



# **New Jersey Motor Vehicle Commission**



## **Private Inspection Facility and Inspector Licensing Manual**

R(4/16)

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## Licensing Standards & Penalties

### **Private Inspection Facility (PIF) Requirements**

*This section contains licensing standards for use by New Jersey licensed Inspection Facilities and penalties for non-compliance.*

Private inspection facilities shall be licensed in the following classes:

Class I, OBD - This class can inspect and re-inspect the following:

Gasoline or bi-fueled powered vehicle model year 1996 and newer with a GVWR of 8,500 lbs or less

Gasoline or bi-fueled powered vehicle model year 2008 and newer with a GVWR of 8,501 to 14,000 lbs

Gasoline or bi-fueled powered vehicle model year 2014 and newer with a GVWR of 14,001 or greater

Diesel powered vehicle model year 1997 and newer with a GVWR of 8,500 lbs or less

Diesel powered vehicles model year 2014 and newer with a GVWR of 18,000 and greater

Class II, Diesel - This class can inspect and re-inspect Heavy Duty Diesel vehicles model years 2013 and older with a GVWR of 18,000 and greater for smoke opacity only.

Class III OBD/Diesel - This class can inspect all vehicles.

Note: Each class will provide a “fleet” option

### **General Information**

This subchapter shall apply to every person engaged in the business of a private inspection facility, which performs inspections, re-inspections, and certifications of motor vehicles, including emission control systems.

No person shall, on or after June 29, 1995, engage in the business of a private inspection facility unless licensed by the Commission in accordance with the provisions of this subchapter.

Private inspection facilities shall be licensed to engage in the inspection, re-inspection and certification of all OBD eligible vehicles and gasoline and bi-fueled commercial registered vehicles regardless of GVWR. Heavy Duty Diesel Vehicles model year 2013 and older with a GVWR of 18,000 pounds or greater as specified by the vehicle manufacture shall receive an opacity test only, retired school buses and summer camp, motor home regardless of weight class,

migrant farm vehicles. Private inspection facilities shall not inspect school buses and buses inspected by the Commission's Inspection Services Bus Inspection Unit.

Licensed private inspection facilities shall provide inspection, re-inspection and certification services in all motor vehicle inspection categories, established by the Commission including the following categories;

- Credentials;
- Engine emission;
- On-board diagnostics;
- Brake system;
- Exhaust system;
- Steering suspension, tires and wheels;
- Glass (windshield, windows);
- Electrical (all switches, signals, wipers, lenses and lights, including headlights); and
- Miscellaneous (any inspection item not in any other category)

Each motor vehicle inspection conducted by a private inspection facility pursuant to this subchapter shall include an examination of the driver's license, motor vehicle registration certificate and insurance identification card; provided, however, that this subsection shall not apply to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4, or to motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5.

Any private inspection facility, which is also registered as a motor vehicle emission repair facility pursuant to N.J.A.C. 13:20-45 and which inspects, re-inspects and certifies fleet vehicles that it owns or leases shall be exempted from the requirements of N.J.A.C. 13:20-45.10 for those vehicles.

Only Commercial vehicles are to be inspected for safety and emissions standards, all other passenger vehicles are emission inspections only.

### **Inspector training and licensing**

No person shall perform an emission inspection required by this subchapter unless licensed by the Commission to perform such inspection. In order to be licensed as a motor vehicle emission inspector, an applicant shall complete a training program that shall consist of acquiring an understanding of:

- The air pollution problem, its causes and effects;
- The purpose, function, and goal of the motor vehicle emission inspection program;
- Emission and OBD II inspection regulations and procedures;
- Technical details of emission test procedures and OBD II Inspection procedures and the rationale for their design;
- Emission control device function, configuration, and inspection;
- Emission test and OBD II inspection equipment operation, calibration, and maintenance;
- Quality control procedures and their purpose;

Public relations; and  
Personal safety and health issues related to the inspection process.

The Commission shall administer the training program or approve, monitor and evaluate the training programs administered by third parties as set forth in N.J.A.C. 13:20-43.21.

An applicant for a license as a motor vehicle emission inspector shall submit to the Commission the required licensing fee and a certificate confirming that the applicant has successfully completed training and testing at a Commission approved emission inspector training program.

The applicant shall have attained a score of at least 80 percent of correct responses on a written examination covering all aspects of the training. In addition, a hands-on test shall have been administered in which the applicant demonstrated, without assistance, the ability to conduct a proper inspection, to properly utilize equipment and to follow other procedures adopted by the Commission. Inability to properly conduct an emission test or OBD II inspection procedure shall constitute failure of the test.

A motor vehicle emission inspector license shall be valid for two years. Refresher training and testing may be required prior to renewal of the license, and the applicable fee shall accompany each application for license renewal. For purposes of this subsection, "refresher training and testing" shall mean either a training program set forth in (a) above, or an on-the-job evaluation of the licensee's inspection performance and knowledge of current inspection requirements by the Commission of his/her designee.

