

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Enforcement Service

Vehicle Inspection Rules

Emergency Exit Doors in Buses

Proposed 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

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

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

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

Authorized By: Motor Vehicle Commission, Raymond P. Martinez, Chairman and Chief Administrator.

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.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2016-024.

Submit written comments by April 16, 2016, to:

Kate Tasch, APO
Regulatory and Legislative Affairs
Motor Vehicle Commission
225 East State Street
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Trenton, New Jersey 08666-0160
Or via e-mail at rulecomments@mvc.nj.gov

The agency proposal follows:

Summary

The public comment period for this notice of proposal will be 60 days, since the notice is not listed in an agency rulemaking calendar. This notice of proposal is, therefore, excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The purpose of the proposed amendments by the Motor Vehicle Commission (MVC) is to set forth that only initial inspections of motor vehicles registered as a passenger vehicle can be performed at an official inspection facility and that both initial inspections and re-inspections of all registered vehicles can be performed at a private licensed inspection facility. Additionally, the proposed amendments require that both an initial inspection and any required re-inspection of certain motor vehicles registered as commercial vehicles can be performed only at a private inspection facility. For that purpose, the proposed amendments define an initial inspection, a re-inspection, a commercial vehicle inspection, a passenger vehicle, and a commercial vehicle. The proposed amendments require that motor vehicles registered as passenger vehicle transportation are required to have an initial emission and mechanical inspection, and re-inspection if required, at a private licensed inspection facility. The proposed amendments will significantly reduce the number of motor vehicles presented for inspection at the State's official inspection facilities, thereby reducing the number of annual inspections conducted at central inspection facilities, which will save the State a significant amount of money paid in inspection fees.

The proposed amendments clarify that all equipment subject to inspection is to be inspected in accordance with Federal, State, and MVC laws and rules.

The proposed amendments require that all diesel-powered motor vehicles meet general public highway standards, and that a visible smoke test, indicator light check, visual fuel leak test, and an emission control apparatus examination be undertaken as set forth by the Department of Environmental Protection.

The proposed amendments remove the requirement that idle emissions tests be performed on certain older motor vehicles. The proposed amendments will only require that certain motor vehicles receive an On Board Diagnostic (OBD) emission test and certain heavy-duty trucks receive a smoke opacity emission test. An OBD emission test is easier and quicker to perform than a two-speed idle test. Additionally, the cost of the equipment and equipment maintenance fees are substantially less expensive than the equipment and the equipment maintenance fees for the equipment to perform a two-speed idle test. Accordingly, this will save the State significant monies in inspection and maintenance fees, save the private inspection facilities significant monies in inspection equipment cost and maintenance fees, and increase inspection efficiencies. The proposed amendments remove Class IV and Class V licensing requirements for private inspection facilities since these two license categories perform two-speed idle tests. The proposed amendments will now license private inspection facilities as Class I (OBD), Class II (Diesel), and Class III (ODB and Diesel).

The proposed new rules will bring the State into compliance with Federal law by requiring that all emergency exits on buses comply with Federal safety requirements that can be found at 49 CFR 393.62.

Subchapter 7, Vehicle Inspection, establishes the frequency of an inspection for each class of vehicle and where an inspection can take place, depending on how the vehicle is registered. The subchapter also exempts certain vehicles from the inspection requirement. N.J.A.C. 13:20-7.1, Definitions, is proposed for amendment. New definitions for commercial vehicle, initial inspection, Omnibus, Omnibus 2, passenger vehicle, passenger vehicle transportation, and re-inspection are proposed. The MVC has instituted a new procedure and promulgated new rules for the registration of omnibuses and has instituted new license plates for Omnibus and Omnibus 2. These proposed amendments include the new definition for vehicles registered as an Omnibus and Omnibus 2. The proposed amendments also include a definition for passenger vehicle transportation, which includes certain vehicles that transport passengers for hire, Omnibus 2, taxicabs, limousines, and jitneys.

N.J.A.C. 13:20-7.2 is proposed for amendment. Subsection (b)2 is proposed for amendment to no longer require diesel-fueled motor vehicles with a GVWR between 8,500 pounds and 10,000 pounds to present for an annual inspection as they are now allowed to self-inspect as required of other diesel-fueled motor vehicles with a GVWR greater than 10,000 pounds. The subsection was further proposed for amendment to use the new definition of passenger vehicle transportation to replace the vehicles identified in paragraphs (b)3, 4, 5, 6, 8, and 9. These paragraphs are no longer needed and are proposed for deletion. Paragraph (c)8 is proposed for amendment to indicate that diesel-fueled motor vehicles having a gross vehicle weight rating (GVWR) between 8,501 pounds and 10,000 pounds no longer have to come to an inspection facility for a mechanical inspection but can self-inspect as required of other diesel-fueled motor vehicles with a GVWR of greater than 10,000 pounds. Subsection (c) is also proposed for amendment to exempt gasoline or bi-fueled, model year 2007 or older passenger vehicles with a GVWR of 8,501 to 14,000 pounds, and gasoline or bi-fueled model year 2013 or older passenger vehicles with a GVWR of 14,001 pounds or greater. The proposed amendments also use the new definition of passenger vehicle transportation to indicate the class of vehicle that requires an annual inspection (through the deletion and replacement of paragraph (b)3 and the deletion of paragraphs (b)4, 5, and 6). The rule is further proposed for amendment to exempt from an inspection passenger vehicles model year 1995 and older because these vehicles are not OBD compliant, will no longer be required to obtain a two-speed idle emission test, and do not receive a mechanical inspection. Motor vehicles plated as dealer are not required to have an inspection since this is a temporary registration; the rule is proposed for amendment to codify this existing practice.

N.J.A.C. 13:20-7.3 is proposed for amendment to set forth that an official inspection facility can perform only an initial inspection on a passenger vehicle, and prohibits the inspection of commercial vehicles, passenger vehicle transportation, and buses (in addition to the existing prohibited vehicles). The rule is further proposed for amendment to provide a licensed private inspection facility with the authority to perform initial inspections and re-inspections on all vehicle types except buses that are inspected by the MVC bus unit. The section is further proposed for amendment to allow State specialty inspection facilities to also inspect passenger vehicle transportation and collector vehicles.

N.J.A.C. 13:20-7.4 is proposed for amendment so that when a motor vehicle receives a temporary authorization, that motor vehicle is directed to the appropriate inspection facility as set forth in N.J.A.C. 13:20-7.3, depending on how the motor vehicle is registered. The new definition of passenger vehicle transportation was used to replace the reference to certain vehicles, where appropriate. The word "motor" is proposed for deletion and is replaced with "passenger" since official inspection facilities will only inspect passenger vehicles. The last sentence in subsection (d) is proposed for deletion, as no longer necessary since inspection frequency is governed by N.J.A.C. 13:20-7.2. Subsection (g) is proposed for amendment to remove the ability of a used motor vehicle that is less than five model years old from presenting at a licensed private inspection facility for the vehicle's initial inspection sticker since these vehicles are exempt from an inspection and must present at an official

inspection facility for initial inspection sticker. Subsection (i) is proposed for amendment to remove the ability for a used collector vehicle that is less than five model years old from presenting at a licensed private inspection facility for an initial inspection sticker since these vehicles are exempt from an inspection and must present at an official inspection facility for an initial inspection sticker or apply for a collector inspection sticker.

N.J.A.C. 13:20-7.5 and 7.6 are both proposed for amendment to clarify that a re-inspection can only take place at a licensed private inspection facility.

Subchapter 26, Compliance with Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emission, and Self-Inspection of Certain Classes of Motor Vehicles, is proposed for amendment. N.J.A.C. 13:20-26.2, Definitions, is proposed for amendment. The definitions of "diesel-powered motor vehicle" and "vehicle" are proposed to be reduced from 10,000 pounds gross vehicle weight to 8,500 pounds gross vehicle weight. This will subject diesel powered motor vehicles with a gross vehicle weight between 8,500 and 10,000 pounds to the requirements of this section since these vehicles will be exempt from having to present at an inspection facility for an emission or mechanical inspection pursuant to the amendments proposed in N.J.A.C. 13:20-7, 32, 43, and 44.

N.J.A.C. 13:20-26.11 is proposed for amendment to require that all diesel-powered motor vehicles meet Department of Environmental Protection air pollution standards set forth in N.J.A.C. 7:27-14.4(a)2, 3, 4, and 5 and 14.5(d).

N.J.A.C. 13:20-26.12 is proposed for amendment to require inspection equipment to be audited to comply with Federal, State, and MVC standards.

N.J.A.C. 13:20-26.16 is proposed for amendment. Gasoline fueled and bi-fueled trucks are not allowed to self-inspect pursuant to Subchapter 26, but must present on an annual or biennial basis for an inspection, depending on if the truck is plated passenger or commercial. Subchapter 26 was amended in 2009 and this section was inadvertently amended but the amendment did not reflect the inspection environment. The section is proposed for amendment to reflect the current inspection environment. Periodic was deleted and an official inspection facility was added since passenger plated trucks can present at an official inspection facility or private inspection facility. Reference to GVWR is proposed for deletion from the section since all gasoline fueled or bi-fueled trucks must present for an inspection. A licensed private inspection facility is proposed for deletion and replaced with appropriate inspection facility since passenger plated trucks may present at an official inspection facility but trucks plated commercially must present at a licensed private inspection facility.

