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TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
NEW JERSEY ADMINISTRATIVE CODE
TITLE 7
CHAPTER 27
SUBCHAPTER 14

**CONTROL AND PROHIBITION OF AIR POLLUTION FROM
DIESEL-POWERED MOTOR VEHICLES
(DIESEL-POWERED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM)**

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7:27-14.1 Definitions

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

“Alternative smoke opacity standard” means the smoke opacity standard applicable to a specific vehicle-engine-chassis combination, as determined by the procedure set forth at N.J.A.C. 7:27B-4.5.

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

"Certified configuration" means a heavy-duty diesel engine design or a light-duty diesel-powered motor vehicle-engine-chassis design certified by either of the following agencies as meeting the applicable emission standards for heavy-duty diesel engines or light-duty diesel-powered motor vehicles manufactured in a given model year:

1. EPA, for model year 1971 or for a more recent model year heavy-duty diesel vehicle engine;
2. EPA, for model year 1968 or for a more recent model year light-duty diesel vehicle;
3. CARB, for model year 1973 or for a more recent model year heavy-duty diesel vehicle engine; or
4. CARB, for model year 1966 or for a more recent model year light-duty diesel vehicle.

"Closed crankcase ventilation system" means a system installed upon an internal combustion engine and that is designed to capture all solids, liquids and gases that are emitted from the vent and divert them to the engine intake air plenum for recombustion.

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

“Department” means the New Jersey Department of Environmental Protection.

"Diagnostic Trouble Code" or "DTC" means an alphanumeric code stored in the on board diagnostic system of a motor vehicle, which generally indicates the malfunction of a system or component. These codes are defined by SAE J2012 Diagnostic Trouble Code Definitions,

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(MAR92). Copies of SAE J2012 may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001.

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

"Diesel emission inspection center" or "DEIC" means a diesel emissions inspection center licensed by the MVC pursuant to [N.J.S.A. 39:8-59](#) et seq. and N.J.A.C. 13:20-47.

"Diesel emissions testing equipment" means equipment used to conduct a test of a diesel-powered motor vehicle in accordance with N.J.A.C. 7:27B-4 and, which satisfies all applicable specifications set forth at N.J.A.C. 7:27B-4.2(d) and 4.6. For motor vehicle inspections conducted pursuant to N.J.A.C. 7:27B-4 and this subchapter, this term shall include all devices used for performing a motor vehicle inspection including, but not limited to, smoke opacity meters, exhaust gas analyzers, on board diagnostic scanners and analyzers and computers and related software.

“Diesel engine” means a compression ignition type of internal combustion engine.

“Diesel-powered” means utilizing a diesel engine.

“Diesel particulate filter” means an exhaust emissions after treatment device that physically entraps and prevents from being emitted into the air at least 85 percent of the particulate matter contained in the full exhaust stream emitted by the engine.

"Element of design" means any part or system on a motor vehicle or a motor vehicle engine pertaining to the vehicle's or engine's certified configuration.

“Electrification technology” means a technology that harnesses an off-vehicle electrical system to provide a vehicle with climate control and other needs.

"Emission control apparatus" means any device utilized by the vehicle manufacturer and/or the engine manufacturer to control the release of any regulated emission, including any associated component which monitors the function and maintenance of such a device, regardless

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of the location of the device on the vehicle. This term shall also include any retrofit device added to the vehicle or engine as part of a mandatory or voluntary retrofit program for emission control.

"EPA" means the United States Environmental Protection Agency.

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

"Exhaust emissions" means the emissions (including any liquid or solid particles in the gaseous stream) released into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

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

"Heavy-duty diesel vehicle" or "HDDV" means a diesel-powered motor vehicle, other than a diesel bus, that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or property.

"High speed diesel engine" means any diesel engine with a maximum governed engine speed over 2,800 RPM.

"Idle" means an operating mode where the vehicle engine is in operation while the vehicle is stationary at any location.

"Light-duty diesel vehicle" or "LDDV" means a diesel-powered motor vehicle, other than a diesel bus, that has a GVWR of 8,500 pounds or less and is designed primarily for transporting persons or property.

"Low speed diesel engine" means any diesel engine with a maximum governed engine speed of no more than 2,200 RPM.

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

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"Medium speed diesel engine" means any diesel engine with a maximum governed engine speed of 2,201 RPM to 2,800 RPM.