No person licensed as an emission inspector shall, while in the employment of an official inspection facility (CIF), own, operate or be employed by any motor vehicle repair or service facility, motor vehicle parts sales business, or any motor vehicle sales or leasing business. An emission inspector, other than an emission inspector employed at an official inspection facility, may be employed by a private inspection facility, which is licensed by the Commission in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C 13:20-44.

The Commission, upon presentation of a statement stating that the original emission inspector license has been destroyed, lost, or stolen, may, if he or she is satisfied that the facts as set forth in the statement are substantially true, issue a duplicate emission inspector license to the original holder thereof, upon payment of a fee for each duplicate emission inspector license so issued.

A person shall not be licensed as a motor vehicle emission inspector, nor perform the duties of a motor vehicle emission inspector, unless such person possesses a valid driver license.

### **Emission Inspector**

A licensed private inspection facility shall employ an emission inspector licensed in accordance with N.J.S.A. 39:8-1 et seq. and N.J.A.C. 13:20-43.17.

## **Mechanic Qualifications**

If the private inspection facility performs safety equipment repairs, the licensee or someone in his or her employment shall meet one of the following criteria:

One year experience as a paid automotive mechanic and successful completion of an advanced course in automotive mechanics specifically designed for professionals engaged in the trade; or  
Three or more years paid experience in general automotive repair and service or at least one year paid experience and successful completion of an automotive repair course at a vocational or technical school, provided the applicant has successfully passed the National Institute for Automotive Service Excellence Test for engine tune up and at least one other test from the following areas:

- i. Brakes
- ii. Front end or
- iii. Automotive electrical systems.

## **Diesel Mechanic Qualifications**

Experience – The applicant or someone in his employ must have at least the following:

Completion of a course designated by the DEP consisting of the following:

Theory of diesel engine operation

Operating principles and proper use of the smoke opacity meter

Test methods and equipment operational procedures.

## **License disqualifications**

An emission inspector who, negligently fraudulently or willfully conducts an improper emission or OBD II inspection of a motor vehicle shall be subject to a suspension of his or her inspector license. An emission inspector whose license is suspended pursuant to this section shall successfully complete refresher training and testing in accordance with N.J.A.C. 13.20-43.17(d) and pay the required restoration fee before such license is restored under this subchapter.

Any applicant who submits false information when applying for a motor vehicle emission inspector license may be disqualified from receiving the license. In addition, any licensee whose eligibility for a license was based on the submission of false information is subject to license suspension or revocation by the Commission.

A motor vehicle emission inspector license may be suspended immediately by the Commission upon a charge of a violation that directly affects emission reduction benefits or compromises the integrity of the inspection system. If the Commission determines that the public interest requires suspension of a license pursuant to this subchapter prior to a hearing, the Commission may do so, provided that notice containing the reasons for such suspension and the effective date of the suspension is provided to the licensee in person, or by certified or regular mail, prior thereto and the licensee is afforded the opportunity to request in writing a hearing within 10 days of the

effective day of the suspension. When a licensee requests an administrative adjunction, it shall be held as soon thereafter as practicable. If the Commission determines it necessary to suspend a license prior to a hearing, and the licensee submits a request for a hearing within the time prescribed by this section, the Commission may require that a preliminary hearing be held or may refer the matter to the Office of Administrative Law for a preliminary hearing to determine whether sufficient cause exists to continue such suspension until a plenary hearing can be conducted.

Any hearing concerning suspension, revocation or refusal to grant or renew a motor vehicle emission inspector license shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules. N.J.A.C. 1:1.

### **Emission Inspector Licensee Penalties**

The following penalty schedule shall apply to emission inspector licensees who violate P.L. 1995, c.112, N.J.S.A. 39:8-1 et seq., N.J.A.C. 13:20-7, 13:20-32, 13:20-33, 13:20-44, 13:20-45, or this subchapter

1. For intentionally or willfully improperly passing or waiving a vehicle for any required portion of the emission test or OBD II inspection in violation of rules or procedural requirements:
  - First violation - i. Six months license suspension; plus \$500 civil penalty; plus mandatory retraining and retesting
  - Second violation - ii. Two year license suspension; plus \$1,000 civil penalty; plus mandatory retraining and retesting
  - Third violation - iii. Lifetime license revocation; plus \$2,000 civil penalty
  
2. For gross negligence in passing or waiving a vehicle for any required portion of the emission test or OBD II inspection in violation of rules or procedural requirements:
  - First violation - i. Three month license suspension; plus \$500 civil penalty; plus mandatory retraining and retesting
  - Second violation - ii. Six month license suspension; plus \$750 civil penalty; plus mandatory retraining and retesting
  - Third violation - iii. Two year license suspension; plus \$1,000 civil penalty; plus mandatory retraining and retesting
  - Fourth violation - iv. Lifetime license suspension; plus \$2,000 civil penalty
  