N.J.A.C. 13:20-26.17 is proposed for a technical amendment, to correct two citations to a subchapter that no longer exists, by referring to the correct subchapter. This section was inadvertently not amended when the subchapter was repealed.

Subchapter 32, Inspection Standards And Test Procedures To Be Used By Official Inspection Stations, establishes the inspection standards and test procedures to be used by official inspection facilities when certifying emission and mechanical inspections. N.J.A.C. 13:20-32.1, Definitions, is proposed for amendment to include a new definition for commercial vehicle, initial inspection, Omnibus, Omnibus 2, passenger vehicle, passenger vehicle transportation, and re-inspection. The MVC has instituted a new procedure and issued new rules for the registration of omnibuses, and has instituted new license plates for Omnibus and Omnibus 2. These proposed amendments include the new definition for vehicles registered as an Omnibus and Omnibus 2. The proposed amendments also include a definition for passenger vehicle transportation, which includes certain vehicles that transport passengers for hire, Omnibus 2, taxicabs, limousines, and jitneys.

N.J.A.C. 13:20-32.2 is proposed for amendment. Subsection (a) clarifies that the standards and test procedures in official inspection facilities apply to passenger vehicles only. Subsection (b) is proposed for amendment to provide official inspection facilities with the limited authority to perform an initial inspection on passenger vehicles, removing the authority to inspect certain buses, commercial vehicles, taxicabs, limousines, and jitneys. Subsections (c) and (d) are proposed for amendment to provide official inspection facilities with the limited

authority to place credentials on motor vehicles that have passed an initial inspection, and to state that re-inspections must be presented at a private inspection facility. Subsections (e) and (f) are proposed for amendment to remove any reference to vehicles other than passenger vehicles for a rejection sticker and "48 hour" stickers. Subsections (h), (i), (j), and (k) are proposed to be deleted as those sections reference re-inspections at official inspection facilities. Recodified subsection (h) is proposed for amendment to list unsafe conditions that experience has shown will make a vehicle inoperable. If one of these conditions exist, the inspection will be terminated and the vehicle will fail the inspection. Recodified subsection (i) is proposed for amendment to remove the reference to obvious safety defects, which will no longer be performed at an official inspection facility. Recodified subsection (j) is proposed for amendment to include the definition of passenger vehicle transportation in place of the cumbersome definition of buses that has been issued passenger, governmental, no fee, or commercial vehicles plates by the Motor Vehicle Commission and taxicabs, limousines, and jitneys. Recodified subsection (k) is proposed for amendment to update the cross-references to N.J.A.C. 13:20-7.4(g)2. Subsection (p) is proposed to be deleted as vehicles subject to an on-road inspection are no longer required to come to an official inspection facility for a certificate of approval but are issued such certificate in the field.

N.J.A.C. 13:20-32.3(c) and (d) are proposed for deletion to remove references to credentials for commercial motor vehicles.

N.J.A.C. 13:20-32.4(c) is proposed for deletion to remove references to commercial vehicles.

N.J.A.C. 13:20-32.5 through 32.19 are proposed for repeal as they reference mechanical inspection standards for commercial vehicles. Official inspection facilities will no longer inspect commercial vehicles, therefore, these sections are no longer necessary.

The section heading for N.J.A.C. 13:20-32.20 is proposed for amendment to remove the reference to "commercial" vehicle exhaust systems. The section is further proposed for amendment to delete subsection (a), paragraphs (a)1 and (a)3-7, and subsection (b), as these are exhaust system standards for commercial vehicles. Existing paragraph (a)2 is proposed for amendment to reference inspection standards for passenger vehicle exhaust systems. The section heading for N.J.A.C. 13:20-32.21 is proposed for amendment to remove the reference to commercial vehicles and to add a visible smoke test to the on-board diagnostic emission test that can be performed at an official inspection facility. The section is proposed for amendment to provide official inspection facilities with the limited authority to perform an emission test on passenger vehicles. Subsection (c) is proposed for deletion as all motor vehicles, model year 1996 and older, having a GVWR of 8,500 pounds or less are exempt from an emission inspection. Subsection (d) is proposed for deletion consistent with the proposed amendments in Subchapter 7, which no longer require diesel-fueled motor vehicles with a GVWR more than 8,500 pounds and less than 10,000 pounds to present at an official inspection facility for a mechanical inspection; such vehicles are required to self-inspect.

The section heading for N.J.A.C. 13:20-32.22 is being proposed for amendment to remove commercial vehicle and to reference only on-board diagnostic inspection equipment maintenance and official inspection facilities. The section is proposed for amendment to only reference OBD inspection equipment because official inspection facilities will only perform initial OBD emission tests; two-speed idle emission tests will no longer be required.

N.J.A.C. 13:20-32.23 through N.J.A.C. 13:20-32.33 are proposed for repeal as they reference mechanical inspection standards for commercial vehicles. Pursuant to this rulemaking, official inspection facilities will no longer inspect commercial vehicles.

The section heading for N.J.A.C. 13:20-32.34 is proposed for amendment to remove the reference to commercial vehicles.

N.J.A.C. 13:20-32.35 through N.J.A.C. 13:20-32.49 are proposed for repeal as they reference mechanical inspection standards for commercial vehicles. Pursuant to this rulemaking, official inspection facilities will no longer inspect commercial vehicles.

Subchapter 33, Inspection Standards And Test Procedures To Be Used By Licensed Private Inspection Facilities, contains the inspection standards and test procedures to be used by licensed private inspection

facilities when conducting vehicle inspections. Pursuant to this rulemaking, certain vehicles will be required to receive an OBD emission test or a smoke opacity emission test and no vehicle will be required to receive a two-speed idle emission test.

N.J.A.C. 13:20-33.1, Definitions, is proposed for amendment. The definition of Class I and Class II is proposed for amendment to remove the phrase "licensed privately owned and operated inspection facility" and change it to "licensed private inspection facility," so the definitions of Class I, Class II, and Class III are consistent. The definition of a Class II licensed private inspection facility is further proposed for amendment to require it to be a facility that is equipped with smoke opacity and smoke meter equipment, rather than the two speed emission analyzer. The definition of a Class III licensed private inspection facility is also proposed for amendment to be a facility licensed to use approved OBD test equipment and smoke opacity equipment. The Class IV licensed private inspection facility definition is proposed for deletion, as those facilities are now licensed as Class III. The Class V licensed private inspection facility definition is also proposed for deletion, as two-speed idle analyzer equipment is no longer required pursuant to this rulemaking; the amended rules will require certain motor vehicles to receive an OBD emission test or a smoke opacity test. Definitions for commercial vehicle, initial inspection, Omnibus, Omnibus 2, passenger vehicle, passenger vehicle transportation, and re-inspection are proposed for addition. The definition of commercial motor vehicle inspection is proposed for amendment to use the new definition of passenger vehicle transportation, which replaces the vehicles deleted and to remove from the definition the inspection of commercially plated diesel-fueled vehicles with a GVWR greater than 8,500 pounds since these vehicles are only required to be self-inspected. The MVC has instituted a new procedure and issued new rules for the registration of omnibuses and has instituted new license plates for Omnibus and Omnibus 2. These proposed amendments include the new definition for vehicles registered as an Omnibus and Omnibus 2. The proposed amendments also include a definition for passenger vehicle transportation, which includes certain vehicles that transport passengers for hire, Omnibus 2, taxicabs, limousines, and jitneys.

The heading of N.J.A.C. 13:20-33.2 is proposed for amendment to reflect that there are only three classes of licensed private inspection facilities. Subsection (d) is also proposed for amendment to remove the classes of licensed private inspection facilities and require that inspection facilities that inspect both light duty and heavy duty vehicles must post the initial inspection charge for each type vehicle inspection. The last sentence is proposed for deletion as it is no longer necessary. Class I facilities only perform OBD inspection on light duty vehicles but will now be able to perform inspections on light and heavy duty vehicles. Subsection (h) is proposed for amendment to properly reflect that Class III, not Class I-A, licensed private inspection facilities are licensed to inspect light duty and heavy-duty vehicles, and motorcycles are no longer inspected. Subsections (k), (l), and (m) are proposed for amendment to reflect the new definitions of a passenger vehicle and passenger vehicle transportation, which replace the cumbersome definition of buses that have been issued passenger, governmental, no fee, or commercial vehicles plates by the MVC and taxicabs, limousines, and jitneys. The subsections are also proposed for amendment to remove the reference to the five existing classes of private licensed inspection facilities and to reference just licensed private inspection facilities. Subsection (v) is proposed for amendment to list unsafe conditions that experience has shown will make a vehicle inoperable. If one of these conditions exist, the inspection will be terminated and the vehicle will fail the inspection.

The headings of N.J.A.C. 13:20-33.3 and 33.4 are proposed for amendment to remove reference to the five classes of private licensed inspection facilities licenses and to refer to the licensees as Private Inspection Facilities.

The headings of N.J.A.C. 13:20-33.5 through 33.19 are proposed for amendment to remove reference to the five classes of licensed private inspection facilities.