"Model year" means the engine manufacturer's annual production period, consistent with 40 C.F.R. 86.082, as the same is amended or supplemented, which includes January 1 of such calendar year, provided, that if the manufacturer has no annual production period, this term shall mean a calendar year. The manufacturer's annual production period shall include January 1 of the calendar year for which it is designated and shall not include a January 1 of any other calendar year. Thus, the maximum duration of a model year is one calendar year plus 364 days (or 365 days if the model year includes February 29 in a leap year).

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

"MVC" means the New Jersey Motor Vehicle Commission.

"NJ DEIC Inspection Form" means the form issued by the MVC to document inspections performed in connection with the periodic inspection program established pursuant to N.J.A.C. 13:20-26.

"OBD-eligible" means capable of receiving an OBD inspection as determined by the Department in accordance with N.J.A.C. 7:27-14.5(g).

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

"Opacity" means the property of a substance whereby it partially or wholly obstructs the transmission of visible light expressed as the percentage to which light is obstructed.

"Peak smoke opacity" means the highest numerical value of smoke opacity obtained through the testing procedures for the snap acceleration smoke opacity test at N.J.A.C. 7: 27B-4.3 (a) or the rolling acceleration smoke opacity test at N.J.A.C. 7: 27B-4.3 (b) or the stall smoke opacity test at N.J.A.C. 7: 27B-4.3(c).

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

"Quasi-public roadway" means any roadway that, although under private ownership or control, is accessible to the public. This term shall include, but shall not be limited to, the New Jersey

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Turnpike, the Garden State Parkway, and the Atlantic City Expressway, but shall not include shopping mall roadways and parking lots, private business roadways, residential and nonresidential parking lots, and private driveways.

“Regulated emission” means any solid, liquid or gaseous substance which is emitted from a motor vehicle or motor vehicle engine and which is regulated by the EPA pursuant to 40 C.F.R. Part 86.

"Retrofit device" means any emissions control apparatus, including exhaust aftertreatment device, that has been installed on the vehicle or engine after the original manufacturing date of the complete vehicle.

“Retrofitted EPA urban diesel bus” means a diesel bus which is equipped with an engine which has been retrofitted or rebuilt to meet a particulate emission standard of 0.10 g/bhp-hr (grams per brake horsepower per hour) in conformance with the requirements set forth at 40 C.F.R. 85.1403(b) or (c).

“Smoke” means the emissions, including airborne solid and/or liquid particles, exclusive of water vapor, released into the atmosphere from a process of combustion.

7:27-14.2 Applicability

- (a) Except as provided in (b) and (c) below, this subchapter applies to all diesel-powered motor vehicles.
- (b) This subchapter shall not apply to a diesel-powered motor vehicle that is owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization for first aid, emergency, ambulance, rescue, or fire-fighting purposes; and that is generally held in ready status, and only brought into service during an emergency requiring immediate action. Such vehicles do not include multi-purpose utility vehicles, such as dump trucks, highway construction vehicles, or other vehicles used to perform temporary emergency service.

7:27-14.3 General prohibitions

- (a) No person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, except:
 - 1. A motor vehicle that has been stopped for three or more hours may idle for up to 15 consecutive minutes when the ambient temperature is below 25 degrees Fahrenheit; and

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2. A diesel bus while it is actively discharging or picking up passengers may idle for 15 consecutive minutes in a 60-minute period.
- (b) The provisions of (a) above shall not apply to:
1. Any motor vehicle idling in traffic, or a motor vehicle other than a school bus idling in a queue of motor vehicles, that are intermittently motionless and moving because the progress of the motor vehicles in traffic or the queue has been stopped or slowed by the congestion of traffic on the roadway or by other conditions over which the driver of the idling motor vehicle has no control;
 2. A motor vehicle whose primary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion. This use includes, but is not limited to, operating lift gate pumps and controlling cargo temperature. This exemption does not apply to passenger compartment heating or passenger compartment air conditioning;
 3. A motor vehicle being or waiting to be examined by a State or Federal motor vehicle inspector;
 4. Vehicles that are actively performing emergency services. Examples include fire vehicles, police vehicles, public utility vehicles, military tactical vehicles and snow removal vehicles, during the time that such vehicles are actively performing emergency services;
 5. A motor vehicle while it is being repaired or serviced, provided that operation of the engine is essential to the proper repair or service;
 6. Subject to (b)7i below, on or before April 30, 2010, a motor vehicle, manufactured with a sleeper berth, while it is being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting, unless the vehicle is equipped with a functional auxiliary power system designed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather start-up difficulties;
 7. Beginning May 1, 2010, a vehicle equipped with a sleeper berth, which vehicle is equipped with a model year 2007 or newer engine, or has been retrofitted with a diesel particulate filter that is connected and properly functioning.
 - i. If the Commissioner, after consulting with the New Jersey Department of Transportation and the State Police, determines that public safety would be adversely affected if the exemption in (b)7 above were to take effect on May