3. For simple negligence in passing or waiving a vehicle for any required portion of the emission test or OBD II inspection in violation of rules or procedural requirements:
  - First violation - i. Two week license suspension; plus \$500 civil penalty; plus mandatory retraining and retesting
  - Second violation - ii. One month license suspension; plus \$500 civil penalty; plus mandatory retraining and retesting
  - Third violation - iii. Three month license suspension; plus \$750 civil penalty; plus mandatory retraining and retesting
  - Fourth violation - iv. Six month license suspension; plus \$750 civil penalty; plus mandatory retraining and retesting

- Fifth and subsequent violations - v. Two year license suspension; plus \$1,000 civil penalty; plus mandatory retraining and retesting
4. For misrepresentation on application (fraud or misrepresentation in securing a license):
- Three year license denial or suspension
5. For fraudulently affixing certificate of approval, certificate of waiver or rejection sticker:
- First violation - i. Immediate two-year license suspension; plus \$500 civil penalty;
  - Second violation - ii. Immediate four-year license suspension; plus \$1,000 civil penalty;
  - Third violation - iii. Lifetime license revocation; plus \$2,200 civil penalty;
6. For fraud or misrepresentation in the conduct of the licensed activity:
- First violation - i. Immediate two-year license suspension
  - Second violation - ii. Immediate four-year license suspension
  - Third violation - iii. Lifetime license revocation
7. For issuance or possession of altered, forged, stolen, or counterfeit certificate of approval, certificate of waiver, rejection sticker, or emission inspector license:
- First violation - i. Two-year license suspension
  - Second violation - ii. Four-year license suspension
  - Third violation - iii. Lifetime license revocation
8. For furnishing, lending, giving or selling a certificate of approval, certificate of waiver or rejection sticker without performing the required inspection or re-inspection:
- First violation - i. Two-year license suspension
  - Second and subsequent violations - ii. Four-year license suspension
9. For fraudulent recordkeeping:
- First violation - i. Immediate two-year license suspension
  - Second violation - ii. Immediate four-year license suspension
  - Third violation - iii. Lifetime license revocation
10. For failing to produce inspection records:
- Immediate license suspension until compliance
11. For improper recordkeeping:
- First violation - i. One-month license suspension
  - Second violation - ii. Two-month license suspension
  - Third and subsequent violations - iii. Six-month license suspension
12. For improper security of certificates of approval, certificates of waiver and/or rejection stickers:
- First violation - i. Written warning
  - Second violation - ii. Two-month license suspension
  - Third and subsequent violations - iii. Six-month license suspension



13. For lost or Stolen Certificates of Approval, Certificates of Waiver, and/or Rejection Stickers for which the licensee does not properly account. A licensee may "properly account" for such documents by demonstrating, to the satisfaction of the Commission, that they were lost or stolen under circumstances beyond reasonable control of the licensee:

- First violation - i. One month license suspension; plus first violation \$100 civil penalty for each certificate.
- Second violation - ii. Two-month license suspension; plus second violation \$250 civil penalty for each certificate.
- Third violation - iii. One year license suspension; plus third and subsequent violation \$500 civil penalty for each certificate.

14. For overcharging on inspection/re-inspection:

- First violation - i. Written warning
- Second violation - ii. 30-day license suspension
- Third violation - iii. 60-day license suspension

15. For failure to provide vehicle inspection report and/or work order to the customer:

- First violation - i. 30-day license suspension
- Second violation - ii. 60-day license suspension
- Third and subsequent violations - iii. One-year license suspension

16. For criminal conviction, which is disqualifying:

- Indefinite denial/suspension(Issuance/restoration predicted on standards set forth in the Rehabilitated Convicted Offenders Act N.J.S.A. 2A: 168A-2 et seq.)

17. For lending an emission inspector license to another person:

- First violation – i. Two-year license suspension
- Second violation – ii. Four year license suspension

18. For failing to produce an emission inspector license:

- First violation – Immediate cessation of licensed activity until compliance: plus written warning.
- Second violation - Immediate cessation of licensed activity until compliance: plus \$25.00 civil penalty
- Third and subsequent violations - Immediate cessation of licensed activity until compliance; plus \$50.00 civil penalty; plus 30-day license suspension

Where, pursuant to N.J.S.A. 39.8-1 et seq., or any regulation adopted thereunder, the Commission has the authority to suspend, revoke, or refuse to issue or renew a motor vehicle emission inspector license, the Commission shall also have the authority to impose an official warning, as an alternative or in addition to such suspension, revocation or refusal to issue or renew.

A motor vehicle emission inspector whose license is suspended pursuant to this section or who receives an official warning from the Commission shall be required to successfully complete refresher training and testing in accordance with N.J.A.C. 13:20-43.17(d).

## **Surrender of an Emission Inspector License**

Each motor vehicle emission inspector license, although issued and delivered to a licensee, shall at all times be the property of the State of New Jersey.

Upon any suspension, revocation, refusal to renew or other termination of a motor vehicle emission inspector license, the license shall no longer be in force and effect and the license shall be surrendered forthwith upon demand of a Commission representative.