The heading of N.J.A.C. 13:20-33.20 is proposed for amendment to remove reference to commercial vehicle inspection and the five classes of licensed private inspection facilities. The section is proposed for amendment to reflect that passenger vehicles, commercial vehicles, and

passenger vehicle transportation must receive an anti-tampering exhaust check during an inspection. Proposed new subsection (b) is added to identify that the inspection standards set forth in existing paragraphs (a)1 through 7, recodified as paragraph (b)1 through 7, apply only to commercial vehicles.

The heading of N.J.A.C. 13:20-33.21 is proposed for amendment to remove the reference to commercial vehicle inspection and to remove the classes of licensed private inspection facilities. Subsection (c) is proposed for amendment to clarify which diesel vehicles are subject to a visible smoke test. Subsection (d) is proposed for deletion because diesel-fueled motor vehicles having a GVWR between 8,500 and 10,000 pounds are now required to self-inspect for mechanical defects.

The headings of N.J.A.C. 13:20-33.22 through 33.50 are proposed for amendment to remove reference to the five classes of licensed private inspection facilities.

Proposed new N.J.A.C. 13:20-33.51 requires the inspection of emergency exit doors in buses. This proposed new rule is required so that New Jersey's rules are in compliance with Federal safety regulations found at 49 CFR 393.62. Private inspection facilities will have the authority to inspect certain omnibuses.

Subchapter 33 Appendix C is proposed for amendment to delete all references to motorcycle re-inspection rates and time, as motorcycles are no longer inspected. The appendix is also proposed for amendment to codify MVC's requirements for the amount of time to re-inspect specific items on heavy duty diesel trucks and buses.

Subchapter 43, 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.) and the New Jersey Federal Clean Air Mandate Compliance Act (N.J.S.A. 39:8-41) by establishing an enhanced motor vehicle inspection and maintenance program for New Jersey that achieves the performance standard for enhanced programs established by the Federal Environmental Protection Agency at 40 CFR 51.350 et seq.

N.J.A.C. 13:20-43.1, Definitions, is proposed for amendment. The definition of Class I and Class II is proposed for amendment to remove the phrase "licensed privately owned and operated inspection facility" and replace it with "licensed private inspection facility" to make the definitions of Class I, Class II, and Class III consistent. The definition of a Class II licensed private inspection facility is further proposed for amendment to include a facility that is equipped with smoke opacity and smoke meter equipment. The definition of a Class III licensed private inspection facility is also proposed for amendment to include a facility licensed to use approved OBD test equipment and smoke opacity equipment. The Class IV licensed private inspection facility definition is proposed for deletion, as those facilities will now be licensed as Class III. A Class V licensed private inspection facility is also proposed for deletion, as two-speed idle analyzer equipment will no longer be required; certain vehicles will require an OBD emission test or a smoke opacity test pursuant to this rulemaking. Definitions for a commercial vehicle, initial inspection, kit vehicle, Omnibus 2, passenger vehicle, passenger vehicle transportation, replica vehicle, and re-inspection are also proposed. The MVC has instituted a new procedure and issued new rules for the registration of omnibuses and has instituted new license plates for Omnibus and Omnibus 2. The proposed amendments include the new definition of vehicles registered as Omnibus 2. The proposed amendments also include a definition for passenger vehicle transportation, which includes certain vehicles that transport passengers for hire, Omnibus 2, taxicabs, limousines, and jitneys.

N.J.A.C. 13:20-43.2 is proposed for amendment so that paragraph (b)9 will now exempt diesel-fueled motor vehicles having a GVWR greater than 8,500 pounds (as opposed to 10,000 GVWR), but less than 18,000 pounds, from an emission inspection. Diesel-fueled motor vehicles having a GVWR between 8,500 and 10,000 pounds were not subject to a smoke opacity emission inspection and received a mechanical inspection if plated commercially. Pursuant to this rulemaking, these vehicles will no longer come to an official inspection facility and are authorized to self-inspect. Passenger vehicles model year 1995 and older are also proposed to be exempted from an emission inspection, as are gasoline or bi-fueled, model year 2007 or older passenger vehicles with a GVWR of 8,501 to 14,000 pounds, and gasoline or bi-fueled model year 2013 or

older passenger vehicles with a GVWR of 14,001 pounds or greater. This group of vehicles is not OBD eligible, is not subject to a mechanical inspection, and is no longer required to obtain a two-speed idle emission test. Finally, vehicles registered with dealer license plates are proposed to be exempt from an emission test because this registration is temporary. This has been the practice, but never codified.

N.J.A.C. 13:20-43.2A is proposed for amendment. Proposed new paragraph (a)5 is added to ensure that a collector vehicle meets all Federal and State safety and emission requirements in effect on the date of manufacture and proposed new paragraph (a)6 is added to formally codify that a kit or replica vehicle cannot be registered as a collector vehicle. Subsection (c) is proposed for amendment to require a collector vehicle to be inspected once every five years, not biennially, and the sticker to reflect a five-year inspection cycle. The section is also amended to indicate that vehicles 21 model years to 25 model years old will not receive a five-year sticker but a sticker for the time frame until the vehicle reaches 25 model years old. Subsection (e) is proposed for amendment to clarify that renewal of the windshield sticker is required before the expiration date on the windshield sticker. Subsection (f) is proposed for amendment to increase the new cost of the windshield sticker to \$25.00 from \$10.00. This reflects that the sticker is now a five-year sticker and not a two-year sticker.

N.J.A.C. 13:20-43.4(b) and (c) and 43.5(b) and (c) are proposed for amendment to remove reference to the five classes of licensed private inspection facilities.

N.J.A.C. 13:20-43.6 is proposed for amendment to require fleet motor vehicles to be inspected at the inspection facility newly designated in N.J.A.C. 13:20-7.3 and to remove the five classes of licensed private inspection facilities.

N.J.A.C. 13:20-43.7(b) is proposed for amendment to use the new definition of passenger vehicle transportation that replaces the cumbersome definition of buses that have been issued passenger, governmental, no fee, or commercial vehicle plates by the Motor Vehicle Commission and taxicabs, limousines, and jitneys. Paragraph (b)3, 4, and 5 are proposed for deletion.

N.J.A.C. 13:20-43.8 is proposed for amendment to require heavy-duty OBD eligible gasoline-fueled and bi-fueled motor vehicles to receive an OBD inspection. This now includes gasoline fueled and bi-fueled motor vehicles 2008 model year and newer with a GVWR from 8,501 to 14,000 pounds and motor vehicles model year 2014 and newer with a GVWR of 14,001 pounds or greater. This requirement also applies to commercial buses. Subsections (b) and (c) are proposed for deletion, as a two-speed idle test will no longer be required pursuant to this rulemaking. Recodified subsection (b) is proposed for amendment to require diesel-fueled motor vehicles with a GVWR greater than 17,999 and model year 2014 and newer to be subject to an OBD emission test and not a smoke opacity emission test. Recodified subsection (c) is proposed for amendment to change the fuel cap leak test to a visual fuel cap check. Recodified subsection (e) is proposed for amendment to require diesel-fueled motor vehicles model year 1997 and newer to have a visible smoke test and appropriate OBD emission test. Recodified subsection (g) is proposed for amendment to emphasize that the equipment listed in paragraphs (g)1 through 17 will be inspected only on commercial vehicles, and passenger vehicle transportation.

N.J.A.C. 13:20-43.14 is proposed for amendment to reflect that only an OBD emission test will be performed at an on road inspection, change the fuel cap leak test to a visual fuel cap check, inspect for the integrity of the motor vehicle catalytic converters not just a single converter since many motor vehicle models have more than one catalytic converter, and to perform a mechanical inspection only when required by rule.

N.J.A.C. 13:20-43.16 is proposed for amendment to state in subsections (d) and (f) that a conditional registration restoration, which allows travel to and from an official inspection facility, can only be used to obtain an initial inspection (deleting "re-inspection") at an official inspection facility and that a conditional registration restoration allowing travel to and from a private inspection facility, State specialty facility, emission repair facility, or repair facility would still be allowed for the initial inspection and re-inspection of commercial vehicles, passenger vehicle transportation vehicles, and passenger vehicles.

Subchapter 44, Private Inspection Facility Licensing, provides for the licensing and regulation of private inspection facilities and is proposed for amendment.

