



State of New Jersey

## **Frequently Asked Questions for New Jersey's Low Emission Vehicle (LEV) Program**

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Low Emission Vehicle Program  
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### **Frequently Asked Questions for New Jersey Low Vehicle Emission Program**

#### **1. When were the Low Vehicle Emission regulations approved?**

Senate Bill S2351 and Assembly Bill A2439 were passed in both houses on 01/12/2004 during the 2002-2003 sessions. It was signed into law by the Governor as P.L. 2003, c.266 on 01/14/2004. The Statute directed New Jersey Department of Environmental Protection (NJDEP) to implement the LEV program to be effective on January 1, 2009. DEP promulgated the Low Vehicle Emission Regulation under N.J.A.C 7:27-29 which becomes effective on January 27, 2006. The rules are applicable to light duty motor vehicles below 8,500 lbs Gross Vehicle Weight Rating (GVWR) manufactured and delivered for sale in New Jersey beginning in model year 2009 and later. It does not include medium-duty vehicles, off-highway vehicles, all terrain vehicles (ATV) and motorcycles.

#### **2. What are the implications for motorists?**

If you want to title a *new* vehicle in New Jersey, whether purchase or lease, it must be "California Certified", EPA "50-State" or "California only" to meet emission requirements, with some minor exceptions, beginning January 1, 2009.

#### **3. How to verify that a vehicle is "California certified"?**

Two main ways:

- a) the Manufacturer Source of Origin(MSO) / Manufacturer Certificate of Origin (MCO) must indicate "Certified for sale in 50 States" or "Certified for sale in California" (See examples below)
- b) The label under the hood in the engine compartment must indicate it is "California certified", EPA 50-State or California-Only vehicle.

"50-State Vehicle: This vehicle conforms to U.S. EPA and California regulations applicable to (the vehicle model year) model-year new motor vehicles."

"California-Only Vehicle: This vehicle conforms to U.S. EPA and California regulations applicable to (the vehicle model year) model-year new motor vehicles introduced into commerce only for sale in California."

#### **4. What are the emission statements that do not comply?**

This vehicle meets/satisfies Federal emission standards

This vehicle is certified / legal for sale in 49 states

This vehicle is certified / legal for sale in 45-states

No statement

5. What is it mean by “new” vehicle?

LEV Regulations consider any current model year vehicle purchased with less than 7,500 miles on the odometer to be a *new* vehicle.

6. What weight class of vehicle is included?

The LEV rules cover any passenger car and light-duty truck up to 8,500 pounds Gross Vehicle Weight Rating (GVWR) or less, excluding off-highway vehicles. “Passenger car” includes any motor vehicle designed primarily for transportation of individuals and having a design capacity of 12 individuals or fewer.

A gross vehicle weight rating (GVWR) is the maximum allowable total weight of a road vehicle or trailer when loaded - i.e including the weight of the vehicle itself plus fuel, passengers, cargo, and trailer tongue weight. Some commercial cargo vans and large SUVs are exceeding 8,500 lbs GVWR limits.

Most vehicles manufactured for sale in this country have a placard (sticker) with this information. It is located typically either in the driver's side door or doorframe, in the owner's manual, or also may be present on another sticker immediately under the hood near the radiator.

7. I am a dealer, my client asked me to find a model that is not California certified, what can I do?

If the client's vehicle acquisition is covered by an exemption under the New Jersey LEV regulations,, you must fill out and have the buyer sign the request for exemption certification on DEP/MVE-9 (2-07). You can obtain the form from <http://www.nj.gov/dep/cleanvehicles/>. Complete the application and submit with a copy of the Manufacturer's Certificate of Origin (MCO). You may also get a copy of the form by contacting NJDEP Low Emission Vehicle Program, P.O. Box 437, Trenton, N.J. 08625-0437 or email at [NJLEVexemptions@dep.state.nj.us](mailto:NJLEVexemptions@dep.state.nj.us).

8. I am in active military service outside the State; can I bring the vehicle not certified to California requirement when returning to New Jersey?

If the vehicle has already been titled outside of New Jersey, you may title the vehicle in New Jersey.

If the vehicle has not been titled before, you need to complete a “Buyer Application for Waiver from the New Jersey Low Vehicle Emission Program” form DEP/MVW-9 (1-08). You can obtain the form from <http://www.nj.gov/dep/bmvim/>, complete and submit with a copy of Manufacturer's Certificate of Origin (MCO). You can also contact the NJDEP Low Emission Vehicle Program, P.O. Box 437, Trenton, N.J. 08625-0437 or email at [NJLEVexemptions@dep.state.nj.us](mailto:NJLEVexemptions@dep.state.nj.us). Under certain limited circumstances, NJDEP may allow exemptions after review of the application.

9. I bought my new vehicle during a trip out of state where I totaled my vehicle in an accident. I have now discovered that this is an EPA 49 State certified vehicle. May I title the vehicle in New Jersey? See Item #8 above.

10. I just bought a *new* federal certified vehicle in my home state and under my company's restructuring, I am assigned to a New Jersey facility, can I register this vehicle in NJ? See Item #8 above.
11. What happens if I purchased a vehicle that does not comply with California emission standards, but only to EPA standards, from another state or through the internet and none of the exemptions apply to me? See Item #8 above.
12. What happens if my vehicle complies with the California emissions standards, but the MSO does not indicate compliance?  
The New Jersey Motor Vehicle Agency would deny titling and registration and refer you to the NJDEP for further action. The NJDEP may grant or deny a waiver based on the circumstances.
13. What is "deliver for sale" mean?  
It means vehicle that has received a bill of lading for sale in New Jersey and is shipped, or is in the process of being shipped to a dealer in New Jersey.
14. What activities are covered in this bill?  
Any activities relating to the delivery for sale, offering for sale, selling, importing, delivering, purchasing, renting, acquiring, receiving, or registering of vehicles.
15. What if I import a vehicle that does not comply with either California or EPA standards?  
A vehicle that is manufactured outside of the United States and is not originally built to meet U.S. safety and emissions standards is called a Grey Market vehicle. These vehicles may need to be modified to comply with U.S. standards after they are imported and must be approved by the USEPA and Federal Department of Transportation (DOT) before they can be titled and registered.  
  
The emission conversion certification must comply with California or USEPA 50-state standards before you can title the vehicle in New Jersey.
16. Any transition period?  
Yes, any model year 2009 new vehicle delivered for sale in New Jersey before January 1, 2009 can continue to be sold, offered for sale or, purchased, acquired or received for a maximum of one year if the vehicle is already delivered for sale or lease on or before January 1, 2009. The MSO should list the date before January 1, 2009.
17. What is the penalty?  
Under N.J.A.C 7:27-29.3(a), delivery of a Non-Certified Vehicle is considered non-minor and subjected to civil administrative penalty amounts up to \$2,500 for the first

offense, per vehicle, \$5,000 for the second offense, \$12,500 on the third offense and \$30,000 for the fourth and each subsequent offense.

**18. For any further information:**

NJDEP's website at: <http://www.nj.gov/dep/cleanvehicles/> or  
<http://www.state.nj.us/dep/aqm/sub29.htm> or

Email: [NJLEVexemptions@dep.state.nj.us](mailto:NJLEVexemptions@dep.state.nj.us)