## **Responsibility of licensees**

In the case of a sole proprietorship, the owner and/or possessor of a controlling interest in a private inspection facility shall be responsible to the Commission for the conduct of the business of the facility and for all actions performed by its employees in connection with the business of the facility concerning violations of P.L. 1995, c.112 or this subchapter.

In the case of a partnership or corporation, each partner, or corporate officer and/or director, or any person or entity possessing a controlling interest, as the case may be, shall be responsible to the Commission for the conduct of the business of the facility and for all actions performed by its employees in connection with the business of the facility concerning violations of P.L. 1995, c.112 or this subchapter.

## **Responsibility of Facility License (PIF); Schedule of Penalties**

Where pursuant to N.J.S.A. 39.8-1 et seq., or any regulation adopted there under, the Commission has the authority to suspend, revoke or refuse to grant or renew the license of a private inspection facility, the Commission shall also have the authority to impose, as an alternative or in addition to such suspension, revocation or refusal to grant or renew, an official warning.

The following penalty schedule shall apply to private inspection facilities that violate P.L. 1995, c.112, N.J.A.C 13:20-33, or this subchapter:

1. For intentionally or willfully improperly passing or waiving a vehicle for any required portion of the emission test or OBD II inspection in violation of rules or procedural requirements:

- First violation - i. Six months license suspension; plus \$1,000 civil penalty
- Second violation - ii. Two year license suspension; plus \$5,000 civil penalty
- Third violation - iii. Lifetime license revocation; plus \$7,500 civil penalty

2. For gross negligence in passing or waiving a vehicle for any required portion of the emission test or OBD II inspection in violation of rules or procedural requirements:

- First violation - i. Six month license suspension; plus \$500 civil penalty
- Second violation - ii. One year license suspension; plus \$1,000 civil penalty
- Third violation - iii. Two year license suspension; plus \$2,000 civil penalty
- Fourth violation - iv. Lifetime license revocation; plus \$5,000 civil penalty

3. For simple negligence in passing or waiving a vehicle for any required portion of the emission test or OBD II inspection in violation of rules or procedural requirements:

- First violation - i. Six month license suspension; plus \$500 civil penalty
- Second violation - ii. Six month license suspension; plus \$500 civil penalty
- Third violation - iii. One year license suspension; plus \$750 civil penalty
- Fourth violation - iv. One year license suspension; plus \$750 civil penalty
- Fifth and subsequent violations - v. Two year license suspension; plus \$1,000 civil penalty

4. For misrepresentation on application (fraud or misrepresentation in securing a license):

- Three year license denial

5. For fraudulently affixing certificate of approval or certificate of waiver:

- First violation - i. Immediate two-year license suspension; plus \$500 civil penalty;
- Second violation - ii. Immediate four-year license suspension; plus \$1,000 civil penalty;
- Third violation - iii. Lifetime license revocation; plus \$2,000 civil penalty;

6. For fraud or misrepresentation in the conduct of the licensed activity:

- First violation - i. Immediate two-year license suspension
- Second violation - ii. Immediate four-year license suspension
- Third violation - iii. Lifetime license revocation

7. For issuance or possession of altered, forged, stolen, or counterfeit certificate of approval, certificate(s) of waiver or rejection sticker(s):

- First violation - i. Two-year license suspension
- Second violation - ii. Four-year license suspension
- Third violation - iii. Lifetime license revocation

8. For furnishing, lending, giving or selling a certificate of approval, certificate of waiver or rejection sticker without performing the required inspection or re-inspection:

- First violation - i. Two-year license suspension
- Second and subsequent violations - ii. Four-year license suspension

9. For failing to produce inspection records:

- First violation - i. Immediate license suspension until compliance

10. For unlicensed person performing emission test or OBD II inspection:

- First violation - i. Four-month license suspension
- Second violation - ii. Six-month suspension
- Third and subsequent violations - iii. One-year license suspension

11. For fraudulent recordkeeping:

- First violation - i. Immediate two-year license suspension
- Second violation - ii. Immediate four-year license suspension

- Third violation - iii. Lifetime license suspension

12. For improper recordkeeping:

- First violation - i. One-month license suspension
- Second violation - ii. Two-month license suspension
- Third and subsequent violations - iii. Six-month license suspension

13. For certifying a vehicle that does not meet State equipment safety standards:

- First violation - i. Six-month license suspension
- Second violation - ii. Six-month license suspension
- Third and subsequent violations - iii. One-year license suspension

14. For improper security of certificates of approval, certificates of waiver and/or rejection stickers:

- First violation - i. Written warning
- Second violation - ii. Two-month license suspension
- Third and subsequent violations - iii. Six-month license suspension

15. For lost or stolen certificates of approval, certificates of waiver and/or rejection stickers for which the licensee does not properly account. A licensee can "properly account" for such documents by demonstrating to the satisfaction of the Commission that they were lost or stolen under circumstances beyond the reasonable control of the licensee:

- First violation - i. One-month license suspension; plus \$100 civil penalty per certificate
- Second violation - ii. Two-month license suspension; plus \$250 civil penalty per certificate
- Third and subsequent violations - iii. License suspension; plus \$500 civil penalty per certificate

16. For overcharging on inspection/re-inspection:

- First violation - i. Written warning
- Second violation - ii. 30-day license suspension
- Third and subsequent violations - iii. 60-day license suspension

17. For failing to maintain insurance coverage:

- Minimum 15-day license suspension and until compliance

18. For failure to provide vehicle inspection report, repair order, invoice, and/or Emission Repair Facility list to the customer:

- First violation - i. 30-day license suspension
- Second violation - ii. 60-day license suspension
- Third and subsequent violations - iii. One-year license suspension

19. For failure to post license:

- First violation - i. Written warning
- Second violation - ii. 20-day license suspension

- Third and subsequent violations - iii. Two-month license suspension
20. For failure to post outdoor sign:
- First violation - i. Written warning
  - Second violation - ii. 20-day license suspension
  - Third and subsequent violations - iii. Two-month license suspension
21. For failure to post an hourly rate and/or inspection fees:
- First violation - i. Written warning
  - Second violation - ii. 20-day license suspension
  - Third and subsequent violations - iii. Two-month license suspension
22. For failure to pay fee(s):
- License suspension until compliance
23. For criminal conviction, which is disqualifying:
- Indefinite license denial/suspension license - issuance/restoration predicted on standards set forth in the Rehabilitated Convicted Offenders Act N.J.S.A.2A: 168A-1 et seq.

### **Diesel Inspector Licensee Penalties**

#### Additional violations for Diesel Private Inspection Facilities

In addition to any violation of N.J.S.A. 39:8-1 et seq., the Chief Administrator may refuse to issue a license or a renewal thereof, or suspend or revoke the existing license of any diesel emission inspection center if he or she determines that the applicant or licensee:

1. Has made a false statement or concealed a fact in connection with the application for a license or a renewal thereof;
2. Is not the owner of, or possessor of a controlling interest in, the diesel emission inspection center;
3. Has been found to have tampered with fuel control system or emission control apparatus, in violation of 7:27-14.3(c);
4. Has been found to have violated or conducted fraudulent or deceptive practices concerning the inspection and certification of heavy-duty diesel trucks or diesel buses in violation of P.L. 1995, c.157, or of the inspection, re-inspection, certification and/or repair of motor vehicles in violation of N.J.S.A. 39:8-1 et seq., 56:8-1 et seq., or 13:45A-26C;
5. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which would be:
  - Any of the following offenses under the "New Jersey Code of Criminal Justice," P.L. 1978, c.95 (Title 2C of the New Jersey Statutes) as amended and supplemented:

- All crimes of the first degree;
- (2) N.J.S.A. 2C:5-1 (attempt to commit an offense which is listed in this subparagraph (a)5i);
- (3) N.J.S.A. 2C:5-2 (conspiracy to commit an offense which is listed in this subparagraph (a)5i);
- (4) N.J.S.A. 2C:11-4b (manslaughter);
- (5) N.J.S.A. 2C:11-5 (vehicular homicide);
- (6) N.J.S.A. 2C:12-1b (aggravated assault);
- (7) N.J.S.A. 2C:13-1 (kidnapping);
- (8) N.J.S.A. 2C:14-1 et seq. (sexual offenses);
- (9) N.J.S.A. 2C:15-1 (robberies);
- (10) N.J.S.A. 2C:17-1a and b (crimes involving arson and related offenses);
- (11) N.J.S.A. 2C:17-2a and b (causing or risking widespread injury or damage);
- (12) N.J.S.A. 2C:18-2 (burglary);
- (13) N.J.S.A. 2C:20-1 et seq. (theft and related offenses);
- (14) N.J.S.A. 2C:21-4a (falsifying or tampering with records);
- (15) N.J.S.A. 2C:27-1 et seq. (bribery and corrupt influence);
- (16) N.J.S.A. 2C:28-1 et seq. (perjury and other falsification in official matters);
- (17) N.J.S.A. 2C:30-2 and 2C:30-3 (misconduct in office and abuse of office);
- (18) N.J.S.A. 2C:35-5 (manufacturing, distributing or dispensing a controlled dangerous substance or a controlled dangerous substance analog);
- (19) N.J.S.A. 2C:35-6 (employing a juvenile in a drug distribution scheme);
- (20) N.J.S.A. 2C:35-7 (distributing, dispensing, or possessing a controlled dangerous substance or controlled substance analog on or within 1,000 feet of school property or bus);