N.J.A.C. 13:20-44.2, Definitions, is proposed for amendment. The definitions of Class I and Class II are proposed for amendment to remove the phrase "licensed privately owned and operated inspection facility" and replace it with "licensed private inspection facility" to make the definitions of Class I, Class II, and Class III consistent. The definition of a Class II licensed private inspection facility is further proposed for amendment to a facility that is equipped with smoke opacity equipment. The definition of a Class III licensed private inspection facility is also proposed for amendment to be a facility licensed to use approved OBD test equipment and smoke opacity equipment. The Class IV licensed private inspection facility definition is proposed for deletion, as those facilities are now licensed as Class III. A Class V licensed private inspection facility is also proposed for deletion as two-speed idle analyzer equipment will no longer be required as certain vehicles will require an OBD emission test or a smoke opacity test pursuant to this rulemaking. Motor vehicle emission testing equipment is proposed for amendment to remove reference to analyzers, which are no longer necessary, remove reference to fuel cap leak testers, which are no longer necessary but maintain the requirement for equipment to perform OBD emission tests and add smoke meters needed to perform smoke opacity tests. Definitions for commercial vehicle, initial inspection, Omnibus, Omnibus 2, passenger vehicle, passenger vehicle transportation, and re-inspection are proposed. The definition of commercial motor vehicle inspection is proposed for amendment to use the new definition of passenger vehicle transportation, which replaces the vehicles deleted and to remove from the definition the inspection of commercially plated diesel-fueled vehicles with a GVWR greater than 8,500 pounds since these vehicles are only required to be self-inspected. The MVC has instituted a new procedure and issued new rules for the registration of omnibuses and has instituted new license plates for Omnibus and Omnibus 2. These proposed amendments include the new definition of vehicles registered as Omnibus and Omnibus 2. The proposed amendments also include a definition of passenger vehicle transportation, which includes certain vehicles that transport passengers for hire, Omnibus 2, taxicabs, limousine, and jitneys.

N.J.A.C. 13:20-44.3 is proposed for amendment. Subsection (c) is proposed for amendment to reduce the GVWR from less than 10,000 to less than 8,501 for diesel-fueled trucks that a licensed private inspection facility is authorized to inspect. Diesel-fueled trucks between 10,000 and 18,000 GVWR currently are authorized to self-inspect. The subsection is further proposed for amendment to include the new definition of passenger vehicle transportation in place of the cumbersome definition of buses that have been issued passenger, governmental, no fee, or commercial vehicles plates by the MVC and taxicabs, limousines, and jitneys. Subsection (d) is proposed for amendment to remove reference to the five classes of licensed private inspection facilities and to remove the reference to engine emission. Subsection (e) is proposed for amendment to remove the reference to the five classes of licensed private inspection facilities, to remove the reference to motorcycle inspections since motorcycles are no longer required to be inspected, and to include commercial vehicle inspections, as well as passenger vehicle inspections. Subsection (f) is proposed for deletion, as the definition of a Class II licensed private inspection facility is proposed to be changed and Class V licensed private inspection facility is proposed for deletion. Recodified subsection (f) is proposed for amendment to add Class II licensed private inspection facility, since a Class II facility definition is proposed for amendment to allow for smoke opacity tests. Reference to Class V licensed private inspection facilities is proposed for deletion since a Class V facility is proposed for removal pursuant to this rulemaking. Recodified paragraph (h)1 is proposed for deletion, since pursuant to this rulemaking, only OBD emission tests and smoke opacity tests will be performed, which are covered in subsequent sections of the rule. Recodified paragraph (h)1 is proposed for amendment to remove reference to the five classes of licensed private inspection facilities and to include a new definition of passenger vehicle transportation in place of the cumbersome definition of buses that have been issued passenger, governmental, no fee, or commercial vehicles plates by the MVC and

taxicabs, limousines, and jitneys. Recodified paragraph (h)2 is proposed for amendment to remove reference to the five classes of licensed private inspection facilities and to have the paragraph refer to a private inspection facility with a fleet endorsement. The paragraph is also proposed for amendment to reduce the GVWR from less than 10,000 pounds to less than 8,501 pounds regarding diesel-fueled trucks that a private inspection facility with a fleet endorsement is authorized to inspect. Diesel-fueled trucks between 10,000 and 18,000 GVWR currently self-inspect for emission and mechanical. Pursuant to this rulemaking, diesel-fueled trucks between 8,501 and 10,000 pounds will also be authorized to self-inspect and accordingly, are exempt from an inspection by a fleet. The paragraph is also further proposed for amendment to include the new definition of passenger vehicle transportation in place of the cumbersome definition of buses that have been issued passenger, governmental, no fee, or commercial vehicles plates by the MVC, and taxicabs, limousines, and jitneys.

N.J.A.C. 13:20-44.10 is proposed for amendment to remove reference to motorcycle certificates of approval, since motorcycles are now exempt from an inspection.

Social Impact

The proposed amendments, repeals, and new rules simplify the emission inspection test procedures. This will have numerous positive social impacts. The proposed amendments, repeals, and new rules also redirect commercial inspections and re-inspections from State facilities to licensed private inspection facilities (PIFs). This will have some positive social impact for the State, the public, and certain small business owners. It will affect 300,000 inspections currently performed at the State central inspection facilities (CIFs) that will now be required to be performed at a PIF for a fee. The proposed amendments, repeals, and new rules will also allow diesel-fueled motor vehicles with a GVWR between 8,500 and 10,000 pounds to self-inspect and, therefore, they will be exempt from having to go to a State inspection facility or PIF for an inspection. The proposed amendments, repeals, and new rules makes clear that these vehicles are subject to air pollution standards set forth by the Department of Environmental Protection.

The proposed amendments, repeals, and new rules exempt passenger vehicles model year 1995 and older from an emissions test. This will exempt approximately 200,000 vehicles from an emission inspection, therefore, these cars will not have to be driven to a CIF for an inspection, slightly reducing emissions and saving these customers time and resources.

The proposed amendments, repeals, and new rules only require certain classes of motor vehicles to have an OBD emission test and/or smoke opacity test. An OBD-only emission test is easier and quicker to perform than a two speed idle (TSI) test. An OBD emission test takes approximately six minutes, versus 15 minutes for a TSI test, thereby increasing throughput at the CIFs. All told, the proposed amendments, repeals, and new rules will reduce inspection volume by approximately 510,000 at the State's CIFs. The combination of reduced volume and increased throughput will substantially reduce inspection wait times and queues. This change will save customers countless hours. Long wait lines also have the potential to spill onto public roads, endangering public safety, and will now be minimized. As wait times are reduced, the number of hours cars spend in line idling will also be reduced.

The proposed amendments, repeals, and new rules will not affect initial inspections for passenger vehicles. Customers will still be able to choose to have an inspection performed at a State CIF or performed at a PIF. Initial passenger vehicle inspections constitute 85 percent of all inspections performed. The proposed amendments, repeals, and new rules will affect approximately 120,000 commercial inspections that are currently performed at CIFs. These vehicles are required to have an emission and mechanical inspection and will receive inspections at a PIF. The proposed amendments, repeals, and new rules will also affect 180,000 re-inspections, approximately 90 percent of which are performed at a CIF. If a customer's car fails an emission inspection, he or she will be required to have the car either repaired at an Emission Repair Facility (ERF) by a trained technician licensed by the State, or self-repair. If that ERF is also a PIF, then, the facility can charge for the repair but can only charge \$2.50, the cost of the sticker, for the re-inspection. There are

approximately 1,100 PIFs and 800 of those PIFs are also ERFs. The public is encouraged to have emission repairs done at an ERF that is also a PIF, so as not to incur a re-inspection fee. This change will also encourage more PIFs to become ERFs, furthering competition and providing the public with more convenient access to local inspection facilities. This will also encourage ERFs to train additional repair technicians. Since all vehicles that fail an emission inspection will be re-inspected at a PIF, it will encourage the public to have all emission failures properly diagnosed and repaired, reducing emissions and furthering the goals of the enhanced inspection/maintenance program.

The proposed amendments, repeals, and new rules provide the additional requirement to check for multiple catalytic converters, as many vehicles today have multiple catalytic converters. Having a properly working catalytic converter or converters provides an emission benefit, furthering the goals of the enhanced inspection/maintenance program. The proposed amendments, repeals, and new rules subject gasoline-fueled motor vehicles with a GVWR between 8,500 and 14,000 pounds that are 2008 model year and newer, gasoline-fueled motor vehicles with a GVWR greater than 14,000 that are 2014 model year and newer, and diesel-fueled motor vehicles with a GVWR greater than 17,999 pounds that are model year 2014 newer, to an OBD emission test. An OBD emission test is a more reliable emission test for emission benefits and, accordingly, this will further the goals of the enhanced inspection/maintenance program.

Proposed new N.J.A.C. 13:20-33.51 will have a positive impact on bus passengers making passenger buses safer as emergency exit doors will now have to be inspected to comply with Federal safety standards.

Economic Impact

The proposed amendments, repeals, and new rules will have an economic impact on the State, small business community, driving public, commercial vehicle owners, and owners of diesel-fueled vehicles with a GVWR between 8,500 and 10,000 pounds. The proposed amendments, repeals, and new rules remove the requirement that model year 1995 and older vehicles receive a TSI emission test. Certain vehicles will be subject to an OBD-only emission test and/or smoke opacity test. Diesel-fueled vehicles with a GVWR between 10,000 and 18,000 pounds are currently required to self-inspect and the proposed amendments allows diesel-fueled motor vehicles with GVWR between 8,501 and 10,000 pounds to also self-inspect. This will save the State payments to a contractor for inspection fees and maintenance fees, and will increase throughput at the State inspection facilities. Approximately 215,000 vehicles model year 1995 and older, and diesel-fueled vehicles with a GVWR between 8,500 and 10,000 pounds will no longer obtain an initial emission inspection at a State CIF.