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1, 2010, the Commissioner may, by notice published in the New Jersey Register on or before May 1, 2010, delay the operative date of the exemption in (b)7 above, and extend the exemption in (b)6 above, for up to one year, but in no case may the exemption of (b)6 above be extended beyond April 30, 2011; or

8. The operation of technology designed to reduce engine idling, such as auxiliary or alternate power units (APUs), generator sets, and bunk heaters, provided the vehicle's main engine is not operating.
- (c) Beginning May 1, 2008, no person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes when that vehicle is parked in a parking space with available electrification technology.
 - (d) In no case shall the provisions of (a) and (b) above relieve any person from compliance with N.J.A.C. 7:27-5, Prohibition of Air Pollution, or any other applicable local, State, or Federal law.
 - (e) Except as set forth in (e)1 below, no person shall cause, suffer, allow or permit any emission control apparatus or element of design installed on any diesel-powered motor vehicle or diesel engine to be disconnected, detached, deactivated, or in any other way rendered inoperable or less effective, in respect to limiting or controlling emissions than it was designed to be by the original equipment or vehicle manufacturer, except for the purposes of diagnostics, maintenance, repair or replacement and only for the duration of such operations.
 1. Any modification to an emission control apparatus or element of design shall be performed in accordance with EPA Memorandum 1A. A device that modifies an emission control apparatus or element of design may be installed only if it is exempt from prohibition by CARB executive order. Information on devices or modifications approved by CARB executive order may be obtained from the California Air Resources Board, 1001 "I" Street, PO Box 2815, Sacramento, CA 95812 or at www.arb.ca.gov.
 - (f) No person shall cause, suffer, allow or permit any retrofit device or any part thereof, or any closed crankcase ventilation system or any part thereof, installed on any diesel-powered motor vehicle pursuant to [N.J.S.A. 26:2C-8.26](#) et seq. and N.J.A.C. 7:27-32 to be disconnected, detached, deactivated, or in any other way rendered inoperable or less effective, in respect to limiting or controlling emissions, than it was designed to be by the original retrofit device or closed crankcase ventilation system manufacturer, except for the purposes of diagnostics, maintenance, repair or replacement and only for the duration of such operations.

7:27-14.4 General public highway standards

- (a) No person shall cause, suffer, allow or permit the operation of any diesel-powered motor vehicle upon the public roads, streets or highways of the State or upon any public property or upon any quasi-public roadway in the State, if the vehicle:
1. Emits smoke in the exhaust emissions, the opacity of which exceeds any applicable smoke opacity standards set forth at N.J.A.C. 7:27-14.6;
 2. Emits visible smoke of any color in the exhaust emissions for more than three consecutive seconds when the engine is at normal operating temperature;
 3. Does not have a properly functioning and properly maintained emission control apparatus, as determined according to the emissions control apparatus examination procedures established at N.J.A.C. 7:27B-4.4; or
 4. Has an emission control apparatus or an element of design installed on the vehicle or diesel engine or exhaust system, which has been disconnected, detached, deactivated or in any other way rendered inoperable or less effective than designed by the original equipment or vehicle or engine manufacturer; or
 5. Has a retrofit device or any part thereof, or a closed crankcase ventilation system or any part thereof, that was installed pursuant to [N.J.S.A. 26:2C-8.26](#) et seq. and N.J.A.C. 7:27-32 and that has been disconnected, detached, deactivated, or in any other way rendered inoperable or less effective, with respect to limiting or controlling emissions, than it was designed to be by the original retrofit device or closed crankcase ventilation system manufacturer.