- 21) N.J.S.A. 2C:35-10 (possession, use or being under the influence of a controlled dangerous substance or a controlled substance analog, or failure to make lawful disposition of same);
  - (22) N.J.S.A. 2C:35-11 (distribution, possession or manufacture of imitation controlled dangerous substances); and
  - (23) N.J.S.A. 2C:35-13 (acquisition of controlled dangerous substances by fraud); or
- Any other offense under New Jersey or Federal law which indicates that licensure of the applicant or continued licensure of the licensee would be inimical to the licensing standards set forth in P.L. 1995, c.157 and this subchapter;
6. Demonstrates a pattern of conduct whereby inspections, re-inspections, certifications and/or repairs made by the diesel emission inspection center were not made in the prescribed manner;
  7. Issues a check in payment of any fees required by this subchapter, which is subsequently dishonored;
  8. Has failed to comply with any of the provisions of this subchapter;
  9. Fails to maintain an approved place of business in accordance with this subchapter;
  10. Fails to pay any fee required by law or regulation;
  11. Does not have valid permits, as provided for in 6, or other authorization from the appropriate Federal, State or other governmental agency authorizing operation of the business or operation of any equipment, service or process on the premises;
  12. Fails to notify the Chief Administrator in writing as required by 13:20-47.12(e), (f) and (g);
  13. Has in its possession any motor vehicle, major motor vehicle component part or component part as defined in N.J.S.A. 39:10B-1 or replacement parts on which the vehicle identification number or other identification affixed thereto in accordance with Federal theft prevention standards has been removed, altered, defaced, destroyed, or so covered as to be concealed; or
  14. For other good cause.

### **Responsibility of License Private Diesel Inspection Facility**

Where, pursuant to N.J.S.A. 39:8-1 et seq., or any regulation adopted thereunder, the Chief Administrator has the authority to suspend, revoke or refuse to grant or renew the license of a diesel Private Inspection Facility, the Chief Administrator shall also have the authority to impose, as an alternative or in addition to such suspension, revocation or refusal to grant or renew, an official warning

The following penalty schedule shall apply to diesel emission inspection centers that violate P.L. 1995, c.157 or this subchapter.

1. For improperly passing a diesel vehicle for any required portion of the diesel emission test in violation of rules or procedural requirements:

- First violation: six month license suspension, plus \$ 1,500 civil penalty;
- Second violation: two year license suspension, plus \$ 1,500 civil penalty;
- Third violation: lifetime license revocation, plus \$ 1,500 civil penalty.

2. For misrepresentation on application (fraud or misrepresentation in securing the license):

- three-year license denial, plus \$ 1,500 civil penalty.

3. For fraudulently affixing diesel emission inspection certificate of approval:

- First violation: immediate two-year license suspension, plus \$ 1,500 civil penalty;
- Second violation: immediate four-year license suspension, plus \$ 1,500 civil penalty;
- Third violation: lifetime license revocation, plus \$ 1,500 civil penalty.

4. For fraud or misrepresentation in the conduct of the licensed activity:

- First violation: immediate two-year license suspension, plus \$ 1,500 civil penalty;
- Second violation: immediate four-year license suspension, plus \$ 1,500 civil penalty;
- Third violation: lifetime license revocation, plus \$ 1,500 civil penalty.

5. For issuance or possession of altered, forged, stolen, or counterfeit diesel emission inspection certificate of approval:

- First violation: two-year license suspension, plus \$ 1,500 civil penalty;
- Second violation: four-year license suspension, plus \$ 1,500 civil penalty;
- Third violation: lifetime license revocation, plus \$ 1,500 civil penalty.

6. For furnishing, lending, giving or selling a diesel emission inspection certificate of approval without performing the required inspection or re-inspection:

- First violation: two-year license suspension, plus \$ 1,500 civil penalty;
- Second violation: four-year license suspension, plus \$ 1,500 civil penalty;
- Third violation: lifetime license revocation, plus \$ 1,500 civil penalty.

7. For failing to produce inspection records: immediate license suspension until compliance plus

- \$ 500.00 civil penalty.

8. For fraudulent recordkeeping:

- First violation: immediate two-year license suspension, plus \$ 500.00 civil penalty;
- Second violation: immediate four-year license suspension, plus \$ 500.00 civil penalty;
- Third violation: lifetime license revocation, plus \$ 500.00 civil penalty.

9. For improper recordkeeping:

- First violation: one-month license suspension, plus \$ 500.00 civil penalty;



- Second violation: two-month license suspension, plus \$ 500.00 civil penalty;
- Third and subsequent violations: six-month license suspension, plus \$ 500.00 civil penalty.

10. For improper security of diesel emission inspection certificates of approval:

- First violation: written warning, plus \$ 500.00 civil penalty;
- Second violation: two-month license suspension, plus \$ 500.00 civil penalty;
- Third and subsequent violations: six-month license suspension, plus \$ 500.00 civil penalty.

11. For lost or stolen diesel emission inspection certificates of approval for which the licensee does not properly account. A licensee can "properly account" for such documents by demonstrating, to the satisfaction of the Chief Administrator, that they were lost or stolen under circumstances beyond the reasonable control of the licensee:

- First violation: one-month license suspension, plus \$ 500.00 civil penalty per certificate;
- Second violation: two-month license suspension, plus \$ 500.00 civil penalty per certificate;
- Third and subsequent violations: one-year license suspension, plus \$ 500.00 civil penalty per certificate.