OBD-only emission tests are simpler, quicker, and less expensive to perform than TSI emission tests. Purchasing equipment today to conduct OBD and TSI tests costs approximately \$7,600. Purchasing OBD-only workstations is estimated in 2016 to cost approximately \$2,500. Required maintenance fees for OBD-only equipment is approximately \$50.00 per month versus \$100.00 per month for TSI equipment. The State estimates that a TSI emission test costs \$5.00 more than an OBD-only emission test, and that when the proposed amendments, repeals, and new rules are implemented, one reason the State will pay a lower inspection fee is because of the simpler, quicker, less expensive OBD-only test. Equipment audits on OBD-only equipment are easier and quicker to administer. The State audits all inspection equipment as per Federal Clean Air Act requirements. The changes will save the State auditing resources.

The current PIF emission equipment is reaching the end of its useful life. There are approximately 600 PIFs that have TSI testing equipment and these PIFs will welcome having to purchase OBD-only emission workstations to replace the aging equipment. Additionally, these PIFs will see a reduction of up to \$600.00 per year in the mandatory monthly maintenance fee.

An OBD emission test takes approximately six minutes versus 15 minutes for a TSI test, therefore, throughput at the CIFs will increase, wait time and inspection queues will be reduced at the CIFs, and testing will be faster at the PIFs. This will save customers time that can be put to more productive use.

The proposed amendments, repeals, and new rules remove the requirements for a fuel cap test and replace the requirement with a fuel cap check. This change further simplifies the inspection test and reduces equipment costs.

The proposed amendments, repeals, and new rules require that commercial vehicles' required emission and mechanical inspections be performed at a PIF. The CIFs currently perform approximately 120,000 commercial vehicle inspections. Those inspections will have to be administered by a PIF that will charge an inspection fee. The average cost for an initial inspection currently averages \$70.00 Statewide. At the current contract price, the State would save approximately \$2,400,000 annually in inspection fees paid to the contractor. An OBD emission test with a mechanical inspection takes longer than an OBD-only emission test, therefore, removing mechanical inspections from the CIFs will improve throughput and reduce wait times and inspection queues. The contractor will no longer be required to maintain the aging mechanical inspections equipment at the CIFs. The State estimates that one reason the State will pay a lower inspection fee when the proposed amendments, repeals, and new rules are implemented is that mechanical inspections will no longer be performed at the CIFs.

The proposed amendments, repeals, and new rules also require that all re-inspections must be performed at a PIF. There are approximately 180,000 re-inspections yearly, with 90 percent of those re-inspections taking place at a CIF. At the current contract price, re-inspections cost the State an estimated \$3,600,000 annually. It is difficult to estimate the cost of requiring re-inspections to be administered at the PIFs. Rules require vehicles that fail an emission inspection to be repaired at a licensed ERF by a trained technician, or self-repaired. Of the 1,100 PIFs, approximately 800 are also a licensed ERF. If a vehicle is repaired at a PIF that is also an ERF, the PIF can charge for the repair but can only charge \$2.50, the sticker fee, for the re-inspection. Therefore, the public is encouraged to repair his or her vehicle at a PIF that is also an ERF, so as not to be charged a re-inspection fee. This will encourage more PIFs to also become an ERF, which will increase the public's access to a more conveniently located inspection/repair network and foster competition, which will help to keep prices in check. It will also encourage ERFs to train additional repair technicians. Additionally, the proposed amendments, repeals, and new rules will encourage the public to have all emission failures properly diagnosed and repaired at a licensed ERF.

The proposed amendments, repeals, and new rules will cause an increase of inspections at PIFs by 300,000 per year. This will substantially increase business at the PIFs that are, by definition, mostly small businesses. This will encourage current PIFs to remain part of the inspection network and encourage new PIFs to join the network. Public access to more conveniently located PIFs will also be increased, and competition among facilities will be fostered to keep prices in check.

The State estimates that when the proposed amendments, repeals, and new rules are implemented in an OBD-only emission test environment, and commercial inspections and re-inspections are redirected to the PIFs, the State will save approximately \$18,000,000 per year in fees and costs. Proposed new N.J.A.C. 13:20-33.51 does not have an economic impact as the rule does not impose a cost to bus owners. The proposed new rules requires compliance with existing Federal inspection standards of emergency exit doors on all buses.

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 proposed amendments, repeals, and new rules are consistent with Federal safety standards.

The proposed 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 proposed amendment ensures that self-inspections performed in the State meet Federal requirements.

The State’s inspection standards do not exceed Federal standards. The proposed 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.

Proposed 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 proposed in this rulemaking, which provides for an OBD-only emission testing environment with a visual gas cap check and the proposed amendments, repeals, and new rules do not exceed Federal USEPA Performance standards.

Jobs Impact

The number of initial emission inspections, mechanical inspections, and re-inspections performed Statewide will not change significantly under the proposed amendments, repeals, and new rules. The State estimates that approximately 215,000 vehicles will no longer require an inspection. A decrease of less than one percent of total inspections performed Statewide at both central and private facilities will not have an impact on the number of inspectors required.

Pursuant to the proposed amendments, repeals, and new rules, fewer inspections will be performed at CIFs and the inspections performed will be quicker and easier to administer. This may result in the use of fewer resources and inspectors at the CIFs. However, more emission inspections, mechanical inspections, and re-inspections will be performed at PIFs, which likely will require additional inspectors and resources.

Finally, the proposed amendments, repeals, and new rules encourage vehicle owners to have emission repairs made at a licensed ERF by a certified emission repair technician. This may encourage ERFs to hire and train additional emission repair technicians.

Agriculture Industry Impact

The proposed amendments, repeals, and new rules will have no impact on the agriculture industry in New Jersey as the amendments, repeals, and new rules impact certain aspects of vehicle inspections, but they will not have an impact on farm tractors, traction equipment, farm machinery, or farm implements.

Regulatory Flexibility Analysis

The proposed amendments, repeals, and new rules have been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., as the rules will impose reporting, recordkeeping, and compliance requirements on PIFs licensed by the MVC. New Jersey currently licenses approximately 1,119 PIFs. Most of these facilities meet the definition of “small business” set forth in N.J.S.A. 52:14B-17. These facilities will perform additional initial inspections, mechanical inspections, and re-inspections annually. Inspections and re-inspections performed at PIFs are subject to equipment, performance, and record audits by the State. Pursuant to the proposed amendments, repeals, and new rules, PIFs will only have to administer an OBD emission inspection or smoke opacity inspection. The smoke opacity inspections will not change but the results of those inspections will be entered into a vehicle inspection database (VID) through a portal or a new emission workstation. For an OBD emission inspection, the results are captured by the inspection workstation and automatically transmitted to the VID. Accordingly, there will only be a change in reporting for smoke opacity results, which were previously manually recorded and now will be entered through a portal. If the smoke opacity test is performed on a new workstation, those results will be transmitted to the VID automatically. For an OBD emission test there will be no increase in reporting as results will continue to be transmitted to the VID automatically from the

workstation. Any cost of compliance, reporting, or recordkeeping requirements due to an increase in inspections performed will be administrative in nature and will not require additional professional services.

The requirements that PIFs are subject to mandatory audits by the State is a statutorily required standard that must be adhered to by all inspection facilities. Accordingly, a PIF cannot be exempted from these reporting and recordkeeping requirements of performing an inspection.

The proposed amendments will also impose compliance requirements on businesses that have vehicles registered commercially as these vehicles must be inspected at a licensed private inspection facility for a fee. The proposed amendments allow diesel-fueled vehicles with a GVWR between 8,500 and 10,000 pounds to self-inspect exempting them from having an inspection performed at a licensed private inspection facility for a fee. The proposed amendments exempt vehicles model year 1995 and older from an inspection and thus from possibly having to pay an inspection fee. These impacts are set forth in the Social and Economic Impact statements above.

Housing Affordability Impact Analysis

The proposed amendments, repeals, and new rules will not have any impact on the affordability of housing in New Jersey, and the rules will have no impact on, and would not evoke a change in, the average costs associated with housing because these proposed amendments, repeals, and new rules only affect the inspection and re-inspection of vehicles and the rear safety door of school buses.

Smart Growth Development Impact Analysis

The proposed amendments, repeals, and new rules will have no impact on smart growth and will not evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments, repeals, and new rules only pertain to the inspection and re-inspection of vehicles and the rear safety door of school buses.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 13:20-32.5 through 32.19, 32.23 through 32.33, 32.35 through 32.49, and 13:20-33 Appendix C.

Full text of the proposed amendments and new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [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 [10,000] **8,500** pounds that are registered as commercial [motor] vehicles [pursuant to N.J.S.A. 39:3-20];

[3. Buses that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission;

4. Taxicabs;

5. Limousines;

6. Jitneys;]

3. Passenger vehicle transportation;

[7.] **4.** Heavy duty diesel powered motor vehicles [with] **having a GVWR of 18,000 pounds or [over] more; and**

[8. Ambulances, regardless of fuel type;

9. Special paratransit vehicles as defined in N.J.S.A. 48:4-1; and]

[10.] **5.** (No change in text.)

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

1.-7. (No change.)