7:27-14.5 Test requirements

- (a) A person testing a heavy-duty diesel vehicle as part of the roadside enforcement program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-46 shall use diesel emissions testing equipment and shall use one or more of the following tests, as designated by the Chief Administrator of the MVC in consultation with the Department and the New Jersey Department of Transportation, and with the approval of the Attorney General:
1. The snap acceleration smoke opacity test, for a vehicle with a low or a medium speed diesel engine, only, as described at N.J.A.C. 7:27B-4.3(a);
 2. The rolling acceleration smoke opacity test, as described at N.J.A.C. 7:27B-4.3(b);

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or

3. The power brake smoke opacity test, for a vehicle with an automatic transmission, only, as described at N.J.A.C. 7:27B-4.3(c).
- (b) A person testing a heavy-duty diesel vehicle as part of the periodic inspection program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17; a diesel bus as part of the periodic inspection program pursuant to N.J.A.C. 13:20-30, or N.J.S.A. 48:4-1 et seq. and N.J.A.C. 16:53; or a diesel-powered motor vehicle as part of the self-inspection programs pursuant to N.J.A.C. 13:20-26 or 16:53-3.27, shall use diesel emissions testing equipment and shall use one of the following tests:
1. The snap acceleration smoke opacity test, for a vehicle with a low or a medium speed diesel engine, only, as described at N.J.A.C. 7:27B-4.3(a);
 2. The rolling acceleration smoke opacity test, as described at N.J.A.C. 7:27B-4.3(b);
or
 3. The power brake smoke opacity test, for a vehicle with an automatic transmission, only, as described at N.J.A.C. 7:27B-4.3(c).
- (c) A person testing a light-duty diesel vehicle subject to inspection in accordance with N.J.S.A. 39:8-1 shall use the following:
1. A visible smoke test conducted in accordance with N.J.A.C. 7:27B-4.7; and
 2. For light-duty diesel vehicles of model year 1997 or later, an OBD inspection utilizing diesel emissions testing equipment and conducted in accordance with N.J.A.C. 7:27B-4.8.
- (d) A person testing a diesel-powered motor vehicle, as part of either the roadside enforcement program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-46 or the periodic inspection program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17, or the self-inspection program established pursuant to N.J.A.C. 13:20-26 and 16:53-3, shall conduct an examination of the emission control apparatus as described at N.J.A.C. 7:27B-4.4(d).
- (e) A person inspecting a diesel-powered motor vehicle as part of the one-time compliance inspection for a retrofit device required at N.J.A.C. 7:27-32.21 shall conduct an examination as described at [N.J.A.C. 7:27B-4.4\(c\)](#).
- (f) A person inspecting a diesel bus as part of the closed crankcase ventilation system

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compliance inspection required at N.J.A.C. 7:27-32.6 shall conduct an examination as described at [N.J.A.C. 7:27B-4.4\(d\)](#).

- (g) A motor vehicle that is not equipped with an OBD system is not OBD-eligible. A motor vehicle that is equipped with an OBD system is OBD-eligible, unless it meets one of the following criteria:
 - 1. The motor vehicle has a DLC that is in a location not readily accessible during a typical inspection procedure, provided that the DLC is in its original configuration as supplied by the motor vehicle manufacturer and has not been obstructed, damaged, removed or modified;
 - 2. The motor vehicle OBD system, as designed by the motor vehicle manufacturer, has difficulty setting or maintaining an adequate number of readiness monitors;
 - 3. The motor vehicle OBD system, as designed by the motor vehicle manufacturer, employs a communications protocol that is currently incompatible with approved diesel emissions testing equipment; or
 - 4. The motor vehicle is otherwise identified by the EPA or the Department as not technologically or functionally capable of OBD inspection.
- (h) The Department shall maintain a list of makes and model years of motor vehicles that it has determined to not be OBD-eligible, based on the criteria set forth at (g) above. A copy of this list will be available from the Department by contacting the Bureau of Motor Vehicle Inspection and Maintenance at (609) 530-4035 and can also be viewed and downloaded from the Department's website at www.state.nj.us/dep/aqm.

7:27-14.6 Inspection standards

- (a) Before December 2, 2009, no heavy-duty diesel vehicle or diesel bus shall be deemed to have passed an inspection unless it meets:
 - 1. The general public highway standards set forth at N.J.A.C. 7:27-14.4; and
 - 2. The applicable smoke opacity standards set forth in (b), (c), (d) and (e) below.
- (b) Before December 2, 2009, a heavy-duty diesel vehicle tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test, or the power brake smoke opacity test set forth at N.J.A.C. 7:27B-4 shall not emit smoke in the exhaust emissions which exceeds the following opacity standards:

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1. For model years 1973 and older, the level of peak smoke opacity shall not exceed 70 percent;
 2. For model years 1974 through 1990, the level of peak smoke opacity shall not exceed 55 percent;
 3. For model years 1991 and newer, the level of peak smoke opacity shall not exceed 40 percent; and
 4. (Reserved.)
- (c) Before December 2, 2009, a diesel bus, tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test or the power brake smoke opacity test, set forth at N.J.A.C. 7:27B-4, shall not emit smoke in the exhaust emissions which exceeds the following opacity standards:
1. For model years 1987 and older, the level of peak smoke opacity shall not exceed 40 percent;
 2. For model years 1988 and newer, the level of peak smoke opacity shall not exceed 30 percent; and
 3. (Reserved.)
- (d) Before December 2, 2009, a retrofitted diesel bus, tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test or the power brake smoke opacity test, set forth at N.J.A.C. 7:27B-4, shall not emit smoke in the exhaust emissions which exceeds a peak smoke opacity standard of 30 percent.
- (e) Before December 2, 2009, a diesel-powered motor vehicle, tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test or the power brake smoke opacity test, set forth at N.J.A.C. 7:27B-4, and for which an alternative smoke opacity standard has been established in accordance with the procedures set forth at N.J.A.C. 7:27B-4.5, shall not emit smoke in the exhaust emissions which exceeds the smoke opacity standard established as the alternative smoke opacity standard for that vehicle.
- (f) A diesel-powered motor vehicle required to have been retrofitted pursuant to N.J.A.C. 7:27-32 shall be deemed to have passed a one-time retrofit compliance inspection if a visual check confirms the installation and presence of the retrofit device.

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- (g) A diesel bus required to have been equipped with a closed crankcase ventilation system pursuant to N.J.A.C. 7:27-32 shall be deemed to have passed a one-time compliance inspection if a visual check confirms the installation and presence of the closed crankcase ventilation system.
- (h) On and after December 2, 2009, no diesel-powered motor vehicle shall be deemed to have passed an inspection unless it meets:
 - 1. The general public highway standards set forth at N.J.A.C. 7:27-14.4; and
 - 2. The applicable smoke opacity standards set forth in (i) through (k) below.
- (i) On and after December 2, 2009, a heavy-duty diesel vehicle, tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test, or the power brake smoke opacity test set forth at N.J.A.C. 7:27B-4 shall not emit smoke in the exhaust emissions that exceeds the following opacity standards.
 - 1. For model years 1990 and older, the level of peak smoke opacity shall not exceed 40 percent;
 - 2. For model years 1991 through 1996, the level of peak smoke opacity shall not exceed 30 percent; and
 - 3. For model years 1997 and newer, the level of peak smoke opacity shall not exceed 20 percent.
- (j) On and after December 2, 2009, a diesel bus, tested using the snap acceleration smoke opacity test, or the power brake smoke opacity test, set forth at N.J.A.C. 7:27B-4, shall not emit smoke in the exhaust emissions that exceeds the following opacity standards:
 - 1. For model years 1987 and older, the level of peak smoke opacity shall not exceed 40 percent;
 - 2. For model years 1988 through 1993, the level of peak smoke opacity shall not exceed 30 percent; and
 - 3. For model years 1994 and newer, the level of peak smoke opacity shall not exceed 20 percent.
- (k) On and after December 2, 2009, a retrofitted diesel bus, tested using the snap acceleration smoke opacity test, or the power brake smoke opacity test, set forth at

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.J.A.C. 7:27B-4, shall not emit smoke in the exhaust emissions that exceeds the following opacity standards:

1. For model years 1993 and older, the level of peak smoke opacity shall not exceed 30 percent;
 2. For model years 1994 and newer, the level of peak smoke opacity shall not exceed 20 percent
- (l) A light-duty diesel vehicle shall not emit visible smoke of any color in the exhaust emissions or in the crankcase emissions for a period in excess of three consecutive seconds when measured using the test procedure established at N.J.A.C. 7:27B-4.7.
- (m) If, pursuant to the provisions of N.J.A.C. 7:27-14.5(c)2, a light-duty diesel vehicle is subject to an OBD inspection conducted in accordance with the inspection test procedure at N.J.A.C. 7:27B-4.8, it shall be considered to have passed said inspection, unless:
1. The DLC cannot be found or is damaged/obstructed in such a way as to not allow a connection between the analyzer and the motor vehicle;
 2. Communication cannot be established between the analyzer and the vehicle's OBD system;
 3. The MIL is not illuminating when commanded to light;
 4. The number of systems that have non-continuous readiness monitors that are not ready for inspections equals or exceeds the following criteria: three "not ready" codes for motor vehicles model year 1997 through 2000 and two "not ready" codes for motor vehicles model year 2001 and newer;
 5. Any continuous readiness monitor is not supported or not ready;
 6. The MIL is illuminated while the vehicle's engine is running; or
 7. DTCs have been detected by the OBD system to cause the MIL to be commanded on.