12. For failing to maintain insurance coverage:

- minimum 15-day license suspension and until compliance plus \$ 500.00 civil penalty

13. For failure to provide vehicle inspection report and/or work order to the customer:

- First violation: 30-day license suspension, plus \$ 500.00 civil penalty;
- Second violation: 60-day license suspension, plus \$ 500.00 civil penalty;
- Third and subsequent violations: one-year license suspension, plus \$ 500.00 civil penalty.

14. For failure to post license:

- First violation: written warning, plus \$ 500.00 civil penalty;
- Second violation: 20-day license suspension, plus \$ 500.00 civil penalty;
- Third and subsequent violations: two-month license suspension, plus \$ 500.00 civil penalty.

15. For failure to post outdoor sign:

- First violation: written warning, plus \$ 500.00 civil penalty;
- Second violation: 20-day license suspension, plus \$ 500.00 civil penalty;
- Third and subsequent violations: two-month license suspension, plus \$ 500.00 civil penalty.

16. For failure to pay fee(s):

- License suspension until compliance.

17. For criminal conviction which is disqualifying:

- Indefinite license denial/suspension license issuance/restoration predicated on standards set forth in the Rehabilitated Convicted Offenders Act (N.J.S.A. 2A:168A-1 et seq.).

### **Fingerprint Requirements for All Motor Vehicle Private Inspection Facilities**

The New Jersey Motor Vehicle Commission has now established a live fingerprint scan process to streamline criminal background checks required as a condition of certification as a licensed Motor Vehicle Private Inspection Facility.

As part of the Business license process, it is required that all proprietors, partners and corporate officers schedule an appointment with the States fingerprint scan vendor SAGEM MORPHO, INC.

Alternatively, you call this toll-free number 1-877-503-5981 or TTY-1-800-673-0353 (check) (Hearing Impaired) to arrange an appointment to be scanned at an established site. When scheduling your appointment, you will be asked to provide certain personal information including your driver's license and social security number. Please make sure you have this information available when scheduling your appointment. In addition, you will be asked to provide the following Motor Vehicle Commission identification numbers.

Originating Agency referral Number (ORI)	NJ920530Z
Agency Case Number	(Your Driver License Number)
Category	MVS
Document Type	RS
Statute 39:8-49 Private Inspection Facility Licensing	

After supplying this information, you will be scheduled for an appointment at one of the electronic scan sites. When fingerprinted, you will be required to pay a one-time fee in the amount of \$51.00 incorporating all required background checks. Payment must be made by certified check or money order made out to the name of the State contractor: MorphoTrak INC.

A link to SAGEM MORPHO INC., where payment and appointments may be completed, can be found at the New Jersey Motor Vehicle Commission Website:

<http://www.state.nj.us/mvcbiz/BusinessServices/PIF.htm>

or:

<https://www.bioapplicant.com/nj/Default.aspx>

If you have any questions concerning this procedure, please contact the following area:

New Jersey Motor Vehicle Commission  
Business License Services  
Private Inspection Facility Unit  
Business License  
Services – 609-292-6500 ext. 5096 first then 3312

## **Facilities and Equipment**

Licensed private inspection facilities shall be located in a structure having a garage-type entrance and one or more service bays or lanes; except that licensed private inspection facilities which perform inspections, re-inspections and certifications exclusively at the business locations of owners or lessees of fleet motor vehicles may be exempt from the provisions of this subchapter. *All New Jersey licensed Inspection Facilities* shall have a paved surface; approximately 75 feet in length, where a brake test can be performed without posing a hazard to the public.

A vehicle lift or heavy-duty floor jack shall be available on the business premises of all licensed private inspection facilities.

Brake testing equipment, for example, a drive-on horizontal scale or roller-type tester, may be available on the business premises of the facility. The brake testing equipment requirements may be waived by the Commission upon receipt of written notification from the licensee expressing its commitment to make visual inspections of the brake system and to perform road tests of the brake system.

A tire tread depth gauge calibrated in 32nds of an inch shall be available on the business premises of the facility.

Motor vehicle emission testing equipment, approved by the New Jersey Department of Environmental Protection, shall be owned or leased by a licensed private inspection facility and shall be located on the business premises of the facility.

Electronic medium for retrieval of motor vehicle inspection information from and transmission of motor vehicle inspection information to, the Commission's data base shall be available on the business premises of a licensed private inspection facility.

## **Emission Repair Facility (ERF)**

P.L. 1995, c.112 provides for the registration of motor vehicle emission repair facilities by the Commission. The purpose of this subchapter is to establish a system for the registration of motor vehicle emission repair facilities that perform emission and OBD II repairs for compensation on "gasoline-fueled", "bi-fueled" and "diesel fueled" motor vehicles as defined in N.J.A.C. 13:20-43.1 that have failed an emission or OBD II inspection so that the Commission may track emission and OBD II repairs for monitoring purposes and document emission and OBD II repair costs.