8. Diesel-fueled motor vehicles having a GVWR of [10,000] **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; [and]

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 [automobiles; trucks; buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission; taxicabs; limousines; and jitneys] **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[on automobiles; trucks; buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission; taxicabs; limousines; and jitneys] **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, [buses that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission] **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 [reinspection] **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 [motor] vehicle [pursuant to N.J.S.A. 39:3-20] or [that is a bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine or jitney] **passenger vehicle transportation** 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 motor vehicle shall thereafter be inspected on an annual basis, except as otherwise provided by law or [regulation] **rule**.

(c) Whenever a [motor] **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 [motor] **passenger** vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or [regulation] **rule**.

(d) Whenever a new [motor] **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 [motor] **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[; provided, however, that a]. A new motor vehicle receiving a decal pursuant to this subsection that is registered as a commercial [motor] vehicle [pursuant to N.J.S.A. 39:3-20] or [that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney] **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. [The motor vehicle shall thereafter be

inspected on a biennial basis, except as otherwise provided by law or regulation.]

(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 [an official inspection facility or a licensed private] **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 [regulation] **rule**; or

2. Present such motor vehicle for inspection at [an official inspection facility or a licensed private] **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 [regulation] **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 [an official inspection facility or a licensed private] **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 [regulation] **rule**. A motor vehicle inspected pursuant to this paragraph that is found to be defective shall be subject to [reinspection] **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 [reinspection] **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 [an official inspection facility or a licensed private] **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 [regulation] **rule**; or

2. Present such motor vehicle for inspection at [an official inspection facility or a licensed private] **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 [regulation] **rule**.

(g) [Except as otherwise provided in (g)3 below, whenever] **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]: 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 defective shall be subject to reinspection 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). Upon approval following inspection or reinspection by a licensed private inspection facility, the motor vehicle shall next be inspected 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 inspection certificate of approval 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 regulation; or 2. Present] **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 [regulation] **rule**.

[3.] 1. [A] **Whenever a used** motor vehicle [for which a temporary authorization certificate has been issued pursuant to this subsection] that is registered as a commercial [motor] vehicle [pursuant to N.J.S.A. 39:3-20 or that is a bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission] or [that is a taxicab, limousine or jitney] **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** [be presented] **present such motor vehicle** 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 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 [an official inspection facility or a licensed private] **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 [regulation] **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:

[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 if the registrant does not wish to retain the collector motor vehicle designation. A motor vehicle inspected pursuant to this paragraph that is found to be defective shall be subject to reinspection 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). Upon approval following inspection or re-inspection by a licensed private inspection facility, the motor vehicle shall next be inspected 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 certificate of approval 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 regulation;]

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 [reinspection] **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 [reinspection] **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 [reinspection] **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 [10,000] **8,500** pounds gross vehicle weight rating or more;
- 3.-4. (No change.)

... “Vehicle” means every trailer, semitrailer, pole trailer, truck having a GVWR of [10,000] **8,500** 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 [Periodic inspection] **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 [having a GVWR of 10,000 pounds or more] shall be inspected [pursuant to N.J.S.A. 39:8-1] 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 [having a GVWR of 10,000 pounds or more that] are registered as commercial motor vehicles [pursuant to N.J.S.A. 39:3-20] shall be inspected [pursuant to N.J.S.A. 39:8-1] 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-[47]**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-[47]**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 [automobiles; trucks; buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission; taxicabs; limousines, and jitneys for compliance with inspection standards] **passenger vehicles**.

(b) Official inspection facilities shall be authorized to engage in the **initial inspection**[, reinspection, and certification] of [automobiles; trucks; buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission; taxicabs; limousines, and jitneys; provided, however, official] **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 [motor] **passenger** vehicle upon[:]

[1. Initial inspection as certification of compliance with inspection requirements; and

2. Reinspection as certification that defects for which the motor vehicle was initially rejected have been repaired, adjusted, or corrected to bring the motor vehicle into compliance with inspection requirements.] **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 [an automobile, truck, bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine or jitney] **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 [an automobile, truck, bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine or jitney] **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 [such motor] **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 [and/or inspection rejection 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 [reinspection] **re-inspection** within the period of time set forth in N.J.A.C. 13:20-7.5.

(f) Notwithstanding (e) above, if [an automobile, truck, bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine or jitney] **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 [such motor] **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 [reinspection] **re-inspection** within the period of time set forth in N.J.A.C. 13:20-7.6(a).

(g) (No change)

(h) If a motor vehicle is presented at an official inspection facility for reinspection, the official inspection facility may reinspect the motor vehicle and certify it if the rejected item(s) has been repaired, adjusted or corrected, so as to conform 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, provided there are no obvious safety, emission-related or OBD-related defects. If there are obvious safety, emission-related or OBD-related defects, the motor vehicle shall be subject to a complete reinspection.

(i) If a motor vehicle is presented at an official inspection facility for reinspection and the rejected item(s) have not been repaired, adjusted or corrected, so as to 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, the official inspection facility shall not issue an inspection rejection sticker to replace the inspection rejection sticker previously affixed to the motor vehicle by an official inspection facility, nor shall the official inspection facility issue an inspection rejection sticker to replace the inspection certificate of approval or inspection decal previously defaced by a licensed private inspection facility in accordance with N.J.A.C. 13:20-33.2(l) as an indication that the motor vehicle has failed inspection.

(j) If a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at an official inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has not been repaired, the official inspection facility shall not issue a "48 hour" inspection rejection sticker to replace the "48 hour" inspection rejection sticker previously affixed to the motor vehicle.

(k) Notwithstanding (k) above, if a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at an official inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has been repaired, so as to conform 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, but another rejected item(s) not deemed to constitute a hazard to the public safety has not been repaired, adjusted or corrected, so as to 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, the official inspection facility shall remove the "48 hour" inspection rejection sticker previously affixed to the motor vehicle 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 must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.]

[(I)] (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.

[(m)] (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 [safety,] emission-related or OBD-related defects.

[(n)] (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 [motor] vehicle [pursuant to N.J.S.A. 39:3-20] or [that is a bus that has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission or that is a taxicab, limousine, or jitney] **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 [safety,] emission-related[,] or OBD-related defects.

[(o)] (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)2] (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)2] (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)2] (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.

[(p)] Any motor vehicle that has been found to be in proper operating condition at an on-road inspection pursuant to N.J.S.A. 39:8-2g and that is due for inspection pursuant to N.J.S.A. 39:8-1 within the two-month period following the calendar month of the on-road inspection approval may, in accordance with N.J.A.C. 13:20-29.2(a), be presented at an official inspection facility for the issuance of an inspection certificate of approval for the inspection cycle applicable to such motor vehicle. Such an inspection certificate of approval 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 safety, emission-related or OBD-related defects.]

13:20-32.3 Credentials; official inspection facilities

(a)-(b) (No change)

[(c)] The driver of a commercial motor vehicle presented for inspection shall present 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.

(d) Certification of a commercial motor vehicle shall be refused because the driver's license for the class of motor vehicle being operated, New Jersey motor vehicle registration certificate, or insurance identification card presented by the motorist contains errors, is altered, or is missing.]

13:20-32.4 License plates; official inspection facilities

(a)-(b) (No change)

[(c) Certification of commercial motor vehicles shall be refused if any of the following requirements are not met:

1. The license plates shall be clear and distinct and free from grease, dirt, or other blurring material, so that they are plainly visible at all times of the day and night;

2. The license plates shall be securely attached to the front and rear of the motor vehicle;

3. The license plates shall be displayed not less than 12 inches nor more than 48 inches from the ground in a horizontal position, right side up, and right side out; provided, however, that the rear license plate may be displayed more than 48 inches from the ground on tank trucks, trailers, and other commercial vehicles carrying inflammable liquids and on sanitation vehicles that are used to collect, transport, and dispose of garbage, solid waste, and refuse;

4. The letters and/or numbers on the license plates shall agree with the letters and/or numbers on the registration certificate of the motor vehicle;

5. A license plate shall not be obstructed by a trailer hitch, snow plow bracket, bumper, bumper guard, sign, mounting bolt head, reflector, or by any other device or material.

6. The license plates shall not be covered by glass, plastic, or similar material; or

7. The license plates shall not be bent, illegible, or defaced.]

13:20-32.20 [Commercial vehicle] **Vehicle** inspection: exhaust system; official inspection facilities

[(a) The following shall not be certified:

1. An exhaust system in which the muffler is missing, defective, or not in proper operating condition;]

[2. An exhaust system] **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[.];

[3. An exhaust system if there is evidence of exhaust gas leakage at any point in the system;

4. An exhaust system if there is a muffler cut-out, muffler bypass or any similar device, or any change or modification to the exhaust system which causes excessive noise;

5. An exhaust system which has loose or worn components or has been patched; provided, however, that an exhaust system which has been properly welded and is in good condition may be certified;

6. An exhaust system in which all parts are not properly mounted. The entire exhaust system shall be in such condition that it cannot burn or cause injury to any person. Exposed exhaust pipes, stacks, or other parts of the exhaust system which might burn a person or cause injury shall be protected in a permanent and effective manner; or

7. An exhaust system installed in a manner that any part thereof passes through the passenger compartment of the motor vehicle. The exit point for the exhaust gas shall be located so that dangerous amounts of exhaust gas will not enter the passenger compartment under normal vehicle use even with the windows open or the outside air inlets to the heater or air conditioner open. A replacement exhaust system is acceptable provided it is specifically manufactured for the motor vehicle by a company which guarantees that the exhaust system has a safe exhaust gas exit location.