7:27-14.7 Diesel emissions inspectors

- (a) On and after January 1, 2009, no person shall perform a diesel emission inspection under the periodic inspection program established pursuant to N.J.A.C. 13:20-26

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unless the person is certified by the Department as a diesel emission inspector.

- (b) No person shall perform a visual verification of compliance required by N.J.A.C. 7:27-32.6 or a one-time compliance inspection required by N.J.A.C. 7:27-32.21 unless the person is certified by the Department as a diesel emission inspector or has successfully completed Department-approved training to perform such inspections.
- (c) In order to be certified by the Department, a diesel emission inspector shall complete a Department-approved course of instruction, as described at N.J.A.C. 7:27-14.9(c). The Department will accept three years of documented professional experience in the inspection of diesel engines and related systems as a substitute for successful completion of the Department-approved course of instruction.
- (d) Upon completion of a Department-approved emission inspector course of instruction, the applicant shall submit an application for certification to the Department on a form supplied by the Department or in a format approved by the Department. The applicant shall provide the information required on the form, including personal contact information and information regarding the professional expertise and training of the applicant, and shall include with the application proof of training course completion, as described at N.J.A.C. 7:27-14.9(g) or documentation of substitute work experience, as provided at (c) above.
- (e) The Department will review the application, and will issue a diesel emission inspector certificate and assign a unique non-sequential certificate number to an applicant who has satisfied (c) and (d) above.
- (f) The diesel emission inspector certificate issued by the Department is valid for two years. The Department will recertify an inspector upon a showing of proof of completion of all required training updates, as described in (g) below. The recertification is valid for two years.
- (g) A certified diesel emission inspector shall complete all training updates that the Department determines necessary as a result of advances in diesel engine and emissions control and testing technology. The Department will notify certified inspectors when training updates have been prepared and must be completed.
- (h) A certified diesel emission inspector shall be responsible for the completion of a NJ DEIC Inspection Form for each vehicle for which the inspector conducted a periodic inspection or reinspection. The inspector shall provide the information required on the NJ DEIC Inspection Form, which includes, but is not limited to, owner's contact information, vehicle and engine identification requirements, ambient weather conditions, engine test parameters, and emission inspection results, and shall maintain

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a copy of the NJ DEIC Inspection Form for a period of two years from the date of the periodic inspection or reinspection.

- (i) On and after January 1, 2009, a certified diesel emission inspector shall electronically submit to the Department the NJ DEIC Inspection Form completed pursuant to (h) above, within five business days of the MVC audit of the DEIC that immediately follows the inspection of the vehicle for which the form was prepared.
- (j) If it is a hardship for a certified diesel emission inspector to submit an NJ DEIC Inspection Form electronically, the inspector can request approval from the Department to submit the NJ DEIC Inspection Form in paper format to the MVC auditor for transmission to the Department. The approval is valid for six months. The Department will approve such a request provided that:
 - 1. The inspector certifies the request in accordance with [N.J.A.C. 7:27-1.39](#); and
 - 2. The inspector states:
 - i. The basis for the claim that electronic submittal would impose a hardship;
 - ii. The effort(s) the inspector will make to ensure the inspector's ability to make electronic submittals in the future; and
 - iii. That the inspector agrees to make every effort to become able to submit the form electronically within a reasonable amount of time.
- (k) A certified diesel emission inspector submitting a paper version of the NJ DEIC Inspection Form pursuant to (j) above shall submit the form to the MVC auditor at the time of the MVC audit of the DEIC that immediately follows the inspection of the vehicle for which the form was prepared.

7:27-14.8 Diesel emissions repair technicians

- (a) On and after January 1, 2009, no person other than a certified diesel emission repair technician or a person performing repairs under the direct supervision of a certified diesel emission repair technician shall perform any emission-related repair upon a diesel-powered motor vehicle that has failed a periodic or roadside emission inspection or reinspection.
- (b) Except as provided at (c) below, in order to be certified by the Department, a diesel emission repair technician shall complete a Department-approved course of instruction, as described at N.J.A.C. 7:27-14.9(c) 2.