This subchapter shall apply to every person engaged in the business of a motor vehicle emission repair facility.

No person shall, on or after June 29, 1995, engage in the business of a motor vehicle emission repair facility unless registered by the Commission in accordance with the provisions of this subchapter.

Any person seeking to engage in the business of a motor vehicle emission repair facility shall apply, in accordance with the provisions of this subchapter, to the Commission for a registration authorizing him or her to engage in such business. An application for a motor vehicle emission repair facility may be downloaded at:

<http://www.state.nj.us/mvcbiz/BusinessServices/ERF.htm> or obtained from the Motor Vehicle Emission Repair Facility Registration Unit of the Commission. The address of the Motor Vehicle Emission Repair Facility Registration Unit is:

New Jersey Motor Vehicle Commission  
Business License Services  
Motor Vehicle Emission Repair Facility  
Registration Unit  
225 East State Street  
PO Box 170  
Trenton, New Jersey 08666-0170

### **Emission Repair Facility Stamp**

As of November 2, 2002, all registered New Jersey Emission Repair Facilities are required to have purchased and begun using an identification stamp displaying the registration number of their facility. All newly registered New Jersey Emission Repair Facilities as of October 15, 2001 must purchase from a commercial source a stamp that meets the following criteria.

The stamp should measure 1 1/8 inch by 2 1/8 inch with 1/4 inch high alpha/numeric characters. All ERF Registration numbers contain six (6) digits. There will be from two (2) to five (5) zeroes in front of the registration numbers. Make sure you include the zeroes when ordering the stamp. The New Jersey Emission Repair Facility registration number shall be imprinted on the stamp. The following is an example of how the stamp shall appear.

NEW JERSEY  
MOTOR VEHICLE COMMISSION  
EMISSION REPAIR FACILITY

REGISTRATION NO.  
DATE:

All registered New Jersey Emission Repair Facilities that were registered prior to October 1, 2001 have the option of using the stamp they have already purchased, or purchase the new stamp. If you choose to use the old stamp already purchased, you must write the date of the emission repair under the Emission Repair Facility registration number within the border of the stamp.

The stamp shall be imprinted in an appropriate area of the emission repair form, you also have the option of having this stamp printed on invoices.. Also, be advised that all information must

still be completely filled out on the emission repair form. The stamp does not supersede any areas of information that the form requires.

### **Emission Repair Technician (ERT)**

#### Certification Requirements Effective 2009

If your Private Inspection Facility is also an Emission Repair Facility you must register as such with the Commission and you or someone in your employ must be a New Jersey Emission Repair Technician.

The Emission Technician Education Program (ETEP) sets forth the requirements to become a New Jersey certified Emission Repair Technician (ERT). Completion of either the test (ASE testing-based) or the education track (ETEP curriculum-based) is required.

#### Track I - the Test Option

- Certification in the Automotive Service Excellence (ASE) A6, A8, and L1 tests is required.
- Certification in the new ASE A9 Light Vehicle Diesel Engines test, or successful completion of the 2009 Emission Technician Education Program (ETEP) Section 7 “Light-Duty Diesel Vehicle Technologies & Testing”, is required.
- Attendance at the 2009 New Jersey Specific Informational Course, or a 2009 Updated New Jersey Inspector Training Course, is required.

#### Track II - the Education Option

- Successful completion of ETEP Sections 1 through 6 is required.
- Successful completion of the 2009 ETEP Section 7 “Light-Duty Diesel Vehicle Technologies & Testing”, or certification in the new ASE A9 Light Vehicle Diesel Engines test, is required.
- Attendance at the 2009 New Jersey Specific Informational Course, or a 2009 Updated New Jersey Inspector Training Course, is required.

One of the above tracks must be completed in its entirety before applying for certification.

All courses mentioned above will be available through our network of approved Training Providers. If you are interested in Inspector training, please call the New Jersey Motor Vehicle Commission (MVC) at (609) 633-9487 to obtain the most current list of approved Inspector Training Providers or visit our website at:

<http://www.state.nj.us/mvcbiz/BusinessServices/TrainingProviders.htm>

Please contact the Training Providers directly to inquire about and/or to register for the courses. Questions may be referred to the DEP’s Bureau of Motor Vehicle Inspection and Maintenance at (609) 530-4035.

Once you have completed track 1 or 2 training and upon application approval by the New Jersey Department of Environmental Protection for an emission repair technician license, you will be issued an ERT identification number. Emission Repair Technician certifications are valid for

five years but may be less than that depending on when a technician applies for certification, particularly if updated training is imminent. The expiration date normally corresponds to the L1 expiration date, or is 5 years from the date of ETEP curriculum completion.

If you have any questions regarding your NJ Emission Repair Technician identification numbers, please call NJ ERT Application Center at (888) 286-0313 or (703) 713-3089.