:3-31.

Effective Date: October 7, 2019.

Expiration Date: December 4, 2020.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the subject matter of the adopted amendments and new rules is authorized under State law and is not subject to Federal requirements or standards.

Full text of the adoption follows:

**SUBCHAPTER 9. LICENSE AND REGISTRATION RENEWALS,
DUPLICATES, INTERIM DRIVER LICENSES
AND NON-DRIVER IDENTIFICATION CARDS,
AND RESTORATIONS**

13:21-9.5 Definitions

As used in N.J.A.C. 13:21-9.5 through 9.18, the following words and terms shall have the following meanings:

“Applicant” means an individual who chooses to renew, or obtain a duplicate of, a vehicle registration, driver license, or non-driver identification card online through the Internet.

“Interim commercial driver license class A, B, C” means an interim document issued by the Commission that allows the holder to operate a class A, B, or C commercial vehicle, as defined at N.J.A.C. 13:21-8.22(a), until the holder receives his or her permanent commercial driver license by mail or until the license expires, unless the holder’s driving privileges are suspended, cancelled, or revoked. An interim commercial driver license class A, B, C shall not be valid for more than 30 days, unless extended by the Chief Administrator for good cause.

“Interim commercial learner permit” means an interim document issued by the Commission that allows the holder to operate as a commercial vehicle learner until the holder receives his or her permanent commercial learner permit by mail or until the card expires, unless the holder’s driving privileges are suspended, cancelled, or revoked. An interim commercial learner permit shall not be valid for more than 30 days, unless extended by the Chief Administrator for good cause.

“Interim driver license class D, E, F, G, boat” means an interim document issued by the Commission that allows the holder to operate a class D, E, F, and G vehicle or a boat, as defined at N.J.A.C. 13:21-8.22(a), until the holder receives his or her permanent driver license by mail or until the card expires, and unless the holder’s operating privileges are suspended, cancelled, or revoked. An interim driver license class D, E, F, G, boat shall not be valid for more than 30 days, unless extended by the Chief Administrator for good cause.

“Interim registration” means an interim document issued by the Commission that shall serve as valid proof of vehicle registration, only until the holder receives his or her permanent registration by mail or until the document expires. An interim registration shall not be valid for more than 30 days.

“Non-driver identification card receipt” means a document indicating payment for a renewal or duplicate non-driver identification card issued by the Commission. The receipt is valid until the expiration date, unless the holder’s right to a non-driver identification card is suspended, cancelled, or revoked. A non-driver identification card receipt shall not be valid for more than 30 days, unless extended by the Chief Administrator for good cause.

“Personal information” means information that identifies an individual, including an individual’s photograph, Social Security number, driver identification number, name, address other than the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver’s status.