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

13:20-32.21 [Commercial vehicle] **Vehicle** inspection: [prescribed emission or] **visible smoke and** on-board diagnostics test(s); official inspection facilities

(a) With respect to each gasoline-fueled or bi-fueled [motor] **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 [motor] **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.

[(c) With respect to each diesel-fueled motor vehicle with model year 1996 or older having a GVWR of 8,500 pounds or less that is presented for inspection, an official 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.

(d) With respect to each diesel-fueled motor vehicle having a GVWR of more than 8,500 pounds but less than 10,000 pounds that is presented for inspection, an official inspection facility shall confirm that such motor vehicle conforms to the general public highway standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14.4.]

13:20-32.22 [Commercial vehicle inspection: emission test equipment and on-board] **On-board** diagnostics inspection equipment maintenance; official inspection facilities

[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.

13:20-32.34 [Commercial vehicle] **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 [privately owned and operated] **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 [privately owned and operated] **private** inspection facility equipped with Department of Environmental Protection-approved [OBD equipment and two speed emission analyzer used for testing as set forth at N.J.A.C. 7:27B-5.4] **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-[14.4]14.5.

["Class IV" means a licensed privately owned and operated inspection facility equipped with Department of Environmental Protection-approved OBD test equipment used for testing as set forth at N.J.A.C. 7:28B-5.6 and Department of Environmental Protection-approved smoke opacity equipment or smoke meter used for test as set forth at N.J.A.C. 7:27-14.4.

"Class V" means a licensed privately owned and operated 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;

two speed emission analyzer used for testing as set forth at N.J.A.C. 7:27B-5.4; and Department of Environmental Protection-approved smoke opacity equipment or smoke meter used for testing as set forth at N.J.A.C. 7:27-14.4]

“Commercial motor vehicle inspection” means the annual inspection for mechanical defects with applicable emission test or emission component test of [taxicabs, limousines, jitneys, commercial vehicles, driving school vehicles, and all buses not inspected by Motor Vehicle Commission Inspection Services Bus Unit] **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 [, IV, and V] licensees

(a) This subchapter contains the inspection standards and test procedures to be used by [licensed private inspection facilities, including] Class I, Class II, and Class III[, Class IV, and Class V] 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 [Class I, Class II, Class III, Class IV, or Class V] 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 [Class I] 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. [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.]

(e) (No change.)

(f) A Class I, Class II, or Class [IV, or Class V] **III** licensed private inspection facility shall not perform emission-related or OBD-related motor vehicle repairs [and a licensed private inspection facility shall not

perform 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 [reinspection] **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 [reinspect] **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 [reinspection] **re-inspection** service for motor vehicles having a GVWR of 8,500 pounds or less[, motor vehicles having a GVWR greater than 8,500 pounds, and motorcycles] 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 [reinspection] **re-inspection** of specific rejected items for motor vehicles having a GVWR of 8,500 pounds or less by Class I or Class [I-A] **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 [reinspection] **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 [reinspection] **re-inspection** of specific rejected items for [motorcycles by] **Class II** or Class III licensees as set forth in Appendix C, incorporated herein by reference.

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

(k) If [an automobile; truck; bus that has been issued passenger, governmental, no fee, or] **a passenger vehicle**, commercial vehicle [license plates by the Motor Vehicle Commission; taxicab; limousine; or jitney] **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 [Class I, Class II, Class IV, or Class V] **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 [Class I, Class II, Class IV, or Class V] **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 [an automobile; truck; bus that has been issued passenger, governmental, no fee, or] **a passenger vehicle**, commercial vehicle, [license plates by the Motor Vehicle Commission; taxicab; limousine; or jitney] **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 [Class I, Class II, Class IV, or Class V] **private inspection facility** licensee shall present the motor vehicle inspection report for such motor vehicle to the operator thereof, and [a Class I, Class II, Class IV, or Class V] **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 [reinspection] **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 [reinspection] **re-inspection** within the period of time set forth in N.J.A.C. 13:20-7.5.

(m) Notwithstanding (l) above, if [an automobile, truck, bus that has been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission, taxicab, limousine or jitney] **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 [Class I or Class I- A] **private inspection facility** licensee shall present the motor vehicle inspection report [or inspection card] 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 [reinspection] **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; [Class I, II, III, IV, and V licensees] **private inspection facilities**

(a)-(d) (No change.)

13:20-33.4 License plates; [Class I, II, IV, and V licensees] **private inspection facilities**

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

13:20-33.5 Commercial vehicle inspection: steering and suspension[; Class I, II, IV, and V licensees]

(a)-(h) (No change.)

13:20-33.6 Commercial vehicles inspection: front parking lights[; Class I, II, IV, and V licensees]

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

13:20-33.7 Commercial vehicle inspection: glazing[; Class I, II, IV, and V licensees]

(a)-(q) (No change.)

13:20-33.8 Commercial vehicle inspection: obstruction to driver’s vision[; Class I, II, IV, and V licensees]

(a)-(d) (No change.)

13:20-33.9 Commercial vehicle inspection: horn[; Class I, II, IV, and V licensees]

(a)-(b) (No change.)

13:20-33.10 Commercial vehicle inspection: windshield wipers[; Class I, II, IV, and V licensees]

(a)-(g) (No change.)

13:20-33.11 Commercial vehicle inspection: clearance lights[; Class I, II, IV, and V licensees]

(a)-(e) (No change.)

13:20-33.12 Commercial vehicle inspection: turn signals and hazard warning signals[; Class I, II, IV, and V licensees]

(a)-(h) (No change.)

13:20-33.13 Commercial vehicle inspection: reflectors[; Class I, II, IV, and V licensees]

(a)-(i) (No change.)

13:20-33.14 Commercial vehicle inspection: identification lights[; Class I, II, IV, and V licensees]

(a)-(d) (No change.)

13:20-33.15 Commercial vehicle inspection: side-marker lights[; Class I, II, IV, and V licensees]

(a)-(d) (No change.)

13:20-33.16 Commercial vehicle inspection: taillights and license plate light[; Class I, II, IV, and V licensees]

(a)-(g) (No change.)

13:20-33.17 Commercial vehicle inspection: stoplights[; Class I, II, IV, and V licensees]

(a)-(h) (No change.)

13:20-33.18 Commercial vehicle inspection: wheels[; Class I, II, IV, and V licensees]

(a)-(b) (No change.)

13:20-33.19 Commercial vehicle inspection: tires[; Class I, II, IV, and V licensees]

(a)-(e) (No change.)

13:20-33.20 [Commercial vehicle] **Vehicle** inspection: exhaust system[; Class I, II, IV, and V licensees]

(a) [The following] **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.)

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

13:20-33.21 [Commercial vehicle inspection: prescribed] **Prescribed** emission or on-board diagnostics test(s)[; Class I, II, IV, and V licensees]

(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.

[(d) With respect to each diesel-fueled motor vehicle having a GVWR of more than 8,500 pounds but less than 10,000 pounds that is presented for inspection, a licensed private inspection facility shall confirm that such motor vehicle conforms to the general public highway standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14.4.]

13:20-33.22 [Commercial vehicle inspection: emission] **Emission** test equipment and on-board diagnostics inspection equipment maintenance[;Class I, II, IV, and V licensees]

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[; Class I, II, IV, and V licensees]

(a)-(p) (No change.)

13:20-33.24 Commercial vehicle inspection: rear view mirrors[; Class I, II, IV, and V licensees]

(a)-(e) (No change.)

13:20-33.25 Commercial vehicle inspection: miscellaneous lights[; Class I, II, IV, and V licensees]

(a)-(n) (No change.)

13:20-33.26 Commercial vehicle inspection: wiring and switching[; Class I, II, IV, and V licensees]

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

13:20-33.27 Commercial vehicle inspection: headlight beam indicator light[; Class I, II, IV, and V licensees]

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[; Class I, II, IV, and V licensees]

(a)-(e) (No change.)

13:20-33.29 Commercial vehicle inspection: antenna[; Class I, II, IV, and V licensees]

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[; Class I, II, IV, and V licensees]

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

13:20-33.31 Commercial vehicle inspection: bumpers[; Class I, II, IV, and V licensees]

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

13:20-33.32 Commercial vehicle inspection: doors[;Class I, II, IV, and V licensees]

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

13:20-33.33 Commercial vehicle inspection: fenders and fender flaps[; Class I, II, IV, and V licensees]

(a)-(b) (No change.)

13:20-33.34 [Commercial vehicle inspection: fuel] **Fuel** system[; Class I, II, IV, and V licensees]

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[; Class I, II, IV, and V licensees]

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[; Class I, II, IV, and V licensees]

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

13:20-33.37 Commercial vehicle inspection: ornaments[; Class I, II, IV, and V licensees]

All motor vehicle ornaments shall be free of sharp parts or edges [which] **that** could cause injury to persons.

13:20-33.38 Commercial vehicle inspection: pedals[; Class I, II, IV, and V licensees]

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[; Class I, II, IV, and V licensees]

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 [which] **that** may cause injury to persons.