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- (c) The Department will accept professional certifications from the National Institute for Automotive Service Excellence (ASE) program, or original equipment manufacturer training programs approved by the Department, or five years of documented professional experience in the repair and maintenance of diesel engines and related systems for the portions of the Department-approved course of instruction required at (b) above that pertain to general engine operations and diagnosis.
- (d) Upon completion of a Department-approved diesel emission repair technician course of instruction, the applicant shall submit an application for certification to the Department on a form supplied by the Department or in a format approved by the Department. The applicant shall provide the information required on the form, including personal contact information and information regarding the professional expertise and training of the applicant, and shall include with the application proof of training course completion as described at N.J.A.C. 7:27-14.9(h) or documentation of substitute work experience, as provided at (c) above.
- (e) The Department will review the application, and will issue a diesel emission repair technician certificate and assign a unique non-sequential certificate number to an applicant who has satisfied the requirements at (b) through (d) above.
- (f) The diesel emissions repair technician certificate issued by the Department is valid for five years. The Department will recertify a diesel emission repair technician upon a showing of proof of completion of all required training updates, as described at (g) below. The recertification is valid for five years.
- (g) A certified diesel emission repair technician shall complete all training updates that the Department determines necessary as a result of advances in diesel engine and emission control and testing technology. The Department will notify certified diesel emission repair technicians when training updates have been prepared and must be completed.
- (h) A certified diesel emission repair technician shall be responsible for preparing the NJ Diesel Emission Repair Report form, which is available from the Department, for each vehicle on which the technician performed emission-related repairs to correct the problems which caused the vehicle to fail a periodic or roadside inspection or reinspection. The technician shall provide the information required on the NJ Diesel Emission Repair Report form, including vehicle owner's contact information, technician identification information and place of employment, vehicle and engine identification requirements, and repairs performed on the vehicle. On and after January 1, 2009, the technician shall submit the NJ Diesel Emission Repair Report form electronically, within five business days after performing the repairs. The

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technician shall maintain a copy of each NJ Diesel Emission Repair Report form he or she prepared for a period of two years from the date the repairs were completed.

- (i) If it is a hardship for a certified diesel emission repair technician to submit an NJ Diesel Emission Repair Report form electronically, the technician can request approval from the Department to submit the NJ Diesel Emission Repair Report form in a paper format. The approval is valid for six months. The Department will approve such a request provided that:
 - 1. The technician certifies the request in accordance with [N.J.A.C. 7:27-1.39](#); and
 - 2. The technician states:
 - i. The basis for the claim that electronic submittal would impose a hardship;
 - ii. The effort(s) the technician will make to ensure his or her ability to make electronic submittals in the future; and
 - iii. That the technician agrees to make every effort to become able to submit the form electronically within a reasonable amount of time.

7:27-14.9 Training providers for diesel emissions inspectors and diesel emissions repair technicians

- (a) An applicant seeking approval as a provider of an emission inspector or repair technician training program shall have a minimum of two years' experience in diesel technology training or two years' experience in either the development of a diesel emissions inspector or diesel emission repair technician training program or the administration of an emission inspector or repair technician training program for either a basic or enhanced inspection and maintenance program for motor vehicles.
- (b) A training provider seeking approval of a training program for diesel emission inspectors or diesel emission repair technicians shall file with the Department an application that includes:
 - 1. Contact and ownership information for the provider;
 - 2. The names of trainers employed by the training program provider and copies of their qualifications;
 - 3. Copies of any accreditations held by the training provider;

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4. Verification that the provider possesses or has available to it at least one type of approved emissions inspection equipment for hands-on training; and
 5. A curriculum pursuant to (c) below.
- (c) A training provider shall develop a curriculum in consultation with the Department. The training provider shall submit a curriculum to the Department for approval, and shall use only a curriculum that has been approved by the Department. An approvable curriculum must contain the following elements:
1. For diesel emission inspector training:
 - i. Theory of diesel engine operation and exhaust emissions;
 - ii. Emission standards set forth at N.J.A.C. 7:27-14; and
 - iii. Test methods and equipment-operating principles, and proper use of the emission testing and diagnostic equipment pursuant to [N.J.A.C. 7:27B-4](#).
 2. For diesel emission repair technician training:
 - i. Theory of diesel engine operation, the combustion cycle, and the production of exhaust emissions;
 - ii. Emission standards set forth at N.J.A.C. 7:27-14;
 - iii. Diesel inspection program test methods set forth at [N.J.A.C. 7:27B-4](#);
 - iv. Exhaust emission reduction technology;
 - v. Emission control systems;
 - vi. Engine diagnostics, including electronic diagnosis;
 - vii. Repairs to emission-related systems; and
 - viii. Repairs and maintenance practices that help to reduce exhaust emissions.
- (d) The classroom facility and course materials of a training provider are subject to inspection by the Department.
- (e) A training provider shall provide:

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1. Classroom instruction, including hands-on emissions testing demonstrations;
 2. Adequate materials or facilities relating to the subject matter of the training for each student, including seating, display apparatus, and writing and instructional materials;
 3. Trained instructors in a student to instructor ratio in each class sufficient to ensure that each student is provided with adequate interaction with the instructor, but not to exceed a ratio of 25 students per instructor per class; and
 4. A motor vehicle for hands-on emissions and test demonstration.
- (f) A training provider shall ensure that the emission testing equipment is calibrated, operated and maintained as required by the equipment manufacturer. If the training provider uses a simulator in the class, he or she shall submit a written explanation of its design and function for Department approval.
- (g) A training provider shall present a certificate of training course completion to each student who passes a written test designed to demonstrate a thorough understanding of the subject matter and who otherwise successfully completes the training program. This certificate shall contain:
1. The name of the diesel emission inspector or diesel emission repair technician training program;
 2. A unique, non-sequential certificate number assigned to the applicant;
 3. The following statement, appropriately completed: "This is to certify that (name of student) has successfully completed the New Jersey Department of Environmental Protection Diesel Emission (Inspector or Repair Technician) training on this (number) day, (month) of (year)";
 4. The printed name of the instructor;
 5. The dated signature of instructor; and
 6. The name, address, and phone number of the training provider.
- (h) A training provider shall prepare course updates as may be required by the Department due to advances in diesel engine and emissions control and testing technology.

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- (i) For each person who enrolls in the diesel emission inspector or diesel emission repair technician course of study, whether or not the person completes the training, a training program provider shall maintain at its principal place of business a record of the contact information for the student, the name of the course for which the student enrolled, the name of the course instructor, and the dates the course was given. The training program provider shall maintain the record in hard copy or electronic form, at its principal place of business, available for Department inspection for a period of at least five years.
- (j) For each calendar quarter in which a training program provider offers classes in diesel emission inspector training or diesel emission repair technician training, the training program provider shall submit to the Department the information required under (i) above no later than 10 business days after the end of the calendar quarter for which the report was prepared. The training provider shall provide the report to the Department on a form supplied by the Department and in a format approved by the Department. The training provider shall submit the report electronically, unless otherwise approved by the Department. The Department will notify training program providers of the appropriate form or format on its website at www.nj.gov/dep.
- (k) Within 10 business days after the completion of each training class, the training provider shall send the Department a list of the students who have successfully completed the diesel emission inspector training class or diesel emission repair technician training class.

7:27-14.10 Penalties

Any person who violates the provisions of this subchapter may be subject to civil administrative penalties under the provisions of [N.J.A.C. 7:27A-3.10\(m\)](#)14. The Department may also revoke a certification issued pursuant to [N.J.A.C. 7:27-14.7\(e\)](#) and 14.8(e) and an approval as a training provider issued pursuant to N.J.A.C. 7:27-14.9(b) after a diesel emission inspector, diesel emission repair technician or training provider has violated, for the third or subsequent time, the provisions of [N.J.A.C. 7:27-14.7\(g\)](#) through (i) or (k); 14.8(g) or (h); or 14.9(c) through (k).

7:27-14.11 Non-interference with the motor vehicle codes

Nothing in this subchapter is intended to limit or deny any existing authority to inspect diesel-powered motor vehicles in accordance with regulations established pursuant to N.J.S.A. 26:2C-8.44, 39:8-2, 39:3-70, 39:3-76, 39:10-26 and 48:4-2.1a.

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APPENDIX

The following table highlights the provisions of N.J.A.C. 7:27-14.5 to show generally the emissions tests to be administered to each category of vehicle inspected or reinspected:

<u>Test/model year</u>	<u>1996 and older</u>	<u>1997 and newer</u>
smoke opacity	GVWR > 8,500	GVWR > 8,500
visible smoke (periodic inspection)	GVWR < 8,501	GVWR < 8,501
visible smoke (roadside inspection)	all	all
OBD	=	GVWR < 8,501