13:20-33.40 Commercial vehicle inspection: reflective tape[; Class I, II, IV, and V licensees]

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[; Class I, II, IV, and V licensees]

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[; Class I, II, IV, and V licensees]

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

13:20-33.43 Commercial vehicle inspection: gear shift indicator[; Class I, II, IV, and V licensees]

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[; Class I, II, IV, and V licensees]

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[; Class I, II, IV, and V licensees]

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

13:20-33.46 Commercial vehicle inspection: trunk lid[; Class I, II, IV, and V licensees]

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[; Class I, II, IV, and V licensees]

(a)-(n) (No change.)

13:20-33.48 Commercial vehicle inspection: parking brake[; Class I, II, IV, and V licensees]

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

13:20-33.49 Commercial vehicle inspection: speed recording instrument (speedometer); mileage recording instrument (odometer); Class I, II, IV, and V licensees] 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; Class III, IV, or V licensees] 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 [7.27-]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

Table with 2 columns: Item Re-inspected, Time Required. Rows include 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 [privately owned and operated] 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 [privately owned and operated] private inspection facility equipped with Department of Environmental Protection-approved [OBD equipment and two speed emission analyzer used for testing as set forth at N.J.A.C. 7:27B-5.4] 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 [in] at N.J.A.C. 7:27-[14.4]14.5.

[“Class IV” means a licensed privately owned and operated inspection facility equipped with Department of Environmental Protection-approved OBD test equipment used for testing as set forth at N.J.A.C. 7:28B-5.6 and Department of Environmental Protection-approved smoke opacity equipment or smoke meter used for test as set forth at N.J.A.C. 7:27-14.4.

“Class V” means a licensed privately owned and operated 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; two speed emission analyzer used for testing as set forth at N.J.A.C. 7:27B-5.4; and Department of Environmental Protection-approved smoke opacity equipment or smoke meter used for testing as set forth at N.J.A.C. 7:27-14.4]

“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 [regulation] rule, shall be exempt from the inspection requirements of this subchapter: 1. -8. (No change.) 9. Diesel-fueled motor vehicles having a GVWR [between 10,000 and] 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; [and] 15. Electric vehicles and other vehicles not fueled by [hydrocarbon based] 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; [and] 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 [the biennial inspection test cycle] **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 [24 years old shall be valid for a period of one year] **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 [inspection test cycle] **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 [said sticker] **an initial collector vehicle voucher** shall be \$25.00 [for the initial inspection test cycle] and [\$10.00] **\$25.00** for the renewal of [said sticker for inspection test cycles] **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 [Class I, Class II, Class III, Class IV, or Class V] private inspection facility licensed by the Motor Vehicle Commission pursuant to N.J.A.C. 13:20-44.

(c) A [Class I, Class II, Class IV, or Class V] 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 [Class I, Class II, Class IV, or Class V] private inspection facility licensed by the Motor Vehicle Commission pursuant to N.J.A.C. 13:20-44.

(c) A [Class I, Class II, Class IV, or Class V] 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 [an official] **the appropriate** inspection facility [or by a Class I, Class II, Class III, Class IV, or Class V licensed private 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. Buses that have been issued passenger, governmental, no fee or commercial vehicle license plates by the Motor Vehicle Commission;

3. Taxicabs;

4. Limousines;

5. Jitneys;]

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 [2007] 2008 and newer [with] 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 [7:27]7:27B-4.8 on all [OBD equipped and OBD eligible] **OBD-equipped and OBD-eligible** diesel-fueled vehicles with model year[s] 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[s] 1996 and [later] **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. [In such exceptional cases, a two-speed idle test conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.4 shall be administered.]

[b] A two-speed idle test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.4 on all gasoline-fueled and bi-fueled motor vehicles with model years 1981 through 1995 having a GVWR of 8,500 pounds or less; provided, however, no such test shall be required for any motor vehicle originally manufactured with a particular design characteristic that makes it either impractical or hazardous to conduct such test, as shall be determined in the discretion of the Chief Administrator. In such exceptional cases, an idle test, conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.3(b), shall be administered. All motor vehicles that are subject to a two-speed idle test shall not exceed the emission levels established at N.J.A.C. 7:27-15 for such motor vehicles by the Department of Environmental Protection for hydrocarbons (HC) and carbon monoxide (CO).

(c) An idle test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.3(b) on all gasoline-fueled and bi-fueled motor vehicles and on any other motor vehicle originally manufactured with a particular design characteristic that makes it either impractical or hazardous to conduct a two-speed idle test, as shall be determined in the discretion of the Chief Administrator. All motor vehicles that are subject to an idle test shall not exceed the emission levels established at N.J.A.C. 7:27-15 for such motor vehicles by the Department of Environmental Protection for hydrocarbons (HC) and carbon monoxide (CO).]

[(d)] (b) A smoke opacity test shall be conducted in accordance with N.J.A.C. 7:27B-4.3 on all [diesel powered] **diesel-fueled** motor vehicles [with] **having** a GVWR greater than 17,999 pounds unless [it is such a motor] **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.**

[(e)] (c) A **visual** fuel cap [leak test] **check** shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-5.7. [on all motor vehicles with model years 2000 and earlier that were originally equipped with a sealed fuel filler cap. Motor vehicles subject to the fuel cap leak test shall meet the standards for such test established by the Department of Environmental Protection at N.J.A.C. 7:27-15.5 and 7:27B-5.7.]

[(f)] (d) (No change in text.)

[(g)] (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.**

[(h)] (f) (No change in text.)

[(i)] (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 [safety] equipment inspection required by this subsection shall be limited to an inspection of the motor vehicle's exhaust system. The following [safety] equipment **for commercial vehicles and passenger vehicle transportation** shall be subject to inspection:

1.-17. (No change.)

[(j)] (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 safety inspection,] a visible smoke test, [an emission test, or] an OBD inspection, [whichever is applicable,] a **visual** fuel cap [leak test, if applicable] **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 [reinspection] **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 [or reinspection] 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 [or reinspection] 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 [privately owned and operated] **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 [privately owned and operated] **private** inspection facility equipped with Department of Environmental Protection-approved [OBD equipment and two speed emission analyzer used for testing as set forth at N.J.A.C. 7:27B-5.4] **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] **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-[14.4]**14.5.**

["Class IV" means a licensed privately owned and operated inspection facility equipped with Department of Environmental Protection-approved OBD test equipment used for testing as set forth at N.J.A.C. 7:28B-5.6 and Department of Environmental Protection-approved smoke opacity equipment or smoke meter used for test as set forth at N.J.A.C. 7:27-14.4.

"Class V" means a licensed privately owned and operated 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; two speed emission analyzer used for testing as set forth at N.J.A.C. 7:27B-5.4; and Department of Environmental Protection-approved smoke opacity equipment or smoke meter used for testing as set forth at N.J.A.C. 7:27-14.4.]

"Commercial motor vehicle inspection" means the annual inspection for mechanical defects with applicable emission test or emission component test of [taxicabs, limousines, jitneys, commercial vehicles, driving school vehicles, and all buses not inspected by Motor Vehicle Commission Inspection Services Bus Unit] **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, [exhaust gas analyzers,] OBD scanners, [and analyzers, fuel cap leak testers and] 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, [reinspection] **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 [10,000] **8,501** pounds or greater than 17,999 pounds, [buses (including modified buses regardless of passenger capacity that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission)] and [taxicabs, limousines, jitneys] **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) [Class I, Class II, Class IV, and Class V licensed] **Licensed** private inspection facilities shall provide inspection, [reinspection] **re-inspection**, and certification services [in] for all [commercial] **classes** of motor vehicles [inspection categories, other than motorcycle inspection categories,] established by the Motor Vehicle Commission, including the following inspection categories:

1. (No change.)

[2. Engine emissions;]

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

(e) [Class I, Class II, Class IV, and Class V licensed] **Licensed** private inspection facilities shall provide inspection, [reinspection] **re-inspection**, and certification services in motor vehicle inspection categories, other than the engine emissions inspection category [and other than motorcycle inspection categories,] for [all vehicles subject to] 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 V licensed private inspection facilities shall provide inspection, re-inspection, and certification services in motor vehicle inspection categories established by the Motor Vehicle Commission, for all vehicles subject to passenger vehicle inspection in accordance with N.J.S.A. 39:8-1 and including credentials and engine emissions.]

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

[(h)] **(g)** (No change in text.)

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

[1. Class I, Class II, Class IV, and Class V licenses shall be issued to private inspection facilities to engage in the 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 10,000 pounds; buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission; taxicabs; limousines; and jitneys.]

[2.] **1.** [Class I, Class II, Class IV, and Class V] A license[s] 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; bi-fueled motor vehicles; diesel-fueled automobiles; diesel-fueled trucks having a GVWR of 8,500 pounds or less; [buses having a GVWR of 8,500 pounds or less that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission; taxicabs; and limousines] **and passenger vehicle transportation**.

[3.] **2.** [Class I, Class II, Class IV, and Class V] A **private inspection facility** with a fleet [endorsement] license[s] 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 [10,000] **8,501** pounds; [buses that have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Motor Vehicle Commission; taxicabs; limousines; or jitneys] **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[, other than motorcycles,] 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.)